

**Department of Transportation  
Office of the Chief Information Officer**

**SUPPORTING STATEMENT  
Hours of Service (HOS) of Drivers Regulations, Supporting Documents  
(formerly Hours of Service of Drivers Regulations)**

**INTRODUCTION**

The purpose of this supporting statement is to request the Office of Management and Budget's (OMB) approval of a revised information collection request (ICR) entitled, "Hours of Service (HOS) of Drivers Regulations, Supporting Documents,"(formerly Hours of Service of Drivers Regulations)(OMB Control Number of 2126-0001), which is currently due to expire on November 30, 2008.

On June 18, 1998, the Federal Highway Administration (FHWA), the predecessor agency to the Federal Motor Carrier Safety Administration (FMCSA), published a notice of proposed rulemaking on the subject of HOS supporting documents (63 Fed Reg 33254). Motor carriers use these documents to verify the accuracy of the record of duty status (RODS) of their drivers. The FHWA sought public comment on the substance of the proposed rule and on its estimate of the paperwork burden of the rule. On November 3, 2004, FMCSA published a supplemental notice of proposed rulemaking concerning HOS supporting documents (69 FR 63997). Some commenters stated that the estimated burden significantly underestimated the actual burden that industry would confront.

On November 3, 2005, OMB approved FMCSA's calculation of a paperwork burden of 153,103,292 hours for this IC, based on an unrelated change in the HOS regulations. The approval will expire on November 30, 2008.

The FMCSA requests this revision to update its estimate of the number of commercial motor vehicle (CMV) drivers affected by the HOS rules, and to clarify the information-related burden placed on drivers and motor carriers as a result of those rules. This revision does not include any program changes due to new statutes, and is specifically requested to update the current IC prior to any future change in the program regulations.

**PART A. JUSTIFICATION.**

**1. Circumstances that make the collection of information necessary:**

The term "commercial motor vehicle" refers to vehicles in excess of 10,000 pounds gross vehicle weight rating, as well as to the transportation of a certain number of passengers or of certain hazardous materials (49 CFR 390.5). Statutory authority for regulating the hours-of-service of drivers operating CMVs is derived from 49 U.S.C. §§ 31136 and 31502 (Attachments A & B). The penalty provisions are located at 49 U.S.C. §§ 521, 522 and 526, as amended (Attachments C, D, and E).

The safe operation of a CMV requires alert drivers. The Agency's regulations state:

“No driver shall operate a commercial motor vehicle, and a commercial motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle (49 CFR 392.3) (Attachment F).

Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR 350, *et seq.*) contains the driver HOS regulations. The regulations set forth the maximum number of hours a driver can drive, or be on duty, each day before he or she must cease operating a CMV, as well as the minimum amount of off-duty time he or she must have each day. The rules also specify the maximum amount of on-duty time a driver can incur *each week* before he or she must cease operating a CMV. Most drivers are required to maintain a record of duty status (RODS). The RODS is normally a separate sheet of paper for each 24-hour period. The driver must track his or her duty status during the day: “Off Duty,” “Sleeper Berth,” “On Duty/Driving,” or “On Duty/Not Driving.” Most drivers of CMVs in interstate commerce must maintain a RODS, and must keep the RODS current to the most recent change in duty status. Most drivers are also required to have all RODS for the most recent 7 (or 8) days with them on the CMV.

This information collection is necessary to provide the documents needed by motor carriers and enforcement officials to ensure that CMV drivers are complying with the HOS regulations and thereby are less likely to be driving unsafely due to fatigue.

The FMCSA is reassessing its paperwork burden calculations in light of:

- (1) Revised estimates of the number of drivers operating CMVs in the United States,
- (2) Comments to the SNPRM averring that the paperwork burden has been underestimated, and
- (3) The Agency's discovery that it had not fully accounted for the paperwork burdens associated with supporting documents.

On January 11, 2007, FMCSA's Administrator announced that the Agency would withdraw the supporting-documents rulemaking described above, and would proceed to publish a revised paperwork burden calculation, clarifying the burden imposed by RODS and supporting documents. On October 25, 2007, FMCSA published an SNPRM withdrawing the current rulemaking (Docket No. FMCSA 1998-3706) on the subject of HOS supporting documents (72 Fed Reg 60614)(Attachment G). The Agency has re-categorized its breakdown of the various paperwork-related tasks performed by drivers and motor carriers with reference to the HOS rules. In its most recent submission of this IC (approved by OMB on November, 3, 2005), the Agency labeled the HOS paperwork burden of drivers as “Filling Out the RODS.” In this submission, FMCSA is dividing the paperwork burden of drivers into three categories: “Filling Out the RODS,” “Forwarding the RODS to the Motor Carrier,” and “Forwarding the Supporting Documents to the

Motor Carrier.” In addition, in its 2005 submission to OMB, the Agency described the HOS paperwork burden of motor carriers as consisting of two categories: “Reviewing the RODS,” and “Retaining the RODS.” The FMCSA herein recategorizes the motor carrier burden into three categories: “Reviewing the RODS,” “Maintaining the RODS,” and “Maintaining the Supporting Documents.”

This IC supports the DOT’s Strategic Goal of Safety because the information helps the Agency improve the safety of drivers operating CMVs on our Nation’s highways. Under the Motor Carrier Safety Assistance Program (MCSAP), States must adopt and enforce State CMV safety laws and regulations that are compatible with the FMCSRs (49 CFR 350.201(a))(Attachment H). In this way, the States embrace the Federal enforcement scheme for regulating safety in the operation of CMVs.

**2. How, by whom, and for what purpose the information is used:**

The requested changes to this information collection are the result of two adjustments: (1) an updated estimate of the number of drivers operating CMVs in the United States, and (2) clarification of the paperwork burden imposed by RODS and supporting documents.

The primary documents used in this information collection are RODS and supporting documents:

(1) RODS: CMV drivers must record their duty status during each 24-hour period (49 CFR 395.8(a)(1))(Attachment I). Entries must be kept on a specified graph grid and always be current to the last change of duty status.

(2) SUPPORTING DOCUMENTS: Historically, supporting documents have been used by motor carrier and enforcement personnel to verify the information recorded on the RODS of a driver. They occur in many forms. Common examples are fuel and toll receipts, bills of lading, and weight-scale tickets.

Under some circumstances, carriers are authorized to substitute “time cards” for the RODS documents.

Motor carriers must maintain RODS and all supporting documents for each driver they employ for a period of six months from the date of receipt of the RODS (49 CFR 395.8(k)(1)) (Attachment J). For greater detail, please see Page 1, Paragraph 1 above, “Circumstances that make the collection of information necessary.” Supporting documents include those documents that motor carriers would maintain in the ordinary course of business, such as fuel receipts, toll receipts, and repair invoices. Maintenance of these documents is required, though the rules do not require the motor carrier to maintain specific documents or employ any specific method of doing so. Motor carriers rely upon a comparison of the supporting documents to the RODS to verify the accuracy of the HOS reported by their drivers. Carriers’ adherence to the HOS requirements helps

FMCSA protect the public by reducing the number of tired CMV drivers on the Nation's highways.

RODS and supporting documents provide information that aids carriers and enforcement personnel in determining whether a driver has accurately recorded his or her duty time. The FMCSA and State enforcement personnel use the RODS as part of an on-site compliance review (CR) that assesses the safety of a motor carrier. The assessment is public information, and many shippers use this information, as well as the crash and regulatory compliance record of the carrier to select a motor carrier to transport their freight. A negative rating on a CR can be damaging to a motor carrier's operations. In addition, the courts have accepted CR assessments as highly persuasive in the prosecution of HOS violations.

Most States receive grants from FMCSA under MCSAP. As a condition of receiving these grants, States agree to adopt provisions compatible with the FMCSRs, including the HOS rules, as State law. They also agree to enforce such laws. As a result, State enforcement inspectors use the RODS, as well as the documents that support them, to determine whether CMV drivers are complying with the HOS rules.

### **3. Extent of automated information collection:**

Current use of automatic on-board recording devices (AOBRDs)(49 CFR 395.15) (Attachment K) is limited; therefore, at this time, Agency calculations do not take account of the reduction in the paperwork that use of this technology occasions. However, the Agency believes that the motor carrier industry is receptive to this and related technologies and will be employing automated records in increasing numbers in the future.

On September 1, 2004, FMCSA published an advance notice of proposed rulemaking (ANPRM) requesting public comment on four topics (see 69 FR 53386)(Attachment L):

- (1) Technical specifications for electronic on-board recorders (EOBRs),
- (2) Whether the use of such devices should be required for the entire motor carrier industry,
- (3) Whether the use of such devices should be required for a certain segment or segments of the motor carrier industry, and
- (4) Whether use of the devices should remain voluntary.

The FMCSA analyzed the comments to the ANPRM and on January 17, 2007, proposed for public comment a comprehensive rule designed to increase the use of EOBRs within the motor carrier industry (72 FR 2340)(Attachment M). At such time as the Agency publishes a final rule on this topic, it may be necessary to update calculation of the HOS paperwork burden. As such, it was assumed that five percent (%) of the responses are currently collected electronically.

### **4. Describe efforts to identify duplication:**

This IC does not propose program changes. The FMCSA does not dictate the form in which the data required by the "time record" exception must appear. For a significant number of motor carriers, the information on the time card of the employer satisfies the

HOS requirements. Rules of the U.S. Department of Labor (DOL) require the employer to maintain this information (29 CFR 516.2) (Attachment N). The FMCSA avoids duplication by allowing the DOL-required records to meet FMCSR requirements.

**5. Efforts to minimize the burden on small businesses:**

This supporting statement does not accompany any program changes. Many motor carriers are small businesses. The driver of the CMV may be the motor carrier as well. Certain short-haul drivers remain subject to the HOS rules, but are not required to complete RODS or to maintain supporting documents (49 CFR 395.1(e)(1) and (2)) (Attachment O). The regulation permits such drivers to record their HOS on a time-card record in lieu of a graph grid. This record remains at the location from which the CMV driver was dispatched; the driver is not required to have the RODS or any other formal record of his or her HOS in the CMV during operations. All that is required is a record of basic information such as would appear on a time-card, and this documentation may be maintained at the point of dispatch. There are no supporting documents required for these short-haul operations. The time-card records are maintained by employing motor carriers pursuant to DOL regulations (see Item 12, “Estimate of Burden Hours”).

There are two categories of “short-haul” drivers who are not required to maintain RODS or supporting documents. The first category is the “100 air-mile driver”. To qualify as a “100 air-mile driver”, the driver must:

- (1) Operate within a 100 air-mile radius of the normal work reporting location;
- (2) Return to that location for release from duty;
- (3) Be released from duty within 12 hours of going on duty;
- (4) Be off-duty for at least 10 consecutive hours (8 consecutive hours for passenger-carrying drivers) between each period of 12 hours on duty; and
- (5) Accumulate 11 hours or less (10 hours or less for passenger-carrying drivers) of driving time following 10 consecutive hours off duty (8 consecutive hours for passenger-carrying drivers)(49 CFR 395.1(e)(1)).

The second category of short-haul CMV driver must be operating a certain type of smaller property-carrying CMV, specifically those CMVs that do not require the operator to have a valid commercial driver’s license (CDL). In general, a CDL is not required to operate property-carrying CMVs with GVWR of less than 26,001 pounds if the driver is hauling non-hazardous materials. To qualify, the driver must:

- (1) Operate a CMV that does not require a CDL;
- (2) Operate within a 150 air-mile radius of the work reporting location;
- (3) Return to that location at the end of each duty tour;

- (4) Be off duty for at least 10 consecutive hours between each on-duty period; and
- (5) Accumulate 11 hours or less of driving time following 10 consecutive hours off duty (49 CFR 395.1(e)(2)).

**6. Impact of less frequent collection of information:**

There are no new program requirements imposed by this submission. The FMCSRs require CMV drivers to “keep their RODS current to the time shown for the last change of duty status” (49 CFR 395.8(f)(1))(Attachment P). For example, if a driver begins the day working in an activity other than driving a CMV, the appropriate entry is “on duty/not driving.” If the driver later in the day operates a CMV, the entry should be “on-duty/driving.” A driver must enter each change of duty status when it occurs, and retain for the motor carrier any supporting documents generated during the duty tour. The Agency does not dictate how supporting documents are to be maintained. The FMCSA believes this IC is more valuable to State and FMCSA enforcement personnel when it is entered and retained in this manner. This practice reduces the likelihood that the logs will be altered (in order to gain driving and/or on-duty time fraudulently). If the information were collected less frequently, it would be difficult to determine if a driver has violated the HOS rules, especially during roadside inspections.

**7. Special circumstances:**

There are no special circumstances related to this information collection.

**8. Compliance with 5 CFR 1320.8:**

On November 26, 2007, the FMCSA published a notice in the Federal Register with a 60-day public comment period to announce this proposed information collection (72 FR 66019)(see Attachment Q). The Agency received 38 comments to the notice, including four that appear to have been sent to this docket inadvertently. None of the comments addressed the paperwork burden of the HOS rules. There was no discussion in the comments of the necessity of the paperwork burden, or the accuracy of the information collected. The comments offered no suggestions for minimizing the burden of the IC, or for improving the quality, usefulness, or clarity of the information collected.

FMCSA published a notice in the Federal Register on March 19, 2008 (73 FR 14867) with a 30-day public comment period that announced this information would be sent to OMB for its review and approval (see Attachment R).

**9. Payments or gifts to respondents:**

There is no payment or gift to respondents associated with this collection.

**10. Assurance of confidentiality:**

The FMCSA offers respondents no assurances of confidentiality.

**11. Justification for collection of sensitive information:**

This information collection does not involve any sensitive information.

**12. Estimate of burden hours for information requested:**

The HOS rules require the collection of certain information about the rest and duty hours of CMV drivers. The information is captured on three forms: RODS, supporting documents and time cards. The RODS is the log of driver’s activity and rest; normally the driver is required to have it on-board the CMV at all times. The supporting documents contain information corroborative of the entries on the RODS; for example, a toll receipt may verify that at the time stamped on the receipt, the driver was “on duty/driving,” and may verify his or her location at that time. Of course, it may indicate an inaccuracy; for instance, the toll receipt may indicate that at a certain time that the driver recorded as “off duty” on the RODS, he or she was actually “on duty/driving.” Finally, under certain circumstances, CMV operators and motor carriers operating entirely in a local area are permitted to employ time cards in lieu of the RODS and supporting documents. The Agency does not report a burden for the time card information because the DOL already accounts for the Paperwork Reduction Act (PRA) burden associated with that information.

2005: On August 24, 2005, FMCSA submitted to OMB its most recent estimate for this IC, along with a final rule governing the HOS of CMV drivers. The OMB approved the estimate on November 3, 2005. The number of burden hours OMB approved was 153.1 million hours.

Table 1: 2005: THE PAPERWORK BURDEN OF THE HOS RULES (millions)

DRIVER (rounded)	MOTOR CARRIER (rounded)	TOTAL BURDEN (rounded)
104.70 hours	48.30 hours	153.10 hours

THIS REVISION: The FMCSA calculates the paperwork burden of the HOS rules to be 184.38 million hours.

Table 2: 2007: THE PAPERWORK BURDEN OF THE HOS RULES (millions)

DRIVER (rounded)	MOTOR CARRIER (rounded)	TOTAL BURDEN (rounded)
129.18 hours	55.20 million hours	184.38 million hours

In this revision, FMCSA updates its estimate of the number of CMV drivers affected by the HOS rules, and clarifies the burden of the information-related tasks performed by drivers and motor carriers as a result of those rules.

## Updating the Number of CMV drivers

- Table 3: NUMBER OF DRIVERS REQUIRED TO COMPLETE THE RODS and MAINTAIN SUPPORTING DOCUMENTS (millions)

YEAR	<u>A</u> Number of Drivers Subject to the HOS Rules	<u>B</u> Number of Short-Haul Drivers Exempt from RODS Requirement	<u>A - B</u> Drivers Required to Complete the RODS and Maintain Supporting Documents
2005	6.4	2.2	4.2
2007	7.0	2.4	4.6

The number of CMV drivers required to complete the RODS is an estimate, and it changes over time. The FMCSA's current estimate of the number of CMV drivers subject to the HOS rules is 7 million. This number includes intrastate drivers subject to State HOS rules compatible with the Federal HOS rules. These CMV drivers are included because the FMCSA requires the States to adopt HOS rules as part of the Agency's MCSAP program. The FMCSA's 2005 PRA supporting statement provided an estimate of 6.4 million CMV drivers subject to the HOS rules. Since 2005, expansion of the trucking industry has increased to 7 million the number of drivers subject to the HOS rules. The Agency believes that approximately 34% of these drivers, or 2.4 million, are engaged in short-haul operations, and as such are exempt from the RODS requirements. This is the same percentage approved by OMB in 2005. The remaining 4.6 million CMV drivers (7 million drivers less 2.4 million drivers) are subject to the RODS requirements.

A driver is required to fill out the RODS, keeping it current to the last change of duty status. The driver also is required to keep all his or her RODS for the most recent 7 days, and have them available on the CMV at all times it is in operation. The driver must also forward a RODS to the motor carrier within 13 days of its completion, and include all supporting documents pertinent to it.

As in 2005, the Agency believes it unnecessary to adjust the paperwork burden to account for the use of AOBRDs by drivers and motor carriers. Such devices presumably would lessen the burden of several aspects of the current paperwork burden of motor carriers and drivers. Nonetheless, the FMCSA does not adjust the paperwork burden to account for the use of such devices because we believe that the use of AOBRDs in the industry is not so common as to warrant such treatment. We note that even if use of these devices is more widespread in the industry than we believe, the resultant error in these burden calculations would be in the nature of an overestimate of the paperwork burden of the HOS rules.

### Clarifying the HOS Paperwork Burden on Motor Carriers and Drivers

The FMCSA also seeks to clarify its estimates of the burden imposed on CMV drivers and motor carriers by the HOS rules. To do so, the Agency has organized its estimates



by distinct “tasks.” We divided the calculations into six HOS information tasks: three tasks performed by drivers, and three tasks performed by motor carriers. CMV drivers perform three tasks associated with the HOS rules: filling out the RODS, forwarding the RODS to the motor carrier, and forwarding the supporting documents to the motor carrier. Motor carriers also perform three tasks associated with the HOS rules: reviewing the RODS (including the supporting documents), maintaining the RODS, and maintaining the supporting documents.

Table 4: TASKS ASSOCIATED WITH THE HOS RULES

DRIVER	Filling Out the RODS	Forwarding the RODS to the Motor Carrier	Forwarding the Supporting Documents to the Motor Carrier
MOTOR CARRIER	Reviewing the RODS	Maintaining the RODS	Maintaining the Supporting Documents

The Agency calculates the paperwork burden of the HOS rules in two parts: the burden imposed on CMV drivers and the burden imposed upon motor carriers. Later, to obtain the total paperwork burden of this IC, the two calculations are combined.

**PAPERWORK BURDEN OF CMV DRIVERS**

In its 2005 supporting statement, the Agency referred only to the driver’s duty to “fill out” the RODS. In this revision, the Agency labels this activity as “Task 1,” and adds “forwarding the RODS to the motor carrier” as Task 2, and “forwarding the supporting documents to the motor carrier” as Task 3.

Driver Task 1: Filling Out the RODS

Table 5: CMV DRIVER  
TASK 1: FILLING OUT THE RODS (rounded)

DAILY: Number Of RODS (Millions)	Minutes On Task: One RODS	DAILY: Total Minutes On Task (Millions)	Number of Working Days Per Year	PER YEAR: Minutes On Task (Millions)	PER YEAR: Hours On Task (Millions)
4.60	6.50	29.9	240	7,176	119.6

The amount of time a CMV driver uses to fill out a RODS varies with the number of changes in his or her duty status (e.g. from “on-duty driving” to “on-duty not driving”). We estimate that each of the 4.6 million CMV drivers takes an average of six and a half minutes each workday to fill out the RODS, or a total of 29.9 million minutes per day (4.6 million RODS daily x 6.5 minutes per RODS). The FMCSA estimates that, on average, CMV drivers work 240 days per year. Therefore, 119.6 million hours per year

are expended filling out the RODS ((29.9 million minutes per day x 240 workdays)/60 minutes per hour).

The FMCSA estimates the paperwork burden associated with the driver filling out the RODS is 119.6 million hours.

Driver Task 2: Forwarding the RODS to the Motor Carrier

Table 6: CMV DRIVER  
TASK 2: FORWARDING THE RODS (rounded)

DAILY: Number Of RODS (Millions)	Minutes On Task: One RODS Package	DAILY: Total Minutes On Task (Millions)	PER YEAR: Number of Times the Task Is Performed	PER YEAR: Minutes On Task (Millions)	PER YEAR: Hours On Task (Millions)
4.60	5	23.00	25	575.00	9.58

The CMV driver also is responsible for forwarding the RODS to the employing motor carrier within 13 days of its completion (49 CFR 395.8(i))(Attachment S). The Agency estimates that forwarding the RODS requires 5 minutes each time it is undertaken. There are 4.6 million CMV drivers subject to this requirement, so 23 million minutes (rounded) are expended in forwarding the RODS (5 minutes x 4.6 million drivers). If the driver forwards the RODS every 13 days, the forwarding task would take place roughly 28 times in a year (365 days divided by 13). We reduce this to 25 times per year to allow for the fact that off-duty time, especially vacations, would create a few 13-day periods without a single RODS to be forwarded. Consequently, CMV drivers employ 575 million minutes per year (rounded) on this activity (23 million minutes per day x 25 times per year). Therefore, the total annual burden of the requirement that CMV drivers forward their RODS is estimated to be 9.58 million hours (rounded)(575 million minutes/60 minutes in an hour).

Driver Task 3: Forwarding the Supporting Documents to the Motor Carrier

The burden for forwarding the RODS to the motor carrier was described in Task 2 above. CMV drivers customarily submit supporting documents to the motor carrier simultaneously with the submission of the corresponding RODS. The motor carrier must retain these supporting documents for a period of 6 months, as will be discussed under “Paperwork Burden of Motor Carriers” below. The Agency believes that the regulations of OMB permit the exclusion of the driver’s burden associated with forwarding the supporting documents because this is a “usual and customary” activity:

“the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g. in compiling and maintaining business records) will be excluded from the ‘burden’ if the agency demonstrates

that the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary” (5 CFR 1320.3(b)(2)).

The FMCSA believes that CMV drivers would still forward these supporting documents to their employing motor carrier in the absence of Section 395.8(i) of the FMCSRs. As a condition of employment, motor carriers normally require drivers to deliver such documents. Motor carriers need these records to satisfy other legal obligations. One example of such an obligation is that imposed by the rules of the U.S. Internal Revenue Service pertaining to taxation of business income. Business entities may itemize the expenses of their operations as a deduction from gross income. The records of the purchase of items such as gasoline, lodging, repairs, and tolls are necessary to substantiate such deductions. The income taxation laws of most States also require such records as substantiation of deductions from business income taxes.

Furthermore, the Agency sees no additional, measurable time or effort involved in including supporting documents in the RODS submission to the motor carrier. The supporting documents add additional paper, but a negligible amount of time and effort, to the task of forwarding the RODS to the motor carrier. We calculated the burden for that activity in Task 2. Task 3 creates no additional, reportable paperwork burden.

Total Burden for CMV Drivers (Tasks 1, 2, and 3)

The total annual paperwork burden for all CMV drivers is 129.18 million hours, annually.

Table 7: CMV DRIVER  
TOTAL BURDEN OF TASKS 1, 2, and 3

TASK 1 Hours Completing the RODS (millions)	TASK 2 Hours Forwarding the RODS to the Motor Carrier (millions)	TASK 3 Hours Forwarding the Supporting Documents to the Motor Carrier	TOTAL DRIVER BURDEN (millions)
119.60	9.58	0	129.18 (rounded)

**PAPERWORK BURDEN OF MOTOR CARRIERS**

In the Agency’s 2005 PRA submission, we referred to the motor carrier’s duties to “review” and “retain” the RODS. In this revision, to improve clarity, we identify three motor carrier tasks associated with the requirements of the HOS rules: reviewing the RODS (including supporting documents), maintaining the RODS, and maintaining the supporting documents.

Motor Carrier Task 1: Reviewing the RODS and Supporting Documents

Table 8: MOTOR CARRIER  
TASK 1: REVIEWING THE RODS (rounded)

DAILY: Number of RODS Completed (Millions)	DAILY: Number of RODS Reviewed (50%) (Millions)	DAILY: Minutes To Verify One RODS	DAILY: Total Number of Minutes Reviewing RODS (Millions)	PER YEAR: Number of Working Days	PER YEAR: Number of Minutes Reviewing RODS (Millions)	PER YEAR: Number of Hours Reviewing RODS (Millions)
4.60	2.30	2.00	4.60	240	1,104	18.40

Motor carriers must ensure that the RODS of their CMV drivers are complete and accurate (49 CFR 395.8(e))(Attachment T). Motor carriers are not required to review every RODS, but it is common practice for motor carriers to review systematically a portion of the RODS of their drivers for consistency with the corresponding supporting documents. The FMCSA, based upon its experience conducting compliance reviews of motor carriers, estimates that motor carriers review approximately 50% of their drivers' RODS.

There are 4.6 million CMV drivers completing a RODS each working day. Motor carriers review 50 percent of these or 2.30 million RODS each working day (4.6 million RODS x .50]. The FMCSA estimates that the average motor carrier uses 2 minutes to conduct a review of a single RODS. Two minutes for each of 2.30 million RODS creates a total time burden of 4.60 million minutes per day for this review (2.30 million RODS reviewed x 2 minutes per review]. The total for the 240 working days in a year is 1,104 million minutes (rounded)(4.60 million minutes x 240 days), or 18.40 million hours (1,104 million minutes/60 minutes in an hour).

Motor Carrier Task 2: Maintaining the RODS

Table 9: MOTOR CARRIER  
TASK 2: MAINTAINING THE RODS (rounded)

DAILY: Number of RODS To Be Maintained (Millions)	DAILY: Minutes Required To Maintain one RODS	DAILY: Total Number of Minutes Maintaining RODS (Millions)	PER YEAR Number of Working Days	PER YEAR: Number of Minutes Maintaining RODS (millions)	PER YEAR: Total Number of Hours Maintaining RODS (millions)
4.60	1	4.60	240	1,104	18.40

Motor carriers are required to maintain RODS for a period of six months after receipt (49 CFR 395.8(k)(1)). The Agency estimates an average burden of one minute per RODS maintained, or a total of 4.6 million minutes per day spent by all motor carriers (4.6 million drivers creating a RODS each day x 1 minute per RODS). Therefore, for the year of 240 working days, 1,104 million minutes (4.6 million minutes per day x 240 days), or 18.4 million hours (1,104 million minutes/60 minutes in an hour) are expended by motor carriers on Task 2.

Motor Carrier Task 3: Maintaining the Supporting Documents

Table 10: MOTOR CARRIER  
TASK 3: MAINTAINING THE SUPPORTING DOCUMENTS (rounded)

DAILY: Number of RODS With Supporting Documents (Millions)	DAILY: Minutes Required To Maintain Supporting Documents of one RODS	DAILY: Total Number of Minutes Maintaining Supporting Documents (Millions)	Number of Working Days in a Year	PER YEAR: Number of Minutes Maintaining Supporting Documents (millions)	PER YEAR: Total Number of Hours Maintaining Supporting Documents (millions)
4.60	1	4.60	240	1,104	18.40

Motor carriers are also required to maintain supporting documents for a period of six months after receipt (49 CFR 395.8(k)). The Agency estimates an average burden of one minute is necessary to maintain the supporting documents of a single RODS. This equates to 4.6 million minutes per day expended on this task (4.6 million CMV drivers creating supporting documents x 1 minute each), or 1,104 minutes per year (4.6 million minutes x 240 working days). This computes to a total of 18.40 million hours expended by motor carriers for maintaining the supporting documents (1,104 minutes/60 minutes per hour).

Total Burden for Motor Carriers (Tasks 1, 2, and 3)

Therefore, the total annual paperwork burden for all motor carriers for Tasks 1, 2, and 3 is 55.20 million hours annually.

Table 11: MOTOR CARRIER  
TOTAL BURDEN OF TASKS 1, 2 and 3

Hours Reviewing the RODS (millions)	Hours Maintaining the RODS (millions)	Hours Maintaining the Supporting Documents	TOTAL MOTOR CARRIER BURDEN (millions)
18.40	18.40	18.40	55.20 (rounded)

## **TOTAL PAPERWORK BURDEN**

The Agency estimates the total paperwork burden for all tasks associated with RODS and supporting documents to be 184.38 million hours (rounded).

Table 10: TOTAL BURDEN (millions)

DRIVER	MOTOR CARRIER	TOTAL
129.18 million	55.20 million	184.38 million

**Estimated Total Annual Burden: 184,380,000 hours** [129,180,000 driver hours + 55,200,000 motor carrier hours = 184,380,000]. The increase in the Total Annual Hours Requested is 31,276,708 [184,380,000 estimated total annual burden hours requested due to this revision - 153,103,292 currently approved annual burden hours = 31,276,708]. The 31,276,708 Increase in Total Annual Hours consists of 12,876,708 annual burden hours due to the adjustment of the number of CMV drivers from 6.4 to 7.0 million + 18,400,000 program change increase in annual burden hours due to the agency's discretion to include supporting documents in this ICR.

**Estimated Annual Respondents: 4,930,000** [4,600,000 drivers + 330,000 motor carriers that review RODS and supporting documents = 4,930,000].

**Estimated Annual Responses: 3,979,000,000** [(1,104,000,000 drivers completing RODS + 115,000,000 drivers forwarding RODS to motor carriers) + (552,000,000 motor carriers reviewing RODS + 1,104,000,000 motor carriers maintaining the RODS + 1,104,000,000 motor carriers maintaining the Supporting Statements = 3,979,000,000)]. The 2,440,736,200 Increase in Total Annual Responses [3,979,000,000 estimated annual response due to this revision – 1,538,263,800 currently approved estimated annual responses = 2,440,736,200] consists of 1,336,736,200 annual responses due to adjustment of the number of CMV drivers from 6.4 to 7.0 million + 1,104,000,000 program change increase in annual responses due to the agency's discretion to include supporting documents in this ICR.

### **13. Estimate of total annual costs to respondents:**

#### Capital and Startup Cost

The Agency assumes for purposes of this calculation that all the logs and all the supporting documents are in paper form. Motor carriers must have sufficient filing capacity; an average filing cabinet can hold 2,500 paper records. The Agency estimates that 4,416,000,000 records (1,104,000,000 million RODS and 3,312,000,000 supporting documents) will require 1,766,400 filing cabinets. Each cabinet costs \$50.00, for a total

cost of \$88,320,000 for cabinets. The annualized cost of cabinets over the 20-year useful life is \$4,416,000 per year.

#### Total Operations, Maintenance, and Purchase of Services Cost

The FMCSA obtained pricing information for pre-printed daily RODS forms. Suppliers charge an average of \$1.50 for a logbook covering one month of RODS. The Agency estimates that the annual cost to motor carriers for RODS for their drivers is \$18.00 per driver (\$1.50 x 12 months = \$18.00 per driver each year). Thus, the total estimated annual cost to respondents for RODS is \$82.8 million (\$18.00 per driver x 4.6 million drivers).

**Estimated Total Annual Costs to Respondents: \$87,216,000** [\$4,416,000 per year for cabinets + \$82,800,000 per year for RODS = \$87,216,000]. The 26,780,000 increase in annual cost to respondents [\$87,216,000 estimated cost due to this revision - \$60,436,000 currently approved annual cost = \$26,780,000] consist of \$14,667,406 in cost due to adjustment of the number of CMV driver from 6.4 to 7.0 million + \$12,112,594 program increase due to the agency's discretion to include supporting documents in this ICR.

#### **14. Estimate of Annual cost to the Federal government:**

This IC imposes no collection, transmission or storage costs on the Federal government.

#### **15. Explanation of program changes or adjustments:**

This supporting statement does not include any program changes. It does adjust the paperwork burden of the HOS rules in two respects:

- (1) The number of CMV drivers is increased from 6.4 million to 7.0 million, affecting all calculations in the supporting statement.
- (2) The Agency has re-categorized its breakdown of the various paperwork-related tasks performed by drivers and motor carriers with reference to the HOS rules. In its most recent submission of this IC (approved by OMB on November, 3, 2005), the Agency labeled the HOS paperwork burden of drivers as "Filling Out the RODS." In this submission, FMCSA is dividing the paperwork burden of drivers into three categories: "Filling Out the RODS," "Forwarding the RODS to the Motor Carrier," and "Forwarding the Supporting Documents to the Motor Carrier." In addition, in its 2005 submission to OMB, the Agency described the HOS paperwork burden of motor carriers as consisting of two categories: "Reviewing the RODS," and "Retaining the RODS." The FMCSA herein recategorizes the motor carrier burden into three categories: "Reviewing the RODS," "Maintaining the RODS," and "Maintaining the Supporting Documents."

#### **16. Publication of results of data collection:**

There are no plans to publish this collection of information.

#### **17. Approval for not displaying the expiration date for OMB approval:**

The FMCSA is not seeking OMB approval to not display the expiration date.

**18. Exceptions to certification statement:**

The FMCSA is claiming no exception to any element of the certification statement identified in Item 19 of OMB Form 83-I.

**PART B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

This IC does not employ statistical methodologies.

**Attachments:**

- A. Title 49 U.S.C § 31136, United States Government regulations.
- B. Title 49 U.S.C. § 31502, Requirements for qualification, hours of service, safety, and equipment standards.
- C. Title 49 U.S.C § 521, Civil penalties.
- D. Title 49 U.S.C. § 522, Reporting and record keeping violations.
- E. Title 49 U.S.C. § 526, General criminal penalty when specific penalty not provided.
- F. Title 49 CFR § 392.3, Applicable operating rules.
- G. Supplemental notice of proposed rulemaking (SNPRM) entitled “Hours of Service of Drivers; Supporting Documents SNPRM;” (72 FR 60614) dated October 25, 2007.
- H. Title 49 CFR § 350.201(a), What conditions must a State meet to qualify for Basic Program Funds.
- I. Title 49 CFR § 395.8(a)(1), Driver’s record of duty status.
- J. Title 49 CFR § 395.8(k)(1), Driver’s record of duty status.
- K. Title 49 CFR § 395.15, Automatic on-board recording device.
- L. Advance notice of proposed rulemaking (ANPRM) entitled “Electronic On-Board Recorders for Hours-of-Service Compliance,” (69 FR 53386) dated September 1, 2004.
- M. Notice of proposed rulemaking (NPRM) entitled “Electronic On-Board Recorders for Hours-of-Service Compliance,” (72 FR 2340) dated January 18, 2007.
- N. Title 29 CFR §516.2, Records to be kept by employer.
- O. Title 49 CFR § 395.1(e)(1) and (2), 100 air-mile radius driver.
- P. Title 49 CFR § 395.8(f)(1), Retail store deliveries.
- Q. Federal Register Notice with 60-day comment period (72 FR 66019); November 26, 2007).
- R. Federal Register Notice with 30-day comment period (73 FR 14867), March 19, 2008.
- S. Title 49 CFR § 395.8(i), Driver’s record of duty status.
- T. Title 49 CFR § 395.8(e), Driver’s record of duty status.