

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

**SUPPORTING STATEMENT
Inspection, Repair, and Maintenance**

INTRODUCTION

The Federal Motor Carrier Safety Administration (FMCSA) submits this supporting statement to the Office of Management and Budget's (OMB) for its approval to revise a current information collection (IC) entitled, "Inspection, Repair, and Maintenance," assigned OMB Control Number 2126-0003. Currently, the IC is set to expire on April 30, 2009. This request to revise the IC is based upon new FMCSA program requirements contained in a final rule entitled, "Requirements for Intermodal Equipment Providers and for Motor Carriers and Drivers Operating Intermodal Equipment" (Attachment A). The revision would increase the existing information collection burden hour estimate by 121,250 hours from 59,093,244 hours to 59,214,494 hours.

Part A. Justification.

1. Circumstances that make collection of information necessary:

Section 204(a) of the Motor Carrier Act, 1935 (codified at 49 U.S.C. 31502) (Attachment B) authorizes the Secretary of Transportation (the Secretary) to prescribe requirements for the safety of equipment of motor carriers. Section 206 of the Motor Carrier Safety Act of 1984 (codified at 49 U.S.C. 31136) (Attachment C) requires the Secretary to prescribe regulations that ensure that commercial motor vehicles (CMVs) are maintained. Section 210 of the Motor Carrier Safety Act of 1984 (codified at 49 U.S.C. 31142) (Attachment D) requires the Secretary to establish standards for annual or more frequent inspections of CMVs. Section 9110 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (codified at 49 U.S.C. 31137(b)) (Attachment E) requires the Secretary to prescribe regulations on improved standards or methods to ensure that brakes and brake systems of CMV s are inspected by appropriate employees and maintained properly.

Title 49 CFR part 396 entitled, "Inspection, Repair, and Maintenance" (Attachment F), of the Federal Motor Carrier Safety Regulations (FMCSRs), contains all of the regulations which implement these statutory provisions. These regulations place the responsibility upon the motor carrier to ensure that all CMVs operated by them or their drivers, and all CMV parts and accessories required by 49 CFR part 393 entitled, "Parts and Accessories Necessary for Safe Operation" (Attachment G), are in safe and proper operating condition at all times. The regulations allow motor carriers a great deal of flexibility in their inspection, repair, and maintenance programs. The recordkeeping requirements are minimal and there are no prescribed forms for carriers to use to meet these requirements. For some required records, motor carriers may either maintain them or cause a third party

to do so. The regulations also permit the motor carrier to establish its own systematic CMV maintenance program on either a mileage or time basis.

The motor carrier industry has never questioned the need to keep CMV maintenance records. In fact, most motor carriers would keep some records in the normal course of their business without any regulatory requirements to do so. Records for inspection, repair, and maintenance; roadside inspection reports; driver vehicle inspection reports; the documentation of periodic inspections; the evidence of the qualifications of individuals performing periodic inspections; and the evidence of brake inspectors' qualifications contain the minimum amount of information necessary to document that a motor carrier has established a system of inspection, repair, and maintenance for its equipment which meets the standards in part 396.

Section 4118 of SAFETEA-LU (Public Law 109-59, 119 Stat. 1144, at 1729, August 10, 2005) added new section 31151 (Attachment H), entitled "Roadability," to subchapter III of chapter 311 of title 49, United States Code. Section 31151(a)(1) requires the Secretary to issue regulations to be codified in the FMCSRs "to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained." The legislation defines "intermodal equipment" as trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis. The term "intermodal equipment provider" (IEP) is defined as any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment."

Among other things, the new Roadability statute requires the following:

- Intermodal equipment that is intended for interchange with motor carriers must be systematically inspected, repaired, and maintained;
- IEPs must maintain a system of maintenance and repair records for such equipment;
- Facilities at which an IEP regularly makes equipment available for interchange must have an operational process and space readily available for a motor carrier to have an equipment defect identified repaired or the equipment replaced prior to departure;
- Implementation of a process by which a driver or motor carrier transporting intermodal equipment is required to report to the IEP any actual damage or defect in the intermodal equipment of which the driver or motor carrier is aware at the time the intermodal equipment is returned;
- Any actual damage or defect identified by the driver or motor carrier must be repaired before the equipment is made available for interchange, and repairs of equipment must be documented in the maintenance records for such equipment;

This information collection supports the Department of Transportation's (DOT) strategic goal of safety. The information collection ensures that motor carriers have adequate records to document the inspection, repair, and maintenance of their CMVs, and to ensure

that adequate measures are taken to keep their CMVs in safe and proper operating condition at all times. Compliance with the inspection, repair, and maintenance regulations helps to reduce the likelihood of accidents attributable, in whole or in part, to the mechanical condition of the CMV.

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

The information is used by the FMCSA and State officials during compliance and enforcement activities to verify that a motor carrier (and, as set forth in this final rule, an IEP) has established an inspection, repair, and maintenance program for its equipment which meets the standards in part 396. During these activities, FMCSA and State officials and representatives examine the information to determine whether the motor carrier systematically inspects, repairs, and maintains all CMVs subject to its control. The systematic program must include routine inspections and maintenance. The program must also include reports of vehicle defects by drivers, thorough inspections at least once per year by qualified individuals, and performance of work on brakes by qualified employees.

It is generally recognized that there is a relationship between inspection, repair, and maintenance practices for CMVs and defect-related CMV accidents. CMVs are frequently operated in excess of 100,000 miles annually. Safety professionals, enforcement officials and personnel, and employees in the trucking and motorcoach industries recognize that documenting CMV inspection, repair, and maintenance is an important activity to the furtherance of highway safety. These records are also critically important in determining if a motor carrier's maintenance practices were causal factors' in an accident.

3. Extent of automated information collection:

FMCSA does not require inspection, repair and maintenance information to be submitted to the agency. Motor carriers (and, as set forth in this final rule, IEPs) are required to maintain the equipment information at their facilities and to make the information available if requested during a compliance review or investigation. All records and documents required to be maintained may be electronically imaged and those records retained in lieu of the original record for the required retention period. Also, other records may be maintained in an electronic format provided the motor carrier can produce the information required by the regulations. Documents requiring a signature must be capable of replication (i.e., photocopy, facsimile, etc.) in a form that will provide an opportunity for signature verification upon demand (April 4, 1997; 62 FR 16370, 16408). Although 100% of the information could theoretically be collected electronically, FMCSA believes that only 5% is actually collected electronically. Zero percent (0%) of the information is submitted to the agency.

4. Efforts to identify duplication:

FMCSA has identified periodic inspection requirements promulgated by other agencies. Periodic inspection programs of 23 States, the District of Columbia, the Alabama Liquefied Petroleum Gas Board, 10 Canadian Provinces, and one Canadian Territory were identified as comparable to, or as effective as, the Federal periodic inspection requirements. Because they are comparable to the Federal requirements, the FMCSA's periodic inspection and the related recordkeeping are not required for motor carriers that comply with these equivalent periodic inspection programs. In addition, CMVs passing certain roadside inspections are considered to have met the requirements of a periodic inspection; there are no additional "periodic inspection" recordkeeping requirements for these CMVs in most cases. FMCSA is not aware of any other duplicative standards or recordkeeping requirements that apply to motor carriers.

Concerning the regulations for IEP equipment providers once the final rule is implemented, FMCSA is aware of one State – California – that actively regulates the inspection, repair, and maintenance of intermodal equipment, although four other States — Illinois, Louisiana, New Jersey, and South Carolina — have regulations on the subject. Section 31151(d) of the Roadability statute preempts "a law, regulation, order, or other requirement of a State, a political subdivision of a State, or a tribal organization relating to commercial motor vehicle safety" if it "exceeds or is inconsistent with a requirement imposed under or pursuant to" 49 U.S.C. 31151. In other words, an agency final rule that establishes maintenance and related requirements for intermodal equipment would preempt any State or local law or regulation on the same subject. There are exceptions: "[A] State requirement for the periodic inspection of intermodal chassis by intermodal equipment providers that was in effect on January 1, 2005" is preempted on the effective date of the final rule adopted under this proceeding [section 31151(e)(1)] unless, notwithstanding section 31151(d), the Secretary "determines that the State requirement is as effective as the Federal requirement and does not unduly burden interstate commerce" [section 31151(e)(2)(A)]. A State must request a non-preemption determination before the effective date of the FMCSA final rule [section 31151(e)(2)(B)], and no subsequent amendment to a non-preempted requirement may take effect unless it is first submitted to the Secretary, who must find that the amendment is no less effective than the FMCSA requirements and does not unduly burden interstate commerce [section 31151(e)(2)(C)].

5. Efforts to minimize the burden on small businesses:

Currently, the recordkeeping requirements in 49 CFR part 396 are applicable only to motor carriers operating CMVs (as defined in 49 CFR 390.5) (Attachment I), and those subject to the FMCSRs (49 CFR 390.3) (Attachment I). The agency estimates that there are approximately 678,535 interstate motor carriers subject to the FMCSRs. Each of these motor carriers operate vehicles that: (1) have a gross vehicle weight rating or gross weight of 10,001 pounds or more, or (2) are designed or used to transport 16 or more passengers (including the driver), or (3) are used to transport hazardous materials in a quantity requiring placarding of the vehicle. Inspection, repair, and maintenance records,

therefore, are not required for vehicles with a gross vehicle weight rating or gross vehicle weight of 10,000 pounds or less (except trailers used in vehicle combinations with gross combination weight ratings of 10,001 or more pounds), vehicles designed to transport 15 or fewer passengers, and vehicles transporting non-placarded quantities of hazardous materials. A large number of small businesses operating CMVs in interstate commerce utilize these types of vehicles. FMCSA's Motor Carrier Management Information System (MCMIS) lists 547,077 active motor carriers as of August 2005 that operate between one and six power units (trucks, truck tractors, buses, or motor coaches).

There are no recordkeeping requirements for CMVs leased by motor carriers for less than 30 days. Finally, a motor carrier operating only one CMV is exempt from the driver vehicle inspection report requirements in 49 CFR 396.11 (see Attachment F). The MCMIS lists 325,795 active motor carriers that operate only one CMV.

FMCSA estimated that non-motor carrier IEP equipment providers may incur compliance costs, including those involving recordkeeping, because at least some of these entities may be required to establish systematic inspection, maintenance and repair (IMR) programs for the chassis they control as a result of the requirements set forth in this rule. However, FMCSA has determined that none of the 108 identified IEPs (93 steamship lines, 10 common chassis pool operators,¹ and 5 railroads) are small entities.

6. Impact of less frequent collection of information:

If the recordkeeping activities were required to be completed less frequently, it would greatly hinder the ability of FMCSA and State enforcement personnel to ascertain that CMVs (and, as set forth in the final rule, intermodal equipment) are satisfactorily maintained. The timely documentation of CMV inspection, repair, and maintenance enables FMCSA and State enforcement personnel to evaluate a motor carrier's CMV maintenance program. FMCSA will also be able to check the current level of regulatory compliance of the carrier at any point in its maintenance schedule or program.

On June 18, 1998, the agency issued a final rule (at 63 FR 33254) that removed the requirement for a legible copy of the last driver vehicle inspection report (that is, the driver vehicle inspection report prepared the last time a CMV was operated) to be carried in the power unit of the CMV. This rule did not change the requirement for a driver to review that report. Rather, the change was made to provide flexibility to motor carriers (and to the drivers) because they could make the report available by other means than physically placing a copy of the report in the power unit. This action reduced the time burden for one of the components of the part 396 information collection requirements (driver vehicle inspection reports) by an estimated 4,661,500 burden hours. The agency

¹ "Common chassis pool operators" are entities that handle chassis for multiple entities in a port. Instead of each ocean shipper in a port handling its "own" IME, a common pool operator "pools" the IME for the use of all ocean shippers. That way, they can make more efficient use of IME because they do not have to keep extra IME on hand for peak times. They also can usually get economies of scale and more efficient maintenance and administrative (tracking, vehicle license plates, etc.) support from the pool instead of having to do this work themselves.

determined removing this requirement would not adversely impact safety. One docket commenter referred briefly to this pre-1998 requirement. The agency continues to believe that the 1998 revision was appropriate.

7. Special circumstances:

There are no special circumstances.

8. Compliance with 5 CFR 1320.8:

On December 21, 2006, FMCSA published a notice of proposed rulemaking (NPRM) entitled, “Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment,” (at 71 FR 76796) (Attachment J) concerning the requirements for IEPs to establish systematic inspection, repair and maintenance programs for intermodal chassis offered to carriers and drivers for transportation in interstate commerce. The NPRM included a proposal that the Agency adopt additional inspection requirements for motor carriers and drivers operating such intermodal equipment. FMCSA did not receive any comments on the information collection analysis set forth in the NPRM.

9. Payments or gifts to respondents:

Respondents are not provided with any payment or gift for this information collection.

10. Assurance of confidentiality:

This information collection involves only one reporting requirement that has no confidentiality implications. All other components of this information collection are recordkeeping requirements. Confidentiality is not an issue for recordkeeping requirements because the motor carrier retains possession of its own records.

11. Justification for collection of sensitive information:

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested:

FMCSA estimates that the current total annual hour burden of the information collection associated with systematic inspection, repair, and maintenance of carriers and drivers is approximately 59,093,244 hours. The agency estimates that the revisions associated with the intermodal equipment provider roadability final rule would add approximately

121,250 hours, for a revised estimated burden of 59,214,494 hours. A breakdown of this information collection burden follows:

a. Routine Inspection, Repair, and Maintenance Records

Section 396.3 of title 49, CFR, requires every interstate motor carrier to cause all CMVs subject to its control to be systematically inspected, repaired, and maintained. FMCSA estimates there are 24 recordkeeping entries related to these activities on average per year for each CMV. Each entry would take approximately 2 minutes to record. Items, such as, push-out windows, emergency doors, and, emergency door marking lights in buses must be inspected at least every 90 days, or at least 4 times per year. There is one recordkeeping entry for each of the emergency exit inspections, for a total of 4 entries per year for each bus. Also, each entry concerning emergency exit inspections would take approximately 2 minutes.

The current total burden for these recordkeeping activities is approximately 3,776,684 hours [3,746,146 hours (4,419,219 truck-class CMVs + 229,034* buses + 34,429 commercial vans = 4,682,682) x 24 entries x 2 minutes per entry x {1 hour / 60 minutes}} + 30,538 hours (229,034 buses x 4 emergency exit tests per bus per year x 1 entry per test x 2 minutes per entry x {1 hour / 60 minutes})].

The additional burden for IC-2 inspection of intermodal equipment is estimated to be 121,230 hours [40,410 hours (808,200 intermodal chassis x 3 minutes/record x (1 hr/60 minutes) x (3 inspections per year) = 121,230 hours].

The estimated revised burden is 3,776,684 + 121,230 = **3,897,914 hours**.

b. Driver Vehicle Inspection Reports

A driver must prepare a written inspection report at the completion of each day's work on each CMV operated, except when his or her employing motor carrier operates only one CMV. FMCSA estimates that there are 325,795 interstate motor carriers operating one CMV. Some CMVs are not operated on any given day. Based on 1992 Truck Inventory and Use Survey (TIUS) data, the average CMV was in use 33 weeks a year, or 63% of the year. Although this figure includes CMVs used in both interstate and intrastate commerce, it is the best national-level usage data available. For the purposes of estimating this recordkeeping burden, we will round up slightly to a 65% probability that a CMV will be operated on any given day. For days in which a CMV is not operated, an inspection report is not required. For a tractor-trailer combination, only one driver vehicle inspection report is prepared. The agency estimates that 25% of tractor-trailer drivers operate an average of two vehicle combinations per day.

FMCSA estimates the time for a driver to prepare a written inspection report and provide a copy to his/her employing motor carrier is approximately 2.5 minutes on average.

The current hour burden related to the preparation and retention of driver vehicle inspection report is approximately 48,857,713 hours [(4,682,682 power units* + 259,721 CMVs {2,342,062 truck tractors x 25% portion of tractor-trailer drivers who operate two vehicle combinations in a day - 325,795 single-CMV operations}) x 65% average daily use x 365 days per year x 2.5 minutes x {1 hour / 60 minutes} = 48,857,713 hours].

The roadability final rule will require that IEP equipment providers to establish a system for motor carriers and drivers to report to the providers any defects or deficiencies in the tendered chassis that affect the safety of the operation of those chassis or result in their mechanical breakdown on the road. This rulemaking change requires the IEP to: (1) establish the reporting system, (2) collect minimum information from motor carriers and drivers, (3) take corrective action when a chassis is identified as being defective or deficient in some way, and (4) establish a retention period for all documentation that is generated as a consequence of this system. This requirement would be added to the FMCSRs in a new provision at 49 CFR § 396.12. All of these potential impacts resulting from these requirements are discussed below.

c. Nature of Carrier/Driver Notice of Defects and/or Problems. For the purposes of this analysis, it is assumed that no additional costs will be incurred in order for IEPs to receive from carriers and drivers notice of equipment defects or problems. Because problems with chassis already occur, systems have already been established, for the most part, by IEPs to address them. Likewise, because handling such problems expeditiously would appear to be a good business practice, it is expected that adequate procedures for such notification already exist. FMCSA did not receive any information during its data collection immediately prior to this rulemaking to indicate otherwise, and the agency found such systems already in place during its port visits. Additionally, no commenters to the docket questioned the nature of the notification, although some requested that the agency consider their use of an existing form (Appendix A of the Uniform Intermodal Interchange Agreement) that is used in many intermodal operations for this purpose. The agency has determined that entities may use the checklist contained in this form, but it will not require them to do so. Consequently, no additional costs are expected to result from the notification requirement.

d. Trouble reports. According to the new provision set forth at 49 CFR § 396.12, the report taken by the IEP will need to include the following information:

- The name of the motor carrier responsible for the operation of the chassis at the time the defect or deficiency was discovered by, or reported to, the driver.
- The USDOT identification number of the motor carrier.
- The date and time the report was submitted.
- The defects or deficiencies reported by the motor carrier or driver.

Intermodal equipment providers may want to collect additional information. For instance, IEPs may want to know the location of chassis if they are going to need to send a service team or tow truck to the site of the chassis.

As discussed above, chassis currently experience problems that are being reported to IEPs. With the possible exception of the USDOT (or other unique) identification number, good business practice would generally dictate that all of the information mandated in reports under the new provision at § 396.12 is currently being collected. Additionally, FMCSA received no information during its data collection immediately prior to this rulemaking to indicate otherwise. Therefore, no additional costs are expected to result from the required trouble reports.

e. Certification of Corrective Action

Section 396.11(c)(1) of title 49, CFR, requires a motor carrier to certify on a driver vehicle inspection report (lists any defect or deficiency in the equipment) that the defect or deficiency has been corrected or that correction is unnecessary. FMCSA estimates that 95% of driver vehicle inspection reports do not note any deficiency or defect. If no defect or deficiency is noted, no certification is required.

The FMCSA estimates that this certification takes approximately 30 seconds. The hour burden related to this certification is **520,783 hours** [5,268,198 CMVs (4,682,682 power units* + 585,516 CMVs {2,342,062 truck tractors x 25% portion of tractor-trailer drivers who operate two vehicle combinations in a day}) x 65% average daily use x 365 days per year x 5% notation rate x 30 seconds x {1 hour /3600 seconds}] = 520,783 hours].

After a unit of intermodal equipment for which a trouble report has been submitted returns to the possession of the equipment provider, § 396.12 mandates that the IEP must correct those reported defects or deficiencies in the chassis that make the chassis not roadworthy. Furthermore, before the chassis may be tendered once again to a motor carrier, the intermodal equipment provider must document the actions taken to correct the reported defect or deficiency, or must document that such repairs were unnecessary.

FMCSA believes that intermodal chassis providers currently have repair facilities for dealing with chassis that are not roadworthy. Additionally, during FMCSA port visits, agency staff identified such facilities at all the terminals it toured. Consequently, our provision at § 396.12 would not require the establishment of new facilities nor is there any reason to believe that the new section will necessitate any expansion of existing facilities.

f. Review and Signature of Driver Vehicle Inspection Report

Section 396.13 of title 49, CFR, requires a driver to review the last vehicle inspection report and sign it. If the driver who prepared that report noted defects or deficiencies, , the driver who will be using that vehicle must acknowledge that he or she has reviewed it and that there is a certification that the required repairs have been performed. The time that it would take for a driver to review a given inspection report depends on the number of noted defects or deficiencies on the report. As explained above, the vast majority of inspection reports have no noted vehicular defects or deficiencies. FMCSA estimates it takes a driver approximately 5 seconds to review an inspection report that contains no

notations of defects. For an inspection report with notation(s), FMCSA estimates that it takes approximately 15 seconds for a driver to review it and 5 seconds to sign it.

The hour burden related to the driver's review and signature is approximately **1,996,336 hours**. This is calculated in two parts. The hour burden related to the driver's review is 1,909,539 hours [1,649,147 hours (5,268,198 CMVs (see above) x 65% average daily use x 365 days per year x 95% rate of no notations x 5 seconds x {1 hour /3600 seconds}) + 260,392 hours (5,268,198 CMVs x 65% average daily use x 365 days per year x 5% notation rate x 15 seconds x {1 hour /3600 seconds}) = 1,909,539 hours]. The hour burden related to the driver's signature is 86,797 hours [5,268,198 CMVs x 65% average daily use x 365 days per year x 5% notation rate x 5 seconds x {1 hour / 3600 seconds} = 86,797 hours].

A good business practice for chassis providers and their service departments would include documenting repairs made and/or documenting repairs that were not made. This information assists those individuals who monitor the cost and work of repair facilities. Information in Tables 9 and 10 of the RIA would seem to confirm that intermodal equipment providers are indeed following good business practices. The new provision at § 396.12 will not increase the need for this documentation. It might, however, change the nature of the documentation somewhat. For instance, if a chassis were brought in today to repair a defective wheel and no wheel problem could be found, the documentation might just say "Checked wheels." Under the new provision at § 396.12, the documentation might say "Check wheels after receiving trouble report from motor carrier. A complete check revealed no problem." FMCSA believes any change in the IEPs currently prepare this documentation would be minor and would not materially add to the costs of the providers.

g. Disposition of Roadside Inspection Reports

The driver of any CMV to which a roadside inspection is performed must deliver the inspection report to his/her employing motor carrier. If the driver is not scheduled to return or arrive at the motor carrier's facility or terminal within 24 hours, the driver must mail the roadside inspection report to the motor carrier. Upon receiving the report, the motor carrier must examine it, ensure that all noted violations and defects are corrected, certify that the violations have been corrected, and return the completed report to the agency that issued it. (Generally, this would be a State agency that is an FMCSA Motor Carrier Safety Assistance Program grantee.). If the report has no noted violations or defects, no certification or return of the report is required. According to the FMCSA's roadside inspection data, 24% of roadside inspections have no noted defects or violations.

There are approximately 3,003,574 roadside inspections conducted annually. The FMCSA estimates that 45% of the drivers involved in roadside inspections do not return to their motor carrier's facility or terminal within 24 hours of the inspection. The agency also estimates that it takes a driver approximately 2 minutes to mail an inspection report to his/her employing motor carrier.

The hour burden related to the mailing of inspection reports by drivers is 34,241 hours (3,003,574 inspections x 76% portion of inspections with violations x 45% (percentage of drivers who do not return within 24 hours) x 2 minutes x [1 hour /60 minutes] = 34,241 hours).

The time needed for a motor carrier to examine the report depends on the amount of information within the report, but the FMCSA estimates that it takes a motor carrier approximately 5 minutes on average to examine the inspection report, certify that the noted violations have been corrected, mail the certified report, and retain and file a copy. The hour burden related to these activities is 190,226 hours (3,003,574 inspections x 76% portion of inspections with violations x 5 minutes x [1 hour /60 minutes]).

The total hour burden related to the motor carrier disposition is **224,467 hours** (34,241 hours + 190,226 hours).

The burdens estimated for the current regulations include the disposition of any records concerning the inspection of trailers, including intermodal equipment that is the subject of the Roadability final rule. Consequently, FMCSA anticipates no change in information collection burdens associated with this rule.

h. Periodic Inspection

Section 396.17 of title 49, CFR, prohibits a motor carrier from using a CMV unless the CMV has passed an inspection at least once during the preceding 12 months and documentation of such inspection is on the CMV. The documentation may be the inspection report prepared in accordance with paragraph 396.21(a) or other forms of documentation, such as a sticker or decal, that contains the following information: the date of the inspection; the name and address of the motor carrier or other entity where the inspection report is maintained; information uniquely identifying the vehicle inspected if not clearly marked on the vehicle; and a certification that the vehicle has passed an inspection in accordance with § 396.17. The original or copy of an inspection report must be retained where the CMV is either housed or maintained.

FMCSA estimates that the time needed to document and retain the inspection report is approximately 3 minutes. CMVs passing roadside or periodic inspections performed under the auspices of a State government, equivalent jurisdiction, or the FMCSA, meeting the minimum standards, are not subject to the inspection requirements in 49 CFR § 396.17.

The hour burden related to the periodic inspection is approximately **3,803,280 hours**: 3,746,146 hours [(4,419,219 truck-class CMVs + 229,034 buses + 34,429 commercial = 4,682,682 CMVs) x 24 entries x 2 minutes per entry x {1 hour /60 minutes}] – 57,134 hours [(4,682,682 CMVs - 2,290,000 CMVs subject to State- or Canadian province-mandated periodic inspections – 1,250,000 CMVs which meet the periodic inspection requirement by a roadside inspection = 1,142,682 CMVs) x 3 minutes per CMV per year x {1 hour/60 minutes}]. The number of CMV s includes non-powered units, such as converter dollies, container chassis, etc.

Periodic (annual) inspection is required for every commercial motor vehicle in accordance with current § 396.17 and is intended to complement and be consistent with § 393.3 (systematic) inspection requirements. To the best of the agency's knowledge, most intermodal container chassis undergo a periodic (annual) inspection as mandated by the current rules. Therefore, FMCSA anticipates no change in the information collection burden associated with the intermodal equipment Roadability final rule.

i. Records of Inspector Qualifications

Motor carriers must retain evidence of an individual's qualifications to perform periodic inspections. There are approximately 678,535 motor carriers subject to the periodic inspection requirements for CMVs. FMCSA estimates that there are approximately two inspectors for every three motor carriers.

However, motor carriers are not required to maintain documentation of inspector qualifications for those inspections performed either as part of a State periodic inspection program or at the roadside as part of a random roadside inspection program. FMCSA estimates that 55% of motor carriers are not required to maintain any documentation of inspector qualifications because this provision. The agency estimates that time needed for a motor carrier to document an inspector's qualifications is approximately 5 minutes on average.

The one-time, non-recurring hour burden related to the documentation of inspector qualifications is approximately **16,972 hours** ($[678,535 \text{ motor carriers} \times .667 \text{ (two inspectors for every three motor carriers)} \times 45\% \text{ applicability rate} \times 5 \text{ minutes} \times [1 \text{ hour}/60\text{minutes}]$). It is important to note that this is generally a non-recurring time commitment. Once the motor carrier has documented that the inspector has met the minimum requirements, the motor carrier does not have to update this information.

For intermodal equipment providers subject to the provisions of the final rule, the agency estimates a maximum burden that assumes these entities do not currently use State-based periodic inspection programs, and that there is one inspector per provider. Thus, the estimated one-time, non-recurring IC-2 burden would be approximately **9 hours** [$108 \text{ entities} \times 5 \text{ minutes} \times 1 \text{ hr}/60 \text{ minutes}$]. This is rounded up to 10 hours.

j. Evidence of Brake Inspector Qualifications

No motor carrier may employ any person as a brake inspector unless; the motor carrier maintains evidence of the inspector's qualifications at the carrier's principal place of business, or at the location where the brake inspector is employed. If the person who inspects, repairs, services, or maintains the CMV brakes is not an employee of the motor carrier, then the motor carrier is not required to maintain qualification evidence for that person.

There are approximately 678,535 motor carriers subject to the brake inspector requirements. Most large motor carriers employ several brake inspectors and a significant portion of small motor carriers do not employ a brake inspector. The FMCSA estimates there is one brake inspector employed by every three motor carriers on average. The agency also estimates that the time needed for a motor carrier to document a brake inspector's qualifications is approximately 5 minutes on average.

The one-time, non-recurring, hour burden related to the qualifications of brake inspector is approximately **18,829 hours** (678,535 motor carriers x .333 (1 brake inspector per every three motor carriers) x 5 minutes x [1 hour/60 minutes]). As is the case with the inspector who performs the periodic inspection described above, once the motor carrier has documented that the inspector has met the minimum requirements, the motor carrier does not have to update this information.

For IEPs subject to the provisions of the final rule, the agency estimates a maximum burden that assumes these entities do not currently use State-based periodic inspection programs, and that there is one inspector per intermodal equipment provider. Thus, the estimated one-time, non-recurring IC-2 burden would be approximately **9 hours** [108 entities x 5 minutes x 1 hr/60 minutes]. This is rounded up to 10 hours.

Estimated Number of Annual Respondents:

Motor carriers: **678,535**.

IEP equipment providers: **108**.

Final Rule Annual Burden Hours

Items	Burden Hours During First Year	Burden Hours Subsequent Years
Approved Annual Burden Hours for OMB Control Number 2126-0003 ICR	59,093,244	59,093,244
Inspection of Intermodal Equipment	121,230	121,230
Intermodal Equipment Records of Inspector Qualifications	10	-
Intermodal Equipment Evidence of Brake Inspector Qualifications	10	-
TOTAL	59,214,494	59,214,474

Estimated Total Annual ICR Burden Hours: 59,214,494 hours [59,093,244 currently OMB-approved hours + 121,230 hours for inspection of intermodal equipment + 10 hours for intermodal equipment records of inspector qualifications + 10 hours for intermodal equipment evidence of brake inspector qualifications = 59,214,494].

13. Estimate of total annual costs to respondents:

The FMCSA estimates that the total annual cost to the respondents of the information collection, not including costs of associated salaries with the hour burden is approximately \$433,383.

The driver of any CMV to which a roadside inspection is performed must mail the inspection report to his/her employing motor carrier if the driver is not scheduled to return or arrive at the motor carrier's facility or terminal within 24 hours. The cost burden related to the mailing of inspection reports by drivers is **\$433,383** [(3,017,144 inspections x 76% portion of inspections with violations x 45% (percentage of drivers who do not return within 24 hours) x \$0.42* postage expense)].

This reflects an increase from the previous estimate of \$402,427. This is due to the May, 2008 increase in the cost of first-class postage from 41 to 42 cents.

Estimated Annual Cost to Respondents: \$433,383.

14. Estimate of cost to the Federal government:

This information collection imposes no cost to the Federal government.

15. Explanation of program changes or adjustments:

The program change increase of 121,250 annual burden hours is due to the regulatory requirements as set forth in the final rule on intermodal equipment roadability that will increase the annual burden hours from 59,093,244 to 59, 214,494.

An adjustment in the estimate of the total annual cost to respondents reflects an increase in postage costs effective May, 2008 from \$0.41 to \$0.42.

16. Publication of results of data collection:

There are no plans to publish this collection of information for statistical use.

17. Approval for not explaining the expiration date for OMB approval:

The FMCSA is not seeking this approval.

18. Exceptions to certification statement:

The FMCSA does not claim an exception to any element of the certification statement identified in Item 19 of OMB Form 83-1.

Attachments

Attachment A – The final rule entitled, “Requirements for Intermodal Equipment Providers and for Motor Carriers and Drivers Operating Intermodal Equipment,” (73 FR 76794), December 17, 2008.

Attachment B – Title 49 U.S.C. 31502.

Attachment C – Title 49 U.S.C. 31136.

Attachment D – Title 49 U.S.C. 31142.

Attachment E – Title 49 U.S.C. 31137(b).

Attachment F – Title 49 CFR part 396.

Attachment G – Title 49 CFR part 393

Attachment H – Section 4118 of SAFETEA-LU (codified at 49 U.S.C. 31151).

Attachment I – Title 49 CFR §§ 390.5 and 390.3.

Attachment J - A notice of proposed rulemaking entitled, “Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment,”(71 FR 76790), December 21, 2006.

Part B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.