

**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 (OMB) for its review and approval, with plans to revise a currently-approved information collection request (ICR) entitled, “*Inspection, Repair and Maintenance*,” assigned OMB Control Number 2126-0003. Currently, the IC is set to expire on May 31, 2012. This request to revise the IC is based upon new FMCSA program requirements contained in a final rule entitled, “Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used In Interstate Commerce,” (75 FR 4996) dated February 1, 2010 (Attachment A). The final rule will require motor carriers operating commercial motor vehicles (CMVs) designed or used to transport between 9 and 15 passengers for direct compensation to maintain records of inspection, repair, and maintenance for their CMVs in accordance with 49 CFR 396.

**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 operation 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 CMVs are maintained properly and inspected by appropriate employees.

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.

Recent legislation made two more categories of transportation providers subject to these requirements. Section 4118 of The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (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.”

Section 4136 of SAFETEA-LU [Pub. L. 109-59, 119 Stat. 1144, 1745, August 10, 2005] (set out as a note to 49 U.S.C. 31136) (Attachment I) states that “The Federal motor carrier safety regulations that apply to interstate operations of commercial motor vehicles designed to transport between 9 and 15 passengers (including the driver) shall apply to all interstate operations of such carriers regardless of the distance traveled.”

On December 17, 2008, the FMCSA revised this ICR due to new program requirements in a final rule entitled, “*Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment*” (73 FR 76794) (Attachment J).

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 agency regulations for IEP equipment providers once the final rule is implemented, FMCSA is aware of one State only – 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.

#### **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 K), and those subject to the FMCSRs (49 CFR § 390.3) (Attachment K). 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 reporting requirements in 49 CFR § 396.11 (see Attachment F). The MCMIS lists 325,795 active motor carriers that operate only one CMV.

The new rule on 9-15 passenger vans, operated for direct compensation, makes those vehicles, and the motor carriers operating them within a 75 air-mile radius of the driver's normal work reporting location, subject to the requirements of Part 396 of the FMCSRs. Approximately 12,200 motor carriers are estimated to be affected. FMCSA estimates that all of these entities are small businesses.

## **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 Federal Highway Administration (FHWA) issued a final rule entitled, “*Review of the Federal Motor Carrier Safety Regulations; Regulatory Removals and Substantive Amendments*” (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 by the driver 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 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 8, 2008 FMCSA published a notice entitled, “*Agency Information Collection Activities, Revision of a Currently-Approved Information Collection, Inspection, Repair and Maintenance,*” with a 60-day comment period in the Federal Register (73 FR 74560) announcing its intent to revise this information collection. The agency received no comments in response to the notice. 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*” (71 FR 76796) (Attachment L), concerning requirements for IEPs to establish systematic inspection, repair and maintenance programs for intermodal chassis offered for transportation in interstate commerce. The NPRM included a proposal that the agency adopt additional inspection requirements for motor carriers and drivers operating intermodal equipment. FMCSA received no comments regarding this ICR in response to the NPRM. The final rule for this NPRM was published on December 17, 2008 (73 FR 76794) (Attachment J).

## **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 this information collection associated with systematic inspection, repair, and maintenance of is approximately 59,214,494 hours. The agency estimates that the revisions associated with the 9-15 passenger van final rule would add approximately 515,394 hours, for a revised estimated burden of 59,729,888 hours. Carriers that operate 9-15 passenger vans in interstate operations will not be subject to all sources of burden associated with this information collection. A breakdown of this information collection burden follows:

### 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 3,897,914 hours. The additional burden due to the 9-15 passenger van rule is 34,560 hours [43,200 passenger vans x 24 entries x 2 minutes per entry ÷ 60 minutes per hour]. The revised annual burden is estimated to be **3,932,474 hours** (3,897,914 hours + 34,560 hours).

### 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 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. If a driver finds evidence of a vehicle defect, section 396.11(c)(1) requires a motor carrier to certify on a driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been corrected or that correction is unnecessary. FMCSA estimates that certification of corrective action takes 0.5 minutes. Section 396.13 requires a driver to review the last vehicle inspection report and sign it, if defects or deficiencies were noted by the driver who prepared it, to acknowledge that it was reviewed and that there is a certification that repairs were made or were unnecessary. The Agency estimates that this review takes 5 seconds (0.083 minutes) for inspection reports which have noted no vehicle defects, and 20 seconds (0.333 minutes) for reports which have noted defects. FMCSA estimates that drivers discover vehicle defects in 5 percent of inspections. The total burden per inspection when no defect is found is 2.583 minutes (2.5 minutes per inspection + 0.083 minutes to review inspection report); the total burden per inspection when a defect is found is 3.333 minutes (2.5 minutes per inspection + 0.5 minutes to certify corrective action + 0.333 minutes to review inspection report)

Carriers subject to this rule are assumed to operate their vehicles on 250 working days per year. The annual per vehicle burden is **11 hours**  $[(250 \text{ days} \times ((95\% \text{ inspections with no defects} \times 2.583 \text{ minutes per inspection}) + (5\% \text{ inspections with defects} \times 3.333 \text{ minutes per inspection}))) \div 60 \text{ minutes per hour} = 10.92 \text{ hours} = \mathbf{11 \text{ hours rounded}}]$ .

The current total burden for these all activities related to driver pre-trip inspections is approximately 51,374,832 hours. The additional burden due to the 9-15 passenger van rule is 475,200 hours [43,200 passenger vans  $\times$  11 hours per year]. The revised annual burden is estimated to be **51,850,032 hours** (51,374,832 hours + 475,200 hours).

#### 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.

The current annual burden related to the motor carrier disposition of roadside inspection reports is **224,467 hours**. The 9-15 passenger van rule has no impact on this burden estimate.

### 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 § 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 current annual burden related to the periodic inspection is **3,681,460 hours**. The additional burden due to the 9-15 passenger van rule is 3,600 hours [43,200 passenger vans × 5 minutes per year ÷ 60 minutes per hour]. The revised annual burden is estimated to be **3,685,060 hours** (3,681,460 hours + 2,160 hours).

### Records of Inspector Qualifications

Motor carriers must retain evidence of an individual's qualifications to perform periodic inspections. The Agency estimates that time needed for a motor carrier to document an inspector's qualifications is approximately 5 minutes on average.

The current annual burden related to the maintaining records of inspector qualifications is **16,982 hours**. A one-time additional burden due to the 9-15 passenger van rule will be 1,017 hours [12,200 passenger van carriers × 5 minutes per year ÷ 60 minutes per hour]. The revised annual burden is estimated to be 17,999 hours (16,982 hours + 1017 hours).

### 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. The Agency estimates that the time needed for a motor carrier to document a brake inspector's qualifications is approximately 5 minutes on average.



The current annual burden related to the maintaining records of inspector qualifications is **18,839 hours**. A one-time additional burden due to the 9-15 passenger van rule will be 1,017 hours [12,200 passenger van carriers × 5 minutes per year ÷ 60 minutes per hour]. The revised annual burden is estimated to be 19,856 hours (18,839 hours + 1017 hours).

**Estimated Number of Annual Respondents:**

Current: **678,643**

9-15 passenger van carriers: **12,200**

Revised total respondents: **690,843**

**Final Rule Annual Burden Hours**

Items	Burden Hours During First Year	Burden Hours During Each Subsequent Year
Approved Annual Burden Hours for OMB Control Number 2126-0003 ICR	<b>59,214,494</b>	<b>59,214,494</b>
Routine Inspection, Repair, and Maintenance Records	34,560	34,560
Driver Vehicle Inspection Reports	475,200	475,200
Periodic Inspection	3600	3600
Records of Inspector Qualifications	1,017	0
Evidence of Brake Inspector Qualifications	1,017	0
<b>TOTAL</b>	<b>59,729,888</b>	<b>59,727,854</b>

**Estimated Total Annual ICR Burden Hours:** 59,729,888 [59,214,494 currently OMB-approved hours + 34,560 hours for routine inspection, repair, and maintenance records + 475,200 hours for driver vehicle inspection reports + 3,600 hours for periodic inspection + 1,017 hours for records of inspector qualifications + 1,017 hours for evidence of brake inspector qualifications].

**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. These costs are wholly related to the requirement that the driver of any CMV to which a roadside inspection is performed 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. Drivers for 9-15 passenger van

carriers will not be affected by this IC item that requires carriers to return to a carrier's facility or terminal within 24 hours.

**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 515,394 annual burden hours is due to the regulatory requirements as set forth in the final rule on motor carriers operating CMVs designed to transport 9 to 15 passengers for direct compensation that will increase the annual burden hours from 59, 214,494 to 59,729,888.

**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, “*Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used In Interstate Commerce*” (75 FR 4996), [February 1, 2010].

Attachment B – Title 49 U.S.C. § 31502, “*Requirements for qualification, hours of service, safety, and equipment standards.*”

Attachment C – Title 49 U.S.C. § 31136, “*United States Government regulations.*”

Attachment D – Title 49 U.S.C. § 31142, “*Inspection of vehicles.*”

Attachment E – Title 49 U.S.C. § 31137(b), “*Brake and brake systems maintenance regulations.*”

Attachment F – Title 49 CFR part 396, “*Inspection, repair, and maintenance.*”

Attachment G – Title 49 CFR part 393, “*Parts and accessories necessary for safe operations.*”

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

Attachment I – Section 4136 of SAFETEA-LU (codified at 49 U.S.C. § 31136).

Attachment J – Final rule entitled, “*Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment*” (73 FR 76796), December 17, 2008.

Attachment K – Title 49 CFR §§ 390.5 and 390.3, *Federal Motor Carrier Safety Regulations; General.*”

Attachment L - NPRM entitled, “*Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment*” (71 FR 76796), December 21, 2006.

**Part B. Collection of Information Employing Statistical Methods**

This collection does not employ statistical methods.