

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

**SUPPORTING STATEMENT
Accident Recordkeeping Requirements**

Introduction

This is to request the Office of Management and Budget's (OMB) approval for the proposed revision of the OMB Control Number 2126-0009, "Accident Recordkeeping Requirements," information collection request (ICR) which will expire on February 28, 2011. The estimated annual burden hours for this ICR are being decreased from 32,040 to 22,500 because of the Agency's ability to obtain more accurate data on motor carrier accidents.

Part A. Justification

1. Circumstances that make the collection of information necessary.

All duties under this information collection are borne by motor carriers. 49 CFR 390.15 (Attachment A) requires interstate motor carriers to maintain an Accident Register consisting of a list of all accidents (both interstate and intrastate) involving their commercial motor vehicles (CMVs) and make all records and information pertaining to CMV accidents available to an authorized representative or special agent of FMCSA upon request. Section 390.15 further spells out the information that motor carriers must obtain and maintain about their CMV accidents. Motor carriers must retain such accident information for 3 years from the date of the accident.

This ICR supports the DOT strategic goal of safety. By requiring motor carriers to gather and record information concerning CMV crashes, FMCSA is strengthening its ability to assess the safety performance of motor carriers and their drivers. The information helps the Agency to assist motor carriers in preventing CMV crashes and in reducing the severity of the accidents that do occur. The information also provides support to several FMCSA safety initiatives.

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

"Motor carrier" is defined by 49 CFR 390.5 (Section 390.5) as "any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it ..." (Attachment A).

"Commercial motor vehicle" is defined by Section 390.5 as:

- A self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle--
 - (A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;
 - (B) is designed or used to transport more than 8 passengers (including the driver) for compensation;

- (C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

Section 390.15 requires motor carriers to maintain an Accident Register containing certain information about each “accident” involving their CMVs. “Accident” is defined by Section 390.5 as:

an occurrence involving a CMV operating on a highway in interstate or intrastate commerce which results in: (1) a fatality; (2) bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle. The term accident does not include (i) an occurrence involving only boarding or alighting from a stationary motor vehicle, or (ii) an occurrence involving only the loading or unloading of cargo.

Interstate motor carriers must record all qualifying accidents in the Accident Register without regard to whether its CMV was engaged in interstate commerce at the time of the accident.

Pursuant to section 390.15(b)(1), a motor carrier must obtain, at a minimum, the following information about each CMV accident:

- (i) date of accident,
- (ii) city or town in which or most near where the accident occurred and the State where the accident occurred,
- (iii) driver name,
- (iv) number of injuries,
- (v) number of fatalities, and
- (vi) whether hazardous materials, other than fuel spilled from the fuel tanks of the motor vehicle, were released.

In addition, Section 390.15(b)(2) requires that “copies of all accident reports required by State or other governmental entities or insurers” be included in the Accident Register.

The FMCSA does not prescribe a specific form for Accident Register information. An “entry” on the Accident Register is defined for purposes of this estimate as the entry of all the information about a single accident which is required by Section 390.15.

When conducting a compliance review (CR) of a motor carrier at its place of business, FMCSA investigators examine the motor carrier’s Accident Register. This information can be valuable in assessing the safety performance of the motor carrier. For instance, it may reveal accidents that, for various reasons, were not reported to the FMCSA by the State, and thus are not part of FMCSA’s record of the motor carrier’s accident history. Though improvement in accident reporting is being made, there remain accidents that are not, for various reasons, reported to

FMCSA's national accident data base. In addition, a motor carrier's Accident Register may include accidents that do not satisfy the definition of "accident" under section 390.5, but have nonetheless been included in the Accident Register. Sometimes the motor carrier's liability insurance company requires the motor carrier to enter accidents that do not fall within the Section 390.15 requirement. The information may corroborate other evidence or assist the FMCSA investigator in establishing a violation of a Federal Motor Carrier Safety Regulation (FMCSR). For example, data entered in the Accident Register may conflict with information contained in other documents, such as the record of duty status (RODS), or logbook, of a CMV driver, and point to illegal falsification of the RODS by the driver, the motor carrier, or both.

On March 30, 2004, FMCSA published a final rule titled "Safety Performance History of New Drivers" (69 FR 16684). By that rule, motor carriers must, upon request by a second motor carrier considering a former employee of the motor carrier for a driver position, provide the accident history of that individual while in their employ (49 CFR 391.23). The burden created on the former motor carrier to review its files and report the appropriate information to the requesting employer is included in a separate IC titled, "Driver Qualification Files," (OMB Control Number 2126-0004). However, the burden of gathering this information, completing the Accident Register entry, and maintaining the entry for 3 years, is included in this IC.

3. Extent of automated information collection.

Motor carriers may use any automated methods at their disposal to collect and maintain this information. The FMCSA only requires that the motor carrier make the information available for review by an authorized representative or special agent of FMCSA upon request, or in response to the written inquiry of another motor carrier considering hiring one of the motor carrier's former driver-employees.

4. Efforts to identify duplication.

The FMCSA has authority to enforce safety regulations applicable to CMVs operating in interstate commerce. The information gathered and maintained pursuant to this IC may be a synopsis of information derived from other records, such as police accident reports, driver's reports, and correspondence from insurance companies. However, there may be property-damage-only (PDO) accidents that are not recorded by such entities. Such Accident Register information assists FMCSA in its CR of the motor carrier by allowing FMCSA to form a more complete picture of the safety performance of the motor carrier. The Accident Register provides this information and imposes a minimum of PRA burden on the motor carrier. Accident Register information is not duplicative of other Agency information collections.

5. Efforts to minimize the burden on small businesses.

The FMCSRs require all motor carriers operating CMVs in interstate commerce to provide assistance in investigations and special studies. The section 390.5 definition of "accident" excludes less serious accidents from the Accident Register, and also excludes motor vehicle accidents involving motor vehicles with a gross vehicle weight rating 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 not for compensation, vehicles designed or used to transport 8 or fewer passengers for compensation, and vehicles transporting non-placarded quantities of hazardous materials. Many small businesses utilize such vehicles and thus are not required to maintain an Accident Register.

On January 11, 2001, the Agency published a final rule titled, “Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs” (66 FR 2756) (Attachment B). The rule requires motor carriers operating CMVs designed or used to transport 9 to 15 passengers, including the driver, for compensation, to meet certain requirements of the FMCSRs, including those contained in Section 390.15. However, FMCSA believes that the burden of compiling and maintaining the information to place on an Accident Register under the Paperwork Reduction Act (PRA) is slight for this particular class of motor carriers because these motor carriers do not have the accident exposure that other motor carriers experience.

6. Impact of less frequent collection of information.

An entry on the Accident Register is defined as all requisite information about a single accident. The collection of this information requires less time and fewer resources of motor carriers than other methods of examining and assessing their accident experience. The Accident Register provides ready access to this information, and enables FMCSA to determine whether a more in-depth assessment of the detailed records should be undertaken. The Accident Register and the file documents enable FMCSA to exercise appropriate safety and regulatory oversight of motor carriers.

7. Special circumstances:

There are no special circumstances associated with this IC.

8. Compliance with 5 CFR 1320.8.

On September 9, 2010, the FMCSA published a notice in the Federal Register (75 FR 54940) with a 60-day public comment period to announce the proposed revision of this ICR (Attachment C). No comment was received in response to this notice.

On December 14, 2010, the FMCSA published a notice in the Federal Register (75 FR 77939) with a 30-day comment period that announced this ICR would be sent to OMB for approval.

The FMCSA consults on a regular basis with representatives of the motor carrier and highway safety communities relative to all its recordkeeping and reporting requirements. The Agency seeks opportunities to streamline the collection and retention of this information, in part, to minimize the burden on motor carriers and State agencies.

9. Payment or gifts to respondents.

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

10. Assurance of confidentiality.

None of the information is considered confidential.

11. Justifications for collection of sensitive information.

There are no questions of a sensitive nature.

12. Estimates of the burden hours for information requested.

Section 390.15 requires interstate motor carriers to maintain an Accident Register containing information about each “accident” in which its CMVs are involved. As explained in detail in section 2 of this document, both “CMV” and “accident” have specific definitions in the FMCSRs, and the FMCSRs prescribe the minimum information that must appear in the Accident Register. An “entry” on the Accident Register is defined for purposes of this estimate as all the required information about a single accident. Accidents that do not involve injury to persons, or damage to property requiring that the CMV be towed, do not have to be included in the Accident Register. Motor carriers must maintain the required information about an accident for a period of 3 years from the date of the accident.

Each accident that must be reported in the Accident Register creates a paperwork burden for the motor carrier. For the purpose of this analysis, FMCSA began by quantifying the number of carriers subject to these record keeping requirements. A recent count of those carriers with recent activity shows a total of 498,465,¹ (Attachment E) which was rounded for these burden calculations to 500,000. FMCSA data also indicate that there were approximately 75,000 motor carrier accidents subject to the Accident Register Rule in 2009.² (Attachment F). The FMCSA estimates that the time necessary to gather, review and enter the requisite information, and to retain it, is a total of 18 minutes³ (Attachment G).

The total annual burden is approximately **22,500 hours (75,000 accidents × 18 minutes per accident ÷ 60 minutes per hour).**

Estimated Annual Respondents: 500,000

Estimated Annual Responses: 75,000

Estimated Annual Burden Hours: 22,500

1 Motor Carrier Management Information System (MCMIS), as of June 17, 2010. Carriers with recent activity are those that have had an inspection, a crash, a compliance review, a safety audit, an FMCSA Motor Carrier Identification Report (Form MCS150) update, a vehicle registration activity, or a Unified Carrier Registration (UCR) system payment activity in the last 3 years.

2 Motor Carrier Management Information System (MCMIS)

3 This estimate is derived using an activity-based approach incorporating methods published by the Association of Records Managers and Administrators (<http://www.arma.org/>).

Occasionally, information about accidents that do not fall under the requirements of Section 390.15 is collected by the motor carrier and placed in its Accident Register. Certain States and liability insurance companies require motor carriers to maintain accident reports that do not fall within the parameters of Section 390.15. Some motor carriers choose to retain the details of non-Section 390.15 accidents. However, such entries do not create a paperwork burden recognized by the PRA because the information is not collected pursuant to a Federal mandate.

13. Estimate of total annual costs to respondents.

Additional costs to respondents for the Accident Recordkeeping requirements are associated with document storage. Cost estimates on storage vary. The FMCSA assumes that a record will not occupy more than approximately ¼ inch of space. Since storing 1.2 cubic feet of space (equal to 48.8 quarter inches) costs approximately \$3.60 per year, the average cost will not exceed \$.07 per year ($\$3.60/48.8$) per report⁴ (Attachment H). Thus, the total additional costs for retaining accident records for 3 years is \$15,750 [$75,000 \times 3 \times \0.07].

14. Estimate of cost to the Federal government.

This IC does not impose costs on the Federal government.

15. Explanation of program changes or adjustments.

The decrease from 32,040 annual burden hours to 22,500 annual burden hours is entirely the result of FMCSA's revised estimate of the number of accident entries that must be recorded in the Accident Register of a motor carrier pursuant to Section 390.15 each year. The reason for the reduction in the estimate is that FMCSA has obtained more accurate data on the number of such motor carrier accidents.

16. Publication of results of data collection.

N/A. This is a recordkeeping requirement only.

17. Approval for not displaying the expiration date for OMB approval.

FMCSA does not request such approval.

18. Exception to certification statement.

There are no exceptions to the certification statement for this ICR.

⁴ According to Shoreline Records Management the cost would be as little as \$.30 cents per month for 1.2 cubic feet of space. <http://www.shorelinerecordsmanagement.com/blog/bid/22180/How-much-does-it-cost-to-store-a-box-of-files>

Part B: Collections of Information Employing Statistical Methods.

This ICR does not employ statistical methods.

Attachments

- A. Title 49 CFR part 390, Federal Motor Carrier Safety Regulations; General.”
- B. “Definition of Commercial Motor Vehicle; Requirements for Operators of Small Passenger-Carrying CMVs” (66 FR 2756), January 11, 2001.
- C. Sixty-day Comments Request Federal Register Notice (75 FR 54940), September 9, 2010.
- D. Thirty-day Comments Request Federal Register Notice (75 FR 77939), December 14, 2010.
- E. Regulatory Evaluation Prepared for the Unified Carrier Registration Final Rule, March 2010.
- F. Motor Carrier Management Information System (MCMIS).
- G. Derived using an activity-based approach incorporating methods published by the Association of Records Managers and Administrators (<http://www.arma.org/>).
- H. Shoreline Records Management report,
<http://www.shorelinerecordsmanagement.com/blog/bid/22180/How-much-does-it-cost-to-store-a-box-of-files>.