

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

SUPPORTING STATEMENT

**Hours of Service of Drivers Regulations
Application for Extension and Modification**

INTRODUCTION

The purpose of this supporting statement is to request the Office of Management and Budget (OMB) to extend its current approval of the information collection (IC) entitled, “Hours of Service of Drivers Regulations,” formerly “Hours of Service of Drivers Regulations, Supporting Documents,” (OMB Control Number of 2126-0001). The Federal Motor Carrier Safety Administration (FMCSA or the Agency) requests extension for a period of 3 years. FMCSA also requests approval of a minor modification of its estimate of the total burden hours of this IC.

On August 20, 2010, OMB approved FMCSA’s most recent calculation of the paperwork burden of the hours-of-service (HOS) rules (49 CFR 395). The paperwork burden estimate was 181,270,000 hours.

Calculation of the currently-approved paperwork burden accounted for the Agency’s final rule “Electronic On-Board Recorders (EOBR) for Hours-of-Service Compliance”, (EOBR I) published on April 5, 2010 ((75 FR 17208) (**Attachment A**). The EOBR rule established procedures enabling the Agency to order the purchase, installation and use of EOBRs by motor carriers whose operations fell below an acceptable level of safety. Thus, for the first time, the burden estimate of this IC included motor carriers who would be required to use EOBRs. However, on August 26, 2011, the United States Court of Appeals for the 7th Circuit vacated EOBR I. *Owner-Operator Independent Drivers Association, Inc. et al. v. FMCSA*” 656 F. 3d 580 (7th Cir., 2011)(**Attachment B**). For this reason, this application for extension of the IC also seeks approval of a revised estimate of the total paperwork burden hours of the IC.

The automated features of EOBRs reduce the time drivers and motor carriers use in creating, transmitting and storing HOS records. The Court’s vacation of EOBR I “returns” an estimated 5,700 motor carriers to the use of paper HOS records. Therefore, FMCSA’s estimate of the paperwork burden of this IC is slightly higher than the currently approved estimate.

PART A. JUSTIFICATION.

1. Circumstances that make the collection of information necessary:

Section 390.5 of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR 350 *et seq.*)(**Attachment C**) defines the term “commercial motor vehicle” (CMV) as “A self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle--

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|---|---|---|
| (1)
Has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;
Or | (2)
Is designed or used to transport more than 8 passengers (including the driver) for compensation;
Or
(3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or | (4)
Is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103." |
|---|---|---|

The FMCSRs are applicable to individuals who drive CMVs in interstate commerce, and to the motor carriers that employ those individuals (49 CFR 390.3(a))(**Attachment D**). The HOS rules are in Part 395 of the FMCSRs and apply to both property and passenger motor carriers. The HOS rules set limits on the on-duty time and driving time of CMV drivers, and mandate the amount and frequency of the time off-duty that such drivers must receive. Two types of information are collected under this IC: (1) the record of duty status (RODS), commonly referred to as a “logbook,” that CMV drivers are required to maintain, and (2) documents, such as gasoline and toll receipts, that may be used to verify the accuracy of the RODS. These “supporting documents,” typically collected by the driver in the ordinary course of business, must be retained by the motor carrier, with the RODS, for a period of 6 months from the date of receipt (49 CFR 395(k)(1)).

The RODS contains a 24-hour grid on which the CMV driver enters his or her duty status. CMV drivers must record their duty status as one of the following:

1. On-duty/driving,
2. On duty/not driving,
3. Off duty, or
4. Sleeper berth.

Lines extending from the X-axis of the 24-hour grid represent the 24 hours of the day, and lines extending from the Y-axis permit entry of one of the four duty statuses. Each time a driver’s duty status changes, he or she must mark the point that corresponds to

both the time and the new duty status (49 CFR 395.8(h)) (**Attachment E**). Thus, both the new duty status, and the time the driver entered that status, are captured on the RODS. When complete, the RODS reflects the driver's duty status at all times during the 24-hour period.

Both the driver and the motor carrier must ensure that the RODS are accurate. If a RODS is inaccurate or falsified, both the driver and the motor carrier are in violation of the FMCSRs, and subject to the penalties prescribed by those rules (49 CFR 395.8(e)) (**Attachment F**).

Drivers must have RODS, as well as supporting documents, with them in the CMV for the current day and for the most recent 7 days during which RODS were required (49 CFR 395.8(k)(2)). Drivers are required to forward their RODS to their motor carriers within 13 days of completing them (49 CFR 395.8(i)) (**Attachment G**).

Motor carriers must systematically review the RODS and supporting documents of their CMV drivers. They also must maintain these records for at least 6 months from the time of receipt (49 CFR 395.8(k)(1)) (**Attachment H**).

CMV drivers who travel limited distances ("short-haul drivers") during their duty day are relieved by regulation of the requirements of using and possessing a RODS (49 CFR 395.1(e)(1)) (**Attachment I**). In lieu of the RODS, however, they must track three pieces of information by means of a "time card" record at the motor carrier's place of business: the time they reported for duty, the time they were released from duty, and the total hours they were on duty that workday.

The time-card record is required by the regulations of the U.S. Department of Labor (DOL). Because that Agency reports the paperwork burden to OMB separately, FMCSA does not report the paperwork burden to avoid overstating the burden of the time card. For more information, see Item 4.

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

The primary mission of the FMCSA is to reduce crashes, injuries and fatalities involving large trucks and buses. The Secretary of Transportation has delegated to FMCSA its responsibility under 49 U.S.C. §§ 31136 and 31502 (**Attachments J and K**) to prescribe regulations that ensure that CMVs are operated safely.

The safe operation of a CMV requires alert drivers. The FMCSRs 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 L**).

The operation of CMVs by drivers who are overly fatigued is a serious safety problem. The RODS and supporting documents of the HOS rules have historically provided the Agency with its most effective tool in combating driver fatigue. Enforcement officials at roadside employ the RODS and supporting documents to determine the amount of rest a driver has obtained prior to the driver's current duty day. They also determine the amount of time the driver has been on duty that duty day, and the amount of time the driver has been behind the wheel driving during the duty day. Finally, they examine the RODS for as many as 8 of the immediately preceding days in order to determine compliance with the HOS rules. The RODS is an invaluable tool in the detection of inaccurate and falsified logs, and thus in getting fatigued, unsafe drivers off the road.

In addition, enforcement officials employ the RODS and supporting documents retained by the motor carrier when conducting on-site compliance reviews (CR) of motor carriers. The safety assessments that result from such reviews are public information, and many shippers routinely examine the assessments, as well as crash and regulatory compliance records, when selecting a motor carrier to retain. A negative rating on a CR can be damaging to a motor carrier's business. In addition, courts of law typically find CR assessments important evidence in prosecutions of HOS violations.

Furthermore, the Motor Carrier Safety Assistance Program (MCSAP) requires States, as a condition of receiving grant funding, to adopt and enforce State CMV safety laws and regulations that are compatible with the FMCSRs (49 CFR 350.201(a)) (**Attachment M**). As a condition of receiving MCSAP grants, States agree to adopt State regulations that are compatible with the FMCSRs, including the HOS rules. States thereby embrace the Federal enforcement scheme for regulating safety in the operation of CMVs, and work closely with Federal investigators in enforcing the HOS rules.

Motor carriers also help FMCSA detect fatigued drivers. It is in their interest to be proactive in detecting inaccuracy or falsification of RODS by their CMV drivers in order to avoid the penalties resulting from such infractions. Motor carriers examine the supporting documents, such as fuel receipts, toll receipts, bills of lading, and repair invoices, and compare them to the entries on the RODS. This comparison of the supporting documents to the RODS helps the motor carrier verify the accuracy of the HOS reported by their CMV drivers. Motor carrier use of the RODS and supporting documents of their drivers enhances adherence to the HOS rules, keeps fatigued drivers off the road, and helps FMCSA protect the public.

This IC supports the Department of Transportation's Strategic Goal of Safety because the information helps the Agency improve the safety of drivers operating CMVs on our Nation's highways.

3. Extent of automated information collection:

At this time, Agency calculations do not take account of the reduction in the HOS paperwork burden that this limited use of technology affords. The FMCSA is currently conducting research on the trucking industry that will provide the Agency the basis for an

estimate of the use of electronic technology for the purpose of recording HOS data. The result, of course, will be a reduction in the paperwork burden of this IC.

4. Describe efforts to identify duplication:

For approximately 1 in 3 CMV drivers, the information on the employee's time card satisfies the HOS requirements. The FMCSA does not dictate the form in which the data required by the "time card" exception (49 CFR 395.1(e)) must appear. Rules of the DOL require the employer to maintain this information (29 CFR 516.2) (**Attachment N**). By taking advantage of the information required by the DOL, FMCSA eases the paperwork burden of drivers and motor carriers.

5. Efforts to minimize the burden on small businesses:

Many motor carriers that qualify for the "time record" provision (49 CFR 395.1(e)) are small businesses. Many drivers working for these motor carriers are short-haul drivers, or those who operate commercial vehicles not requiring a CDL, operate within a 150 air-mile radius from their home base, drive much less than 11 hours per day, and return to their reporting location each night. Drivers operating under such schedules are not the primary focus of the HOS rules because accident data indicate that fatigue is not prevalent in this segment of the trucking industry. Moreover, these vehicles are under-represented in truck-related fatal crashes. This provision removes at least 239,400 drivers each year from the requirement to maintain a logbook on board the CMV.

6. Impact of less frequent collection of information:

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 O**). 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 operates a CMV at a later time that day, the appropriate entry for that activity is "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 is in the process of developing regulations to further clarify these requirements. The FMCSA believes this RODS information is more valuable to State and FMCSA enforcement personnel when it is entered at each change of duty status. This practice increases the likelihood that the RODS will not be altered in order to fraudulently gain driving time or on-duty time. If the information were collected less frequently, the task of identifying violations of the HOS rules, especially during roadside inspections, would be considerably more difficult.

7. Special circumstances:

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8:

On June 6, 2011, the FMCSA published a notice in the Federal Register providing a 60-day public comment period on the paperwork burden of the HOS rules (76 FR 32388) (**Attachment P**). The Agency received 1 public comment and responded to it by correspondence to the commenter.

The FMCSA published a notice in the Federal Register (76 FR 50313) with a 30-day public comment period to announce that this proposed ICR would be sent to OMB for approval on August 12, 2011(see **Attachment Q**).

9. Payments or gifts to respondents:

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

10. Assurance of confidentiality:

Personally Identifiable Information (PII) will be protected to the extent allowed by the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended and the Privacy Act of 1974.

11. Justification for collection of sensitive information:

The HOS rules require CMV drivers to enter their name on their RODS. In addition, at the end of their duty day, drivers must verify the accuracy of the RODS by placing their signature at the foot of the RODS. Entry of the driver's name creates sensitive information, but is necessary to accurately identify the driver who completed the RODS. The other information collected under this IC -- "supporting documents" (such as gasoline and toll receipts) -- does not contain PII.

As explained in Item 2 above, law enforcement officials at roadside employ the CMV driver's RODS as the primary tool for determining if the driver is in compliance with the HOS rules. In addition, State and FMCSA investigators use the RODS records of a motor carrier as the primary tool for assessing compliance with the HOS rules.

Violations of the HOS rules subject drivers and motor carriers to penalties prescribed by law. In order to prosecute these violations, whether at roadside or by other legal action, the Agency must be able to identify the driver.

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 documents: RODS, supporting documents and time cards. The RODS is the log of driver's activity and rest; most drivers are required to have it on-board the CMV at all times. The supporting documents contain information to corroborate 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. As previously noted, the Agency does not report a paperwork burden for the time card information because the DOL already accounts for the burden associated with that information.

The currently approved paperwork burden of the HOS rules is 181.27 million hours, calculated as follows:

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

DRIVER (rounded)	MOTOR CARRIER (rounded)	TOTAL BURDEN (rounded)
126.59 hours	54.68 hours	181.27 hours

This Revision

The FMCSA estimates the current paperwork burden of the HOS rules to be 184.38 million hours, as follows:

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

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

In this revision, FMCSA updates its estimate of the paperwork burden of the HOS rules to remove its earlier estimate that 5,700 motor carriers would be subject to an Agency remedial directive to install EOBRs each year. This estimate is removed as a result of the 7th Circuit’s decision; the 5,700 motor carriers are (again) included in the Agency’s estimate of the number of motor carriers using paper-based records of duty status. The elimination of the time savings associated with EOBR usage by these motor carriers is the direct cause of the increase in the Agency’s paperwork burden estimate.

Number of CMV drivers

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

<u>A</u>	<u>B</u>	<u>A - B</u>
Drivers Subject to the HOS Rules	Short-Haul Drivers Exempt from RODS and Supporting	Drivers Required to Complete the RODS and Maintain

	Documents Requirements	Supporting Documents
7.0	2.4	4.6

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 Agency believes that approximately 34% of the 7 million drivers, or 2.4 million drivers, are engaged in short-haul operations, and as such are exempt from the requirement to maintain RODS. This percentage has been employed by the Agency in its paperwork burden estimates continuously since 2005, and has been approved by OMB on several occasions. The remaining 4.6 million CMV drivers (7 million drivers less 2.4 million drivers) are subject to the RODS and supporting documents 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 on which RODS were required, 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.

The Agency believes it is impractical to attempt to account for voluntary use of EOBRs by drivers and motor carriers at this time. The Agency is, however, conducting research that should provide the foundation for the Agency to develop a reasonable estimate of EOBR usage. Of course, exclusion from these estimates of all voluntary use of EOBRs results in an overestimation of the paperwork burden of this IC.

HOS Paperwork Burden on Motor Carriers and Drivers

The Agency derives its overall paperwork burden estimate for this IC by combining six components of the burden. The six components correspond to tasks that are mandated by the HOS rules, as follows:

Table 4: TASKS ASSOCIATED WITH THE HOS RULES

	1	2	3
CMV 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

PAPERWORK BURDEN OF THE HOS TASKS OF CMV DRIVERS

Driver Task 1: Filling Out the RODS

Table 5: CMV DRIVER
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).

Driver Task 2: Forwarding the RODS to the Motor Carrier

Table 6: CMV DRIVER
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 R). 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 driver’s burden associated with forwarding the supporting documents should be excluded from the burden of this IC because the document forwarding is a “usual and customary” activity. 5 CFR 1320.3(b)(2) states as follows:

“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.”

The FMCSA believes that CMV drivers would still forward these supporting documents to their employing motor carrier in the absence of the HOS requirement that they do so (49 CFR 395.8(i)) because, as a condition of employment, motor carriers require drivers to maintain and deliver these documents. Motor carriers use these records to satisfy other legal obligations. One example of such an obligation is that imposed by the rules of the 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 these expenses, in this case including receipts for gasoline, lodging, repair, and toll expenses, must be retained by the motor carrier or owner-operator in order to be available to substantiate this deduction (the general practice of motor-carrier employers is to reimburse their driver-employees for such expenses). 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 included an estimate of the burden of forwarding the RODS in Task 2. The Agency concludes that Task 3 creates no 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: TOTAL BURDEN OF CMV DRIVER TASKS

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 THE HOS TASKS OF MOTOR CARRIERS

Motor Carrier Task 1: Reviewing the RODS and Supporting Documents

Table 8: MOTOR CARRIER
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 S). 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 and supporting documents.

There are 4.6 million CMV drivers completing a RODS each working day. Therefore, motor carriers review 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 using an average of 3 supporting documents. Two minutes for each of 2.30 million RODS-reviews creates a total time burden of 4.60 million minutes per day for this task (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
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
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 of motor carriers 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 OF DRIVERS AND MOTOR CARRIERS

The Agency therefore estimates the total paperwork burden for all tasks associated with the HOS rules 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: 184.38 million hours (129.18 million driver hours + 55.20 million carrier hours).

Estimated Annual Respondents: 4.93 million (4.60 million drivers + 0.33 million motor carriers that review RODS and supporting documents).

Estimated Annual Responses: 3,979,000,000 million (1,104 million driver RODS + 115 million sets of driver RODS forwarded to motor carriers + 552 million RODS reviewed by motor carriers + 1.104 million RODS maintained + 1,104 million sets of supporting documents maintained) .

13. Estimate of total annual costs to respondents:

Capital and Startup Cost

The Agency conservatively 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 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).

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:

As explained on page 1, the increase in the paperwork burden is less than 2%, and is the direct result of the decision of the 7th Circuit Court of Appeals vacating the EOBR rule. This resulted in a program adjustment increase of 3,110,000 estimated annual burden hours [184,380,000 proposed estimated annual burden hours – 181,270,000 previously approved estimated annual burden hours].

Vacation of the EOBR rule is estimated to reduce the cost to respondents by \$53,504,040 per year. This is the amount the Agency estimated the cost of the rule increased when the EOBR mandate was imposed. The OMB approved this estimate in its most recent approval of this IC. The savings is the result of the elimination of the cost of purchasing and installing EOBRs for an estimated 5,700 motor carriers with poor safety performance histories.

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. Final Rule, “Electronic On-Board Recorders for Hours-of-Service Compliance,” (75 FR 17208; April 5, 2010).
- B. *Owner-Operator Independent Drivers Association, Inc. et al. v. FMCSA*, 656 F. 3d 580 (7th Cir., 2011) .
- C. 49 CFR 390.5. Definitions.
- D. 49 CFR 390.3(a), General applicability.
- E. 49 CFR 395.8(h), Graph grid preparation.
- F. 49 CFR 395.8(e), Driver’s record of duty status.
- G. 49 CFR 395.8(i), Filing driver’s record of duty status.
- H. 49 CFR 395.8(k)(1), Retention of driver’s record of duty status.
- I. 49 CFR 395.1(e)(1), Short-haul operations.
- J. 49 U.S.C. §31136, United States Government.
- K. 49 U.S.C. § 31502, Requirements for qualification, hours of service, safety, and equipment standards.
- L. 49 CFR 392.3, Ill or fatigued operator.
- M. 49 CFR 350.201(a), What conditions must a State meet to qualify for Basic Program Funds?
- N. 29 CFR 516.2, Records to be kept by employers.
- O. 49 CFR 395.8(f)(1), Entries to be current.
- P. 60-day Federal Register notice (76 FR 32388), June 6, 2011.
- Q. 30-day Federal Register notice, (76 FR 50313), August 12, 2011.
- R. 49 CFR 395.8(i).
- S. 49 CFR 395.8(e).