

**Justification for Nonmaterial/Nonsubstantive Change for
OMB Control Number 2126-0017 ICR**

Financial Responsibility, Trucking and Freight Forwarding

This Justification for a Nonmaterial/Nonsubstantive Change is to request the Office of Management and Budget's (OMB) approval of nonsubstantive changes to Forms BMC-84 and BMC-85 in the OMB Control Number 2126-0017, "Financial Responsibility, Trucking and Freight Forwarding" information collection request (ICR).

Currently, all brokers of interstate transportation must have a surety bond or trust fund in effect and on file with the Federal Motor Carrier Safety Administration (FMCSA) in the amount of either \$10,000 or \$25,000 in the case of Household Goods Brokers. All brokers must file evidence of compliance with this requirement using either Form BMC-84 (Surety Bond) or Form BMC-85 (Trust Fund). Last year, Congress enacted, Moving Ahead for Progress in the 21st Century Act (MAP-21); P.L. 112-141, 126 Stat. 405, Section 32918, July 6, 2012.(See Attachment 1), which included a requirement that FMCSA increase the current surety bond levels applicable to brokers to \$75,000 and extended this requirement to freight forwarders of interstate transportation. Congress directed FMCSA to make these non-discretionary changes effective on October 1, 2013. To effectuate these statutory requirements, FMCSA must amend Forms BMC-84 and BMC-85.

The information collected on the forms will continue to be used to ensure brokers and freight forwarders comply with financial responsibility requirements. The changes to the form merely acknowledge the new minimum levels of financial responsibility for all brokers and reflect that Congress extended the mandate to freight forwarder as wells. No other changes to the form will be made and no new or additional information will be collected. The changes to this form are solely limited to making those nondiscretionary changes Congress mandated that the Agency implement by October 1, 2013. This nonmaterial/nonsubstantive change to each form is being requested in accordance with changes to Title 49, Code of Federal Regulations, revised Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, at § 387.307(a)(2).

We estimate only a slight change in annual burden hours for the information requested. The updated total annual burden of the information collection is 458 hours associated with Form BMC-84 and 730 hours with Form BMC-85. The Agency estimates that the changes to the Forms BMC-84 and BMC-85 would result in a small change in the number of respondents to the forms and would have no impact on the currently-approved 10 minutes for the average number of minutes a respondent spends completing either form. This Nonmaterial/Nonsubstantive Change would result in a total increase of 146 burden hours, 880 responses, and 880 respondents to Forms BMC-84 and BMC-85.

**Estimate of ICR Applications and Responses
Including Addition of Freight Forwarders for Forms BMC-84 and BMC-85**

IC/Form Number	Previous Annual Burden Hours	New Annual Burden Hours	Previous Number of Applications	New Number of Applications	Previous Number of Respondents	New Number of Respondents
IC-1, BMC-91	69	69	415	415	315	315
IC-2, BMC-91X	28,588	28,588	171,530	171,530	107,235	107,235
IC-3, BMC-34	673	673	4,038	4,038	2,818	2,818
IC-4, BMC-82	9	9	55	55	30	30
IC-5, BMC-83	1	1	5	5	4	4
IC-6- BMC-84	405	458	2,430	2,750	2,115	2,435
IC-7, BMC-85	637	730	3,820	4,380	3,180	3,740
IC-8, BMC-35	23,345	23,345	140,070	140,070	80,760	80,760
IC-9, BMC-36	231	231	1,385	1,385	1,330	1,330
IC-10, BMC-40	200	200	5	5	5	5
Total	54,158	54,304	323,753	324,633	197,792	198,672

IC-6: Form BMC 84, Property Broker's Surety Bond

The FMCSA estimates that Form BMC-84 takes approximately 10 minutes to complete for a new application and 2 minutes for the government to process the paper form.

Estimated Annual Burden to Respondents: 458 Hours [2,750 x 10 minutes/60 minutes = 458].

Estimated Annual Number of Respondents: 2,435.

Estimated Annual Number of Responses: 2,750.

IC-7: Form BMC 85, Property Broker's Trust Fund Agreement

The FMCSA estimates that Form BMC-85 takes approximately 10 minutes to complete for a new application and 2 minutes for the government to process the paper form.

Estimated Annual Burden to Respondents: 730 Hours [4,380 x 10 minutes/60 minutes = 730].

Estimated Annual Number of Respondents: 3,740.

Estimated Annual Number of Responses: 4,380.

Estimated Total Annual Burden Hours: 54,304 (69 IC-1 BMC-91 applications + 28,588 IC-2 BMC-91X applications + 673 IC-3 BMC-34 applications + 9 IC-4 BMC-82 applications + 1 IC-5 BMC-83 applications + 458 IC-6 BMC-84 applications + 730 IC-7 BMC-85 applications + 23,345 IC-8 BMC-35 applications + 231 IC-9 BMC-36 applications + 200 IC-10 BMC-40 applications).

Estimated Number of Annual Responses: 324,633 (415 IC-1 BMC-91 applications + 171,530 IC-2 BMC-91X applications + 4,038 IC-3 BMC-34 applications + 55 IC-4 BMC-82 applications + 5 IC-5 BMC-83 applications + 2,750 IC-6 BMC-84 applications + 4,380 IC-7 BMC-85 applications + 140,070 IC-8 BMC-35 applications + 1,385 IC-9 BMC-36 applications + 5 IC-10 BMC-40 applications).

Estimated Number of Annual Respondents: 198,672 (315 IC-1 BMC-91 responses + 107,235 IC-2 BMC-91X responses + 2,818 IC-3 BMC-34 responses + 30 IC-4 BMC-82 responses + 4 IC-5 BMC-83 responses + 2,435 IC-6 BMC-84 responses + 3,740 IC-7 BMC-85 responses + 80,760 IC-8 BMC-35 responses + 1,330 IC-9 BMC-36 responses + 5 IC-10 BMC-40 responses).