

Department of Transportation
Office of the Chief Information Officer

SUPPORTING STATEMENT
Transportation of Hazardous Materials; Highway Routing

INTRODUCTION:

This is to request the Office of Management and Budget's (OMB) approval for the proposed extension of the OMB Control Number 2126-0014, "Transportation of Hazardous Materials, Highway Routing," information collection request (ICR), which will expire on 2/28/2014. The ICR is being extended so that the Federal Motor Carrier Safety Administration (FMCSA) can comply with the statutory regulatory requirement to update and annually publish a registry of hazardous materials routing designations.

A. Justification.

1. Circumstances that make collection of information necessary:

Highway Routing designations are collected under authority of 49 U.S.C. 5112 and 5125 (Attachments A and B). That authority places responsibility on the Secretary of Transportation (Secretary) to specify and regulate standards for establishing, maintaining, and enforcing routing designations. The FMCSA, in compliance with regulations codified in 49 CFR § 397.73(b) is required to provide Federal standards for States and Indian tribes if they establish, maintain, or enforce non-radioactive hazardous materials highway routing designations.

The information collection requirements contained in this request for renewal are required by 49 CFR § 397.73 (Attachment C). These requirements have been determined to be essential by FMCSA and to be the minimum required to satisfy 49 CFR § 397.73. Several States and Indian tribes have designated/restricted highway routes and/or imposed restrictions or limitations affecting the highway transportation of certain hazardous materials. While these localized routing designations are intended to improve safety, the proliferation of uncoordinated State and local routing designations could impede the free flow of commerce, have little or no demonstrable positive effect on public safety, and result in the exportation of risk from one jurisdiction to another.

This information collection supports the DOT Strategic Goals of Safety, Reduced Congestion, and Security, Preparedness, and Response by providing timely routing information to ensure the safe transportation of non-radioactive hazardous materials.

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

The FMCSA maintains the current status of all highway routing designations in a database and publishes this information annually so carriers of placarded non-radioactive hazardous materials (NRHM) will have knowledge of the restrictions. The information will only become necessary if

the States and/or Indian tribes choose to designate routes. If the data is not collected, the requirements of 49 CFR § 397.73 will not be met. FMCSA maintains a website which displays the current database at [_](#)

3. Extent of automated information collection:

The FMCSA estimates that 100% of the States and Indian tribes are providing the information electronically. States that are presently restricting/designating routes are using state of the art technology to collect and organize this information. The FMCSA utilizes a computer system to store and retrieve the routing information. This enables FMCSA to provide routing information as mandated by statute. States and Indian tribes that do not have this state of the art technology will provide FMCSA documentation to insure the correct information is provided.

4. Efforts to identify duplication:

There are no existing reporting requirements or available data that duplicate the information which is collected.

5. Efforts to minimize the burden on small businesses:

This information collection does not apply to small businesses. This information requirement only involves States and Indian tribes that choose to implement highway routing designations.

6. Impact of less frequent collection of information:

Under 49 CFR § 397.73, FMCSA is required to publish an annual report of designations of the routing systems. If this information is not collected, FMCSA will not be able to meet the statutory requirements of the Hazardous Materials Transportation Uniform Safety Act.

7. Special circumstances:

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8:

The FMCSA published a notice in the Federal Register (78 FR 63280) with a 60-day public comment period to announce this proposed information collection on October 23, 2013 (see Attachment D). One comment related to this ICR was received in response to this notice (see Attachment E). The American Trucking Association (ATA) proposed the following three changes that would bring this ICR into compliance with the requirements of Public Law 112-141, Moving Ahead for Progress in the 21st Century Act (MAP-21).

1. FMCSA should clarify that States must, rather than may, submit hazmat routing information to it. Response: FMCSA concurs and will address this in future rulemakings that will implement Section 33013 of MAP-21.
2. FMCSA should change the State reporting requirements to every two years or within 60 days of making a routing change, whichever is sooner. Response: FMCSA concurs and

will address this this in future rulemakings that will implement Section 33013 of MAP-21.

3. FMCSA should regularly publish a national routing list in the Federal Register.

Response: FMCSA concurs and the Agency is preparing for the release of an updated hazardous materials route registry that is expected for publication in the Federal Register in the near future.

FMCSA letter reply to commenter provided at Attachment F.

The FMCSA published a notice in the Federal Register (79 FR 9034) with a 30-day public comment period that announced this information would be sent to OMB for approval on February 14, 2014 (see Attachment G).

9. Payments or gifts to respondents:

No payments or gifts will be provided to the respondents.

10. Assurance of confidentiality:

The information to be collected is not confidential and is available to the public.

11. Justification for collection of sensitive information:

The information to be collected is not sensitive in nature.

12. Estimate of burden hours for information requested:

The FMCSA estimates there will be an average of one annual response per State/U.S. Territory/Indian tribe and that each response will impose an estimated burden of 15 minutes, or 0.25 hours.

The Hazardous Material Routing Program was initiated in 1992. There are 35 States/U.S. Territories that have designated hazardous materials highway routes. In addition, 15 States/U.S. Territories have submitted reports on hazardous material routing citing no designated highway routes. There has been one response for designated routes from an Indian tribe. Based on these reports, the estimated annual burden is approximately **13 hours (51 respondents × 0.25 hour)**.

Estimated Total Annual Burden Hours: 13 hours [51 annual respondents × 15 minutes/60 minutes per response = 12.75, rounded to 13].

Estimated Number of Annual Respondents: 51 [35 States/U.S. Territories with designated hazardous materials highway routes + 15 States/U.S. Territories without designated hazardous materials highway routes + 1 Indian tribe with a designated route = 51].

Estimated Number of Annual Responses: 51

13. Estimate of total annual costs to respondents:

There are no costs to respondents beyond those associated with the annual hourly burden (not to be included here).

14. Estimate of cost to the Federal government:

The annual cost to the Federal Government is \$25,940 based on the following estimates:

Data Entry: Conducted as a preliminary duty by a Grade 9 Transportation Specialist at FMCSA headquarters. The labor cost of this activity is estimated to be about \$43 per hour, comprising wages of \$28.13 per hour¹, employee benefits equal to 36.45 percent of wages,² and overhead expenses equal to 12 percent of wages and benefits³ ($\$42.99 = \$28.13 \times (1 + 0.3645) \times (1 + 0.12)$). Time spent on this activity is estimated at 20 hours per quarter. With 4 quarters per year at a labor rate of about \$43 per hour, the total annual labor cost of this activity would be \$3,440 ($\$43 \text{ per hour} \times 20 \text{ hours per quarter} \times 4 \text{ quarters}$).

Internet site: \$15,000.00 (Updates, Maintenance)

Printing Cost & Staff Review Process: Average 20 pages annually at \$375.00 per page for a total of \$7,500.00.

Estimated Total Annual Cost to the Federal Government: \$25,940 [$\$3,440$ for data entry + $\$15,000$ for Internet site + $\$7,500$ for printing and review].

15. Explanation of program changes or adjustments:

There are no program changes or adjustments due to the extension of this ICR.

16. Publication of results of data collection:

The collection of information will be used to inform the affected parties of hazardous materials highway routing designations. The information will be collected and published in the Federal Register annually. Any changes will be published periodically to update the report. If a State, U.S. Territory or Indian Tribe chooses not to designate routes for the transportation of placarded non-radioactive material, only a statement to that effect is required to be submitted to FMCSA. Once a State, U.S. Territory or Indian Tribe implements a program, it will have 90 days to report this information and 60 days to notify FMCSA of any changes.

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

No such approval is requested.

18. Exceptions to certification statement:

1 The 2012 GS-9, step 5 pay rate.

2 <http://www.whitehouse.gov/omb/memoranda/fy2007/m07-02.pdf>

3 http://www.whitehouse.gov/omb/circulars/a076/a76_incl_tech_correction.html

No exceptions to the certification statement are requested.