



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**SEP 11 2013**

Refer to: MC-ECS

James J. Johnston  
President  
Owner Operator Independent  
Drivers Association, Inc.  
P.O. Box 1000  
Valley, MO 64029

Dear Mr. Johnston:

I want to thank you for your comments in response to Docket FCMSA-2013-0050: Agency Information Collection Activities; Proposals and Submissions and Approvals: Lease and Interchange of Vehicles. In your comments OOIDA asks, several questions;

“Is this the first time since the Truth in Leasing Rules were adopted that FMCSA has initiated a request for comments on this ICR?”

In 2009, the National Transportation Safety Board recommended to FMCSA that the Agency require passenger motor carriers be subject to the same limitations on the leasing of equipment as interstate for-hire motor carriers of cargo (*NTSB Recommendation H-09-33*). Since 2012, the Office of Management and Budget has published an FMCSA Unified Agenda entry entitled “Lease and Interchange of Vehicles; Motor Carriers of Passengers,” RIN 2126-AB44, that would adopt regulations governing the lease and interchange of passenger-carrying commercial motor vehicles similar to the leasing of equipment by interstate for-hire motor carriers of cargo. (<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2126-AB44>). As the Spring 2013 Unified Agenda shows, and a review of the OMB website reveals, the “Lease and Interchange of Vehicles; Motor Carriers of Passengers,” RIN 2126-AB44, has been under review by OMB since March 15, 2013, was expected to be published in July 2013, and FMCSA expects OMB to approve it any day now for publication later this year. The proposal for bus carriers to address the NTSB recommendation has similar information collection requirements as the truck leasing rules which needed to be estimated and accounted for under the PRA to have legal effect.

“Who or what prompted the initiation of this ICR, and what is its purpose?”

In addition to the response to question 1, the “Lease and Interchange of Vehicles; Motor Carriers of Passengers,” RIN 2126-AB44, is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement by operating under the authority of another carrier that exercises no actual control over those operations. This action will enable the FMCSA, the National Transportation Safety Board (NTSB), and our Federal and State partners to identify motor carriers transporting passengers in interstate commerce and correctly assign responsibility

to these entities for regulatory violations during inspections, compliance investigations, and crash studies. It also provides the general public with the means to identify the responsible motor carrier at the time of motorcoach transportation.

“Why is FMCSA attempting to study an area of regulation that Congress largely left in the hands of private parties and that FMCSA has steadfastly refused to become involved in despite several entreaties by OOIDA in the past?”

The detailed lease and interchange regulations for cargo-carrying vehicles have been in effect since 1950 and are not within the scope of the “Lease and Interchange of Vehicles; Motor Carriers of Passengers,” RIN 2126-AB44, proposal. The information collection request in this *truck leasing* action will establish a baseline that the *proposed bus leasing rule* will then be added to get a total burden to the public for FMCSA regulations covering *all leases and interchanges of CMVs*.

OOIDA correctly pointed out a mistake in the 60-day notice. “This ICR will enable FMCSA to document the burden associated with the **marking regulations** codified in 49 C.F.R. Part 376. Someone must have used the CMV marking notice as the template and did not change the sentence properly

Thank you again for taking the time to comment on this initiative.

A handwritten signature in black ink, appearing to read "Paul Bomgardner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul Bomgardner  
Acting Chief, Compliance Division