

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

**SUPPORTING STATEMENT**

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

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) three-year approved clearance of revision of the information collection (IC) entitled, "Hours of Service (HOS) of Drivers Regulations" (OMB Control Number of 2126-0001). The Federal Motor Carrier Safety Administration (FMCSA or the Agency) requests extension for a period of 3 years.

This supporting statement revises the Agency's estimate of the information-collection burden of the Agency's "Hours of Service of Drivers" regulations (49 CFR part 395) (the HOS rules). On December 11, 2011, OMB approved FMCSA's most recent estimate of the paperwork burden of this IC of 184.38 million hours. This approval expires on December 31, 2014. This submission estimates the paperwork burden of this IC to be 90.94 million hours.

Two principal factors compel this revision. First, the Agency updates its estimate of the population of CMV drivers subject to the recordkeeping requirements of the HOS rules. Second, this supporting statement accompanies FMCSA's Supplemental Notice of Proposed Rulemaking (SNPRM) titled "Electronic Logging Devices (ELDs) and Hours of Service Supporting Documents," (79 FR 17656) published on 28 March 2014) (**Attachment A**). The Agency estimates the paperwork burden of the HOS rules as they would exist under the ELD proposal.

**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 390 *et seq.*) (Attachment B) 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;<br>Or | (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation;<br>Or<br>(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." |
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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 B). 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” are collected by the driver in the course of the duty day. Motor carriers must retain the RODS for 6 months [49 CFR 395.8(k) (1)] (Attachment C).

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 C). 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 C).

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)) (Attachment C). Drivers are required to forward their RODS and these documents to their motor carriers within 13 days of their creation [49 CFR 395.8(i)] (Attachment C). Motor carriers must systematically review the RODS and supporting documents of their CMV drivers.

The SNPRM proposes that short-haul drivers be exempt from the ELD mandate. The HOS rules permit short-haul drivers to operate without a RODS on board the CMV [49 CFR 395.1(e)] (Attachment D) if their motor carrier maintains a limited “time card” record at the place of business. That record must contain the time the driver reported for duty, the time the driver was released from duty, and the total hours the driver was on duty that day. Regulations of the U.S. Department of Labor (DOL) require employers to record this information for other purposes (29 CFR 516.2) (Attachment E). For this reason, FMCSA does not report a paperwork burden for the “time card” task.

## **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 F and G) 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 H).

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.

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, repair invoices, and compare them to the entries on the RODS. Comparison of the supporting documents to the RODS helps the motor carrier check the accuracy of the HOS reported by their CMV drivers. This process enhances adherence to the HOS rules, keeps fatigued drivers off the road, and helps FMCSA protect the public.

Section 32301(b) of the Commercial Motor Vehicle Safety Enhancement Act, enacted as part of MAP-21 [Pub. L. 112-141, 126 Stat. 405, 786-788 (July 6, 2012)] requires the Secretary to adopt regulations requiring that commercial motor vehicles (CMVs) operated by drivers in interstate commerce be equipped with ELDs to record the duty status of drivers in accordance with the HOS rules. The SNPRM advances the rulemaking that will satisfy this requirement.

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:**

The SNPRM proposes the automation of HOS recordkeeping. After a two-year transition period, ELDs will be required in of CMVs operated by interstate drivers who are required to maintain a RODS (see Question 5). ELDs substantially reduce the paperwork burden of this information collection.

### **4. Describe efforts to identify duplication:**

As explained in Question 1, FMCSA avoids duplication and eases the paperwork burden of drivers and motor carriers by capitalizing on the "time card" data required by the DOL.

### **5. Efforts to minimize the burden on small businesses:**

Over 80% of the motor carriers in the Agency's MCMIS database operate 5 or fewer commercial motor vehicles, so the Agency regulates many small businesses. Some drivers are sole proprietors and thus are the "employer" and the "motor carrier" under the FMCSRs. Many of the drivers who under the "short-haul" exception [49 CFR 395.1(e)] work for small businesses. By qualifying for the "short-haul" exemption, they do not have to maintain a detailed RODS on board the vehicle. FMCSA accident data indicate that short-haul drivers are under-represented in truck-related fatal crashes. The Agency only requires that the motor carrier maintain minimal duty-status data in a "time card" record. These "short-haul" drivers and their motor carriers have no information collection burden under the HOS rules because, under regulations of the DOL, this time-card data must be collected anyway (see Question 1).

## **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 C). Each time the duty status changes, the driver must record this fact. For example, if a driver begins the duty day in an activity other than driving a CMV, the appropriate entry is “on duty/not driving.” When the driver operates a CMV later that day, he or she must enter “on-duty/driving” at that time. 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 FMCSA is charged with keeping fatigued drivers off the highways. The detailed entries on the RODS are critical to this process. The entries decrease the likelihood that drivers or motor carriers can fraudulently conceal on-duty time or falsify off-duty time. If the entries were less frequent, it would be very difficult for enforcement personnel to detect HOS violations. A detailed record of the driver’s duty status is critical to the important safety work of enforcement personnel, especially at roadside.

## **7. Special circumstances:**

There are no special circumstances related to this information collection.

## **8. Compliance with 5 CFR 1320.8:**

On 1 February 2011, FMCSA published a Notice of proposed rulemaking (NPRM) entitled, “Electronic Logging Devices and Hours of Service Supporting Documents,” (76 FR 5537) in the Federal Register providing 60 days for public comment on the Agency’s paperwork burden estimates for this ICR. The comments received in response to this NPRM were addressed in the SNPRM.

On 28 March, 2014, FMCSA published the SNPRM entitled, “Electronic Logging Devices and Hours of Service Supporting Documents,” (79 FR 17656) in the Federal Register providing 60 days for public comment on the Agency’s paperwork burden estimates for this ICR. The comments received in response to this SNPRM will be addressed in the final rule.

## **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:**

As explained in Question 2, law enforcement officials at roadside employ the CMV driver's RODS as the primary tool for determining if the driver complies with the HOS rules. In addition, investigators at a motor carrier's place of business use the RODS records of a motor carrier as the primary tool for assessing compliance with the HOS rules. 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 signing the RODS. These entries create sensitive information, but this information is essential to accurately identifying the author of the record. The HOS rules impose duties and obligations on drivers and motor carriers. The law prescribes penalties for motor carriers and drivers violating the HOS rules, such as by falsifying a RODS. The identity of the author of the RODS is essential to effective prosecution of these violations. The other information collected under this IC -- "supporting documents" (such as gasoline and toll receipts) -- does not contain PII.

## **12. Estimate of burden hours for information requested:**

The HOS rules require the collection of information about the rest and duty hours of CMV drivers. The information is collected in the form of the RODS, supporting documents and time cards. The RODS is the log of driver's activity and rest; drivers subject to this requirement are required to have the RODS on-board the CMV at all times. The supporting documents contain information that supports 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 where the vehicle was located at that time. Of course, it may indicate that the RODS is inaccurate; 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 ("short-haul drivers") are permitted to employ time cards in lieu of the RODS and supporting documents. 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.

### *Population of CMV Drivers*

This document incorporates FMCSA's revised estimate of the number of drivers of commercial motor vehicles (CMVs) subject to the recordkeeping requirements of the HOS rules. In 2011, FMCSA estimated this population at 4.6 million drivers. As detailed below, FMCSA now estimates this population at 2.84 million drivers.

As in past supporting statements, FMCSA derives its estimate by first determining the total population of CMV drivers, and then subtracting the number of that population who are not subject to the HOS recordkeeping requirements. The CMV drivers not subject to HOS recordkeeping are short-haul drivers and drivers who operate entirely in intrastate commerce.

- **Short-Haul Drivers:** Short-haul drivers are subject to most of the on-duty and off-duty requirements of the HOS rules, but are exempt from the requirement to maintain an HOS record. The SNPRM proposes that these drivers would also be exempt from using ELDs. All part 395 recordkeeping requirements apply to this HOS record, so these drivers experience no information-collection burden under the HOS rules. In 2011, FMCSA estimated the population

of these short-haul CMV drivers to be 2.4 million. The Agency’s 2013 data indicates that the population of interstate short-haul drivers of CMVs is .59 million. The Agency excludes .59 million short-haul drivers from the baseline population of drivers.

- **Drivers Operating Exclusively in Intrastate Commerce:** In 2011, FMCSA included intrastate CMV drivers in the driver population estimate it provided to OMB. However, these drivers are not subject to the HOS rules; the HOS rules only apply to drivers operating in interstate commerce. FMCSA’s 2013 data indicates that approximately .84 million CMV drivers operate exclusively in intrastate commerce. The Agency excludes .84 million intrastate CMV drivers from the baseline driver population figure.

The Agency estimates the population of CMV drivers subject to the recordkeeping requirements of the HOS rules to be 2.84 million, as follows:

Table 1: Population of CMV Drivers (millions)

Baseline	Less Short-Haul Drivers	Less Intrastate-Only Drivers	Drivers Subject to HOS Recordkeeping Requirements
4.32	.64	.84	2.84

*The Information-Collection Tasks of the HOS Rules*

The HOS rules require drivers and motor carriers to perform 3 information-collection tasks each, as follows:

Table 4: Information-Collection Tasks

	1	2	3
CMV Driver	Filling Out RODS	Forwarding RODS to the Motor Carrier	Forwarding Supporting Documents to the Motor Carrier
Motor Carrier	Reviewing RODS	Maintaining RODS	Maintaining Supporting Documents

Whether the driver is using paper-based RODS or an ELD, the HOS rules require the same information-collection tasks to be performed.

The Agency derives its paperwork burden estimate for this IC by analyzing each of these information collection tasks. OMB rules require Agencies to estimate the paperwork burden of a final rule over the 3-year period immediately following publication of the final rule. The SNPRM proposes that the current HOS rules (paper logs) remain in effect during the first two years following publication of the final ELD rule. It proposes that motor carriers and drivers would be required to use ELDs for recording duty status information beginning with the third year. FMCSA derives the burden estimate of this request by averaging the PRA burden of the 3

years. The Agency estimates separately the burden of Year 1, Year 2, and Year 3, adds the 3 estimates, and divides the sum by 3.

The PRA burden for Years 1 and 2 is based upon the use of paper RODS; the PRA burden for Year 3 is based upon the use of ELDs. FMCSA analyzes the PRA burden of paper RODS first, and then analyzes the PRA burden of ELDs.

## ANALYSIS OF THE BURDEN OF PAPER RODS

### CMV DRIVER TASKS

#### **Driver Task 1: Filling Out the RODS**

Table 5: CMV DRIVER FILLING OUT THE RODS

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)
2.84	6.50	18.44	240	4426	73.76

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 2.84 million CMV drivers takes an average of six and a half minutes each workday to fill out the RODS, or a total of 18.44 million minutes per day (2.84 million RODS daily x 6.5 minutes per RODS). The FMCSA estimates that, on average, CMV drivers work 240 days per year. Therefore, 73.76 million hours per year are expended filling out the RODS [(18.44 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

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)
2.84	5	14.20	25	355	5.91

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 C). The Agency estimates that forwarding the RODS requires 5 minutes each time it is undertaken. There are 2.84 million CMV drivers subject to this requirement, so each day 14.20 million minutes are expended in



forwarding the RODS (5 minutes x 2.84 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 355 million minutes per year on this activity (14.20 million minutes per day x 25 times per year). Therefore, the Agency estimates the total annual burden of this requirement to be 5.91million hours (355 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.

**Total Burden for CMV Drivers – Paper RODS (Tasks 1, 2, and 3)**

The total annual paperwork burden for all CMV drivers is 79.67 million hours.

Table 7: TOTAL BURDEN OF CMV DRIVER USING PAPER RODS (millions)

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 (HOURS)
73.76	5.91	0	79.67

## MOTOR CARRIER TASKS – Paper RODS

### Motor Carrier Task 1: Reviewing the RODS and Supporting Documents

Table 8: MOTOR CARRIER: REVIEWING RODS

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)
2.84	1.42	2.00	2.84	240	681	11.35

Motor carriers must ensure that the RODS of their CMV drivers are complete and accurate [49 CFR 395.8(e)] (Attachment C). 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 2.84 million CMV drivers completing a RODS each working day. Therefore, motor carriers review 1.42 million RODS each working day (2.84 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 1.42 million reviews creates a total time burden of 2.84 million minutes per day for this task (1.42 million RODS reviewed x 2 minutes per review). The total for the 240 working days in a year is 681million minutes (2.84 million minutes x 240 days), or 11.35 million hours (681million minutes/60 minutes in an hour).

### Motor Carrier Task 2: Maintaining the RODS

Table 9: MOTOR CARRIER: MAINTAINING RODS

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)
2.84	1	2.84	240	681	11.35

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 2.84 million minutes per day spent by all motor carriers

(2.84 million drivers creating a RODS each day x 1 minute per RODS). Therefore, for the year of 240 working days, 681 million minutes (2.84 million minutes per day x 240 days), or 11.35 million hours (681 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 SUPPORTING DOCUMENTS

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)
2.84	1	2.84	240	681	11.35

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 2.84 million minutes per day expended on this task (2.84 million CMV drivers creating supporting documents x 1 minute each), or 681 minutes per year (2.84 million minutes x 240 working days). This computes to a total of 11.35 million hours expended by motor carriers for maintaining the supporting documents (681 minutes/60 minutes per hour).

**Total Burden for Motor Carriers – Paper RODS (Tasks 1, 2, and 3)**

The total annual paperwork burden for all motor carriers is 34.04 million hours annually.

Table 11: MOTOR CARRIER – Paper RODS  
TOTAL BURDEN OF TASKS 1, 2 and 3 (millions of hours)

Reviewing the RODS	Maintaining the RODS	Maintaining Supporting Documents	TOTAL MOTOR CARRIER BURDEN PAPER RODS
11.35	11.35	11.35	34.04

**TOTAL BURDEN OF DRIVERS AND MOTOR CARRIERS – Paper RODS**

The Agency estimates the total paperwork burden for all tasks associated with paper RODS to be 113.72 million hours.

Table 10: TOTAL ANNUAL BURDEN of Paper RODS (millions of hours)

DRIVER	MOTOR CARRIER	TOTAL
79.67 million	34.04 million	113.72 million

**ANALYSIS OF THE BURDEN OF ELD RODS**

**CMV DRIVER TASKS – ELD RODS**

**Driver Task 1: Filling Out the ELD RODS**

Table 5: Annual Burden of CMV Driver Filling Out the RODS (millions of hours)

Number of RODS per day (millions)	Minutes Required By Each Driver to Complete the RODS	Number of Working Days Per Year	Total Minutes Required by All Drivers to Complete the RODS (millions)	Hours On Task of All Drivers (millions)
2.84	2.0	240	1,362	22.70

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”). FMCSA estimates a CMV driver takes an average of 2.0 minutes each workday to use an ELD to fill out a RODS. The driver works an average of 240 days per year; the total annual PRA burden from drivers using an ELD to fill out a RODS is 22.29 million hours.

**Driver Task 2: Forwarding the ELD RODS to the Motor Carrier**

CMV drivers are also responsible for forwarding ELD RODS to the employing motor carrier within 13 days of its completion (49 CFR 395.8(i)). FMCSA has accounted for this PRA burden in past estimates it has submitted to OMB. However, ELDs forward logs to the motor carrier automatically without driver intervention. The Agency revises its estimate of the information-collection burden of this task to zero burden hours.

**Driver Task 3: Forwarding Supporting Documents to the Motor Carrier**

CMV drivers submit supporting documents to the motor carrier. The Agency has consistently treated the driver’s burden associated with forwarding the supporting documents as a “usual and customary” activity, as defined by §1320.3(b) (2):

“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.”

FMCSA believes that CMV drivers would forward supporting documents to the 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, such as receipts for gasoline, lodging, repair, and toll expenses, must be retained to be available to substantiate this deduction (most motor-carrier employers 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.

**SUMMARY: Burden for CMV Drivers – ELD RODS**

The paperwork burden for CMV drivers using ELD RODS is 22.70 million hours.

Table 7: Annual Hourly Burden of Driver ELD Tasks (millions of hours)

Task 1 Completing the RODS (millions)	Task 2 Forwarding RODS to the Motor Carrier	Task 3 Forwarding Supporting Documents to the Motor Carrier	Total Driver Burden (millions)
22.70	0	0	22.70

## MOTOR CARRIER TASKS – ELD RODS

### Motor Carrier Task 1: Reviewing the RODS and Supporting Documents

Table 8: Annual Burden of Motor Carrier Reviewing ELD RODS and Supporting Documents  
(millions of hours)

Number of RODS Reviewed Daily (50% of total)	Minutes Required to Complete This Task	Number of Working Days Per Year	Total Minutes on Task	Total Hours On Task (millions)
1.42	2	240	681	11.35

Motor carriers must ensure that the RODS of their CMV drivers are complete and accurate [49 CFR 395.8(e)] (**Attachment N**). 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. 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, or 1.393 million RODS each working day. FMCSA estimates that the average motor carrier spends 2 minutes to review each RODS and its average of 3 supporting documents. The annual total burden from carriers reviewing RODS is 11.14 million hours.

### Motor Carrier Task 2: Maintaining the RODS

Motor carriers are required to maintain RODS for a period of six months after receipt (49 CFR 395.8(k) (1)). The final rule mandates the use of ELDs by all drivers and motor carriers. The electronic records created by ELDs are automatically maintained in the motor carrier's database. The Agency revises its estimate of the information-collection burden of this task to zero burden hours.

### Motor Carrier Task 3: Maintaining the Supporting Documents

Table 10: Motor Carrier Maintaining the Supporting Documents (millions of hours)

Daily Number of RODS With Supporting Documents (millions)	Minutes per Task	Number of Working Days Per Year	Annual Total Minutes on Task (millions)	Annual Total Hours On Task (millions)
2.84	1	240	681	11.35

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. The total annual burden from carriers maintaining supporting documents is 11.35 million hours.

**SUMMARY: Burden for Motor Carriers – ELD RODS**

The total annual paperwork burden of motor carriers using ELD RODS is 22.70 million hours.

Table 11: Total Burden of Motor Carrier Tasks – ELD RODS (millions of hours)

Task 1: Hours Reviewing the RODS (millions)	Task 2: Hours Maintaining the RODS (millions)	Task 3: Hours Maintaining the Supporting Documents	Total Motor Carrier Burden (rounded)
11.35	0	11.35	22.70

**Total Paperwork Burden of ELD RODS**

The Agency estimates that when ELDs are mandated for HOS recordkeeping, the total paperwork burden for all tasks associated with the HOS rules will be 45.39 million hours, as follows:

Table 12: Burden – ELD RODS (millions of hours)

Driver	Motor Carrier	Total Burden
22.70	22.70	45.39

**TOTAL ESTIMATED PAPERWORK BURDEN**

OMB rules require Agencies to estimate the paperwork burden of a final rule over the 3-year period immediately following publication of the final rule. FMCSA combines its estimates of the burden of 2 years of paper HOS recordkeeping and the burden of 1 year of electronic HOS recordkeeping. The sum is 272.83 million hours (113.72 + 113.72 + 45.39). The Agency divides this sum by 3 to determine the average of the paperwork burden over this particular 3-year period, and determines its estimate of the paperwork burden for this request: 90.94 million hours (272.83/3).

Table 13: Estimated Paperwork Burden (millions of hours)

YEAR 1	YEAR 2	YEAR 3	Burden for the 3-Year Period
113.72	113.72	45.39	90.94

**Estimated Total Annual Burden Hours:** The Agency estimates the paperwork burden of the HOS rules (-0001) for this 3-year period to be 90.94 million hours. The estimated 90.94 million annual burden hours consist of (47.47 million hours change due to the Agency discretion to update the population of drivers subject to the record keeping requirements + 45.97 million hours due to adjustment in the Agency estimate of the paperwork burden that would exist under the ELD mandate in this SNPRM.

**Estimated Annual Number of Respondents:** The Agency estimates the annual respondents to be 2.84 million (the number of CMV drivers).

**Estimated Annual Number of Responses:** The Agency estimates the responses to be 681.60 million (2.84 million drivers × 240 RODS per driver per year).

### **13. Estimate of total annual costs to respondents:**

The Agency provides a cost estimate for the three-year period following publication of the final rule mandating the use of ELDs. This final rule amends the HOS rules. It will provide a two-year period for transition from paper-based RODS to electronic RODS. During this period, the HOS rules will be unchanged and motor carriers and drivers may continue to employ paper RODS. During the third year, motor carriers and drivers will be required to operate CMVs equipped with ELDs, and all RODS data must be in electronic form.

Thus, for the first 2 years of this IC estimate, the costs will be based upon paper logs. For the third year, the costs will be based upon the use of electronic logs.

#### *Costs: Years 1 and 2*

Approximately 2.84 million drivers are required to maintain a RODS, or log, on board the CMV. The Agency estimates that a paper logbook for one driver for 30 days costs about \$3.50, so the cost for 12 months of logbooks is \$42.00 per driver. The estimated annual cost for paper RODS for all drivers is approximately \$119.28 million ( $\$42.00 \times 2.84$  million drivers).

In addition, motor carriers are required to maintain RODS and supporting documents. The Agency estimates that there are approximately 2,674.56 million HOS records in paper form per year (668.64 million paper RODS and 2,005.92 million supporting documents). Motor carriers will need approximately one million filing cabinets holding approximately 2,500 records each to store these records. The Agency estimates that a filing cabinet of this size can be obtained at the cost of \$50.00, and will last 20 years. The cost of one million filing cabinets is, therefore, \$4.4 million, annualized over twenty years. The total annual cost of compliance with the HOS rules during this period is approximately \$123.68 million ( $\$119.28$  million for driver RODS + \$4.4 million for maintenance of RODS and supporting documents).

#### *Year 3*

Drivers and motor carriers will be required to employ ELDs for recordation of the RODS during this year. Drivers will not be allowed to use paper to record RODS data; motor carriers will be required to maintain RODS data electronically. As a result, the cost of compliance with the HOS rules will change significantly during year 3. The Agency estimates that the annualized cost of using and maintaining ELDs will be \$940.1 million per year. The details of this estimate are found in the Agency's Regulatory Impact Analysis. This document is located in the docket of the ELD rulemaking: FMCSA-2010-0167.

Therefore, the Agency estimates the average cost of using and maintaining HOS records by means of ELDs is \$395.82 million over the 3-year period (Year 1 - \$123.68 million + Year 2 - \$123.68 million + Year 3 - \$940.1 million = \$1187.46 million, divided by 3 = \$395.82 million).



**14. Estimate of annual cost to the Federal government:**

This IC imposes no collection, transmission or storage costs on the Federal government. These documents are collected by the drivers, maintained by the motor carriers and FMCSA does not require that the information be submitted to the agency. Consequently, FMCSA does not incur any costs related to this information. A motor carrier must make the information available when an FMCSA investigator conducts an on-site review at the motor carrier’s place of business or terminal.

**15. Explanation of program changes or adjustments:**

FMCSA’s revised estimate of the total annual burden of this IC is 93.44 million hours less than the approved burden.

Table 13: Revision to Annual Burden Estimate (millions)

	This Estimate	Approved by OMB in 2011	Adjustment/Change
Total Hours	90.94	184.38	- 93.44

Two principal factors compel this revision. First, the Agency updates its estimate of the population of CMV drivers subject to the recordkeeping requirements of the HOS rules. Second, the Agency incorporates an estimate of the paperwork burden of the HOS rules as they would exist under FMCSA’s Supplemental Notice of Proposed Rulemaking (SNPRM) titled “Electronic Logging Devices (ELDs) and Hours of Service Supporting Documents.”

The estimated 93.44 million decrease in the annual burden hours for this ICR consist of (-47.47 million hours program adjustment decrease due to Agency discretion to update the population of CMV drivers subject to the record keeping requirements + -45.97 million hours program change decrease due to the Agency estimate of the paperwork burden that would exist under the ELD mandate in this SNPRM.

**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 this approval.

**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.