

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

**SUPPORTING STATEMENT  
Accident Recordkeeping Requirements**

**Introduction**

This is to request the Office of Management and Budget's (OMB) approval for the proposed revision of the OMB Control Number 2126-0009, "Accident Recordkeeping Requirements," (Accident Register) information collection request (ICR) which will expire on May 31, 2014. The Agency now estimates the annual burden of this ICR to be 26,700 hours, representing an increase of 4,200 hours due to the use of updated Agency data.

**Part A. Justification**

**1. Circumstances that make the collection of information necessary.**

All duties under this information collection are borne by motor carriers. 49 CFR 390.15 (Attachment A) requires interstate motor carriers to maintain an Accident Register consisting of a list of all accidents (both interstate and intrastate) involving their commercial motor vehicles (CMVs) and make all records and information pertaining to CMV accidents available to an authorized representative or special agent of FMCSA upon request. Section 390.15 further spells out the information that motor carriers must obtain and maintain about their CMV accidents. Motor carriers must retain such accident information for 3 years from the date of the accident. The definition of a CMV may be found in 49 U.S.C. 31132.

This ICR supports the DOT strategic goal of safety. By requiring motor carriers to gather and record information concerning CMV crashes, FMCSA is strengthening its ability to assess the safety performance of motor carriers and their drivers. The information helps the Agency to assist motor carriers in preventing CMV crashes and in reducing the severity of the accidents that do occur. The information also provides support to several FMCSA safety initiatives.

**2. How, by whom, and for what purpose the information is to be used.**

"Motor carrier" is defined by 49 CFR 390.5 (Section 390.5) as "any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it ..." (Attachment A).

"Commercial motor vehicle" is defined by Section 390.5 as:

- A self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle--
- (A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;
- (B) is designed or used to transport more than 8 passengers (including the driver) for compensation;
- (C) is designed or used to transport more than 15 passengers, including the

driver, and is not used to transport passengers for compensation; or  
(D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

Section 390.15 requires motor carriers to maintain an Accident Register containing certain information about each “accident” involving their CMVs. “Accident” is defined by Section 390.5 as:

an occurrence involving a CMV operating on a highway in interstate or intrastate commerce which results in: (1) a fatality; (2) bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle. The term accident does not include (i) an occurrence involving only boarding or alighting from a stationary motor vehicle, or (ii) an occurrence involving only the loading or unloading of cargo.

Interstate motor carriers must record all qualifying accidents in the Accident Register without regard to whether its CMV was engaged in interstate commerce at the time of the accident.

Pursuant to section 390.15(b)(1), a motor carrier must obtain, at a minimum, the following information about each CMV accident:

- (i) date of accident,
- (ii) city or town in which or most near where the accident occurred and the State where the accident occurred,
- (iii) driver name,
- (iv) number of injuries,
- (v) number of fatalities, and
- (vi) whether hazardous materials, other than fuel spilled from the fuel tanks of the motor vehicle, were released.

In addition, Section 390.15(b)(2) requires that “copies of all accident reports required by State or other governmental entities or insurers” be included in the Accident Register.

The FMCSA does not prescribe a specific form for Accident Register information. An “entry” on the Accident Register is defined for purposes of this estimate as the entry of all the information about a single accident that is required by Section 390.15.

When conducting a compliance review (CR) of a motor carrier at its place of business, FMCSA investigators examine the motor carrier’s Accident Register. This information can be valuable in assessing the safety performance of the motor carrier. For instance, it may reveal accidents that, for various reasons, were not reported to the FMCSA by the State, and thus are not part of FMCSA’s record of the motor carrier’s accident history. Though improvement in accident reporting is being made, there remain accidents that are not, for various reasons, reported to FMCSA’s national accident data base. In addition, a motor carrier’s Accident Register may

include accidents that do not satisfy the definition of “accident” under section 390.5, but have nonetheless been included in the Accident Register. Sometimes the motor carrier’s liability insurance company requires the motor carrier to enter accidents that do not fall within the Section 390.15 requirement. The information may corroborate other evidence or assist the FMCSA investigator in establishing a violation of a Federal Motor Carrier Safety Regulation (FMCSR). For example, data entered in the Accident Register may conflict with information contained in other documents, such as the record of duty status (RODS), or logbook, of a CMV driver, and point to illegal falsification of the RODS by the driver, the motor carrier, or both.

On March 30, 2004, FMCSA published a final rule titled “Safety Performance History of New Drivers” (69 FR 16684). According to that rule, motor carriers must, upon request by a second motor carrier considering a former employee of the motor carrier for a driver position, provide the accident history of that individual while in their employ (49 CFR 391.23). The burden created on the former motor carrier to review its files and report the appropriate information to the requesting employer is included in a separate ICR titled, “Driver Qualification Files,” (OMB Control Number 2126-0004). However, the burden of gathering this information, completing the Accident Register entry, and maintaining the entry for 3 years, is included in this IC.

### **3. Extent of automated information collection.**

Motor carriers may use any automated methods at their disposal to collect and maintain this information. The FMCSA only requires that the motor carrier make the information available for review by an authorized representative or special agent of FMCSA upon request, or in response to the written inquiry of another motor carrier considering hiring one of the motor carrier’s former driver-employees.

### **4. Efforts to identify duplication.**

The FMCSA has authority to enforce safety regulations applicable to CMVs operating in interstate commerce. The information gathered and maintained pursuant to this ICR may be a synopsis of information derived from other records, such as police accident reports, driver’s reports, and correspondence from insurance companies. However, there may be property-damage-only (PDO) accidents that are not recorded by such entities. Such Accident Register information assists FMCSA in its CR of the motor carrier by allowing FMCSA to form a more complete picture of the safety performance of the motor carrier. The Accident Register provides this information and imposes a minimum of PRA burden on the motor carrier. Accident Register information is not duplicative of other Agency information collections.

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

The FMCSRs require all motor carriers operating CMVs in interstate commerce to provide assistance in investigations and special studies. The section 390.5 definition of “accident” excludes less serious accidents from the Accident Register, and also excludes motor vehicle accidents involving motor vehicles with a gross vehicle weight rating of 10,000 pounds or less (except trailers used in vehicle combinations with gross combination weight ratings of 10,001 or more pounds), vehicles designed to transport 15 or fewer passengers not for compensation,

vehicles designed or used to transport 8 or fewer passengers for compensation, and vehicles transporting non-placarded quantities of hazardous materials. Many small businesses utilize such vehicles and thus are not required to maintain an Accident Register.

On January 11, 2001, the Agency published a final rule titled, “Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs” (66 FR 2756) (Attachment B). The rule requires motor carriers operating CMVs designed or used to transport 9 to 15 passengers, including the driver, for compensation, to meet certain requirements of the FMCSRs, including those contained in Section 390.15. However, FMCSA believes that the burden of compiling and maintaining the information to place on an Accident Register under the Paperwork Reduction Act (PRA) is slight for this particular class of motor carriers because these motor carriers do not have the accident exposure that other motor carriers experience.

#### **6. Impact of less frequent collection of information.**

An entry on the Accident Register is defined as all requisite information about a single accident. The collection of this information requires less time and fewer resources of motor carriers than other methods of examining and assessing their accident experience. The Accident Register provides ready access to this information, and enables FMCSA to determine whether a more in-depth assessment of the detailed records should be undertaken. The Accident Register and the file documents enable FMCSA to exercise appropriate safety and regulatory oversight of motor carriers.

#### **7. Special circumstances:**

There are no special circumstances associated with this IC.

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

On February 14, 2014, the FMCSA published a notice in the Federal Register (79 FR 9032) with a 60-day public comment period announcing the proposed revision of this ICR (Attachment C). Two comments were received in response to this notice. The first respondent expressed concern about the lack of notification by the reporting officer at the crash scene to the driver and motor carrier. In a recent accident, he was not made aware the accident was a DOT Recordable Accident until it was reported by the officer on the police report. The respondent did not address the ICR burden of the Accident Register. The second respondent suggested that the Agency could better utilize the information contained in the Accident Register by improving Police Accident Reports (PARs). However, PARs are designed and used exclusively by State and local enforcement agencies; the FMCSA lacks authority to amend or otherwise improve PARs.

On May 6, 2014, the FMCSA published a notice in the Federal Register (79 FR 25983) with a 30-day comment period announcing that this ICR (Attachment D) would be sent to OMB for approval.

The FMCSA consults on a regular basis with representatives of the motor carrier and highway safety communities relative to all the Agency’s recordkeeping and reporting requirements. The

Agency seeks opportunities to streamline the collection and retention of this information to minimize the burden on motor carriers and State agencies.

**9. Payment or gifts to respondents.**

Respondents are not provided with any payment or gift for this ICR.

**10. Assurance of confidentiality.**

None of the information is considered confidential.

**11. Justifications for collection of sensitive information.**

There are no questions of a sensitive nature.

**12. Estimates of the burden hours for information requested.**

FMCSA estimates the total annual burden of the Accident Register requirements to be 26,700 hours.

Section 390.15 requires interstate motor carriers to maintain an Accident Register containing information about each “accident” in which its CMVs are involved. As explained in detail in section 2 of this document, both “CMV” and “accident” have specific definitions in the FMCSRs, and the FMCSRs prescribe the minimum information that must appear in the Accident Register. Accidents that do not involve injury to persons, or damage to property requiring that the CMV be towed, do not have to be included in the Accident Register. Motor carriers must maintain the required information about an accident for a period of 3 years from the date of the accident.

Each accident that must be reported in the Accident Register creates an information collection burden for a motor carrier. Agency records indicate that approximately 516,294 motor carriers actively operate CMVs in interstate commerce.<sup>1</sup> We round this figure and estimate that 520,000 motor carriers are subject to the requirements of this ICR. FMCSA data also indicate that in 2012 there were approximately 89,000 CMV “accidents” as defined by §390.15.<sup>2</sup> The FMCSA estimates that the time necessary to gather, analyze, and record the information required by that regulation -- and to retain or store it – totals 18 minutes<sup>3</sup> (Attachment E).

FMCSA estimates the total annual information collection burden to be 26,700 hours (89,000

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1 Motor Carrier Management Information System (MCMIS), as of December 14, 2012. Interstate freight (504,093) and passenger (12,201) carriers with recent activity are those that have had an inspection, a crash, a compliance review, a safety audit, an FMCSA Motor Carrier Identification Report (Form MCS150) update, a vehicle registration activity, or a Unified Carrier Registration (UCR) system payment activity in the last 3 years. Accessed at <http://www.fmcsa.dot.gov/documents/facts-research/CMV-Facts.pdf> on September 25, 2013.

2 Motor Carrier Management Information System (MCMIS), number of large truck and buses in interstate carrier operations in the U.S. involved in fatal, injury, and tow-away crashes. Accessed at <http://ai.fmcsa.dot.gov/CrashStatistics/rptCarrier.aspx?rpt=OPER> on September 25, 2013.

3 An activity-based approach incorporating methods published by the Association of Records Managers and Administrators (<http://www.arma.org/>) was employed to derive this estimate (Attachment G).

accidents × 18 minutes per accident ÷ 60 minutes per hour).

Estimated Annual Respondents: 520,000.

Estimated Annual Responses: 89,000.

Estimated Total Annual Burden Hours: 26,700.

Occasionally, motor carriers collect accident information that does not fall within the parameters of §390.15. Some of these motor carriers record the information in the Accident Register. In addition, some States and some insurance carriers require their insured motor carriers to maintain accident information that FMCSA does not require under §390.15. The collection of such extraneous information does not create an information collection burden cognizable by the PRA.

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

The annual cost for respondents to comply with the Accident Register requirements of §390.15 is \$6,230.00.

Respondents incur costs with regard to storage of Accident Register information. The information on an accident must be retained for 3 years. FMCSA estimates that the required information on a typical accident occupies approximately ¼ inch in a typical storage file. It costs approximately \$3.60 per year to store 1.2 cubic feet of records. This space would accommodate 48.8 reports. Therefore, the average annual cost of storing the required information on a single accident is \$.07 ( $\$3.60/48.8$ )<sup>4</sup>(Attachment F). Thus, to store the required information on the 89,000 accidents that occur each year, respondents would incur an annual cost of compliance of \$6,230.00 [89,000 × \$.07].

### **14. Estimate of cost to the Federal government.**

This ICR does not impose costs on the Federal government; FMCSA does not collect the information that is the subject of this ICR. (Motor carriers maintain the Accident Register and must have it available for use by authorized representatives of FMCSA upon request).

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

The Agency made no changes to the accident recordkeeping program and the proposed increase in burden hours does not reflect any program changes. The program adjustment increase of 4,200 annual burden hours [26,700 proposed annual burden hours – 22,500 currently approved annual burden hours = 4,200] is due entirely to updated Agency data concerning the number of accidents for which §390.15 information must be collected by motor carriers.

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<sup>4</sup> According to Shoreline Records Management, the cost would be as little as \$.30 cents per month for 1.2 cubic feet of space. <http://www.shorelinerecordsmanagement.com/blog/bid/22180/How-much-does-it-cost-to-store-a-box-of-files>.

**16. Publication of results of data collection.**

FMCSA does not publish data gathered under this ICR. Motor carriers obtain and maintain all the information in their records; FMCSA does not receive this data.

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

FMCSA does not request such approval.

**18. Exception to certification statement.**

There are no exceptions to the certification statement for this ICR.

**Part B: Collections of Information Employing Statistical Methods.**

This ICR does not employ statistical methods.