

**SUPPORTING STATEMENT
FOR
JUSTIFICATION OF COMPLIANCE LABELING OF
RETROREFLECTIVE MATERIALS FOR HEAVY TRAILER CONSPICUITY
49 CFR SECTION 571.108
OMB Control Number 2127-0569**

JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate statute or regulation mandating or authorizing the collection of information.

49 U.S.C. 30111, 30112, and 30117 of the National Traffic and Motor Vehicle Safety Act of 1966 authorizes the issuance of Federal Motor Vehicle Safety Standards (FMVSS) and the collection of data which supports their implementation. The agency, in prescribing a FMVSS, is to consider available relevant motor vehicle safety data, and to consult with other agencies as it deems appropriate. Further, the Act mandates, that in issuing any FMVSS, the agency consider whether the standard is "reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed," and whether such standards will contribute to carrying out the purpose of the Act. The Secretary is authorized to promulgate such rules and regulations as deemed necessary to carry out this subchapter.

Using this authority, the agency issued the initial FMVSS No. 108, "Lamps, Reflective Devices, and Associated Equipment," specifying requirements for vehicle lighting for the purposes of reducing traffic accidents and their tragic results by providing adequate roadway illumination, improved vehicle conspicuity, appropriate information transmission through signal lamps, in both day, night, and other conditions of reduced visibility. The standard has been amended numerous times, and the subject amendment, which became effective on December 1, 1993, increases the conspicuity of large trailers at night through the use of retroreflective material. Research indicates that the number of accidents in which tractor/trailer type vehicles are struck in the rear and sides of the trailers would be reduced by about 15 percent if retroreflective material having certain essential properties is used to mark the trailers. The amendment requires the permanent marking of the letters "DOT-C2", "DOT-C3" or "DOT-C4" at least 3mm high at regular intervals on retroreflective sheeting material having adequate performance to provide effective trailer conspicuity.

The high reflective brightness of the material and its ability to reflect light which strikes it at an angle are special properties required by the safety standard. The high brightness is required because the material must be effective even when it is dirty. One of the principal goals of the standard is to prevent crashes in which the side of the trailer is blocking the road and it is not sufficiently visible at night to fast traffic. Frequently, the side of the trailer is not perpendicular to approaching traffic and the conspicuity material must reflect light which strikes it at an angle in order to be effective. There exist many

types of retroreflective material similar in appearance to the required materials but lacking in its requisite properties.

The manufacturers of new trailers are required to certify that their products are equipped with retroreflective material complying with the requirements of the standard. The Federal Motor Carrier Safety Administration enforces this and other standards through roadside inspections of trucks. There is no practical field test for the performance requirements, and labeling is the only objective way of distinguishing truck conspicuity grade material from lower performance material. Without labeling, FMCSA will not be able to enforce the performance requirements of the standard, and the compliance testing of new trailers will be complicated. Labeling is also important to small trailer manufacturers because it may help them to certify compliance.

The marking system serves the additional role of identifying the minimum stripe width required for the retroreflective brightness of the particular material. Since the difference between the brightness grades of suitable retroreflective conspicuity material is not obvious from inspection, the marking system is necessary for trailer manufacturers and repair shops to assure compliance and for FMCSA to inspect trailers in use.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate actual use of information received from the current collection.

Permanent labeling is used to identify retroreflective material having the minimum properties required for effective conspicuity of trailers at night. The information enables the FMCSA to make compliance inspections, and it aids trailer owners and repair shops in choosing the correct repair materials for damaged trailers. It also aids small trailer manufacturers in certifying compliance of their products.

The FMCSA will not be able to determine whether trailers are properly equipped during roadside inspections without labeling. The use of cheaper and more common reflective materials, which are ineffective for the application, would be expected in repairs without the labeling requirement.

3. Describe whether the collection of information involves the use of technological collection techniques or other forms of information technology.

The agency has not considered other methods of obtaining the information since this safety information is needed to be public and readily available, and the means required are the most expedient and convenient form for the user and the information supplier. There is no information submitted to the agency regarding this collection of information.

4. Describe efforts to identify duplication. Show specifically why similar information cannot be used.

The information to be collected would be new, and available from the manufacturer of the retroreflective material. There is no similar information in existence, since there are no unique labels now applied to conspicuity grade retroreflective material. Consequently, there would be no duplication.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The only present manufacturers of conspicuity grade retroreflective materials are 3M, Reflexite Corp. and Stimsonite Corp., none of which is a small business. However, the printing or molding of certification labels on a material, which undergoes other printing and molding processes in its manufacture, is such a slight burden that it would not be an element discouraging small businesses from the market. Consequently, there are no alternatives to those proposed to reduce the anticipated burden.

6. Describe the consequence to Federal Program or policy activities if the collection is not collected or collected less frequently.

Unless all retroreflective material manufactured for trailer conspicuity is labeled, the unlabeled batches would be presumed to be non-complying material. Trailers using the unmarked material would fail FMCSA roadside inspections.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines set forth in 5 CFR 1320.6.

The procedures specified for these data collections are fully consistent with the guidelines set forth in 5 CFR 1320.6.

8. Provide a copy of the FEDERAL REGISTER document soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency's actions in response to the comments. Describe efforts to consult with persons outside the agency to obtain their views.

The Federal Register notice soliciting public comments was published on March 26, 2015 (76 FR 37189). There were no public comments received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided to respondents.

10. Describe any assurance of confidentiality provided to respondents.

No assurance of confidentiality is involved. The labeling is intended to inform the public of the satisfactory safety performance of the product.

11. Provide additional justification for any questions on matters that are commonly considered private.

The labeling information was determined through public notice and comment, it is not of a sensitive nature, and it is intended for public consumption, therefore, no justification statements are necessary.

12. Provide estimates of the hour burden of the collection of information on the respondents.

The compliance symbol labeling program imposes only a minor hour burden for the collection or reporting. The application of symbols is performed by automated equipment incorporated in the production process of the retroreflective sheeting method.

Annual Burden for Reporting

Number of Respondents	6
Number of responses	30,000,000
Total annual responses	10,000,000
Hours per response	0.0000001

Total Annual Burden Hours

Total reporting hours	1
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The average estimated length of material is 3,000,000,000 mm annually, with symbol labeling every 300 mm. Therefore it is estimated that 10,000,000 labels will be required annually.

The average estimated cost of the information submissions is estimated to be one ten-millionth of an hour per submission at \$37.50 per hour. Thus the coast associated with the burden hours is \$37.50.

13. Provide estimates of the total annual cost to the respondents or record keepers.

The initial cost to the respondents was based on estimates supplied by the respondents of the cost of supplying or modifying printing rollers to apply the ADOT-C2" label. The cost to manufacturers of extending the label requirement is the maintenance and amortization of printing rollers and the additional dye or ink consumed. The labels are to be placed at intervals of about 18 inches on rolls of retroreflective conspicuity tape. The labels are printed during the normal course of steady flow manufacturing operations without a direct time penalty.

Two methods of printing the label are in use. One method uses the same roller that applies the dye to the red segments of the material pattern. The roller is resurfaced annually using a computerized etching technique. The "DOT-C2" label was incorporated in the software to drive the roller resurfacing in 1993, and there is no additional cost to

continue the printing of the label. In fact, costs would be incurred to discontinue the label.

The second method uses a separate roller to apply the label. The manufacturer using this technique reports that these rollers have been in service for 5 years without detectable wear and predicts a service life of at least fifteen years. Four rollers costing about \$2,500 each are used. A straight line depreciation of the rollers over 15 years equals \$667 per year. With an annual allowance for \$333 for additional dye, the annual total industry cost of maintaining the "DOT-C2" label is about \$1,000.

The estimated annual cost burden is summarized below:

Additional cost of maintaining printing rollers with added label	\$ 0
Annual cost of separate printing rollers for label, where used (straight line depreciation of \$10,000 over 15 years)	\$ 667
Annual cost of additional dye or ink	\$ 333
Total annual respondent cost	\$1,000

14. Provide estimates of annualized cost to the Federal Government.

There is no additional cost to the Federal Government incurred by the labeling requirement. Manufacturers of the retroreflective material certify the compliance of the product by self-application the label, and there is no exchange of correspondence, tabulation of data or response necessary from the agency. There is no additional cost for NHTSA's program of random compliance inspections of vehicle lighting devices because conspicuity material without the certification label would not be eligible for laboratory testing of safety performance.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments to report.

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

There is no reason to publish this information because it is provided by the respondent directly to consumers when they purchase the respondent's merchandise.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

If the expiration date for OMB approval was required to be printed on the conspicuity material along with the label, it would create a burden to manufacturers far greater than the cost of the label itself because it would require regular changes to the automated production equipment. Of even greater concern to the manufacturers would be the effect of the OMB expiration date on stored products. Customers may misunderstand the expiration date and be reluctant to buy material in stock after its displayed expiration date.

If the expiration date was included in CFR 49 Part 509, which lists all OMB control numbers for NHTSA's information collection requirements, it would necessitate several amendments to the CFR each year because the more than 30 information collection approvals expire at random intervals rather than as a group. Also, the CFR is published about 6 months after the latest amendment and would usually be printed showing incorrectly expired approval dates for information collections extended during that period.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.

The only exception is for the exemption for marking the expiration date as explained in Question 17 above.