

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 4/30/2017. The ICR is being extended so that the Federal Motor Carrier Safety Administration (FMCSA) can comply with the statutory 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. In 49 CFR § 397.73(b), FMCSA requires that States and Indian tribes notify the FMCSA if they establish, modify, maintain, or enforce non-radioactive hazardous materials highway routing designations, so that FMCSA can then publish the information in the *Federal Register*.

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 U.S.C. 5112 and 5125. Several States and an Indian tribe 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, Economic Competitiveness, Quality of Life in Communities, and Environmental Sustainability 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. FMCSA maintains a website which displays the current database at <https://www.fmcsa.dot.gov/regulations/hazardous-materials/national-hazardous-materials-route-registry>.

3. Extent of automated information collection:

The FMCSA estimates that 100% of the States and Indian tribes that are providing the information do so electronically. States that are presently restricting/designating routes are using various technologies 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.

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 updates to the 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 (81 FR 50046) with a 60-day public comment period to announce this proposed information collection on July 29, 2016 (see Attachment D). No comments were received in response to that notice.

The FMCSA published a notice in the Federal Register on November 29, 2016, (81 FR 86067),

with a 30-day public comment period that announced this information would be sent to OMB for approval (see Attachment E).

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 response every two years 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 36 States and the District of Columbia that have designated hazardous materials highway routes. In addition, 20 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. The 57 entities is the total number of potential respondents (all 50 states, the District of Columbia, 5 territories, and 1 Indian Tribe). The states and territories that do not maintain designated routes do not submit a report (20 states/territories).

While FMCSA is required to publish an annual report of changes, the states are only required to report if they have newly designated routes or changes to their route designations; or every two years. Negative reporting is not required; if an entity does not submit a report it is considered as having no designations or no changes.

Estimated Total Annual Burden Hours: 7 hours [57 annual respondents × 1 response per 2 years × 15 minutes/60 minutes per response = 7.125 rounded to 7].

Estimated Number of Respondents (once every 2 years): 57 [36 States and the District of Columbia with designated hazardous materials highway routes + 20 States/U.S. Territories without designated hazardous materials highway routes + 1 Indian tribe with a designated route = 57].

Estimated Number of Responses (once every 2 years): 57

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 costs to the Federal Government are limited to labor costs associated with updating computer files and a web site whenever a State or Indian tribe reports changes to highway routing designations, and publishing an annual update in the *Federal Register* as required by regulation. The estimated annual hourly burden associated with these activities is approximately equivalent to the annual hourly burden that this information collection imposes on the respondents (7 hours). As these labor costs have not been assigned to a particular pay grade an actual estimate of costs is not to be included here.

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 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:

No exceptions to the certification statement are requested.

Attachments:

- Attachment A: 49 U.S.C. 5112
- Attachment B: 49 U.S.C. 5125
- Attachment C: 49 CFR § 397.73
- Attachment D: 60-Day Federal Register Notice, “Agency Information Collection Activities; Extension of an Approved Information Collection Request: Transportation of Hazardous Materials, Highway Routing,” 81 FR 50046, July 29, 2016.
- Attachment E: 30-Day Federal Register Notice, “Agency Information Collection Activities; Extension of an Approved Information Collection Request: Transportation of Hazardous Materials, Highway Routing,” 81 FR 86067, November 29, 2016.

