

**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 extension of the OMB Control Number 2126-0009, "Accident Recordkeeping Requirements," (Accident Register) information collection request (ICR) which will expire on July 31, 2017. The approved burden for this ICR is 26,700 hours; the Agency now estimates the annual burden to be 36,157 hours.

Part A. Justification

1. Circumstances that make the collection of information necessary.

All duties under this information collection are borne by motor carriers. The regulation requires motor carriers to maintain an Accident Register consisting of a list of all accidents involving their commercial motor vehicles (CMVs)(49 CFR 390.15(b)(Attachment A)). Section 390.15(b) spells out the information that motor carriers must obtain and maintain for 3 years from the date of the accident. Carriers must make all these records available to authorized representatives or special agents of FMCSA upon request.

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 is also critical to several FMCSA safety initiatives.

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

"Commercial motor vehicle" is defined in section 390.5, as well as in section 390.5T while in effect, 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 combination weight rating, or gross vehicle weight or gross combination 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 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR,

subtitle B, chapter I, subchapter C.

Section 390.15(b) requires motor carriers to maintain an Accident Register containing certain information about each “accident” involving their CMVs. “Accident” is defined in section 390.5, as well as in section 390.5T while in effect, as an occurrence involving a CMV operating on a highway in interstate or intrastate commerce that 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 cargo¹.

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 of a motor carrier at its place of business, FMCSA investigators may 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 accident reporting has improved over the years, for various reasons some accidents remain unreported to FMCSA’s national accident database. 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

¹ Section 390.5 also provides that “crash” and “accident” are synonymous. FMCSA has generally found the term “crash” to be clearer in many contexts. However, FMCSA has chosen to continue to employ “accident” when referring to the register, primarily because section 390.15 employs that term.

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.

3. Extent of automated information collection.

Motor carriers may use any automated methods at their disposal to collect and maintain this information. The FMCSA requires that the motor carrier make the information available for review by an authorized representative or special agent of FMCSA upon request.

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 compliance review 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 burden under the Paperwork Reduction Act of 1995 (PRA) (44 USC 3501-3520) 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," outlined above, 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). 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 PRA is slight for this 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.

The entries on the Accident Register provide the minimum requisite information about the accident. They enable FMCSA investigators to readily determine whether they need to seek additional information about the accident. The entries enable FMCSA to exercise appropriate safety and regulatory oversight of motor carriers with a minimum of burden to motor carriers.

7. Special circumstances:

There are no special circumstances associated with this ICR.

8. Compliance with 5 CFR 1320.8.

On March 22, 2017, FMCSA published a notice in the Federal Register (82 FR 14793) with a 60-day public comment period announcing the proposed extension of this ICR (Attachment B).

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.

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 36,157 hours.

Section 390.15 requires 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. 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 886,122 interstate and intrastate motor carriers are actively operating CMVs.² FMCSA data also indicate that in 2015

² Compliance, Safety, Accountability (CSA) history and data, and Motor Carrier Management Information System (MCMIS) data, as of September 23, 2016. Motor 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 MCS-150)

there were approximately 120,522 CMV accidents as defined by §390.15.³ The FMCSA estimates that the time necessary to gather, analyze, record and retain the information required by the regulation totals 18 minutes.⁴

FMCSA estimates the total annual information collection burden to be 36,157 hours (120,522 accidents × 18 minutes per accident ÷ 60 minutes per hour).

Estimated Annual Respondents: 886,122.

Estimated Annual Responses: 120,522.

Estimated Total Annual Burden Hours: 36,157.

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 is not required by §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 \$8,437.00.

Respondents incur costs regarding 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 paper 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).⁵ Thus, to store the required information on the 120,522 accidents that occur each year, respondents would incur an annual cost of compliance of \$8,437.00 [120,522 × \$0.07].

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. (As noted above, motor carriers maintain the Accident Register and must have it available for use by authorized representatives of FMCSA upon request).

update, a vehicle registration activity, or a Unified Carrier Registration (UCR) system payment activity in the last 3 years.

³ Ibid.

⁴ 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.

⁵ 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>.

15. Explanation of program changes or adjustments.

The currently-approved burden is 26,700 hours. The Agency increases its estimate to 36,157 burden hours. The text of section 390.15(b) is unchanged; the increase in burden hours does not reflect changes in the requirements for accident recordkeeping.

The adjustment in annual burden hours and costs are due to revised estimates of: (1) the population of motor carriers subject to the regulation from 520,000 to 886,122, and of (2) the number of reportable accidents from 89,000 to 120,522. The Agency has amended the population of motor carriers to include the accident recordkeeping burden of intrastate motor carriers. In past ICRs on this matter, the Agency had taken the position that the accident recordkeeping of such carriers occurred as a result of State law. However, the OMB has directed FMCSA to include such intrastate activities in its IC estimates, so we do so in this supporting statement for the first time. The Agency estimates that a total of 886,122 motor carriers are subject to accident register requirements (508,367 interstate and 377,755 intrastate). The Agency further estimates that the number of accidents that must be reported by intrastate and interstate motor carriers is 120,522.

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.

Attachments

- A. 49 CFR 390.15.
- B. Sixty-day Comment Request Federal Register Notice (82 FR 14793), March 22, 2017.