

**SUPPORTING STATEMENT
FOR JUSTIFICATION OF COMPLIANCE LABELING OF WARNING DEVICES
49 CFR SECTION 571.125
OMB Control Number 2127-0506**

A. 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). The Secretary is authorized to issue, amend, and revoke such rules and regulations as she/he deems necessary.

Using this authority, the agency issued FMVSS No. 125, "Warning Devices", which applies to devices, without self-contained energy sources, which are designed to be carried mandatorily in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 pounds and voluntarily in other vehicles. These devices are used to warn approaching traffic of the presence of a stopped vehicle, except for devices designed to be permanently affixed to the vehicle. This collection supports the Department of Transportation's Strategic goal in safety by working towards the elimination of transportation related deaths and injuries.

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.

Each manufacturer of warning triangles must label each device to comply with Standard No. 125. This standard establishes requirements for devices, without self-contained energy sources. Without proper deployment and use, the effectiveness of the devices may be greatly diminished, and may lead to serious injuries due to rear end collisions between moving traffic and disabled vehicles.

The warning device shall be permanently and legibly marked and provide instructions for its erection and display. Each device shall be labeled with; (a) the name of the manufacturer, (b) the month and year of manufacture, (c) the DOT symbol, or the statement that the warning device complies with all applicable FMVSS. The instructions for each device shall include a recommendation that the driver activate the vehicular hazard warning signal lamps before leaving the vehicle to erect the warning device. Also, the instructions shall include an illustration indicating recommended positioning.

Without these devices and instructions, there could be more deaths and injuries caused by stopped or disabled motor vehicles.

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

Most of the warning device manufacturers have provided the information by molding the necessary instructions onto the warning device, while also providing a container with an illustration to show the proper location and method for assembly. The time required to make the molding tool with the text necessary to provide the information has been reduced significantly because of improved computer-aided drawing and machine technology. There is no collection of this information done by the NHTSA and no information submissions have been made to the docket.

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

NHTSA is the only Federal agency requiring manufacturers to label warning devices. Some manufacturers have provided the instructions for assembly and operation on the actual device (triangle). Additionally, these same instructions may have been provided on the package or container for the warning device. The agency has not attempted to eliminate this duplication. The duplication was performed voluntarily by the warning device manufacturer. Prior to the existence of the current federal standard, specific labeling was not governed by standards. The previous standard referenced by the Bureau of Motor Carrier Safety did not require any instructions on the devices. The instructions were required in a manual of "Federal Motor Carrier Safety Regulations" Section 393.95. Because the use of federally specified warning devices is not restricted to professional motor carrier vehicles, but can be purchased and should be used by all motorists, the existence of instructions on the devices was deemed prudent, in the absence of the manual of "Federal Motor Carrier Safety Regulations" in vehicles not in interstate commerce.

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

This labeling applies to all warning device manufacturers. Each device must be labeled and include instructions with the necessary information. The amount of time necessary to comply with this requirement should be minimal; therefore, the small business manufacturer should incur relatively little burden.

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

The information is placed on the devices at the time of manufacture and all labeling requirements are necessary. Not collecting or collecting information less frequently would result in potentially inaccurate or outdated information being placed on the devices which could result in more injuries and/or deaths.

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 labeling requirements 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 September 8, 2017 (82 FR 42576). 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.

There is no possibility of providing any payment or gift to respondents, other than remuneration of contractors or grantees, thus no decision on such was ever made.

10. Describe any assurance of confidentiality provided to respondents.

No assurance of confidentiality is given by the agency, because labeling is a part of the manufacturing process an intended for public consumption.

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.

There is a minor hour burden to place the information on the warning device on the mold for the device after it has been created. We estimate that one hour is spent annually to administer the labeling requirements. NHTSA estimates that the three major manufacturers of the warning devices will minimally meet the demands for the approximately 2,850,000 warning devices required annually.

Annual Burden for Reporting

Number of Respondents.....	3
Total Annual Responses.....	2,850,000
Hours per Response.....	0.0000004

Total Annual Burden Hours

Total Reporting Hours.....1.14

The average estimated cost associated with the burden hours is \$45(1 hour x \$45 hour per submission).

13. Provide estimates of the total annual cost to the respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in Question 12 or 14.

The total annual cost to the respondents is estimated to be

Annual Burden for the Labeling (total cost)

Number of Respondents.....	3
Total Annual Responses.....	2,850,000
Hours per Response.....	0.0000002
Labor cost per hour.....	\$45
Total labeling cost per year.....	\$25.65

It is estimated that 2,850,000 warning devices will be required annually.

The average estimated cost of the information submissions is estimated to be two ten-millionths of an hour per submission at \$45 per hour. The hours per response is calculated based on the amount of time used to create the mold amortized over 2,850,000 annual production of warning devices. Once the mold is created, it will be used over and over thus spreading the hours per response over the entire production as the instructions will not change from year to year. The cost associated to the respondents is \$25.65

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

There is no cost to the Federal government for this requirement since the information required must be present on each warning device and no submissions will be collected and/or stored.

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

This is a reinstatement without change to a previous approved information collection.

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 respondents 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.

Approval is not being sought to not display the expiration date for OMB approval of the information collection.

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

There are no exceptions.