

**Department of Transportation  
Federal Motor Carrier Safety Administration**

**SUPPORTING STATEMENT  
Accident Recordkeeping Requirements**

**INTRODUCTION**

This is to request the Office of Management and Budget's (OMB) approval for the renewal of the OMB Control Number 2126-0009, "Accident Recordkeeping Requirements," (Accident Register) information collection request (ICR) which will expire on September 30, 2020. The approved burden for this ICR is 36,157 hours; the Agency now estimates the annual burden to be 55,425 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 (49 CFR 390.29(b)).

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 cargo.<sup>1</sup>

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.

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 an investigative 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 FMCSA by the State, and thus are

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<sup>1</sup> Section 390.5 also provides that the definitions of “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.

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 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. 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**

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 accidents that are not recorded by such entities. Such Accident Register information assists FMCSA in its investigative 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.

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 by other parties does not create an information collection burden cognizable by the PRA.

### **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, which are not defined as CMVs, 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. Based on Small Business Administration size standards, FMCSA has determined that motor carriers of property with 148 power units or fewer, and passenger carriers with 93 power units or fewer, are small businesses.<sup>2</sup>

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 Paperwork Reduction Act is slight for this class of motor carriers because these motor carriers do not have the accident exposure that larger motor carriers experience.

## **6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION**

Each accident is only entered once on the accident register. Less frequent collection of information would decrease FMCSA’s ability to use this data to enable it to direct its resources to the motor carriers with the weakest safety records. The accident register provides ready access to a motor carrier’s accident history and enables the FMCSA to make a ready determination as to the need for a more in-depth assessment of the detailed records. For example, the accident register may reveal accidents that, for various reasons, were not reported to FMCSA by the state, and thus are not part of FMCSA’s record of the motor carrier’s accident history. If the register was not required, the FMCSA would be unable to exercise appropriate safety and regulatory oversight of motor carriers.

## **7. SPECIAL CIRCUMSTANCES**

There are no special circumstances associated with this ICR.

## **8. COMPLIANCE WITH 5 CFR 1320.8.**

On April 28, 2020, FMCSA published a Federal Register notice allowing for a 60-day comment period on this ICR. Two comments were received in response to this notice. The first respondent, Denise Quinehan, reported that she was involved in a level 4 motorcycle accident in 2016 and the driver that hit her had no insurance or registration. Four years after the accident she found that the reporting officer altered the crash report and that report was being used in other claims that resulted in identity fraud. She wrote that some limits of reports should not be released until the involved party has access to it. A second party, the National Motor Freight Traffic Association, Inc., concluded that “FMCSA will benefit from greater use of accident information, such as police accident reports, that support greater accuracy and fairer portrayal of a carrier’s safety practices. FMCSA could more effectively use its enforcement resources if it

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<sup>2</sup> FMCSA Carrier Safety Fitness Determination Notice of Proposed Rulemaking. See 81 FR 3596, Thursday, January 21, 2016, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-01-21/pdf/2015-33153.pdf>.

can better identify motor carriers who bore responsibility for commercial motor vehicle accidents.” Neither of the respondents addressed whether the proposed collection is necessary for the performance of FMCSA’s functions; the accuracy of the estimated burden; nor the ways the burden could be minimized without reducing the quality of the collected information.

## **9. PAYMENTS 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**

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 (i.e., a required response). To estimate the number of carriers (i.e., respondents) that will likely be affected by this information collection, we reviewed crash data from FMCSA’s Motor Carrier Management Information System (MCMIS) for calendar years 2016 through 2018. Through MCMIS, FMCSA receives and maintains data on large trucks and buses in crashes in which there was a fatality, injury, or a vehicle towed from the crash site.

According to MCMIS, there were 554,246 large trucks and buses in DOT-reportable crashes from 2016 to 2018 (an average of 184,749 crashes per year).<sup>3</sup> Of the 554,246 vehicles in crashes reported to MCMIS during this timeframe, 434,159 (78.3 percent) had DOT numbers, representing 160,574 distinct motor carriers. An additional 51,993 vehicles without DOT numbers in DOT-reportable crashes were coded as “Interstate” or “Intrastate” in the CRASH\_CARRIER\_INTERSTATE field in MCMIS.<sup>4</sup> Although some of these vehicles might have belonged to one or more of the 160,574 motor carriers already counted, or non-counted carriers might have had more than one vehicle with no DOT number in this pool of 51,993 vehicles, there is no way to determine how many vehicles and carriers meet these criteria. Thus, at the risk of overestimating, we assume that each of the above-

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<sup>3</sup> FMCSA, MCMIS, data snapshot as of September 27, 2019.

<sup>4</sup> Vehicles are labeled as “Interstate,” “Intrastate,” or “Non-Commercial” in the CRASH\_CARRIER\_INTERSTATE field in MCMIS.

referenced 51,993 vehicles without DOT numbers is associated with a unique motor carrier. We estimate that the total number of carriers with at least one vehicle involved in a DOT-reportable crash from 2016 to 2018 equals 212,567 (160,574 distinct motor carriers identified through vehicle DOT numbers + 51,993 carriers associated with commercial vehicles without DOT numbers = 212,567). The number of reportable crashes equals 2.61 crashes per unique carrier over a 3-year period (554,246 DOT-reportable crashes ÷ 212,567 carriers = 2.61). On average, this amounts to 184,749 DOT-reportable crashes per year (554,246 DOT-reportable crashes ÷ 3 years = 184,749). This equates to approximately .87 crashes per unique motor carrier, per year (184,749 crashes ÷ 212,567 carriers = .87).

The total number of unique respondents completing reports each year can be estimated from the average number of unique motor carriers with one or more crashes each year from 2016 to 2018. This calculation applies the same assumption as the above analysis: that each vehicle without a USDOT number can be counted as a unique carrier. This calculation is (88,622 carriers + 87,699 carriers + 91,489 carriers) ÷ 3 years = 89,270 respondent carriers per year. Some respondents may complete more than one response due to having more than one crash per year.

FMCSA estimates that it takes approximately 18 minutes per DOT-reportable crash for motor carriers to gather, analyze, record and retain the information required by the regulation.<sup>5</sup> Using this estimated time requirement and the MCMIS crash data provided above, FMCSA estimates the total annual information collection burden to be 55,425 hours (184,749 crashes × 18 minutes per accident ÷ 60 minutes per hour).

FMCSA assumes that motor carrier clerical staff will maintain motor carriers' Accident Registers. Wage data for industry occupations have been obtained from the Bureau of Labor Statistics (BLS). The closest available occupation for "motor carrier clerk" in the BLS data is "Information and Record Clerks, All Other" in the transportation and warehousing series, which has a median hourly wage of \$21.38 as of May 2018.<sup>6</sup>

The loaded hourly wage for motor carrier clerical staff is estimated by multiplying the median hourly wage by the load factor. The load factor is estimated by dividing the total cost of compensation for private industry workers of the transportation and warehousing series (\$40.49) by the average cost of hourly wages and salaries (\$25.80), as reported by BLS ( $\$40.49/\$25.80 = 1.57$ ).<sup>7</sup> Table 1 presents the loaded wage estimates used in this analysis.

**Table 1. Median and loaded hourly wages for motor carrier clerks.**

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5 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.

6 U.S. Department of Labor, Bureau of Labor Statistics. (2018). "May 2018 National Industry-Specific Occupational Employment and Wage Estimates." (Information and Record Clerks, All Other; [https://www.bls.gov/oes/current/naics2\\_48-49.htm](https://www.bls.gov/oes/current/naics2_48-49.htm)). Retrieved July 19, 2019, from: [www.bls.gov/oes/current/oesrci.htm](https://www.bls.gov/oes/current/oesrci.htm).

7 Load Factors: U.S. Department of Labor, Bureau of Labor Statistics. (2018). "Table 10. Employer costs per hour worked for employee compensation and costs as a percentage of total compensation: private industry workers, by industry group, June 2018," in News Release: Employer Costs for Employee Compensation—June 2018. Retrieved July 19, 2019, from: [https://www.bls.gov/news.release/archives/ecec\\_09182018.pdf](https://www.bls.gov/news.release/archives/ecec_09182018.pdf).

<b>Position</b>	<b>Load Factor (A)</b>	<b>Median Hourly Wage (B)</b>	<b>Loaded Hourly Wage (A*B)</b>
Motor Carrier Clerk	1.57	\$21.38	\$33.57

Table 2 presents the estimated labor costs associated with the Accident Register information collection requirements.

**Table 2. Annual labor costs associated with the Accident Register information collection requirements.**

<b>Respondent Type</b>	<b>Responses (A)</b>	<b>Minutes per Response (B)</b>	<b>Burden Hours (A*B)/60 minutes (C)</b>	<b>Loaded Hourly Wage for Motor Carrier Clerks (D)</b>	<b>Total Cost (C*D)</b>
Motor Carrier Clerk	184,749	18	55,425	\$33.57	<b>\$1,860,617</b>

Estimated Annual Respondents: 89,270

Estimated Annual Responses: 184,749

Estimated Total Annual Burden Hours: 55,425

Estimated Annual Labor Costs to Industry: \$1,860,617

### **13. ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS.**

Respondents may maintain electronic or hard copies of the Accident Register. The information on an accident must be retained for 3 years. FMCSA only requires that the motor carrier make the information available for review by an authorized representative or special agent of FMCSA upon request. Based on anecdotal information provided by FMCSA investigation staff, FMCSA estimates that approximately 85 percent of annual respondents maintain hard copies of their Accident Registers, while the remaining 15 percent maintain electronic versions.

FMCSA does not estimate any additional storage costs for motor carriers that maintain their Accident Registers electronically, as the computer/electronic storage space used to store the electronic records is something that carriers would already own and maintain as part of customary and usual business practices.

FMCSA anticipates that motor carriers that maintain hard copies of their Accident Registers will incur some additional storage costs as a result of this information collection. FMCSA estimates that the required information on a typical accident occupies approximately ¼ inch in a typical paper storage file. It costs approximately \$32.50 per year to store 1 cubic foot of records at a motor carrier's place of business (including space and filing cabinets).<sup>8</sup> This space would accommodate 48 reports. Therefore, the average annual cost of storing the

<sup>8</sup> Mackes, S. (2014). *Paper vs. digital records*. GRM Document Management. Retrieved October 28, 2019, from: [https://www.grmdocumentmanagement.com/wp-content/uploads/2014/10/GRM-WP\\_Paper-vs.-Digital-Records.pdf](https://www.grmdocumentmanagement.com/wp-content/uploads/2014/10/GRM-WP_Paper-vs.-Digital-Records.pdf).

required information on a single accident is \$0.68 (\$32.50 / 48 reports). FMCSA assumes that 85 percent of motor carriers will maintain hard copies of their Accident Registers each year. FMCSA also assumes here that crashes getting recorded via hard copy follow the same distribution as the distribution of carriers using hard copy (that is, carriers maintaining accident records by hard copy are no more or no less likely to be involved in crashes during any given year than carriers filing electronically). Therefore, FMCSA estimates that 85 percent of the 184,749 reportable crashes are maintained by hard copy each year. Thus, to store the required information on the 157,037 accidents logged by the carriers who maintain hard copy records each year (184,749 crashes x 0.85 = 157,037 responses), respondents would incur an annual cost of compliance of \$106,785 (157,037 responses × \$0.68 = \$106,785).

Estimated Annual Costs to Respondents: \$106,785

#### **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).

#### **15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS**

The currently-approved number of annual respondents is 866,122. This estimate included all interstate and intrastate motor carriers with “recent activity” in MCMIS. However, not all of these motor carriers experience a DOT-reportable crash every calendar year. To more accurately estimate the annual number of respondents, we counted the carriers associated with crashes reported in MCMIS for each calendar year from 2016 through 2018 (as described in Item 12, above) and took the annual average. This gave us a significantly reduced estimate of 89,270 respondents per year for the 3-year reporting period.

The currently-approved burden is 36,157 burden hours. The Agency increases its estimate to 55,425 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 is due to a revised estimate of the number of reportable crashes from 120,522 to 184,749 per year, using interstate and intrastate DOT-reportable motor carrier crash records in MCMIS for calendar years 2016 through 2018. In the previous iteration of this ICR, only crash records for calendar year 2015 were considered, and only crashes for carriers with a DOT number and “recent activity” in MCMIS were included. In the current iteration of this ICR, we include recorded crashes in which there is not a recorded DOT number, but the CRASH\_CARRIER\_INTERSTATE field in MCMIS is coded as “Interstate” or “Intrastate” (thus suggesting that they are commercial carriers). This change in approach has resulted in an increased estimate of annual crashes subject to the Accident Register reporting requirements.

The current iteration of this ICR includes estimated labor costs associated with maintaining

the Accident Register. The previous iteration of this ICR did not include such an estimate; it only reported the estimated annual burden hours. The estimated annual labor cost for industry resulting from the Accident Register reporting requirements is \$1,860,617. The methodology used to arrive at this estimate is presented in detail in Item 12.

Finally, the estimated annual cost associated with accident recordkeeping (outside of labor costs) is increased from \$8,437 to \$106,785. In the previous iteration of this ICR, it was assumed that all motor carriers were storing hard copy records offsite, which is less costly than storing hard copy records onsite due to reduced space requirements. In the current iteration of this ICR, no information is available concerning the percentage of carriers that maintain accident registers in a hard copy format, as opposed to an electronic format. However, based on the experience of FMCSA safety investigators, we believe it is reasonable to assume that approximately 85 percent of carriers store their accident data in a hard copy format, and 15 percent store their data electronically. FMCSA is further assuming that motor carriers that maintain paper records are storing their Accident Registers at their principal place of business, so that they have easy access to such records during an FMCSA investigation. This change in storage location (from offsite to onsite) increases the cost of storage, from \$0.07 to \$0.68 per accident recorded. While FMCSA is now assuming that some motor carriers are storing documents electronically at no extra cost, the overall number of responses has increased over prior years, overtaking the reduction in number of carriers storing hard copy records.

## **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.

### **Attachments**

- A. 49 CFR 390.15
- B. 60-day Federal Register Notice (85 FR 23594), April 28, 2020