

**Department of Transportation  
Office of the Chief Information Officer**

**SUPPORTING STATEMENT  
Inspection, Repair and Maintenance**

**INTRODUCTION**

The Federal Motor Carrier Safety Administration (FMCSA) submits this supporting statement to the Office of Management and Budget (OMB) because the Agency revises a currently-approved information collection request (ICR) entitled, “Inspection, Repair and Maintenance,” assigned OMB Control Number 2126-0003. This change is contained in a final rule, “Passenger Carrier No-Defect Driver Vehicle Inspection Reports” (85 FR 50787, August 18, 2020) (Attachment S), referred to in the remainder of this document as the “Passenger Carrier No-Defect DVIR rule.” The final rule rescinds the requirement that drivers of passenger-carrying commercial motor vehicles (CMVs) operating in interstate commerce submit, and motor carriers retain, driver-vehicle inspection reports (DVIRs) when the driver has neither found nor been made aware of any vehicle defects or deficiencies (no-defect DVIRs). This final rule removes an information collection burden without adversely impacting safety. This ICR is currently scheduled to expire on September 30, 2021.

**Part A. Justification.**

**1. Circumstances that make collection of information necessary:**

Section 204(a) of the Motor Carrier Act, 1935 (49 U.S.C. § 31502) (Attachment A) authorizes the Secretary of Transportation (the Secretary) to prescribe requirements for the safety of operation of equipment of motor carriers. Section 206 of the Motor Carrier Safety Act of 1984 (49 U.S.C. § 31136) (Attachment B) requires the Secretary to prescribe regulations that ensure that CMVs are maintained. Section 210 of the Motor Carrier Safety Act of 1984 (49 U.S.C. § 31142) (Attachment C) requires the Secretary to establish standards for annual or more frequent inspections of CMVs. Section 9110 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (49 U.S.C. § 31137(g)) (Attachment D) requires the Secretary to prescribe regulations on improved standards or methods to ensure that brakes and brake systems of CMVs are maintained properly and inspected by appropriate employees.

Title 49 CFR part 396, “Inspection, Repair, and Maintenance” (Attachment E), of the Federal Motor Carrier Safety Regulations (FMCSRs), contains regulations which implement these statutory provisions. These regulations place the responsibility upon the motor carrier to ensure that all CMVs operated by them or their drivers, and all CMV parts and accessories required by 49 CFR part 393, “Parts and Accessories Necessary for Safe Operation” (Attachment F), are in safe and proper operating condition at all times. The regulations allow motor carriers a great deal of flexibility in their inspection, repair,

and maintenance programs. The recordkeeping requirements are minimal and there are no prescribed forms for carriers to use to meet these requirements. For some required records, motor carriers may either maintain them or cause a third party to do so. The regulations also permit the motor carrier to establish its own systematic CMV maintenance program on either a mileage or time basis.

The motor carrier industry has never questioned the need to keep CMV maintenance records. In fact, most motor carriers would keep some records in the normal course of their business without any regulatory requirements to do so. Records for inspection, repair, and maintenance; roadside inspection reports; driver vehicle inspection reports; the documentation of periodic inspections; the evidence of the qualifications of individuals performing periodic inspections; and the evidence of brake inspectors' qualifications contain the minimum amount of information necessary to document that a motor carrier has established a system of inspection, repair, and maintenance for its equipment which meets the standards in part 396.

Subsequent legislation made three more categories of transportation providers subject to these requirements. Section 4008(a)(2) of the Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) again amended the passenger vehicle component of the CMV definition in 49 U.S.C. 31132(1). “Commercial motor vehicle was defined (in 49 U.S.C. 31132) to mean a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers ... if the vehicle ... is designed or used to transport more than 8 passengers (including the driver) for compensation” (Attachment G). FMCSA issued a final rule to implement this provision on January 11, 2001 (Attachment H).

Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144, 1729, August 10, 2005), added new section 31151 (Attachment I), “Roadability,” to subchapter III of chapter 311 of title 49, United States Code. Section 31151(a)(1) requires the Secretary to issue regulations to be codified in the FMCSRs “to ensure that intermodal equipment [IME] used to transport intermodal containers is safe and systematically maintained.” The legislation at section (f) defined “intermodal equipment” as trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis. The term “intermodal equipment provider” (IEP) is defined as any person that interchanges IME with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment.”

Section 4136 of SAFETEA-LU [119 Stat. 1144, 1745] (set out as a note to 49 U.S.C. 31136) (Attachment J) states that “The Federal motor carrier safety regulations that apply to interstate operations of commercial motor vehicles designed to transport between 9 and 15 passengers (including the driver) shall apply to all interstate operations of such carriers regardless of the distance traveled.”

On December 17, 2008, the FMCSA revised this ICR due to new program requirements based on the SAFETEA-LU § 4118 roadability requirements discussed above, in a final rule, “Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment” (73 FR 76794) (Attachment K).

On June 12, 2012, the FMCSA revised this ICR due to new program requirements in a final rule “Inspection, Repair and Maintenance; Driver-Vehicle Inspection Report (DVIR) for Intermodal Equipment” (77 FR 34846) (Attachment L). This final rule reduced the paperwork burden associated with the inspection, repair, and maintenance of IME.

Presidential Executive Order (E.O.) 13563, “Improving Regulation and Regulatory Review” (issued January 18, 2011, and published January 21 at 76 FR 3821) (Attachment M), prompted the Department of Transportation (DOT) to publish a notice in the Federal Register (76 FR 8940, February 16, 2011) (Attachment N). That notice requested comments on a plan for reviewing existing rules, as well as identification of existing rules that DOT should review because they may be outmoded, ineffective, insufficient, or excessively burdensome.

In response to E.O. 13563, on December 18, 2014, the FMCSA revised this ICR due to new program requirements in a final rule “Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (DVIR)” (79 FR 75437) (Attachment O). The final rule eliminated the requirement for CMV drivers operating in interstate commerce, except drivers of passenger-carrying CMVs, to submit – and motor carriers to retain – DVIRs when the driver has neither found nor been made aware of any vehicle defects or deficiencies.

On September 20, 2018, OMB approved a revision to this ICR. Whereas the previous four updates to this information collection had been developed in conjunction with rulemaking actions, and only those sections of the information collection affected by the specific rulemaking changes were amended during those updates, a comprehensive review of the information collection had not been done since 2006. This revision included updated data regarding the number of motor carriers subject to the FMCSRs, vehicle counts, inspections, and other underlying data used to estimate the total burden hours. In addition, this revision corrected the manner in which: (1) the burden associated with routine inspection, repair and maintenance records is calculated by including non-powered CMVs in addition to power units; and (2) the burden associated with periodic inspection records is calculated by using only the records associated with the once-per-year inspection conducted in accordance with Appendix G. Finally, this revision corrected the calculation of the burden associated with DVIRs by including the 30 seconds required for motor carrier certification of corrective action for defect DVIRs that was inadvertently omitted in the calculation of this estimate in the December 2014 No-Defect DVIR rule.

On November 12, 2019, the FMCSA published a notice of proposed rulemaking (NPRM) proposing to rescind the requirement that drivers of passenger-carrying CMVs operating

in interstate commerce submit, and motor carriers retain, DVIRs when the driver has neither found nor been made aware of any vehicle defects or deficiencies (84 FR 60990) (Attachment P). The Agency estimated that passenger-carrying CMV drivers spend approximately 2.4 million hours each year completing no-defect DVIRs, and that the proposed rule would result in a cost savings of \$74 million per year. The proposed rule would remove an information collection burden without adversely impacting safety. After reviewing comments, FMCSA made a decision to adopt the changes proposed in the NPRM.

This information collection supports DOT's strategic goal of safety. The information collection ensures that motor carriers have adequate records to document the inspection, repair, and maintenance of their CMVs, and to ensure that adequate measures are taken to keep their CMVs in safe and proper operating condition at all times. Compliance with the inspection, repair, and maintenance regulations helps to reduce the likelihood of accidents attributable, in whole or in part, to the mechanical condition of the CMV.

## **2. How, by whom, and for what purpose is the information used:**

The information is used by the FMCSA and State officials during compliance and enforcement activities to verify that a motor carrier (and, for IME, an IEP) has established an inspection, repair, and maintenance program for its equipment which meets the standards in part 396. During these activities, FMCSA and State officials and representatives examine the information to determine whether the motor carrier systematically inspects, repairs, and maintains all CMVs subject to its control. The systematic program must include routine inspections and maintenance. The program must also include reports of vehicle defects by drivers, thorough inspections at least once per year by qualified individuals, and performance of work on brakes by qualified employees.

It is generally recognized that there is a relationship between inspection, repair, and maintenance practices for CMVs and defect-related CMV accidents. CMVs are frequently operated in excess of 100,000 miles annually. Safety professionals, enforcement officials and personnel, and employees in the trucking and motorcoach industries recognize that documenting CMV inspection, repair, and maintenance is an important activity to the furtherance of highway safety. These records are also critically important in determining if a motor carrier's maintenance practices were causal factors in an accident.

## **3. Extent of automated information collection:**

FMCSA does not require inspection, repair and maintenance information to be submitted to the agency. Motor carriers and IEPs are required to maintain the equipment information at their facilities and to make the information available if requested during a compliance review or investigation. All records and documents required to be maintained may be electronically imaged and those records retained in lieu of the original record for the required retention period. Also, other records may be maintained in an

electronic format provided the motor carrier can produce the information required by the regulations (January 4, 2011; 76 FR 411). Although 100% of the information could theoretically be collected electronically, FMCSA believes that only 5% is actually collected electronically. Zero percent (0%) of the information is submitted to the FMCSA.

#### **4. Efforts to identify duplication:**

FMCSA has identified periodic inspection requirements promulgated by other agencies. As of March 2018, periodic inspection programs of 22 States, the District of Columbia, the Alabama Liquefied Petroleum Gas Board, 10 Canadian Provinces, one Canadian Territory, and Mexico were identified as comparable to, or as effective as, the Federal periodic inspection requirements. Because they are comparable to the Federal requirements, as explained in section 12 below, the FMCSA's periodic inspection and the related recordkeeping are not required for motor carriers that comply with these equivalent periodic inspection programs. FMCSA is not aware of any other duplicative standards or recordkeeping requirements that apply to motor carriers.

Concerning the agency regulations for IEP equipment providers, FMCSA is aware of one State only – California – that actively regulates the inspection, repair, and maintenance of IME, although four other States — Illinois, Louisiana, New Jersey, and South Carolina — have regulations on the subject.

#### **5. Efforts to minimize the burden on small businesses:**

Currently, the recordkeeping requirements in 49 CFR part 396 are applicable only to motor carriers subject to the FMCSRs (49 CFR 390.3) (Attachment Q) and operating CMVs (as defined in 49 CFR § 390.5) (Attachment R). The Agency estimates that there are 543,061 motor carriers subject to the FMCSRs, including 511,746 interstate freight carriers, 12,699 interstate passenger carriers, and 18,616 intrastate hazardous materials (HM) carriers.<sup>1</sup> Each of these motor carriers operate vehicles that: (1) have a gross vehicle weight rating or gross weight of 10,001 pounds or more, or (2) are designed or used to transport more than 8 passengers (including the driver) for compensation, or (3) are designed or used to transport more than 15 passengers (including the driver), and is not used to transport passengers for compensation, or (4) are used to transport hazardous

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<sup>1</sup> The number of carriers in operation at any given time is subject to change, due to enforcement actions, business turnovers, and other factors. The number of intrastate HM carriers includes a few active intrastate non-HM carriers with HM activity that meets the Safety Measurement System (SMS) HM threshold definition. Carrier counts are estimates based on motor carriers in the Motor Carrier Management Information System (MCMIS) with recent activity, defined as those carriers that have had an inspection, a crash, an investigation, a safety audit, an FMCSA Motor Carrier Identification Report (Form MCS-150) update, a vehicle registration activity, or a Unified Carrier Registration (UCR) system payment activity in the past 3 years, or have current operating authority indicated in the FMCSA Licensing and Insurance (L&I) database. Beginning on November 1, 2013, FMCSA's Unified Registration System (URS) rule requires all regulated entities to update their registration information every 24 months. The Agency deactivates the U.S. Department of Transportation (USDOT) number of any carrier that fails to comply with the biennial update requirement. Data Source: MCMIS and SMS data snapshot as of December 29, 2017.

materials in a quantity requiring placarding of the vehicle. Inspection, repair, and maintenance records, therefore, are not required for vehicles with a gross vehicle weight rating or gross vehicle weight 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 or used to transport between 9 and 15 passengers (including the driver) not for direct compensation; and vehicles transporting non-placarded quantities of hazardous materials.

FMCSA estimates that 99.1 percent of regulated motor carriers are small businesses according to the Small Business Administration size standards.<sup>2</sup>

There are no recordkeeping requirements for CMVs leased by motor carriers for less than 30 days. Finally, private motor carriers of passengers (nonbusiness), driveaway-towaway operations, and motor carriers operating only one CMV are exempt from the DVIR requirements in 49 CFR § 396.11. As of December 29, 2017, MCMIS lists 253,035 active motor carriers that operate only one CMV.

#### **6. Impact of less frequent collection of information:**

If the recordkeeping activities were required to be completed less frequently, it would greatly hinder the ability of FMCSA and State enforcement personnel to ascertain that CMVs are satisfactorily maintained. The timely documentation of CMV inspection, repair, and maintenance enables FMCSA and State enforcement personnel to evaluate a motor carrier's CMV maintenance program. FMCSA will also be able to check the current level of regulatory compliance of the carrier at any point in its maintenance schedule or program.

#### **7. Special circumstances:**

There are no special circumstances.

#### **8. Compliance with 5 CFR 1320.8:**

The November 12, 2019, NPRM requested public comment on the collection of information discussed in the proposal. Comments submitted to the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) on the collection of information must be received by OMB on or before January 13, 2020. No comments were received regarding the collection of information discussed in the NPRM.

#### **9. Payments or gifts to respondents:**

Respondents are not provided with any payment or gifts for this information collection.

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<sup>2</sup> See Table 7 – “Estimates of Numbers of Small Entities” in the final rule “Electronic Logging Devices and Hours of Service Supporting Documents” (80 FR 78292; December 16, 2015).

**10. Assurance of confidentiality:**

This information collection involves only one reporting requirement that has no confidentiality implications. All other components of this information collection are recordkeeping requirements. Confidentiality is not an issue for recordkeeping requirements because the motor carrier retains possession of its own records.

**11. Justification for collection of sensitive information:**

There are no questions of a sensitive nature.

**12. Estimate of burden hours for information requested:**

The current FMCSA estimate of the total annual hour burden of this information collection associated with systematic inspection, repair, and maintenance is 13,791,001 hours. The Agency estimates that the revisions associated with the Passenger Carrier No-Defect DVIR rule will reduce this by approximately 2,401,747 hours, for a revised estimated burden of 11,389,254 hours. A breakdown of this information collection burden follows:

**Routine Inspection, Repair, and Maintenance Records**

Section 396.3 of the FMCSRs requires every interstate motor carrier (except those operating CMVs designed or used to transport between 9 and 15 passengers, including the driver, not for direct compensation) to cause all CMVs subject to its control to be systematically inspected, repaired, and maintained. All CMVs, including power units (trucks, truck tractors, and passenger-carrying CMVs) and non-powered units (trailers, converter dollies, container chassis) are subject to the inspection, repair, and maintenance requirements. Generally, systematic means a regular or scheduled program to keep vehicles in a safe operating condition at all times. Section 396.3 does not specify inspection, repair, or maintenance intervals because such intervals are fleet specific and, in some instances, vehicle specific. The inspection, repair, and maintenance intervals are to be determined by the motor carrier. The requirements of §§396.11, 396.13, and 396.17 are in addition to the systematic inspection, repair, and maintenance required by §396.3.

FMCSA estimates there are 24 recordkeeping entries related to these activities on average per year for each CMV except intermodal chassis. Each entry would take approximately 2 minutes to record. In addition, items such as push-out windows, emergency doors, and emergency door marking lights in motorcoaches and school buses must be inspected at least every 90 days, or at least 4 times per year. There is one recordkeeping entry for each of the emergency exit inspections, for a total of 4 entries per year for each bus. Also, each entry concerning emergency exit inspections would take approximately 2 minutes. Because a typical intermodal chassis travels only several thousand miles per year, FMCSA has estimated that the equivalent of a quarterly inspection program is sufficient to satisfy the systematic inspection, repair, and maintenance requirement.

From this, FMCSA estimates that there are 4 recordkeeping entries per year, and that each entry would take approximately 3 minutes to record.

According to the FMCSA Motor Carrier Management Information System (MCMIS)<sup>3</sup>, the following CMVs are subject to the FMCSRs:

- 4,470,910 power units
  - Includes 2,130,251 truck tractors for interstate freight carriers
  - Includes 526,608 truck tractors for intrastate HM carriers
  - Includes 49,834 motorcoaches
  - Includes 115,303 school buses (5,980 9-15 capacity school buses + 109,323 16+ capacity school buses)
- 5,587,055 non-power units
  - Includes 850,000 intermodal chassis<sup>4</sup>

The total hour burden of these records is calculated as follows:

***Routine Inspection, Repair, and Maintenance Records Burden***

IC1 = Burden for CMVs with 24 Entries/year

IC2 = Added Burden for Emergency Exit Tests on Motorcoaches and School Buses

IC3 = Burden for Intermodal Chassis

$$\begin{aligned} \text{IC1} &= [((\text{Number of Power Units}) + (\text{Number of Non-Power Units} - \text{Number of Intermodal Chassis})) \times (24 \text{ entries/year}) \times (2 \text{ minutes/entry}) \times (1 \text{ hour}/60 \text{ minutes})] \\ &= [(4,470,910) + (5,587,055 - 850,000)] \times (24) \times (2) \times (1/60) = 7,366,372 \end{aligned}$$

$$\begin{aligned} \text{IC2} &= [(\text{Number of Motorcoaches} + \text{Number of School Buses}) \times (4 \text{ emergency exit tests/vehicle/year}) \times (1 \text{ entry/test}) \times (2 \text{ minutes/entry}) \times (1 \text{ hour}/60 \text{ minutes})] \\ &= [(49,834) + (115,303)] \times (4) \times (1) \times (2) \times (1/60) = 22,018 \end{aligned}$$

$$\begin{aligned} \text{IC3} &= [(\text{Number of Intermodal Chassis}) \times (4 \text{ entries/year}) \times (3 \text{ minutes/entry}) \times (1 \text{ hour}/60 \text{ minutes})] \\ &= [(850,000) \times (4) \times (3) \times (1/60)] = 170,000 \end{aligned}$$

Total Routine Inspection, Repair, and Maintenance Records Burden

$$= \text{IC1} + \text{IC2} + \text{IC3} = [7,366,372] + [22,018] + [170,000] = \mathbf{7,558,390 \text{ hours}}$$

The current total burden for these recordkeeping activities is approximately 7,558,390 hours. This burden remains unchanged by the Passenger Carrier No-Defect DVIR rule.

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<sup>3</sup> Data Source: MCMIS and SMS data snapshot as of December 29, 2017.

<sup>4</sup> Final Regulatory Evaluation prepared for the December 2008 IME final rule.



### **Driver Vehicle Inspection Reports**

Prior to the Passenger Carrier No-Defect DVIR rule, drivers of passenger-carrying CMVs (except private motor carriers of passengers (nonbusiness)) were required to prepare a DVIR at the completion of each day's work on each CMV operated even if no defect or deficiency is discovered by or reported to the driver. With the adoption of this rule, no-defect DVIRs will not be required to be submitted or retained for any segment of the industry; DVIRs will only be required to be submitted and retained if the driver has found or been made aware of defects or deficiencies.

Section 396.11 of the FMCSRs requires every driver to prepare a written inspection report (DVIR) at the completion of each day's work on each CMV operated, only if a defect or deficiency was discovered by or reported to the driver that would affect the safety of operation of the vehicle or result in its mechanical breakdown, except when his or her employing motor carrier operates only one CMV and driveaway-towaway operators<sup>5</sup> (§ 396.11(a)(5)). FMCSA estimates the time for a driver to prepare a DVIR and provide a copy to his/her employing motor carrier is approximately 2.5 minutes (150 seconds) on average.

For each DVIR that lists any defect or deficiency, every motor carrier is required to certify on the original DVIR that the defect or deficiency has been repaired or that repair is unnecessary before the vehicle is operated again. FMCSA estimates that certification of corrective action takes 0.5 minutes (30 seconds).

Section 396.13 requires a driver to review the last DVIR and sign it if defects or deficiencies were noted by the driver who prepared it, to acknowledge that the DVIR was reviewed before the vehicle is operated again and that there is a certification that repairs were made or were unnecessary. The Agency estimates that this review takes 20 seconds to review (15 seconds) and sign (5 seconds) DVIRs which have noted defects or deficiencies. From the above, the total burden per DVIR when a defect or deficiency is found is 200 seconds (2.5 minutes to prepare the DVIR and provide a copy to the motor carrier + 30 seconds for the motor carrier to certify corrective action + 15 seconds for a driver to review the previous DVIR + 5 seconds for a driver to review and sign the previous DVIR).

FMCSA estimates that drivers discover vehicle defects or deficiencies in 5 percent of inspections.

As noted above, FMCSA estimates that there are 253,035 interstate motor carriers operating one CMV, and such operations are excepted from the DVIR reporting requirement. Some CMVs are not operated on any given day. Consistent with previous

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<sup>5</sup> FMCSA does not have any way to estimate the number of interstate driveaway-towaway operations conducted per year. However, these operations constitute a very small fraction of the overall trip population, and given that FMCSA estimates that drivers discover vehicle defects or deficiencies in 5 percent of inspections, the number of burden hours associated with this small segment of the industry is considered to be negligible.

estimates, we estimate that there is a 65% probability that a CMV will be operated on any given day. For days on which a CMV is not operated, no DVIR is required. For a tractor-trailer combination, only one DVIR is prepared. FMCSA estimates that 25% of tractor-trailer drivers operate an average of two vehicle combinations per day.

The burden associated with DVIRs is calculated as follows:

### ***DVIR Burden***

IC4 = Burden for Defect DVIRs for All Vehicles

$$\begin{aligned} \text{IC4} &= \{[(\text{Number of Power Units}) + (\text{Number of truck-tractors (Total of Interstate Freight Carriers + Intrastate HM Carriers)}) \times 25\% \text{ truck-tractor drivers that operate 2 vehicle combinations/day}] - (\text{Number of single-CMV operations})\} \times (65\% \text{ average daily use}) \times (365 \text{ days/year}) \times (5\% \text{ DVIRs with defects}) \times [(150 \text{ seconds to prepare DVIR} + 30 \text{ seconds certification of corrective action} + 15 \text{ seconds for driver to review DVIR} + 5 \text{ seconds for driver to sign DVIR}) \times (1 \text{ hour}/3600 \text{ seconds})] \\ &= \{[(4,470,910) + ((2,130,251 + 26,599) \times (0.25)) - (253,035)] \times (0.65) \times (365) \times (0.05) \times (200) \times (1/3600)\} + [(247,496) \times (0.65) \times (365) \times (0.95) \times (155) \times (1/3600)] = 3,134,875 \end{aligned}$$

Total DVIR Burden

$$= \text{IC4} = [3,134,875] = \mathbf{3,134,875 \text{ hours}}$$

The currently approved annual burden for DVIRs is 5,536,622 hours. The new total of **3,134,875 hours** represents a decrease of 2,401,747 hours compared to the hours of annual burden estimated in the currently approved ICR. This change is attributable to elimination of the requirement that drivers of passenger-carrying CMVs operating in interstate commerce, submit, and motor carriers retain, DVIRs when the driver has neither found nor been made aware of any vehicle defects or deficiencies.

### **Disposition of Roadside Inspection Reports**

The driver of any CMV to which a roadside inspection is performed must deliver the inspection report to his/her employing motor carrier. If the driver is not scheduled to return or arrive at the motor carrier's facility or terminal within 24 hours, the driver must mail or otherwise transmit the roadside inspection report to the motor carrier. Upon receiving the report, the motor carrier must examine it, ensure that all noted violations and defects are corrected, certify that the violations have been corrected, and return the completed report to the agency that issued it. (Generally, this would be a State agency that is an FMCSA Motor Carrier Safety Assistance Program grantee.) If the report has no noted violations or defects, no certification or return of the report is required.

There were 3,411,789 roadside inspections conducted in 2017. According to the FMCSA's 2017 roadside inspection data, 42% of roadside inspections had no noted defects or violations.<sup>6</sup>

The FMCSA estimates that 45% of the drivers involved in roadside inspections do not return to their motor carrier's facility or terminal within 24 hours of the inspection. The agency also estimates that it takes a driver approximately 2 minutes to mail an inspection report to his/her employing motor carrier.

The time needed for a motor carrier to examine the report depends on the amount of information within the report, but the FMCSA estimates that it takes a motor carrier approximately 5 minutes on average to examine the inspection report, certify that the noted violations have been corrected, mail the certified report, and retain and file a copy.

The total hour burden of these records is calculated as follows:

***Disposition of Roadside Inspection Reports Burden***

IC5 = Burden for Driver to Mail Inspection Report to Motor Carrier

IC6 = Burden for Motor Carrier to Examine/Certify/Mail/Retain/File Inspection Report

$$\begin{aligned} \text{IC5} &= [(\text{Number of roadside inspections}) \times (58\% \text{ of inspections with violations}) \times (45\% \\ &\text{of drivers that do not return to motor carrier's terminal/facility within 24 hours}) \times (2 \\ &\text{minutes to mail report}) \times (1 \text{ hour}/60 \text{ minutes})] \\ &= [(3,411,789) \times (0.58) \times (0.45) \times (2) \times (1/60)] = 29,683 \end{aligned}$$

$$\begin{aligned} \text{IC6} &= [(\text{Number of roadside inspections}) \times (58\% \text{ of inspections with violations}) \times (5 \\ &\text{minutes to examine/certify/mail/retain and file report}) \times (1 \text{ hour}/60 \text{ minutes})] \\ &= (3,411,789) \times (0.58) \times (5) \times (1/60) = 164,903 \end{aligned}$$

Total Disposition of Roadside Inspection Reports Burden

$$= \text{IC5} + \text{IC6} = [(29,683) + (164,903)] = \mathbf{194,586 \text{ hours}}$$

The current total burden for these recordkeeping activities is approximately 194,586 hours. This burden remains unchanged by the Passenger Carrier No-Defect DVIR rule.

**Periodic (Annual) Inspection**

In addition to the systematic inspection, repair, and maintenance requirements of § 396.3, § 396.17 of the FMCSRs prohibits a motor carrier from using a CMV unless the CMV has passed an inspection at least once during the preceding 12 months and documentation of such inspection is maintained on the CMV. The inspection must include, at a minimum, the parts and accessories set forth in Appendix G to the FMCSRs, "Minimum Periodic Inspection Standards" (49 CFR Chapter III, Subchapter B, App. G). The documentation may be the inspection report prepared in accordance with § 396.21(a) or

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<sup>6</sup> Data Source: FMCSA's Motor Carrier Management Information System (MCMIS) data snapshot as of 12/29/2017: 3,411,789 total inspections in 2017, 1,418,968 with no violations noted.

other forms of documentation, such as a sticker or decal, that contains the following information: the date of the inspection; the name and address of the motor carrier or other entity where the inspection report is maintained; information uniquely identifying the vehicle inspected if not clearly marked on the vehicle; and a certification that the vehicle has passed an inspection in accordance with § 396.17. The original or copy of an inspection report must be retained where the CMV is either housed or maintained (§ 396.21(b)(1)).

Under § 396.23, CMVs passing periodic inspections performed under the auspices of a State government, equivalent jurisdiction, or the FMCSA, meeting the minimum standards, are not subject to the inspection requirements in 49 CFR § 396.17. As of March 2018, periodic inspection programs of 22 States, the District of Columbia, the Alabama Liquefied Petroleum Gas Board, 10 Canadian Provinces, one Canadian Territory, and Mexico were identified as comparable to, or as effective as, the Federal periodic inspection requirements. Because they are comparable to the Federal requirements, the FMCSA's periodic inspection and the related recordkeeping are not required for motor carriers that comply with these equivalent periodic inspection programs. FMCSA estimates that approximately 4,425,000 CMVs are subject to State-mandated periodic inspection programs, and are therefore not subject to the inspection requirements in 49 CFR § 396.17.

FMCSA estimates that the time needed to document and retain the inspection report is approximately 5 minutes.

In accordance with the above, the total hour burden of these records is calculated as follows:

### ***Periodic (Annual) Inspection Burden***

$$\begin{aligned} \text{IC7} &= [(\text{Burden for All CMVs}) - (\text{CMVs Subject to State-Mandated Periodic Inspection Program})] \\ &= [(\text{Number of Power Units} + \text{Number of Non-Power Units}) - (\text{Number of CMVs subject to State-mandated periodic inspection program})] \times (5 \text{ minutes/CMV}) \times (1 \text{ hour}/60 \text{ minutes}) \\ &= [(4,470,910 + 5,587,055) - 4,425,000] \times (5) \times (1/60) = \mathbf{469,414 \text{ hours}} \end{aligned}$$

The current total burden for these recordkeeping activities is approximately 469,414 hours. This burden remains unchanged by the Passenger Carrier No-Defect DVIR rule.

### **Records of Inspector Qualifications**

Section 396.19 of the FMCSRs requires motor carriers to retain evidence of an individual's qualifications to perform periodic inspections. Inspectors are required to (1) understand the inspection criteria set forth in part 393 and Appendix G and be able to identify defective parts, (2) be knowledgeable of and have mastered the methods,

procedures, tools and equipment used when performing an inspection, and (3) be capable of performing an inspection by reason of experience, training, or both.

Motor carriers are not required to maintain documentation of inspector qualifications for those inspections performed as part of a State periodic inspection program. FMCSA estimates that 44 percent of motor carriers are not required to maintain any documentation of inspector qualifications because of this provision.

There are an estimated 543,061 motor carriers subject to the periodic inspection requirements for CMVs. FMCSA estimates that there are approximately two inspectors for every three motor carriers.

The Agency estimates that the time needed for a motor carrier to document an inspector's qualifications is approximately 5 minutes on average.

It is important to note that this is generally a non-recurring time commitment. Once the motor carrier has documented that the inspector has met the minimum requirements, the motor carrier does not have to update this information.

The total hour burden of these records is calculated as follows:

#### ***Records of Inspector Qualifications Burden***

$$\begin{aligned} \text{IC8} &= [(\text{Number of Motor Carriers}) \times (0.667 \text{ inspectors/carrier}) \times (56 \% \text{ applicability rate}) \\ &\times (5 \text{ minutes}) \times (1 \text{ hour}/60 \text{ minutes})] \\ &= [(543,061) \times (0.667) \times (0.56) \times (5) \times (1/60)] = \mathbf{16,904 \text{ hours}} \text{ [1-time, non-recurring} \\ &\text{burden]} \end{aligned}$$

The current total burden for these recordkeeping activities is approximately 16,904 hours. This burden remains unchanged by the Passenger Carrier No-Defect DVIR rule.

#### ***Evidence of Brake Inspector Qualifications***

Section 396.25 of the FMCSRs requires motor carriers to ensure that all inspections, maintenance, repairs or service to the brakes of its CMVs are performed by a qualified brake inspector, and maintain evidence of the inspector's qualifications at the carrier's principal place of business or at the location where the brake inspector is employed. Brake inspectors are required to: (1) understand the brake service or inspection task to be accomplished and can perform that task; (2) be knowledgeable of and have mastered the methods, procedures, tools and equipment used when performing an assigned brake service inspection or task; and (3) be capable of performing the assigned brake service or inspection by reason of experience, training, or both.

If the person who inspects, repairs, services, or maintains the CMV brakes is not an employee of the motor carrier, then the motor carrier is not required to maintain qualification evidence for that person.

There are an estimated 543,061 motor carriers subject to the brake inspector requirements. Most large motor carriers employ several brake inspectors, and a significant portion of small motor carriers do not employ a brake inspector. FMCSA estimates that there is one brake inspector employed by every three motor carriers on average.

The Agency estimates that the time needed for a motor carrier to document a brake inspector's qualifications is approximately 5 minutes on average.

As is the case with inspectors that perform periodic inspections, it is important to note that this is generally a non-recurring time commitment. Once the motor carrier has documented that the brake inspector has met the minimum requirements, the motor carrier does not have to update this information.

The total hour burden of these records is calculated as follows:

***Evidence of Brake Inspector Qualifications Burden***

$$\begin{aligned} \text{IC9} &= [(\text{Number of Motor Carriers}) \times (1 \text{ brake inspector}/3 \text{ carriers}) \times (5 \text{ minutes}) \times (1 \text{ hour}/60 \text{ minutes})] \\ &= [(543,061) \times (1/3) \times (5) \times (1/60)] = \mathbf{15,085 \text{ hours}} \text{ [1-time, non-recurring burden]} \end{aligned}$$

The current total burden for these recordkeeping activities is approximately 15,085 hours. This burden remains unchanged by the Passenger Carrier No-Defect DVIR rule.

FMCSA assumes these tasks will be carried out by individuals equivalent to a Business Operations Specialist (Occupation Code 13-1000). The median hourly wage for a Business Operations Specialist in the Truck Transportation industry (NAICS 484000) is \$26.87.<sup>7</sup> To arrive at a loaded hourly wage rate, the Agency first estimated a load factor of 1.423 by dividing the total cost of compensation for private industry workers of the trade, transportation, and utilities industry (\$27.74) by the average cost of hourly wages and salaries (\$19.50) as reported by the Bureau of Labor Statistics in its Employer Costs for Employee Compensation for September 2017.<sup>8</sup> Multiplying the mean hourly wage by the load factor results in a loaded hourly wage of \$38.24. As displayed in Table 1, the total burden hour cost of this ICR is \$527,366,247.

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<sup>7</sup> Bureau of Labor Statistics. "Occupational Employment and Wages, May 2016, NAICS 484000 - Truck Transportation." Available at [www.bls.gov/oes/current/naics3\\_484000.htm#13-0000](http://www.bls.gov/oes/current/naics3_484000.htm#13-0000). Accessed March 7, 2018.

<sup>8</sup> Bureau of Labor Statistics. "Table 10. Employer costs per hour worked for employee compensation and costs as a percentage of total compensation: private industry workers, by industry group, September 2017." <https://www.bls.gov/news.release/ecec.t10.htm>, Accessed March 7, 2018.

**Table 1: Summary of Revised Annual Responses, Burden Hours, and Burden Hour Costs Estimates for Each Information Collection**

<b>IC</b>	<b>IC Title</b>	<b>No. of Responses</b>	<b>Burden Hours</b>	<b>Burden Hour Costs</b>
IC1	Routine Inspection, Repair, and Maintenance Records for CMVs	220,991,160	7,366,372	\$281,689,784
IC2	Routine Inspection, Repair, and Maintenance Records for Emergency Exit Tests on Motor Coaches and School Buses	660,548	22,018	\$840,657
IC3	Routine Inspection, Repair, and Maintenance for Intermodal Chassis	3,400,000	170,000	\$6,500,800
<b>Total Routine Inspection, Repair, and Maintenance Records Burden: 7,558,390 hours</b>				
IC4	Driver Vehicle Inspection Reports for Defect DVIRs for All Vehicles, Including Carrier Passenger Vehicles	56,427,754	3,134,875	\$119,877,628
<b>Total DVIR Burden:</b>			<b>3,134,875 hours</b>	
IC5	Disposition of Roadside Inspection Reports for Driver to Mail Inspection Report	890,477	29,683	\$1,135,061
IC6	Disposition of Roadside Inspection Reports for Motor Carrier to Examine, Certify, Mail, Retain, File Inspection Report	1,978,838	164,903	\$6,305,897
<b>Total Disposition of Roadside Inspection Reports Burden:</b>			<b>194,586 hours</b>	
IC7	Periodic (Annual) Inspection of All CMVs Not Subject to State-Mandated Periodic Inspection Program	5,632,965	469,414	\$17,950,382
IC8	Records of Inspector Qualifications	202,844	16,904	\$646,396
IC9	Evidence of Brake Inspector Qualifications	181,019	15,085	\$576,847
<b>Totals for all ICs</b>		<b>290,365,605</b>	<b>11,389,254</b>	<b>\$435,523,452</b>

**Estimated Number of Annual Respondents:** 543,061 motor carriers and 5,739,712 drivers

**Estimated Total Annual ICR Burden Hours:** 11,389,254

**Estimated Annual Number of Responses:** 290,365,605

**13. Estimate of total annual costs to respondents:**

The FMCSA currently estimates that the total annual cost to the respondents of the information collection, not including costs of associated salaries with the hour burden, is \$433,383.

The previous Supporting Statement stated that this cost was wholly related to the requirement that the driver of any CMV to which a roadside inspection is performed must mail the inspection report to his/her employing motor carrier if the driver is not scheduled to return or arrive at the motor carrier's facility or terminal within 24 hours. However, the previous estimate was calculated assuming that only roadside inspection reports that had violations noted are required to be returned to the motor carrier, when all roadside inspection reports need to be transmitted to the motor carrier regardless of whether violations were noted. In addition, the previous estimate failed to include the cost associated with the requirement that motor carriers must return the completed roadside inspection form to the issuing agency within 15 days following the date of the roadside inspection if violations were noted.

As noted earlier, FMCSA estimates that 45% of the drivers involved in roadside inspections do not return to their motor carrier's facility or terminal within 24 hours of the inspection.

Effective January 21, 2018, First Class postage rates increased to \$0.50.

The cost burden related to the mailing of inspection reports by drivers and motor carriers is calculated as follows:

[Cost for Drivers to Mail Roadside Inspection Reports to Motor Carriers] + [Cost for Motor Carriers to Mail Roadside Inspection Reports to Issuing Agency] = [(Number of Roadside Inspections) x (45% of Drivers Who Do Not Return Within 24 hours) x (\$0.50)] + [(Number of Roadside Inspections) x (58% of Inspections with Violations) x (\$0.50)] =

$[(3,411,789) \times (0.45) \times (\$0.50)] + [(3,411,789) \times (0.58) \times (\$0.50)] =$

$\$767,653 + \$989,419 = \$1,757,072$

#### **14. Estimate of cost to the Federal government:**

This information collection imposes no cost to the Federal government. Motor carriers keep these reports, along with other documentation related to CMV inspection, repair, and maintenance, at locations where they maintain their vehicles. These locations may be the principal place of business or other locations (terminals, etc.) FMCSA investigators only obtain access to the reports and associated documentation during compliance reviews, and the burden associated with these compliance reviews is not subject to the PRA.



**15. Explanation of program changes or adjustments:**

The previous revision included updated data regarding the number of motor carriers subject to the FMCSRs, vehicle counts, inspections, and other underlying data used to estimate the total burden hours. In addition, and as discussed above, that revision corrected the manner in which: (1) the burden associated with routine inspection, repair and maintenance records is calculated by including non-powered CMVs in addition to power units; and (2) the burden associated with periodic inspection records is calculated by using only the records associated with the once-per-year inspection conducted in accordance with Appendix G. Finally, that revision corrected the calculation of the burden associated with DVIRs by including the 30 seconds required for motor carrier certification of corrective action for defect DVIRs that was inadvertently omitted in the calculation of this estimate in the December 2014 No-Defect DVIR rule. As a result of the changes noted above, the estimated annual burden hours increased from 11,424,594 to 13,791,001, and the number of responses increased from 271,486,025 to 346,148,110.

This update revises the information collection consistent with the Passenger Carrier No-Defect DVIR rule published on *August 18, 2020* that eliminates the requirement that drivers of passenger-carrying CMVs operating in interstate commerce, submit, and motor carriers retain, DVIRs when the driver has neither found nor been made aware of any vehicle defects or deficiencies. The current FMCSA estimate of the total annual hour burden of this information collection associated with systematic inspection, repair, and maintenance is 13,791,001 hours. The Agency estimates that the revisions associated with the Passenger Carrier No-Defect DVIR rule reduce this by approximately 2,401,747 hours, for a revised estimated burden of 11,389,254 hours.

**16. Publication of results of data collection:**

There are no plans to publish this collection of information for statistical use.

**17. Approval for not explaining the expiration date for OMB approval:**

The FMCSA is not seeking this approval.

**18. Exceptions to certification statement:**

The FMCSA does not claim an exception to any element of the certification statement identified in Item 19 of OMB Form 83-1.

## ATTACHMENTS

**Attachment A:** Section 204(a) of the Motor Carrier Act, 1935 (49 U.S.C. § 31502)

**Attachment B:** Section 206 of the Motor Carrier Safety Act of 1984 (49 U.S.C. § 31136)

**Attachment C:** Section 210 of the Motor Carrier Safety Act of 1984 (49 U.S.C. § 31142)

**Attachment D:** Section 9110 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (49 U.S.C. § 31137(g))

**Attachment E:** Title 49 CFR part 396, “Inspection, Repair, and Maintenance”

**Attachment F:** Title 49 CFR part 393, “Parts and Accessories Necessary for Safe Operation”

**Attachment G:** Section 4008(a)(2) of the Transportation Equity Act of the 21st Century (TEA–21) (Pub. L. 105–178, 112 Stat. 107, June 9, 1998)

**Attachment H:** January 11, 2001 final rule “Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs” (66 FR 2756)

**Attachment I:** Section 4118 of The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub L. 109-59, 119 Stat. 1144, at 1729, August 10, 2005)

**Attachment J:** Section 4136 of SAFETEA-LU [Pub. L. 109-59, 119 Stat. 1144, 1745, August 10, 2005]

**Attachment K:** December 17, 2008, final rule “Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment” (73 FR 76794)

**Attachment L:** June 12, 2012, final rule “Inspection, Repair and Maintenance; Driver-Vehicle Inspection Report (DVIR) for Intermodal Equipment,” (77 FR 34846)

**Attachment M:** Presidential Executive Order (E.O.) 13563, “Improving Regulation and Regulatory Review” (January 21, 2011, at 76 FR 3821)

**Attachment N:** February 16, 2011 Notice “Regulatory Review of Existing DOT Regulations” (76 FR 8940)

**Attachment O:** December 18, 2014, final rule “Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report” (79 FR 75437)

**Attachment P:** November 12, 2019 notice of proposed rulemaking “Passenger Carrier No-Defect Driver Vehicle Inspection Reports” (84 FR 60990)

**Attachment Q:** 49 CFR § 390.3

**Attachment R:** 49 CFR § 390.5

**Attachment S:** August 18, 2020, final rule “Passenger Carrier No-Defect Driver Vehicle Inspection Reports” (85 FR 50787)