

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

Supporting Statement A

Acknowledgement of use of COVID-19 Emergency Declaration Relief
OMB Number 2126-TBD

SUMMARY

- This is an emergency review request where FMCSA is requesting emergency clearance to collect information regarding the number of motor carriers and drivers that are operating under Emergency Declaration No. 2020-002, in order for FMCSA to make a determination as to whether to continue to extend or modify the Emergency Declaration beyond the next extension that will be in place on or before September 1, 2021.
- This is a new information request with one information collection instrument.

INTRODUCTION

In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Motor Carrier Safety Administration (FMCSA) is requesting the Office of Management and Budget (OMB) emergency approval for a new information collection. The collection of information is associated with the coronavirus disease 2019 (COVID-19) and the data collected will be used to inform FMCSA's continued actions to support the nation's COVID-19 recovery efforts. If granted, the emergency approval is only valid for 180 days. FMCSA plans to follow this emergency request with a submission for a 3-year approval through OMB's normal PRA clearance process.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The collection of this information is necessary for FMCSA to determine the extent that motor carriers and drivers are continuing to rely upon Emergency Declaration No. 2020-002, which provides exemptions from several provisions of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA would like to minimize these exemptions as much as possible, as they fundamentally conflict with FMCSA's core safety mission. Delay in acquiring this information may lead to unnecessary extensions of Emergency Declaration No. 2020-002, or to the expiration of a still necessary exemption.

FMCSA issued Emergency Declaration No. 2020-002 in response to the March 13, 2020 declaration of a national emergency under 42 U.S.C. § 5191(b) related to COVID-19, and the immediate risk COVID-19 presents to public health and welfare. FMCSA modified Emergency Declaration 2020-002 to expand and remove categories of supplies, equipment, and persons covered by the Emergency Declaration to respond to changing needs for emergency relief. On May 26, 2021, FMCSA extended the modified Emergency Declaration No. 2020-002 and associated regulatory relief through August 31, 2021, in accordance with 49 CFR § 390.25. FMCSA continued the exemption and associated regulatory relief in accordance with 49 CFR §

390.25, because the presidentially declared emergency remained in place and because a continued exemption was needed to support direct emergency assistance for some supply chains. This extension of the expanded modified Emergency Declaration addresses national emergency conditions that create a need for immediate transportation of essential supplies and provides necessary relief from the FMCSRs for motor carriers and drivers.

In accordance with the expanded modified Emergency Declaration No. 2020-002, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 public health emergency are granted emergency relief from certain portions of 49 CFR parts 390 through 399 of the FMCSRs, except as restricted in the Emergency Declaration. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as medical care) or essential supplies related to COVID-19 during the emergency.

Neither the Emergency Declaration nor the regulations covering Emergency Declarations (found in 49 CFR §§ 390.23 and 390.25) require that motor carriers or drivers operating under the Emergency Declaration report their operation to FMCSA. As a result, FMCSA does not know how many motor carriers or drivers are relying on the Emergency Declaration. Given the unprecedented period that expanded modified Emergency Declaration No. 2020-002 has now been in place, FMCSA has determined that it is necessary to seek information on the number of motor carriers and drivers relying on Emergency Declaration No. 2020-002 to evaluate the need for future extensions or modifications beyond the next extension of the Emergency Declaration discussed below.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

FMCSA has determined that the continuing national emergency warrants the extension of Emergency Declaration No. 2020-002 once again. In that extension, FMCSA intends to request that motor carriers and drivers (if self-employed) provide data to FMCSA on a monthly basis regarding the extent to which they are operating in reliance on the Emergency Declaration. The Emergency Declaration will include a URL link that takes users to FMCSA's website, where they will provide the information. The data collection will be limited to a small number of fields – USDOT number, month and year of the reporting period, the number of commercial motor vehicles trips that relied upon the Emergency Declaration in the preceding month (using a choice of one of 5 ranges), and the commodity(ies) being transported when operating under the Emergency Declaration (using a drop down list).

FMCSA will begin collecting this information once the next extension of the Emergency Declaration is in place, which will be on or before September 1, 2021. FMCSA will continue to collect the information on a monthly basis until the end of the next extension, or until the end of the emergency approval period.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information will be submitted via FMCSA's website.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This is a new collection related to the ongoing COVID-19 public health emergency and FMCSA's Emergency Declaration No. 2020-002. The specific information requested is unique to this situation and the motor carrier industry, and currently is not collected by the Federal government. The information is not publicly available elsewhere.

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

This information collection has been designed to minimize the burden on all respondents. Motor carriers will provide the information via FMCSA's website. The data collection will be limited to a small number of fields and be provided primarily by using drop-down menus.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without approval to collect this information on a monthly basis, FMCSA will not know whether motor carriers and drivers continue to rely on the terms of Emergency Declaration No. 2020-002. In the absence of such information, FMCSA will not have a basis for making determinations on whether to continue to extend the Emergency Declaration.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines 5 CFR 1320.6.

FMCSA is collecting this information to enable informed decision-making in regard to an Emergency Declaration that has already been extended far longer than any previously issued Emergency Declaration. Quarterly updates of this data will not provide FMCSA with an understanding of the present operational needs of motor carriers and drivers sufficient to support the nation's COVID-19 recovery efforts. Monthly collection will allow FMCSA to track the motor carrier industry's usage of the exemptions contained in Emergency Declaration No. 2020-002 in close to real-time.

There is no requirement for respondents to retain records beyond what is already required by FMCSA.

This is not a statistical data collection.

This information collection does not require respondents to submit proprietary information.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register notice will be published on August 27, 2021 with public inspection scheduled for August 26, 2021. Since FMCSA is seeking emergency approval due to the COVID-19 public health emergency, comments are being sought until August 30, 2021. However, after the emergency approval for 180 days, FMCSA plans to follow this emergency request with a submission for a 3-year approval through OMB's normal PRA clearance process, at which time both a 60-day and 30-day Federal Register notice for public comment will be published.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

FMCSA will not provide payments or gifts.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

FMCSA offers no assurance of confidentiality. However, responses will not be required to include personally identifying information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

FMCSA will not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

This information collection will apply to motor carriers and drivers operating under the terms of Emergency Declaration No. 2020-002. For purposes of this collection, FMCSA estimates that 188,087 interstate motor carriers and 15,807 intrastate hazardous materials motor carriers, totaling 203,894 motor carries, fall within the purview of the Emergency Declaration.¹ This number is a likely overestimate of the number of carriers that will actually take advantage of the Emergency Declaration but provides a potential maximum for the burden hours associated with this ICR.

¹ The number of interstate and intrastate motor carriers was obtained from a July 30, 2021 snapshot from FMCSA's Motor Carrier Management Information System (MCMIS) database, and represents motor carriers that transport livestock/feed, medical supplies, vaccines, masks, sanitizers, gloves, food/groceries, paper products, and fuel.

FMCSA intends to collect this information monthly over the 6 months of the emergency approval period.

FMCSA is requiring that all motor carriers operating under the Emergency Declaration provide data to FMCSA on a monthly basis regarding the extent to which they operated under the terms of Emergency Declaration No. 2020-002 in the previous month. Motor carriers will provide the information via FMCSA’s website. The data collection will be limited to a small number of fields – USDOT number, month and year of the reporting period, the number of commercial motor vehicles trips that relied upon the Emergency Declaration in the preceding month (using a choice of one of 5 ranges), and the commodity(ies) being transported when operating under the Emergency Declaration (using a drop down list).

This request asks for limited information that is readily available to the filer. FMCSA assumes that a motor carrier employee equivalent to General and Operations Managers (Bureau of Labor Statistics [BLS] Occupation Code 11-1021) in the Truck Transportation industry (North American Industry Classification System [NAICS] code 484000) will submit the requested data in approximately 15 minutes (15 minutes ÷ 60 minutes = 0.25 hours).

The median hourly wage of a General and Operations Manager is \$40.65.² The Agency applies an estimate of 52 percent in fringe benefits,³ and 27 percent in overhead costs⁴ to the wage rate, leading to a fully loaded wage for a General and Operations Manager of \$72.97 ($\$40.65 + (\$40.65 \times 52\%) + (\$40.65 \times 27\%) = \72.97).

FMCSA anticipates the total annual burden to the motor carrier industry to be 305,841 hours, and the total cost to the transit industry to be \$22,317,218.

Number of Motor Carriers (A)	Number of Responses (B)	Hours per Response (C)	Total Burden Hours (D = A × B × C)	Loaded Hourly Wage (E)	Total Cost (D × E)
203,894	6	0.25 hours	305,841	\$72.97	\$22,317,218

Estimated Total Respondents: 203,894

Estimated Total Responses: 1,223,364 for 6 months

Estimated Total Burden Hours: 305,841 for 6 months

² General and Operations Managers median hourly wage (BLS Occupation Code 11-1021 in the Truck Transportation industry, NAICS code 484000), available at https://www.bls.gov/OES/Current/naics3_484000.htm (accessed August 20, 2021).

³ BLS, “Employer Cost of Employee Compensation December 2020 News Release,” Table 4: Employer Costs for Employee Compensation for private industry workers by occupational and industry group, available at <https://www.bls.gov/news.release/pdf/ecec.pdf> (accessed November 2, 2020). The fringe benefit rate is the ratio of hourly wage for average hourly wage for a private industry worker and the associated hourly benefit rate (52% = 13.78/\$26.45).

⁴ For estimating the overhead rates on wages, the Agency uses industry data gathered for the Truck Costing Model developed by the Upper Great Plains Transportation Institute, North Dakota State University (Berwick, Farooq. Truck Costing Model for Transportation Managers. North Dakota State University. Upper Great Plains Transportation Institute. August 2003. Appendix A, pp. 42-47. Available at: <http://www.mountain-plains.org/pubs/pdf/MPC03-152.pdf> (accessed August 20, 2021)). Research conducted for this model found an average cost of \$0.107 per mile of CMV operation for management and overhead, and \$0.39 per mile for labor, indicating an overhead rate of 27% (27% = \$0.107 ÷ \$0.39 (rounded to the nearest whole percent)).

Estimated Total Cost: \$22,317,218 for 6 months

Frequency: Monthly for 6 months

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

There are no additional cost burdens beyond those explained in section 12 above.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

FMCSA estimates information technology costs to the Federal government of \$200,000 to build the platform to collect, maintain, and archive the data over a period of 12 to 18 months. This cost includes the operations and maintenance cost (O&M) for the platform over the same period, as well as the costs for the government personnel who will create and maintain the platform. This cost will be covered by funds already allocated to FMCSA and will not result in an additional budgetary request.

15. Explain the reasons for any program changes or adjustments.

This is a new collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

FMCSA is collecting this information for internal use only and does not intend to publish the information. FMCSA will begin collecting this information once the next extension of the Emergency Declaration is in place, which will be on or before September 1, 2021. FMCSA will continue to collect the information on a monthly basis until the end of the next extension, or until the end of the emergency approval period.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

FMCSA is not seeking such approval and will include all appropriate OMB information in the next extension of Emergency Declaration No. 2020-002.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions.