

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

**SUPPORTING STATEMENT**

**Financial Responsibility Motor Carriers, Freight Forwarders and Brokers  
2126-0017**

**SUMMARY**

- This ICR request is for a renewal of a currently approved information collection and includes updated estimates.
- This ICR has 200,147 respondents, 290,345 responses, 49,439 annual burden hours and a total annual burden cost of \$1,514,300.
- This program change increase is largely due to a revised estimate of the affected population and revising the loaded labor rate to be consistent with other ICRs.

**INTRODUCTION**

The Federal Motor Carrier Safety Administration (FMCSA) requests the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection request (ICR) titled "Financial Responsibility Motor Carriers, Freight Forwarders and Brokers," covered by OMB Control Number 2126-0017. This ICR expires on February 28, 2022.

**Part A. Justification**

**1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY**

The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of property and passengers under 49 U.S.C. §13902 (see Attachment A); surface freight forwarders under 49 U.S.C. § 13903 (see Attachment B); and property brokers under 49 U.S.C. § 13904 (see Attachment C). These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. § 13901 (see Attachment D). The Secretary's authority to register these entities has been delegated to FMCSA (see 49 CFR 1.87, Attachment E). The registration, known as operating authority registration, remains valid only if the transportation entities maintain, on file with FMCSA, evidence of the required levels of financial responsibility (see 49 U.S.C. § 13906, Attachment F). The FMCSA regulations governing the minimum levels of financial responsibility are found at 49 CFR part 387 (see Attachment G).

Certificates of insurance (Forms BMC-91, BMC-91X, and BMC-34); surety bonds (Forms BMC-82, BMC-83, and BMC-84); and trust fund agreements (Form BMC-85) can be used by FMCSA regulated entities to satisfy the statutory financial responsibility requirements. The endorsements (Forms BMC-90, BMC-90B and BMC-32)<sup>1</sup> are attached to insured motor carriers'

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<sup>1</sup> Only household goods motor carriers and household goods freight forwarders need to file the Forms BMC-32

or freight forwarders' policies of insurance to establish continuing compliance with the statutory requirement to retain liability insurance, which terminates only when a policy is canceled. Notices of cancellation (Form BMC-35) notify FMCSA when regulated motor carriers and freight forwarders have canceled their required bodily injury and property damage (BI & PD) liability and/or cargo liability coverage. In all instances, notices of cancellation (Forms BMC-36 and BMC-85) notify FMCSA when property brokers, freight forwarders and motor carriers have canceled their surety bonds or trust fund agreements.

Section 32918 of the Moving Ahead for Progress in the 21st Century Act (MAP-21)<sup>2</sup> amended 49 U.S.C. §13906 (See Attachment H) by requiring FMCSA to increase the surety bond or trust fund levels applicable to brokers to \$75,000, and to extend this requirement to freight forwarders. Congress directed FMCSA to make these non-discretionary changes effective on October 1, 2013. FMCSA amended the burden for forms BMC-84 and BMC-85 in the previous renewal of this information collection.

Motor carriers and Freight Forwarders can also satisfy the statutory financial responsibility requirement by applying for FMCSA self-insurance authority in lieu of filing certificates of insurance or surety bonds with FMCSA. (See 49 CFR 387.309, Attachment I). Form BMC-40 is the application form carriers use to apply for self-insurance authority.

## **2. HOW, BY WHOM, AND FOR WHAT PURPOSE IS THE INFORMATION USED**

The purpose of certificates of insurance, when filed with FMCSA, is to certify that the insurance company making the filing is providing the motor carrier or freight forwarder named thereon with liability insurance coverage in the amounts prescribed. By requiring the filing of Forms BMC-91, BMC-91X and BMC-34, the Agency ensures that the public is protected and will be compensated for claims involving bodily injury and property damage (BI & PD), or loss or damage to household goods, respectively, within the limits prescribed by FMCSA.

Motor carrier BI & PD liability and household goods cargo liability surety bonds (Forms BMC-82 and BMC-83), when filed with FMCSA, certify that the surety company making the filing is liable for BI & PD and cargo losses and damages of the motor carrier or freight forwarder named thereon. A property broker's or freight forwarder's surety bond<sup>1</sup> (Form BMC-84) or trust fund agreement (Form BMC-85), on the other hand, makes the surety company or trustee responsible for any sum or sums, up to \$75,000, that the broker or freight forwarder has failed to pay and "would be held legally liable by reason of [its] failure" to carry out any contracts, agreements, or arrangements for transportation.<sup>2</sup> The filing of surety bonds or trust fund agreements helps ensure that motor carriers and shippers are protected against non-performance of the broker's or freight forwarder's legal obligations.

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endorsement and BMC-34 certificate of insurance as security to compensate shippers or consignees for loss or damage to cargo in connection with their transportation services. The limits of cargo liability are set forth at 49 CFR 387.303T(c).

<sup>2</sup> Pub. L. 112-141, 126 Stat. 405, July 6, 2012.

<sup>1</sup> This surety bond is distinct from any surety bonds filed by freight forwarders related to BI & PD liability or cargo insurance.

<sup>2</sup> See Forms BMC-84 and BMC-85.

An endorsement (Forms BMC-90, BMC-90B and BMC-32) sets forth the minimum limits of liability or cargo insurance coverage that an FMCSA-regulated motor carrier or freight forwarder is required to maintain. Attachment of the endorsement to the insurance policy establishes continuing compliance with statutory and regulatory requirements. The purpose of the endorsement is to hold an insurance company liable for any damages that may occur to the public (up to the limits of the policy), and to supersede any exclusions or limitations which may be contained in the insured motor carrier's or freight forwarder's policy.

Notices of cancellation (Forms BMC-35, BMC-36 and BMC-85) are used by insurance and surety companies or trustees to notify FMCSA that a certificate of insurance, surety bond, or trust fund agreement has been canceled. Since evidence of financial responsibility is to be maintained on a continuous basis, FMCSA will revoke the operating authority registration of the regulated entity if replacement insurance, a replacement surety bond, or replacement trust fund agreement is not filed with FMCSA by the effective date of the cancellation.

The only alternative motor carriers have to filing certificates of insurance and surety bonds with FMCSA is to qualify to act as self-insurers for their BI & PD and/or cargo liability. Form BMC-40 is the application form used by motor carriers to apply for such authority. Data contained on the completed self-insurance form, and in exhibits attached thereto, provide pertinent information regarding the carrier's or forwarder's financial claims and safety rating. FMCSA uses this data to make a determination regarding whether the entity qualifies for the grant of self-insurance authority.

This ICR has been disaggregated into 11<sup>3</sup> information collections (ICs) as follows:

- a. IC-1, Form BMC-91 titled, "Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance."
- b. IC-2, Form BMC-91X titled, "Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance."
- c. IC-3, Form BMC-34 titled, "Household Goods Motor Carrier Cargo Liability Certificate of Insurance."
- d. IC-4, Form BMC-82 titled, "Motor Carrier Bodily Injury Liability and Property Damage Liability Surety Bond Under 49 U.S.C. 13906."
- e. IC-5, Form BMC-83 titled, "Household Goods Motor Carrier Cargo Liability Surety Bond Under 49 U.S.C. 13906."
- f. IC-6, Form BMC-84 titled, "Broker's or Freight Forwarder's Surety Bond Under 49 U.S.C. 13906."
- g. IC-7(a)(b), Form BMC-85 titled, "Broker's or Freight Forwarder's Trust Fund Agreement under 49 U.S.C. 13906 or BMC-85 Notice of Cancellation of the Agreement."<sup>4</sup>

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<sup>3</sup> Note the previous approval of this ICR only included 10 ICs; a separate ICR was created on 2/26/2019 [of approval for FORM BMC-32], because Form BMC-32 was missing. This ICR captures the late Form BMC-32 burden so that all financial responsibility burdens are covered in one PRA package. The separate BMC-32 collection will not be renewed.

<sup>4</sup> Note BMC-85C is attached to form BMC-85 and is the cancellation portion of the form. While form BMC-85 and BMC-85C are one form, we refer to form BMC-85 when discussing trust fund form requirements and BMC-85/C when discussing cancellation.

- h. IC-8, Form BMC-35 titled, “Notice of Cancellation Motor Carrier Insurance Under 49 U.S.C. 13906.”
- i. IC-9, Form BMC-36 titled, “Motor Carrier and Broker’s Surety Bonds Under 49 U.S.C. 13906 Notice of Cancellation.”
- j. IC-10, Form BMC-40 titled, “Application for Authority to Self-Insure Under 49 U.S.C. 13906.”
- k. IC-11, Form BMC-32 titled, “Endorsement for Household Goods Motor Carrier Policies of Insurance for Cargo Liability under 49 U.S.C. 13906”<sup>5</sup>

### **3. EXTENT OF AUTOMATED INFORMATION COLLECTION**

All filers are required to file the insurance forms noted above electronically, except Form BMC-40, titled “Application for Authority to Self-Insure Under 49 U.S.C. 13906.” Because fewer than 10 carriers file Form BMC-40 annually, creating an electronic form is not justified. In addition, the Agency is continuing its practice of processing and approving each self-insurance application on a case-by-case basis. FMCSA also accepts paper copies of the Form BMC-85 titled, “Broker’s or Freight Forwarder’s Trust Fund Agreement under 49 U.S.C. 13906 or Notice of Cancellation of the Agreement”, in addition to accepting electronic filings.

### **4. EFFORTS TO IDENTIFY DUPLICATION**

There are no similar insurance filings made with any other Federal agency or within the Department of Transportation that would result in duplication of this information.

### **5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES**

The Small Business Administration (SBA) defines small business for motor carriers as those with annual revenues or receipts up to \$30 million, \$16.5 million for passenger carriers<sup>1</sup> and motor carrier freight and household goods arrangement. Direct Property and Casualty Insurance Carriers are defined by number of employees greater than 1,500<sup>2</sup>. FMCSA assumes insurance providers are almost all large business. Consistent with other FMCSA ICRs, and FMCSA’s Motor Carrier Management Information System (MCMIS), almost all (97% to 99% percent) of

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<sup>5</sup> Note the previous approval of this ICR only included 10 ICs; a separate ICR was created on 2/26/2019 [of approval for FORM BMC-32], because Form BMC-32 was missing. This ICR captures the late Form BMC-32 burden so that all financial responsibility burdens are covered in one PRA package. The separate BMC-32 collection will not be renewed.

<sup>1</sup> See U. S. Small Business Administration Table “Small Business Size Standards Matched to North American Industry Classification System Codes,” classified under NAICS code 484121 “General Freight Trucking, Long-Distance, Truckload” (Motor Carriers) . NAICS code 485113 “Bus and Other Motor Vehicle Transit Systems,” (Passenger Carriers) 485510 “Charter Bus Industry” (Passenger Carriers) and 485999 “All Other Transit and Ground Passenger Transportation” (Passenger Carriers), NAICS code 488510 “Freight Transportation Arrangement” (Motor Carrier Freight and Householdgood Brokers) available at [https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards\\_Effective%20Aug%202019%2C%202019\\_Rev.pdf](https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards_Effective%20Aug%202019%2C%202019_Rev.pdf) accessed on January 3, 2021.

<sup>2</sup> NAICS code 524126 “Direct Property and Casualty Insurance Carriers, Number of Employees: 1,500. U. S. Small Business Administration Table “Small Business Size Standards Matched to North American Industry Classification System Codes, [https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards\\_Effective%20Aug%202019%2C%202019\\_Rev.pdf](https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards_Effective%20Aug%202019%2C%202019_Rev.pdf) . Accessed January 3, 2022.

these populations (household goods and freight brokers, motor carriers, passenger carriers) are small businesses..<sup>3</sup>

Forms BMC-90 (“Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability Under Section 13906, Title 49 of the United States Code,”) and BMC-32 (“Endorsement for Motor Common Carrier Policies of Insurance for Cargo Liability Under 49 U.S.C. 13906”) do not create a paperwork burden for Motor Carriers. These forms are executed by the insurance company, attached to the BI & PD or cargo liability insurance policy, respectively, and forwarded to the motor carrier or freight forwarder.

Paperwork burdens associated with completing Forms BMC-91, BMC-91X, BMC-34, BMC-82, BMC-83, BMC-84, BMC-85, BMC-35 and BMC-36 are minimized for small businesses because such entities merely fill in blank spaces with information about the carrier, freight forwarder or broker, and the insurer, surety or trustee. Furthermore, certificates of insurance, surety bonds, and trust fund agreements are not renewed or replaced on an annual or periodic basis, and notices of cancellation are only filed with FMCSA when an insurance policy, surety bond, or trust fund agreement is terminated.

Endorsements (see Forms BMC-90, BMC-90B, and BMC-32) do not create a paperwork burden for any small business. The insurance company or its agent merely executes the endorsement, attaches it to the BI & PD or cargo liability insurance policy, respectively, and forwards it to the motor carrier or freight forwarder.

Applications for Authority to Self-Insure (see Form BMC-40) consist of seven pages. However, no consideration has been given to limiting the information requested by this form, since such form is submitted on a voluntary basis. Further, each filing is assessed on the information provided but less information may result in a request for additional data.

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

If this data was collected less frequently, the purpose of the applicable regulations would be defeated. The information collected is intended to establish continuing compliance with statutory financial responsibility requirements and is not collected on a periodic basis.

## **7. SPECIAL CIRCUMSTANCES**

There are no special circumstances related to this information collection.

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

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<sup>3</sup> See Section 5 of the Supporting Statement Part A, OMB Report Number 2126-0048, “Practices of Household Good Brokers,” Approved without changes 5/20/2021. Available at <https://omb.report/search.php?terms=2126-0048>. FMCSA, Motor Carrier Management Information System (MCMIS), data snapshot of interstate carriers as of December 2020.

On September 30, 2021, FMCSA published a 60-day notice in the Federal Register (86 FR 54283) soliciting comments on the proposed revision. FMCSA did not receive any comments. On February 23, 2022, FMCSA published a 30-day notice (87 FR 10276) in the Federal Register informing the public of the agency's intent to submit the revision to OMB.

## **9. PAYMENTS OR GIFTS TO RESPONDENTS**

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

## **10. ASSURANCE OF CONFIDENTIALITY**

There is no statute, regulation, or Agency policy that provides assurances of confidentiality beyond the protection afforded by the Freedom of Information Act (5 U.S.C. 552). The insurance coverages and cancellations evidenced by these filings are public information regularly requested by individuals and groups.

## **11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION**

The information requested and collected is not of a sensitive nature.

## **12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED**

The annual burden hour estimates are based on 3-year average (2018–2020) respondent application data derived from FMCSA's Licensing & Insurance (L&I), August 2021 data snapshot. Using a 3-year average, FMCSA estimates that an average of 290,345 financial responsibility filings will be made annually in years 1, 2 and 3 on behalf of 200,147 respondents.<sup>1</sup> Financial responsibility filings are filed by insurance companies, surety companies, and/or financial institutions with the exception of BMC-40, IC-10, which motor carriers file. FMCSA records indicate insurance companies, surety companies, financial institutions and motor carriers file these forms electronically. IC-1 to IC-9, and IC-11 are completed by selecting from check boxes. FMCSA continues to estimate that these forms take 10 minutes<sup>2</sup> or 0.17 hours to complete and submit. For the self-insurance application (BMC-40). FMCSA continues to estimate the self-insurance form takes 40 hours to complete. The resulting total annual average burden hours is 49,439. Table 1 below provides a summary of the annual burden calculation.

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<sup>1</sup> Ratios based on previous iteration of ICR.

<sup>2</sup> 10 minutes is based on the first iteration of this ICR approved on December 1, 1999, in which an employee of an FMCSA predecessor agency with knowledge of the program estimated that any user would be able to complete the collection in 10 minutes because all the insurance company filings are completed electronically and many fields are check boxes.

**Table 1. Annual Average Total Responses, Respondents and Burden Hours**

| <b>IC/Form Number</b> | <b>Annual Number of Responses</b> | <b>Average Number of Responses per Respondent</b> | <b>Annual Number of Respondents</b> | <b>Hours per Response</b> | <b>Annual Burden Hours</b> |
|-----------------------|-----------------------------------|---|-------------------------------------|---------------------------|----------------------------|
|                       | <b>(a)</b>                        | <b>(b)</b>  | <b>(c = a ÷ b)</b>                  | <b>(d)</b>                | <b>(e = a × d)</b>         |
| IC-1, BMC-91          | 5,748                             | 1.392   | 4,129                               | 0.17                      | 977                        |
| IC-2, BMC-91X         | 255,983                           | 1.49  | 171,801                             | 0.17                      | 43,517                     |
| IC-3, BMC-34          | 4,918                             | 1.361   | 3,614                               | 0.17                      | 836                        |
| IC-4, BMC-82          | 186                               | 1.268   | 147                                 | 0.17                      | 32                         |
| IC-5, BMC-83          | 17                                | 1.074   | 16                                  | 0.17                      | 3                          |
| IC-6, BMC-84          | 9,558                             | 1.319   | 7,246                               | 0.17                      | 1,625                      |
| IC-7, BMC-85          | 1,911                             | 1.34  | 1,426                               | 0.17                      | 325                        |
| IC-8, BMC-35          | 10,482                            | 1.025   | 10,226                              | 0.17                      | 1,782                      |
| IC-9, BMC-36          | 95                                | 1   | 95                                  | 0.17                      | 16                         |
| IC-10, BMC-40         | 2                                 | 1   | 2                                   | 40                        | 80                         |
| IC-11, BMC-32         | 1,445                             | 1   | 1,445                               | 0.17                      | 246                        |
| <b>Total</b>          | <b>290,345</b>                    | <b>-</b>  | <b>200,147</b>                      | <b>-</b>                  | <b>49,439</b>              |

**IC-1: Form BMC-91, Bodily Injury and Property Damage—Full Requirements**

FMCSA estimates that Form BMC-91 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 977.

Estimated Annual Number of Respondents: 4,129.

Estimated Annual Number of Responses: 5,748.

**IC-2: Form BMC-91X, Bodily Injury and Property Damage Liability Aggregation**

FMCSA estimates that Form BMC-91X takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 43,517.

Estimated Annual Number of Respondents: 171,801.

Estimated Annual Number of Responses: 255,983.

**IC-3: Form BMC-34, Motor Carrier Cargo Liability Certificate of Insurance**

FMCSA estimates that Form BMC-34 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 836.

Estimated Annual Number of Respondents: 3,614.

Estimated Annual Number of Responses: 4,918.

**IC-4: Form BMC-82, Motor Carriers Public Liability Surety Bond**

FMCSA estimates that Form BMC-82 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 32

Estimated Annual Number of Respondents: 147.

Estimated Annual Number of Responses: 186.

#### **IC-5: Form BMC-83, Motor Carrier Cargo Liability Surety Bond**

FMCSA estimates that Form BMC-83 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 3.

Estimated Annual Number of Respondents: 16.

Estimated Annual Number of Responses: 17.

#### **IC-6: Form BMC 84, Broker's or Freight Forwarder's Surety Bond**

FMCSA estimates that Form BMC-84 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 1,625.

Estimated Annual Number of Respondents: 7,246.

Estimated Annual Number of Responses: 9,558.

#### **IC-7: Form BMC 85, Broker's or Freight Forwarder's Trust Fund Agreement**

FMCSA estimates that Form BMC-85 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 325.

Estimated Annual Number of Respondents: 1,426.

Estimated Annual Number of Responses: 1,911.

#### **IC-8: Form BMC-35, Notice of Cancellation of Motor Carrier Insurance**

FMCSA estimates that Form BMC-35 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 1,782.

Estimated Annual Number of Respondents: 10,226.

Estimated Annual Number of Responses: 10,482.

#### **IC-9: Form BMC-36, Notice of Cancellation Motor Carrier and Broker Surety Bonds**

FMCSA estimates that Form BMC-36 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 16.

Estimated Annual Number of Respondents: 95.

Estimated Annual Number of Responses: 95.

#### **IC-10: Form BMC-40, Authority to Self-insure Against Bodily Injury and Property**

## **Damage Claims.**

FMCSA estimates that Form BMC-40 takes approximately 40 hours to complete.

Estimated Annual Burden Hours to Respondents: 80.

Estimated Annual Number of Respondents: 2.

Estimated Annual Number of Responses: 2.

## **IC-11: Endorsement for Household Goods Motor Carrier Policies of Insurance for Cargo Liability.**

FMCSA estimates that Form BMC-32 takes approximately 10 minutes to complete.

Estimated Annual Burden Hours to Respondents: 246.

Estimated Annual Number of Respondents: 1,445.

Estimated Annual Number of Responses: 1,445.

**Estimated Total Annual Burden for this ICR: 49,439 average annual hours.**

**Estimated Total Annual Number of Respondents for this ICR: 200,147 average annual respondents.**

**Estimated Total Annual Number of Responses for this ICR: 290,345 average annual responses.**

For IC-1 through IC-9 and IC-11, FMCSA continues to estimate that the respondent labor category for this ICR best fits the “insurance industry insurance claims and policy processing clerk” of the Department of Labor’s Occupational Employment Statistics (OES), which has a median wage rate of \$20.22 per hour<sup>3</sup>. To arrive at a loaded wage for this labor category, FMCSA divides the total cost of compensation for series “Insurance Carriers and Related Activities” (\$52.62) by the median cost of hourly wages and salaries for the same series (\$34.76) as reported by the Bureau of Labor Statistics in its Employer Costs for Employee Compensation for September 2021.<sup>4</sup> This results in a load factor of 1.514. Multiplying the median hourly wage of the same series yields a loaded hourly wage of \$30.61 ( $\$20.22 \times 1.514 = \$30.61$ ). The total cost for IC-1 through IC-9 and IC-11 is \$1,510,879 (49,359 hours  $\times$  \$30.61 = \$1,510,879).

For IC-10, FMCSA estimates the respondent labor category that best fits is the “First-Line Supervisors of Transportation and Material Moving Workers” (SOC 53-1040) of the Department of Labor’s Occupational Employment Statistics (OES), under the NAICS 484000, *Truck Transportation*, which has a median wage rate of 28.97 per hour<sup>5</sup>.

<sup>3</sup> U.S. Department of Labor (DOL), Bureau of Labor Statistics (BLS). “Occupational Employment Statistics (OES). National. May 2020. National Industry-Specific Occupational Employment and Wage Estimates. NAICS 43-9041 (Insurance Claims and Policy Processing Clerks).” Available at: <https://www.bls.gov/oes/current/oes439041.htm> (accessed January 06, 2022).

<sup>4</sup> Bureau of Labor Statistics (2021). “Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group, September 2021.” December 17, 2021. Available at <https://www.bls.gov/news.release/ecec.t04.htm> (accessed January 7, 2022).

<sup>5</sup> U.S. Department of Labor (DOL), Bureau of Labor Statistics (BLS). “Occupational Employment Statistics (OES).

To develop the load rate, similar to the method above, FMCSA takes the cost of *total compensation* (\$32.10) per hour and divides by the cost of only *wages and salary* per hour (\$21.75) in the *Transportation and Material Moving Employer Costs for Employee Compensation* (ECEC), September 2021 data release<sup>6</sup>. This results in a load rate of 1.476 ( $\$32.10 / \$21.75 = 1.476$ ). The loaded hourly rate for this analysis is \$42.76 ( $\$28.97 \times 1.476 = \$42.76$ ). This results in a total cost of \$3,421 for IC-10 (80 hours  $\times$  \$42.76 = \$3,421).

Total respondent cost for IC-1 through 1C-11, as Table 2 illustrates is 1,514,300 ( \$1,510,879 + \$3,421 = \$1,514,300).

**Table 2. Annual Average Respondent Total Labor Cost**

| <b>IC/Form Number</b> | <b>Average Annual Burden Hours</b> | <b>Hourly Labor Rate</b> | <b>Average Annual Labor Cost</b>     |
|-----------------------|------------------------------------|--------------------------|--------------------------------------|
|                       | <b>(a)</b>                         | <b>(b)</b>               | <b>(c = a <math>\times</math> b)</b> |
| IC-1, BMC-91          | 977                                | \$30.61                  | \$29,906                             |
| IC-2, BMC-91X         | 43,517                             | \$30.61                  | \$1,332,055                          |
| IC-3, BMC-34          | 836                                | \$30.61                  | \$25,590                             |
| IC-4, BMC-82          | 32                                 | \$30.61                  | \$980                                |
| IC-5, BMC-83          | 3                                  | \$30.61                  | \$92                                 |
| IC-6- BMC-84          | 1,625                              | \$30.61                  | \$49,741                             |
| IC-7, BMC-85          | 325                                | \$30.61                  | \$9,948                              |
| IC-8, BMC-35          | 1,782                              | \$30.61                  | \$54,547                             |
| IC-9, BMC-36          | 16                                 | \$30.61                  | \$490                                |
| IC-10, BMC-40         | 80                                 | \$42.76                  | \$3,421                              |
| IC-11, BMC-32         | 246                                | \$30.61                  | \$7,530                              |
| <b>Total</b>          | <b>49,439</b>                      |                          | <b>\$1,514,300</b>                   |

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

Approximately 1,445 BMC-32 forms will be mailed by insurance company or agent to the carrier. The costs associated with this includes an envelope and postage, which FMCSA estimates to be a combined flat cost of \$1.00. The estimated total annual cost to respondents for

National. May 2020. National Industry-Specific Occupational Employment and Wage Estimates. NAICS 484000 (Truck Transportation).” See “First-Line Supervisors of Transportation and Material Moving Workers” (SOC 53-1040). Available at: [https://www.bls.gov/oes/2020/may/naics3\\_484000.htm](https://www.bls.gov/oes/2020/may/naics3_484000.htm) (accessed December 23, 2021)

<sup>6</sup> Bureau of Labor Statistics (BLS), *Employer Costs for Employee Compensation (ECEC)*, June 2021. Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group, <https://www.bls.gov/news.release/pdf/ecec.pdf> (accessed 10/18/2021).

envelopes and postage is \$1,445

There are no costs associated with electronic filings for the BMC-34, BMC-35, BMC-36, BMC-40, BMC-82, BMC-83, BMC-84, BMC-85, BMC-91, and BMC-91X forms. Total Estimate of Annual Costs to Respondents: **\$0.**

Total Estimate of Annual Non-Labor Costs to Respondents: **\$0.**

**14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT:**

The cost of the insurance program is estimated to be approximately \$21,530,000<sup>1</sup> annually, covering staff, IT services, and overhead costs.

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

The previous iteration of this ICR had 183,340 respondents, 374,412 responses, 62,483 burden hours.. This ICR has 200,147 respondents, 290,345 responses, 49,439 annual burden hours This program change decrease of 84, 067 responses and 13,044 burden hours is largely due to a revised estimate of the affected population and revising the loaded labor rate methodology to be consistent with other ICRs.

**16. PUBLICATION OF RESULTS OF DATA COLLECTION**

The information collected is summarized and displayed in the L&I system.

**17. APPROVAL FOR NOT DISPLAYING THE EXPIRATION DATE OF OMB APPROVAL**

FMCSA is not seeking this approval.

**18. EXCEPTIONS TO CERTIFICATION STATEMENT**

There are no exceptions to the certification statement.

**ATTACHMENTS**

**Attachment A:** 49 U.S.C. §13902

**Attachment B:** 49 U.S.C. § 13903

**Attachment C:** 49 U.S.C. § 13904

**Attachment D:** 49 U.S.C. § 13901

**Attachment E:** 49 CFR 1.87

**Attachment F:** 49 U.S.C. § 13906

**Attachment G:** 49 CFR part 387

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<sup>1</sup> The previous iteration of this ICR stated the cost to the Federal Government was \$19,500,000. Adjusted for inflation, the revised cost is \$21,530,00. Inflation adjustment based on CPI Inflation Calculator available at [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm) . Adjustment based on January 2016 dollars adjusted for January 2021 dollars.

**Attachment H:** Section 32918 of P.L. 112-141  
**Attachment I:** 49 CFR 387.309