

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

**SUPPORTING STATEMENT  
National Consumer Complaint Database**

**SUMMARY**

- There are six information collection instruments in the ICR for the different types of complaints received for Moving Complaints, Truck Complaints, Bus Complaints, Electronic Log Device (ELD) Complaints, Substance Abuse Practitioner (SAP) Complaints, and Medical Review Officer (MRO) Complaints. The estimated annual burden for this information collection is 4,638 hours.
- FMCSA estimates that the annual burden hours for this information collection have increased by approximately 1,597 hours from the previously approved 3,041 hours. The increase is due to the year-over-year expected complaint increase, which is consistent with the methodology of the previous ICR. In addition, there is a small increase (103 burden hours) due to the addition of the new Electronic Log Device (ELD), Substance Abuse Professional (SAP), and Medical Review Officer (MRO) complaint forms not included in the previous ICR.

**INTRODUCTION**

The Federal Motor Carrier Safety Administration (FMCSA) submits to the Office of Management and Budget (OMB) its request to renew a currently approved information collection request (ICR) titled “National Consumer Complaint Database” covered by OMB Control Number 2126-0067. This ICR is due to expire on February 28, 2022. The National Consumer Complaint Database (NCCDB) is an online interface used by consumers, drivers, and others associated with the motor carrier industry to file complaints regarding household goods carriers, third party intermediaries and their financial responsibility providers, hazardous material (HM) carriers, property carriers, cargo tank facilities, and passenger carriers.

**Part A. Justification**

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

FMCSA maintains online information and resources to assist consumers, drivers, and others associated with the motor carrier industry to file complaints regarding household goods carriers, third party intermediaries (brokers and freight forwarders) and their financial responsibility providers, hazardous material (HM) carriers, property carriers, cargo tank facilities, and passenger carriers. When effectively applied, this information can contribute to safer motor carrier operations on our nation’s highways and improved consumer protection, including in connection with Americans with Disabilities Act (49 CFR Parts 37 and 38) compliance. This

online interface is known as the National Consumer Complaint Database (NCCDB).

The NCCDB grew out of a telephone hotline, mandated by Section 4017 of the “Transportation Equity Act of the 21st Century,” Pub. L. 105-178, 112 Stat. 107, June 9, 1998 (Attachment A) (TEA-21). The Motor Carrier Safety Improvement Act of 1999, Pub. L. 106-159, 113 Stat. 1748, December 9, 1999 (Attachment B) created the Federal Motor Carrier Safety Administration and Section 213 of that Act expanded the Safety Violation Hotline Service created under TEA-21 to include a 24-hour operation.

On August 10, 2005, Congress enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144. Section 4214 of SAFETEA-LU requires DOT to create a system to record and log aggregate complaint information regarding violations of the Federal Motor Carrier Safety Regulations (FMCSRs) (Attachment C).

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

The NCCDB allows the public and FMCSA staff to submit complaints using an online form which lists individual violations of the FMCSRs, Hazardous Materials Regulations (HMRs), and Federal Motor Carrier Commercial Regulations (FMCCRs). The data collected by this system is used by FMCSA enforcement staff and State agencies to, among other things: help improve motor carrier safety enforcement; improve consumer protection by ensuring that moving companies use fair business practices; and identify and address passenger carrier discrimination and service issues.

Complainants may visit the NCCDB online at <http://nccdb.fmcsa.dot.gov>, where they will be guided through the process of filing a complaint. For example, passengers wishing to file a complaint of discrimination against a non-ADA compliant bus company would navigate to the “Consumer” section and click on “File a Complaint,” which would take them to a page with three complaint type options: “Moving Company,” “Truck Company,” or “Bus Company.” By clicking on the “Bus Company” option, the complainant may select up to four already listed complaint areas, one of which is the ADA. The online interface then leads them through the process by soliciting information about the incident giving rise to the complaint, contact information for the complainant (for follow up purposes), and company information. The complainant also has the ability to upload supporting files/documents if any exist. At the end of the process, each complaint is submitted to the NCCDB, where it is directed to the proper FMCSA or DOT office for investigation.

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

The NCCDB is a completely automated system and is used as a repository for all complaints falling under FMCSA jurisdiction. Consumers may file the complaint on-line, by mail or via telephone. However, those submitted by mail will be entered in the online interface by a contractor. Likewise, those calling the hotline will reach a contractor who will walk the caller through the process using the online interface. All complaints are maintained in one database. Complaints are utilized to investigate alleged violations of FMCSA and DOT regulations. The complaint data is also used for analytical and statistical purposes.

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

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

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

FMCSA took actions to minimize the burden on small businesses by including on its website, <https://nccdb.fmcsa.dot.gov>, resources to assist the public in filing the appropriate complaint. FMCSA's website contains valuable information for complainants, such as complaint categories and complaint examples that reduce the time burden of additional research complainants may require to accurately complete the NCCDB complaint form. Resources are available to assist complainants in completing the complaint from common violations of Federal Motor Carrier Safety Regulations with examples, such as:

Truck Safety: Truck operations in violation of the Federal Motor Carrier Safety Regulations.

- Example: Engaging in operations in violation of the hours-of-service regulations.

Moving Company: Moving Company operations in violation of the Federal Motor Carrier Safety Regulations.

- Example: My household goods are being held hostage by a moving company.

Broker (arranges transportation): Broker operations in violation of the Federal Motor Carrier Safety Regulations.

- Example: The broker did not arrange the transportation of my household goods and was a party to my shipment being held hostage.

Americans with Disabilities Act (ADA): A violation of the ADA on a bus.

- Example: I was denied access because the wheelchair lift was broken.

Bus Safety: Vehicle condition or unsafe behavior by a bus, limousine, or motor coach driver.

- Example: My bus driver was sending text messages while driving the bus.

Bus Service: Inadequate service from a bus, limousine, or motor coach company.

- Example: The bus company lost my luggage.

Cargo Tank Facility: Unsafe manufacturing, inspection, or repair practices.

- Example: My cargo tank periodic inspection was performed by an unqualified inspector.

Hazardous Materials: A violation of the Hazardous Materials Regulations by a motor carrier.

- Example: The motor carrier delivered a package of leaking hazardous materials to my office.

Electronic Logging Device (ELD) Provider: Devices that do not adhere to the minimum requirements of the ELD rule.

- Example: The device does not monitor the vehicle's engine operation to automatically capture the engine's power status, vehicle's motion status, miles driven value, and engine hours value when the Commercial Motor Vehicle's (CMV's) engine is powered.

Substance Abuse Professional (SAP): Erroneous information recorded by an SAP in the FMCSA Drug and Alcohol Clearinghouse.

- Example: My SAP recorded inaccurate information about me in the FMCSA Drug and Alcohol Clearinghouse.

Medical Review Officer (MRO): Erroneous information recorded by an MRO in the FMCSA Drug and Alcohol Clearinghouse.

- Example: My MRO recorded inaccurate information about me in the FMCSA Drug and Alcohol Clearinghouse.

Entry-Level Driver Training (ELDT) Provider: Failure to electronically register in FMCSA's Entry-Level Driver Training Provider Registry.

- Example: My ELDT provider did not electronically register in FMCSA's Entry-Level Driver Training Provider Registry

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

FMCSA is not able to consider less frequent collection of information as the Agency is not requiring the submission of information at specified intervals. The information collection is driven by the complainants, and complainants file complaints when they believe violations have occurred. Fewer complaints would mean less information that the Agency can use to form the basis for investigations, which could lead to fewer investigations/discoveries of regulatory violations.

## **7. SPECIAL CIRCUMSTANCES**

There are no special circumstances related to this ICR.

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

On September 3, 2021(see Attachment D), FMCSA published a notice in the Federal Register requesting public comments on the renewal of this information collection request. Four comments were received in response to this notice. Two commenters referenced FMCSA's failure to appropriately investigate complaints submitted to the NCCDB; or enforce its regulations against unlawful brokerage activities. One commenter mentioned the ambiguity in the title of the database. Two commenters discussed the inadequacy of the database's interface.

FMCSA is in the process of updating the NCCDB to include its interface. The update will also include the option for the system user to select broker allegations specific to property carriers when filing their complaint. FMCSA is hopeful that the updates will make it easier for system users to file complaints in the NCCDB and improve the adequacy of the database. FMCSA is not currently considering changing the National Consumer Complaint Database's name. FMCSA

will strive to respond to every complaint promptly, thoroughly investigate all valid complaints, and initiate enforcement action when applicable.

FMCSA published a second notice on February 23, 2022 (87 FR 10277, see Attachment E) with a 30-day comment period that announced this information collection was being submitted to OMB for approval.

## **9. PAYMENT OF GIFTS TO RESPONDENT**

There are no payments or gifts to respondents for this information collection.

## **10. ASSURANCE OF CONFIDENTIALITY**

The collection of information will be kept private to the extent allowed under the Freedom of Information Act, the Privacy Act, and any other applicable Federal law.

## **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**

FMCSA uses six online forms: 1) Moving Complaint, 2) Truck Complaint, 3) Bus Complaint, 4) Electronic Logging Device (ELD) Complaint, 5) Substance Abuse Practitioner (SAP) Complaints, and 6) Medical Review Officer (MRO) Complaints to collect information from respondents (complainants). The estimated hourly burden covers the number of complaints received as broken out by the six categories. Examples of different types of complaints received by form/category are included below.

### 1. Moving Complaint:

- Moving Company (Household Goods)
- Broker (Arranges Transportation)
- Auto Hauler
- Coercion for refusing to Commit Violation
- Harassment for Refusing to Commit an Hours-of-Service Violation
- Deceptive Business Practices
- Operating Authority and Insurance
- Financial Responsibility

### 2. Truck Complaint:

- Truck Safety
- Drug and Alcohol
- Coercion for Refusing to Commit Violation
- Harassment for Refusing to Commit an Hours-of-Service Violation
- Cargo Tank Facility
- Hazardous Materials
- Termination for Refusing to Commit Violation
- Deceptive Business Practices

- Operating Authority
3. Bus Complaint:
    - Bus Safety
    - Drug and Alcohol
    - Coercion for Refusing to Commit Violation
    - Harassment for Refusing to Commit an Hours-of-Service Violation
    - Termination for Refusing to Commit Violation
    - Operating Authority and Insurance
    - Americans with Disabilities Act (ADA)
  4. Electronic Logging Device (ELD):
    - Failed to respond to a service request in a timely manner
    - Unable or unwilling to resolve the identified issue with a device
  5. Substance Abuse Practitioner (SAP)
    - Failed to report date of initial assessment by the close of the business day following the date the initial assessment was completed
    - Failed to report driver's eligibility for Return to Duty (RTD) testing by the close of the business day following the determination the driver was eligible for RTD testing
    - Failed to accept request in the Clearinghouse - SAP unable to record required information in the Clearinghouse
  6. Medical Review Officer (MRO)
    - Failed to report the drug and alcohol violation within two business days after making the determination or verification
    - Failed to report a change to the results within 1 business day after making the change

Each form is completed on an as-needed basis or as violations occur. Each form requires basic information from the complainant including the complainant's name, the alleged violator's name, a description of the complaint including the alleged violation of FMCSA regulations, and the complainant's contact information.

To calculate annual respondent hourly burden and cost estimates, we make the following assumptions:

- A total of 15,255 responses will be filed during the first year (2022) covered by this ICR.<sup>1</sup>
- Moving Complaints will account for 36% of responses filed, Truck Complaints will account for 59%, Bus Complaints will account for 3%, Electronics Logging Device Compliance will account for 2%, Substance Abuse Practitioner Complaints (SAP), and Medical Review Officer (MRO) complaints will account for less than 1%.<sup>2</sup>
- One complaint will be filed by a single complainant.<sup>3</sup>

<sup>1</sup> FMCSA uses the total average number of complaints received for calendar year 2018, 2019, 2020 to determine the annual average number of complaints for year one.

<sup>2</sup> This estimate is based on responses collected from the complaints received from calendar year 2018, 2019, 2020.

<sup>3</sup> One individual may file more than one complaint. For the purposes of this ICR, we assume each complaint

- The number of responses filed will increase 20% year-over-year.<sup>4</sup>
- The average hourly cost to respondents is \$38.60 per hour, which includes \$ 26.53 in wages and salary and \$12.07 in total benefits.<sup>5</sup>

Details of how annual burden hours and associated costs are calculated are broken out in the following sections.

### Moving Complaint

During the first year covered by this ICR, FMCSA estimates 5,492 Moving Complaint responses (15,255 total responses × 36% = 5,492 Moving Complaints) will be filed on behalf of 5,492 respondents. An FMCSA employee with knowledge of the program estimated that any user would be able to complete the online form in 15 minutes (0.25 hours), given the minimal amount of required information (15 minutes ÷ 60 minutes = 0.25 hours). This results in a total of 1,373 burden hours (5,492 respondents × 0.25 hours = 1,373 hours).

The total annual respondent cost during the first year is \$52,998 (\$38.60 per hour × 1,373 hours = \$52,998). We estimate the number of responses filed during the following years will increase by 20% year-over-year.

**Table 1. Moving Complaint Respondents and Burden Hour Estimates\***

<b>Year</b>	<b>Number of Responses</b>	<b>Number of Respondents</b>	<b>Average Burden per Response</b>	<b>Total Burden Hours</b>	<b>Total Respondent Cost</b>
	<b>(a)</b>	<b>(a × 1 = b)</b>	<b>(c)</b>	<b>(a × c = d)</b>	<b>(d × \$38.60 = d)</b>
Year 1 (2022)	5,492	5,492	0.25 hours	1,373	\$52,998
Year 2 (2023)	6,590	6,590	0.25 hours	1,648	\$63,613
Year 3 (2024)	7,908	7,908	0.25 hours	1,977	\$76,312
<b>Total</b>	<b>19,990</b>	<b>19,990</b>	-	<b>4,998</b>	<b>\$192,923</b>
<b>Annualized</b>	<b>6,663</b>	<b>6,663</b>	-	<b>1,666</b>	<b>\$64,308</b>

\* Estimates may not total due to rounding.

As shown in Error: Reference source not found, the moving complaint information collection is expected to result in 6,663 annual responses filed on behalf of 6,663 respondents, resulting in 1,666 annual burden hours at a cost of \$64,308 annually.

### Truck Complaint

represents one complainant.

<sup>4</sup> The total number of annual responses for the previous ICR was stated as 7,777, which was incorrect and should have been 12,164. The new estimated total annual responses for this ICR is 15,255, which results in a 20% year-over-year increase.

<sup>5</sup> Bureau of Labor Statistics. Employer Costs for Employee Compensation—December 2020, [https://www.bls.gov/news.release/archives/ecec\\_03182021.pdf#:~:text=Employer%20costs%20for%20employee%20compensation%20for%20civilian%20workers.%2412.07%20and%20accounted%20for%20the%20remaining%2031.3%20percent](https://www.bls.gov/news.release/archives/ecec_03182021.pdf#:~:text=Employer%20costs%20for%20employee%20compensation%20for%20civilian%20workers.%2412.07%20and%20accounted%20for%20the%20remaining%2031.3%20percent). Accessed April 24, 2021. \$38.60 per hour is based on *employer costs for employee compensation for all civilian workers, with wages and salaries*' cost to employers at \$26.53 (68.7 percent of total costs), and benefits cost at \$12.07 (31.3 percent of total costs). Since anyone in the public can submit a complaint, the best estimate is the total aggregate average of all civilian workers.

During the first year covered by this ICR, FMCSA estimates 9,000 Truck Complaint responses (15,255 total responses × 59% = 9,000 Truck Complaints) will be filed on behalf of 9,000 respondents. Each respondent will spend 15 minutes, or 0.25 hours to complete a response, resulting in a total of 2,250 burden hours (9,000 respondents × 0.25 minutes = 2,250 hours). During the first year, the total annual respondent cost is \$86,850 (\$38.60 per hour × 2,250 hours = \$86,850). We estimate the number of responses filed during the following years will increase by 20% year-over-year.

**Table 2. Truck Complaint Respondents and Burden Hour Estimates\***

<b>Year</b>	<b>Number of Responses</b>	<b>Number of Respondents</b>	<b>Average Burden per Response</b>	<b>Total Burden Hours</b>	<b>Total Respondent Cost</b>
	<b>(a)</b>	<b>(a × 1 = b)</b>	<b>(c)</b>	<b>(a × c = d)</b>	<b>(d × \$38.60 = e)</b>
Year 1 (2022)	9,000	9,000	0.25 hours	2,250	\$86,850
Year 2 (2023)	10,800	10,800	0.25 hours	2,700	\$104,220
Year 3 (2024)	12,960	12,960	0.25 hours	3,240	\$125,064
<b>Total</b>	<b>32,760</b>	<b>32,760</b>	-	<b>8,190</b>	<b>\$316,134</b>
<b>Annualized</b>	<b>10,920</b>	<b>10,920</b>	-	<b>2,730</b>	<b>\$105,378</b>

\* Estimates may not total due to rounding.

As shown in Error: Reference source not found, the Truck Complaint information collection is expected to result in 10,920 annual responses filed on behalf of 10,920 respondents, resulting in 2,730 annual burden hours costing respondents \$105,378 annually.

### Bus Complaint

During the first year covered by this ICR, FMCSA estimates 458 Bus Complaint responses (15,255 total responses × 3% = 458 Bus Complaints) will be filed on behalf of 458 respondents. Each respondent will spend 15 minutes, or 0.25 hours completing a response, resulting in a total of 115 burden hours (458 respondents × 0.25 hours = 115 hours). During the first year, the total annual respondent cost is \$4,439 (\$38.60 per hour × 115 hours = \$4,439). We estimate the number of responses filed during the following years will increase by 20% year-over-year.

**Table 3. Bus Complaint Respondents and Burden Hour Estimates\***

<b>Year</b>	<b>Number of Responses</b>	<b>Number of Respondents</b>	<b>Average Burden per Response</b>	<b>Total Burden Hours</b>	<b>Total Respondent Cost</b>
	<b>(a)</b>	<b>(a / 1 = b)</b>	<b>(c)</b>	<b>(b × c = d)</b>	<b>(d × \$38.60 = e)</b>
Year 1 (2022)	458	458	0.25 hours	115	\$4,439
Year 2 (2023)	550	550	0.25 hours	138	\$5,327
Year 3 (2024)	660	660	0.25 hours	165	\$6,369



Year	Number of Responses	Number of Respondents	Average Burden per Response	Total Burden Hours	Total Respondent Cost
<b>Total</b>	<b>1,668</b>	<b>1,668</b>	-	<b>418</b>	<b>\$16,135</b>
<b>Annualized</b>	<b>556</b>	<b>556</b>	-	<b>139</b>	<b>\$5,378</b>

\* Estimates may not total due to rounding.

As shown in Error: Reference source not found, the Bus Complaint information collection is expected to result in 556 annual responses filed on behalf of 556 respondents, resulting in 139 annual burden hours costing respondents \$5,378 annually.

#### Electronic Logging Device (ELD) Complaints

During the first year covered by this ICR, FMCSA estimates 305 ELD Complaint responses (15,255 total responses × 2% = 305 ELD Complaints) will be filed on behalf of 305 respondents. Each respondent will spend 15 minutes, or 0.25 hours completing a response, resulting in a total of 76 burden hours (305 respondents × 0.25 hours = 76 hours). During the first year, the total respondent cost for year 1 is \$2,934 (\$38.60 per hour × 76 hours = \$2,934). We estimate the number of responses filed during the following years will increase by 20% year-over-year.

**Table 4. ELD Complaint Respondents and Burden Hour Estimates**

Year	Number of Responses	Number of Respondents	Average Burden per Response	Total Burden Hours	Total Respondent Cost
	<b>(a)</b>	<b>(a / 1 = b)</b>	<b>(c)</b>	<b>(a × c = d)</b>	<b>(d × \$38.60 = e)</b>
Year 1 (2022)	305	305	0.25 hours	76	\$2,934
Year 2 (2023)	366	366	0.25 hours	92	\$3,551
Year 3 (2024)	439	439	0.25 hours	110	\$4,246
<b>Total</b>	<b>1,110</b>	<b>1,110</b>	-	<b>278</b>	<b>\$10,731</b>
<b>Annualized</b>	<b>370</b>	<b>370</b>	-	<b>93</b>	<b>\$3,577</b>

\* Estimates may not total due to rounding.

As shown in Table 4, the ELD Complaint information collection is expected to result in 370 annual responses filed on behalf of 370 respondents, resulting in 93 annual burden hours costing respondents \$3,577 annually.

#### Substance Abuse Professional (SAP) Complaints

As the Substance Abuse Practitioner (SAP) complaints category received 0 complaints in 2018 and 2019, and 26 complaints in 2020, FMCSA will estimate that 26 complaints will be filed in the base year. Each respondent will spend 15 minutes, or 0.25 hours completing a response, resulting in a total of 7 burden hours (26 respondents × 0.25 hours = 7 hours). During the first year, the total annual respondent cost is \$270 (\$38.60 per hour × 7 hours = \$270). We estimate the number of responses filed during the following years will increase by 20% year-over-year.

**Table 5. Substance Abuse Practitioner (SAP) Complaints Burden Hour Estimates**

Year	Number of Responses	Number of Respondents	Average Burden per Response	Total Burden Hours	Total Respondent Cost
	(a)	(a × 1 = b)	(c)	(b × c = d)	(d × \$38.60 = d)
Year 1 (2022)	26	26	0.25 hours	7	\$270
Year 2 (2023)	31	31	0.25 hours	8	\$309
Year 3 (2024)	37	37	0.25 hours	9	\$347
<b>Total</b>	<b>94</b>	<b>94</b>	-	<b>24</b>	<b>\$926</b>
<b>Annualized</b>	<b>31</b>	<b>31</b>	-	<b>8</b>	<b>\$309</b>

\* Estimates may not total due to rounding.

As shown in Table 5, the SAP Complaint information collection is expected to result in 31 annual responses filed on behalf of 31 respondents, resulting in 8 annual burden hours costing respondents \$309 annually.

#### Medical Review Officer (MRO) Complaints

For the Medical Review Officer (MRO) category, FMCSA received no complaints in 2018 and 2019, and 5 complaints in 2020. FMCSA will estimate that 5 complaints will be filed in the base year. Each respondent will spend 15 minutes, or 0.25 hours completing a response, resulting in a total of 1 burden hour (5 respondents × 0.25 hours = 1 hour). During the first year, the total annual respondent cost is \$39 (\$38.60 per hour × 1 hour = \$39). We estimate the number of responses filed during the following years will increase by 20% year-over-year.

**Table 6. Medical Review Officer (MRO) Complaints Burden Hour Estimates**

Year	Number of Responses	Number of Respondents	Average Burden per Response	Total Burden Hours	Total Respondent Cost
	(a)	(a × 1 = b)	(c)	(b × c = d)	(d × \$38.60 = d)
Year 1 (2022)	5	5	0.25 hours	1	\$39
Year 2 (2023)	6	6	0.25 hours	2	\$77
Year 3 (2024)	7	7	0.25 hours	2	\$77
<b>Total</b>	<b>18</b>	<b>18</b>	-	<b>5</b>	<b>\$193</b>
<b>Annualized</b>	<b>6</b>	<b>6</b>	-	<b>2</b>	<b>\$64</b>

\*Estimates may not total due to rounding.

As shown in Table 6, the MRO Complaint information collection is expected to result in 6 annual responses filed on behalf of 6 respondents, resulting in 2 annual burden hours costing respondents \$64 annually.

#### Summary

We estimate the six information collections covered by this ICR will result in an annual total of 18,546 responses filed by 18,546 respondents. The 4,638 annual burden hours will cost respondents \$179,014 (Error: Reference source not found).

**Table 7. Summary Table- Total Respondents and Burden Hour Estimates\***

Complaint Type	Number of	Number of	Total Burden	Total
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3-year average	Responses	Respondents	Hours	Respondent Cost
Moving	6,663	6,663	1,666	\$64,308
Truck	10,920	10,920	2,730	\$105,378
Bus	556	556	139	\$5,378
ELD	370	370	93	\$3,577
SAP	31	31	8	\$309
MRO	6	6	2	\$64
<b>Total</b>	<b>18,546</b>	<b>18,546</b>	<b>4,638</b>	<b>179,014</b>

\* Estimates may not total due to rounding.

The total annual burden requested for the period covered by this ICR is 4,638 hours at an annual burden hour cost to respondents of \$179,014.

**Estimated Total Annual Responses:** 18,546 responses.

**Estimated Total Annual Respondents:** 18,546 respondents.

**Estimated Total Annual Burden Hours:** 4,638 hours.

**Estimated Total Annual Burden Costs:** \$179,014.

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

FMCSA does not anticipate non-labor costs (i.e. fees, mailing costs, capital costs, maintenance costs, and/or record keeping costs) to respondent that exceed the cost associated with routine business practices.

### 14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

FMCSA has engaged a contractor to assist it in administering the NCCDB. It utilizes a Firm Fixed Price Contract for the contractor's services. The total price of the contract which includes a base year and 4 option years is 3,558,407<sup>6</sup>. The total per-year cost to the government is \$711,681. The cost to the Federal government includes overhead cost, labor cost, and other direct costs.

In addition to the cost of the contract, FMCSA employs a GS-13 or GS-14 employee to serve as the Contracting Officer Representative (COR). The COR spends, on average, approximately 4 hours per week for 52 weeks per year to manage the contract, totaling 208 annual hours. The average hourly wage for a GS-13 and GS-14 is \$62.33.<sup>7</sup> In addition to hourly wages, the federal government incurs overhead and benefits costs per employee. Consistent with other ICRs, this represents government load factor of 1.28. This results in a loaded labor cost to the federal government of \$79.78 per hour ( $\$62.33 \times 1.28 = \$79.78$ ). The total cost for the federal government to manage the contract is \$16,595 ( $\$79.78 \times 208 = \$16,595$ ).

<sup>6</sup> Note previous iteration of this ICR, approved on November 6, 2019, stated the contract cost at \$3,292,248, which was based on 2018 dollars. For this iteration, FMCSA uses the same number but adjusts to 2021 dollars using the Federal Reserve Bank of Minneapolis, Inflation Calculator available at:

<https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator> (accessed January 10, 2022).

<sup>7</sup> Office of Personnel Management. Salary Table 2021-DCB for the Locality Pay Area of Washington, Baltimore, Arlington, DC-MD-VA-WV-PA. Available at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf). Accessed July 11, 2021.

**Estimate of Annual Cost to Federal Government:** \$728,276 [\$3,558,407 for Firm Fixed Price Contract for the NCCDB ÷ 5-year timeframe = \$711,681 + \$16,595 = \$728,276].

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

The previous iteration of this ICR had 12,165 responses, 12,165 respondents, and 3,041 estimated annual burden hours with an estimated annual cost of \$107,292. This ICR has an estimated 18,546 responses, 18,546 respondents, which results in 4,638 estimated annual burden hours with an estimated annual cost of \$179,014.

Note while the previous iteration of this ICR had an approved 12,165 responses and 12,165 respondents, the previous iteration should have stated 12,164 responses, 12,164 respondents. To calculate the program adjustments, we use 12,164 responses and 12,164 respondents which results in a 34% increase in responses, respondents, and annual burden hours, and a 40% increase in respondent cost. The increase is due to the year-over-year expected complaint increase, which is consistent with the methodology of the previous ICR. In addition, there is a slight upward revision due to the addition of the new Electronic Logging Device (ELD), Substance Abuse Practitioner (SAP), and Medical Review Officer (MRO) complaint forms not included in the previous ICR.

The cost to the Federal Government increased by 10% from \$658,450 to \$728,276 per year. This change is a result of adjusting for inflation and adding the cost to the federal government to administer the contract.

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

The complaint data may be used for analytical, statistical, enforcement and other necessary internal and external purposes, including rulemaking.

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

FMCSA is not seeking approval to not display the expiration date for OMB approval of the information.

## **18. EXCEPTIONS TO CERTIFICATION STATEMENT**

There are no exceptions to the certification statement.

## **ATTACHMENTS:**

- A. Section 4017 of the “Transportation Equity Act of the 21st Century,” Pub. L. 105-178, 112 Stat. 107, June 9, 1998.

- B. Section 213 of “The Motor Carrier Safety Improvement Act of 1999,” Pub. L. 106-159, 113 Stat. 1748, December 9, 1999.
- C. Section 4214 of the Safe, Accountable, and Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU), Public Law 109-59, 119 Stat. 1144, August 10, 2005.
- D. 60-day Comment Request Federal Register Notice, (86 FR 49594), September 3, 2021.
- E. 30-day Comment Request Federal Register Notice, (87 FR 10277), February 23, 2022.