

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

Supporting Statement A

Acknowledgement of Use of COVID-19 Emergency Declaration Relief
OMB Control No. 2126-0074

SUMMARY

- This is a request for full 3-year approval for a collection approved on an emergency basis. FMCSA is requesting the full 3-year clearance to collect information regarding the number of motor carriers and drivers that are operating under Emergency Declaration No. 2020-002.
- Motor carriers and drivers (if self-employed) operating under the Emergency Declaration must 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. Section 12 shows an average of 477 reports per month and an estimated total annual burden of 1,431 hours.

INTRODUCTION

In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Motor Carrier Safety Administration (FMCSA) is requesting Office of Management and Budget (OMB) approval for an information collection previously approved on an emergency basis. 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. This collection was approved on an emergency basis on August 30, 2021, and the approval was extended on February 14, 2022. The extended emergency approval expires on August 31, 2022.

Part A. Justification

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The collection of this information is necessary for FMCSA to determine the extent that motor carriers and drivers (if self-employed) 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. 519(b) related to the danger 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. The modified Emergency Declaration was subsequently extended on June 15, 2020, August 15, 2020, December 1, 2020, August 31, 2021, and November 29, 2021, 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.

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 sections 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. The notice extending the declaration provides a list of relief services and essential supplies.

Prior to September 1, 2021, neither the Emergency Declaration nor the regulations covering Emergency Declarations (found in 49 CFR 390.23 and 390.25) required that motor carriers or drivers operating under the Emergency Declaration report their operation to FMCSA. FMCSA determined that the unprecedented period when the expanded, modified Emergency Declaration No. 2020-002 was in place required that FMCSA seek information on the number of motor carriers and drivers relying upon the emergency declaration in order to evaluate the need for additional extensions.

The extension issued on August 31, 2021, included a reporting requirement for motor carriers to report, on a monthly basis, their reliance on the emergency declaration during operations. FMCSA established a website where motor carriers and drivers filled out fields for their USDOT number, the number of commercial motor vehicle trips that relied upon the emergency declaration in the preceding month (using a drop down menu), the commodities being transported (using a drop down menu), and a follow up for those listing more than one commodity to indicate which was transported the most. The November 29, 2021, extension continued the reporting requirement. OMB approved the reporting requirement on an emergency basis on August 30, 2021, and extended that approval on February 14, 2022. That approval expires on August 31, 2022.

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

FMCSA determined that the continuing national emergency warranted repeated extensions of Emergency Declaration No. 2020-002. FMCSA has continued to reinstate the 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 includes a URL link that takes users to FMCSA's website, where they provide the information. To allow FMCSA to track the motor carrier industry's usage of the exemptions, the data collected includes the USDOT number, month and year of the reporting period, and the

number of commercial motor vehicles trips that relied upon the Emergency Declaration in the preceding month broken out by the commodities transported.

3. EXTENT OF AUTOMATED INFORMATION COLLECTION

Information is submitted via FMCSA's website.

4. EFFORTS TO IDENTIFY DUPLICATION

This is a request for a full 3-year approval of a 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. The information is not publicly available elsewhere.

5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES

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. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION

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. SPECIAL CIRCUMSTANCES

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. The information collected under the emergency approval (from October 2021 through March 2022) is included in Appendix A. The carrier is reporting for the previous month, therefore October 2021 submitted reports consist of data for the month of September, and March 2022 submitted reports consist of data for the month of February.

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. COMPLIANCE WITH 5 CFR 1320.8:

FMCSA published a 60-day notice announcing its intent to submit this collection to OMB on May 5, 2022 (87 FR 26799). No comments were received.

9. PAYMENTS OR GIFTS TO RESPONDENTS

FMCSA will not provide payments or gifts.

10. ASSURANCE OF CONFIDENTIALITY

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

11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION

FMCSA will not ask questions of a sensitive nature.

12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED

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 used the average of the total reports submitted between September 2021 and February 2022 (see Appendix A) as a stand in for the number of reports to be submitted each month. The carrier is reporting for the previous month, therefore October 2021 submitted reports consist of data for the month of September, and March 2022 submitted reports consist of data for the month of February.

FMCSA intends to collect this information monthly until Emergency Declaration No. 2020-002 is no longer in effect.

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 to allow FMCSA to better track the motor carrier industry's usage of the exemptions. The data collected includes USDOT number, month and year of the reporting period, and the number of commercial motor vehicles trips that relied upon the Emergency Declaration in the preceding month broken out by the commodities transported.

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 \$40.65.¹ The Agency applies an estimate of 52 percent in fringe benefits,² and 27 percent in overhead costs³ 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 1,431 hours, and the total cost to the industry to be \$104,420. The average number of reports (or respondents, or responses) per month is calculated as $(875+421+355+504+314+390)/6 = 477$ reports.

Table 1. Respondent Burden

Number of Reports per month (A)	Months per year (B)	Hours per Response (C)	Total Burden Hours (D = A × B × C)	Loaded Hourly Wage (E)	Total Cost (D × E)
477	12	0.25 hours	1,431	\$72.97	\$104,420

Estimated Total Respondents (per month): 477

Estimated Total Responses: 5,724 annually

Estimated Total Burden Hours: 1,431 annually

Estimated Total Cost: \$104,420 annually

Frequency: Monthly

13. ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS

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

¹ 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).

² 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).

³ 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 \div \0.39 (rounded to the nearest whole percent)).

14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

As noted in the Emergency ICR approval request, 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. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS

This is a collection previously approved on an emergency basis. FMCSA estimates a 203,417 decrease in the number of reports (203,894 previous respondents – 477 requested respondents) estimated to be submitted each month, as the emergency ICR request used the total number of motor vehicles as a stand-in, and acknowledged that number was likely to be an overestimate. The “USDOT Number” field is used to collect the information to help identify those making reports, in case it needs to follow up with the reporting entity.

This resulted in a burden decrease of 304,410 hours (305,841 previously approved burden hours – 1,431 requested burden hours). Burden estimates were refined to reflect the average number of monthly submissions received from October 2021 to March 2022, which covered data from September 2021 to February 2022 because the carrier is reporting for the previous month.

These adjustments in estimates also resulted in a decrease in the number of responses of 1,217,640 and a decrease of \$22,212,798 in the annual cost burden.

Table 2. Total Change in Burden from Currently Approved IC

Information Collection Version	Annual Number of Respondents	Annual Number of Responses	Annual Burden Hours	Annual Cost Burden
Currently Approved under OMB Control No 2126-0074	203,894	1,223,364	305,841	\$22,317,218
Adjusted Estimates	477	5,724	1,431	\$104,420
Total Change in Burden from Currently Approved IC	-203,417	-1,217,640	-304,410	-\$22,212,798

16. PUBLICATION OF RESULTS OF DATA COLLECTION

FMCSA is collecting this information for internal use only and does not intend to publish the information.

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

FMCSA is not seeking such approval and will include all appropriate OMB information on the website used to collect the information.

18. EXCEPTIONS TO CERTIFICATION STATEMENT

There are no exceptions.