

Supporting Statement A

OMB Control. No. 2125-0034

Certification of Enforcement of Vehicle Size and Weight Laws

Introduction:

This document is to request the Office of Management and Budget's (OMB) three-year renewal of the currently approved information collection titled, "Certification of Enforcement of Vehicle Size and Weight Laws" (OMB Control No. 2125-0034).

The Commercial Vehicle Size and Weight Program is housed with the Federal Highway Administration's (FHWA) Operations Core Business Unit, Office of Freight Management and Operations. This program and information collection responsibility therefore belongs to the FHWA.

Part A. Justification.

1. Circumstances that make collection of information necessary:

Section 141(a), Title 23, U.S.C. requires all States to certify yearly to the Secretary of Transportation that they are enforcing their size and weight limits on the Federal-aid highways in their States. Section 141(b)(1) directed the Secretary to adopt regulations necessary to verify the accuracy of the States' certification.

These regulations (23 CFR 657) require each State to adopt a plan for enforcing its size and weight limits and to update it annually. The plan and update are both subject to approval by the FHWA. The accuracy of the certification is judged primarily on how well the State met the goals established in its plan for that year. Under these regulations, each State may adopt enforcement goals consistent with its own regulatory practices and philosophy.

This information collection supports the DOT Strategic Goal of Safety by strengthening the FHWA's enforcement to promote maximum compliance with its regulations.

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

The FHWA not only uses the data to prepare statistical trends, but also to determine whether a State is adequately enforcing its size and weight laws. If a State failed to submit the data or the data showed that it was not adequately enforcing its size and weight laws, the State would lose 7 percent of its Federal-aid highway fund apportionment for that year. This loss of funds would severely affect the State's ability to construct, repair, and maintain the infrastructure.

3. Extent of automated information collection:

The information which each State is required to submit to the FHWA includes a signed, certifying statement attesting to the actual resources applied during the prior fiscal year to enforcement operations aimed at assuring compliance with commercial vehicle size and weight provisions. The submission also identifies State vehicle size and weight laws and regulations that recently have been proposed or enacted and includes a data report on numbers of enforcement actions taken and sanctions imposed. Beginning in the 4th Quarter of FY 2005, FHWA activated its on-line website, allowing electronic submissions, thereby eliminating the compilation and submission of a paper document. All States submit their certification statements electronically.

The vehicle size and weight data may be collected electronically by the States at fixed platform scales, or manually at portable and semi-portable scales. Weigh-in-motion (WIM) screening equipment is also employed to screen at speed in the roadway. WIM identifies vehicles potentially operating above allowable weight limits and is typically employed in conjunction with permanent scale operations located immediately down the road from the WIM site. These weighing technologies and equipment generate data that are provided to State databases. Title 23 of the Code of Federal Regulations, Section 657, requires that a State use at least two of these weighing systems, one of which may be weigh-in-motion screening. The databases and trend tables are compiled every year as a part of the oversight authority obligation and reported to the FHWA. This information is now available electronically via the Internet.

Section 141 authorizes the Secretary to require States to file such information as is necessary to verify that their certifications are accurate. To determine whether States are adequately enforcing their size and weight limits, each must submit an updated plan for enforcing their size and weight limits to the FHWA at the beginning of each fiscal year. All States submit their Plans electronically.

4. Efforts to identify duplication:

No duplication exists. The data collected and reported by each State regarding their enforcement actions are obtained solely through this reporting requirement.

5. Efforts to minimize the burden on small businesses:

This information collection does not impose a burden on small businesses. This data collection involves only State agencies.

6. Impact of less frequent collection of information:

Section 141 of Title 23 U.S.C. requires an annual certification from each State in order to qualify for the next year's apportionment of Federal-aid funds for highway construction and maintenance. Less frequent collection is, therefore, not appropriate.

7. Special circumstances:

There are no special circumstances associated with this information collection.

8. Compliance with 5 CFR 1320.8:

The FHWA published on October 17, 2023, a 60-day *Federal Register* notice(88 FR 71640), which solicited public comments on the FHWA's intention to request renewal of this information collection. No comments were received from the public to the docket.

9. Payments or gifts to respondents:

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

10. Assurance of confidentiality:

Since the respondents are all governmental agencies and the data are used to judge compliance with Federal law, all data submitted by the States are open to public inspection. There is, therefore, no assurance of confidentiality.

11. Justification for collection of sensitive information:

No sensitive information is collected. Particular vehicles are not identified in the data collection, which consists only of summary statistics, copies of State laws and regulations, and the effect of State actions on the number of overweight vehicles.

12. Estimate of burden hours for information requested:

It is estimated that each State (plus Puerto Rico and the District of Columbia) spends an average of 80 staff-hours per year compiling and submitting the data to be submitted electronically to FHWA. For 52 jurisdictions, this is a total of 4160 annual burden hours. State burdens and cost estimates are based only on the time spent in compiling the documents submitted annually to FHWA. It is estimated that the average hourly loaded wage rate is \$50.17 (accounting for salary benefits and overhead using a 1.62 multiplier from the Bureau of Labor Statistics) from the Bureau of Labor Statistics' Occupational Employment Statistics Research Estimates by State and Industry dataset.

13. Estimate of total annual costs to respondents:

It is estimated that the total annual costs to respondents is \$208,707, assuming 52 jurisdictions, 80 staff-hours per jurisdiction, and a loaded hourly wage rate of \$50.17 ($52 \times 80 \times \$50.17 = \$208,707$).

14. Estimate of cost to the Federal government:

The government's annual cost in terms of the hours required for program oversight and analysis of the State data submissions is calculated as follows:

Professional staff time (headquarters and field) is estimated to be 1.2 staff-years

annually for all levels. It is estimated that the average annual loaded wage (using a loading factor of 1.62, from the Bureau of Labor Statistics to account for overhead and benefits), for GS-12, and GS-13 step 5 is \$142,882. It is estimated that the costs to the Federal government is \$171,458 (1.2 x \$142,882)

15. Explanation of program changes or adjustments:

The increase in burden occurred because the numbers were incorrectly submitted in 2020. The previous 30-Day notice was correctly published with 80 staff hours per 52 jurisdictions: resulting in 4160 burden hours. However, the PRA reflects a different of 60 staff hours per 52 jurisdictions: resulting in 3120 burden hours. This was incorrectly inputted into ROCIS, but the 30-Day notice reflects the correct numbers. The previous 30-Day notice is added as a Supplementary Document.

16. Publication of results of data collection:

These data are principally used for judging State compliance with 23 U.S.C. 141(b). The only publication of the material is in Freight Facts and Figures;
<https://www.bts.gov/product/freight-facts-and-figures>.

17. Approval for not displaying the expiration date of OMB approval:

Approval for not displaying the expiration date is not being requested.

18. Exceptions to certification statement:

No exceptions to the certification statement are being requested.