

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

**SUPPORTING STATEMENT**

**Application for Certificate of Registration for Foreign Motor Carriers  
and Foreign Motor Private Carriers  
OMB Control No. 2126-0019**

**SUMMARY**

- This ICR is a renewal. There is an increase in the number of respondents and in the burden hours calculated. The currently approved version of this ICR estimated the average annual burden to be 47 annual burden hours, with 31 total annual respondents. For this renewal, the estimated average annual burden is 878 hours, with 585 average annual respondents, based on an estimated burden of 1.5 hours per respondent. The annual burden hour increase of 831 is due primarily to the increase in the number of updated OP-2 forms filed from 2020 through 2022. The average number of entities which filed updated OP-2 forms in the three-year period 2020 through 2022 increased by 95 percent, compared to the number that registered from 2017 through 2019.
- The OP-2 form is the only collection instrument being used.

**INTRODUCTION**

The purpose of this information collection request (ICR) is to request the Office of Management and Budget's (OMB) 3-year approved clearance for a renewal to the information collection titled "Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers" (OMB Control No. 2126-0019), which is currently due to expire on October 31, 2024.

This ICR applies to the following respondents:

- Existing Domiciled Foreign (Mexico) Motor Carriers and Foreign (Mexico) Private Carriers that wish to operate across the Mexico-United States border into the United States (49 USC 13902(c)), within municipalities in the United States on the U.S.-Mexico international border or within the commercial zones of such municipalities.

New applicants for the "Certificate of Registration for Foreign Motor Carriers and Foreign Private Carriers" must use Form MCSA-1, which is accessible through the Unified Registration System (URS). The Form MCSA-1 is covered by the currently approved ICR titled "Unified Registration System, FMCSA Registration/Updates" (OMB Control No. 2126-0051).

## **Part A. Justification**

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

The Motor Carrier Safety Act of 1984 (1984 Act), Public Law No. 98-554, 98 Stat. 2832, requires certain Mexican-domiciled motor carriers performing operations in the United States to obtain Certificates of Registration annually to continue those operations. Before that law, these carriers had been exempted from regulation by the former Interstate Commerce Commission (ICC). To obtain these Certificates of Registration, motor carriers subject to these requirements were required to demonstrate that they maintained specified levels of insurance coverage; that they were performing safe operations in accordance with the Department of Transportation's (DOT) safety regulations; and that they had paid any applicable Federal heavy vehicle taxes under 26 U.S.C. § 4481 (Attachment A). To implement the statute, the ICC adopted regulations at 49 CFR part 1171, now found at 49 CFR part 368 (Attachment B), and prescribed Form OP-2 as the application form to be used by these foreign motor carriers operating in the United States.

In 1988, as part of the Anti-Drug Abuse Act of 1988 (1988 Act), Public Law No. 100-690, 102 Stat. 4181,<sup>(1)</sup> Congress revised the 1984 Act. The 1988 Act expanded the statute to require all Mexico-domiciled for-hire and private motor carriers of exempt and regulated commodities to obtain Certificates of Registration to perform operations in the United States. Also, the 1988 Act repealed the requirement for annual renewals of certificates of registration and allowed the initial Certificates of Registration to remain in effect indefinitely, provided the carrier complied with other regulatory provisions of the statute. It also permitted these carriers to have insurance policies of limited duration and to show evidence of insurance at the international boundary line (on a per trip basis, or the so-called "trip insurance" concept) rather than filing certificates of insurance with the former ICC.

The ICC Termination Act of 1995 (ICCTA), Public Law No. 104-88, 109 Stat. 803 (Attachment C), transferred responsibility for registration of foreign carriers from the former ICC to the Department of Transportation (Surface Transportation Board) and Federal Motor Carrier Safety Administration (FMCSA or the agency).

At the same time, Congress adopted a comprehensive licensing scheme for registering foreign (Mexico-based) motor carriers to operate across the Mexico-United States border into the United States and for issuance of operating authority for these carriers, now carried out under the authority of 49 U.S.C. § 13902(c) by the FMCSA. This collection of information, required by § 13902(c) (Attachment D) and 49 CFR part 368, has ensured that applications filed by foreign (Mexico-based) motor carriers receive the same thorough review given to registration applications filed by United States and Canadian motor carriers.<sup>(2)</sup> The Form OP-

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<sup>1</sup> Title IX, subtitle B of the Anti-Drug Abuse Act of 1988 is referred to as the Truck and Bus Safety and Regulatory Reform Act of 1988.

<sup>2</sup> See OMB No. 2126-0016 "Renewal for Additional Operating Authority for Existing Carrier and New and Additional Operating Authority for Mexico Domiciled Carriers," which covers Forms OP-1, OP-1(P), OP-1(FF), and/or (NNA).

2, the application form used by foreign (Mexico-based) motor carriers, thus establishes continuing compliance with this statutory requirement.

Currently, FMCSA is in the process of developing the “Unified Registration System (URS),” which is a system developed to streamline FMCSA’s registration process. This is a result of the Final Rule titled “Unified Registration System,” (78 FR 52608) dated August 23, 2013, which implemented statutory provisions for an online registration system for entities that are subject to FMCSA’s licensing, registration, and certification regulations (Attachment E). The purpose of the URS is to streamline the registration process into one dynamic online application (Form MCSA-1, “Unified Registration System, FMCSA Registration/Updates”) and serve as a clearinghouse and repository of information for entities required to register with FMCSA.

Previous to the development of the URS, in order to register with FMCSA or apply for additional authorities, applicants submitted Form OP-2. This form is available on FMCSA’s website. Respondents can print the form and mail it back to FMCSA or print the form and upload the document(s) via email. With the development of the URS, the goal was for Form OP-2 to fold into one overarching form, Form MCSA-1. With URS this form is accessed through URS and is a dynamic form that is meant to be used by all motor carriers seeking authority or seeking to add to their existing authority, with the exception of form OP-1(MX).

In the implementation of the URS, FMCSA began a phased rollout in 2015. The first phase became effective on December 12, 2015. The first phase impacted only first-time applicants seeking an FMCSA-issued registration. FMCSA had planned subsequent URS rollout phases for existing registrants wishing to add additional authorities. However, there were substantial delays, and subsequent phases have not been rolled out to date. As a result, on January 17, 2017, FMCSA issued a Final Rule titled “Unified Registration System; Suspension of Effectiveness,” which indefinitely suspended URS effectiveness dates for existing registrants (82 FR 5292) (Attachment F).

Given the delay in the URS system subsequent phases and resulting rule, FMCSA continues to accept Form OP-2 for existing applicants with updates to information.

This information collection supports the DOT’s Strategic Goal of Safety by monitoring foreign (Mexico-based) motor carriers to conducting operations in the United States.

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

Data received from existing applicants provide the FMCSA with information to assess the foreign (Mexico-based) motor carrier’s safety program and its ability to comply with the safety regulations of the FMCSA. It also provides information concerning changes in the carrier’s operating status, which enables the agency to maintain an accurate census of registered carriers.

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

The Government Paperwork Elimination Act (GPEA), Public Law 105-277 (October 21,

1998), requires agencies to provide for the option of electronic submission of information and the use of electronic signatures, when practicable. Form OP-2 can be submitted electronically to FMCSA from <https://www.fmcsa.dot.gov/registration/ask-fmcsa> via email.

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

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

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

The paperwork burdens associated with completing Form OP-2 for existing applicants are minimal for small businesses. Each existing applicant is required to demonstrate its willingness and ability to comply with applicable safety regulations. It is essential to capture the population of carriers and to make certain the information is current. The requested information cannot be obtained from any other source, and FMCSA is requesting no more information than is absolutely necessary to ensure compliance with applicable safety regulations. Existing registrants may use Form OP-2 when name or address changes have been made. Updates may also be made to their location and operating status as circumstances warranted.

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

The form is filed on an “as needed” basis. Foreign (Mexico-based) motor carriers desiring to update their certificate of registration to operate across the Mexico/United States international boundary line must file an application, Form OP-2, and comply with certain other prescribed requirements before being granted authority to conduct operations in the United States. Once the certificate of registration is issued, it remains in effect until the authority to operate is revoked voluntarily, at the request of the motor carrier, or unless the FMCSA revokes the authority involuntarily, for cause.

#### **7. SPECIAL CIRCUMSTANCES**

There are no special circumstances with this information collection.

#### **8. COMPLIANCE WITH 5 C.F.R. § 1320.8**

On February 16, 2024, FMCSA published a notice in the Federal Register (89 FR 12416) with a 60-day public comment period to announce its intention to submit this ICR to OMB for renewal (see Attachment G). FMCSA received one comment which was not relevant to the ICR.

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

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

## 10. ASSURANCE OF CONFIDENTIALITY

These records are not confidential and there is no assurance of confidentiality. Existing applicants wishing to make changes to their registration information use Form OP-2, which calls for information identifying the applicant and the scope of its proposed operations in the United States. Further, Form OP-2, like all registration applications filed with the FMCSA, becomes part of a public docket and is open to the public for inspection.

## 11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION

There are no questions of a sensitive nature.

## 12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED

The agency estimates the burden labor hour cost per respondent to be approximately \$64.15 ( $\$37,549 \div 585$  respondents = \$64.15). As shown in Table 1, the total annual burden labor cost to the industry is \$37,549.

The burden for this ICR includes the time required for existing applicants to submit updates to their registration using Form OP-2. FMCSA estimates respondent updates using Form OP-2 requires on average 1.5 hours to complete. However, the time required to complete updates to an individual application will vary, depending on the applicant's knowledge of English. FMCSA provides an English/Spanish version of Form OP-2 and instructions pursuant to Executive Order 13166, dated August 11, 2000, titled, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121; Aug. 16, 2000), (Attachment H). The paper format of the application is available in the English/Spanish version; however, application updates must be completed in English.

The following burden estimates are based on FMCSA having received, on average, 585 annual updates per year to form OP-2 during the period from 2020 to 2022.<sup>(3)</sup> As shown in Table 1, the average annual burden associated with these application updates is 878 hours ( $585$  applications  $\times$  1.5 hours per application = 878 hours). Please note, some figures provided in the tables below may be affected by rounding.

The agency assumes that the respondent occupation for this task corresponds to Business Operations Specialist. The median hourly wage of Business Operations Specialists in the Truck Transportation industry (North American Industry Classification System [NAICS] code 484000) is \$28.98.<sup>(4,5)</sup> To arrive at a loaded wage, the agency first estimated a load factor of 1.48 by dividing the total cost of compensation for private industry workers of the transportation and warehousing industry (\$48.49) series by the average cost of hourly wages and salaries (\$32.87) for the same series as reported by the Bureau of Labor Statistics in

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<sup>3</sup> Data Source: FMCSA's "Licensing & Insurance" database. Snapshot taken September 29, 2023.

<sup>4</sup> FMCSA was unable to obtain comparable Mexican wage rates for Business Operations Specialists of the General Freight Trucking industry. For the purposes of this ICR, we use U.S. wages with the understanding that the resulting calculations may be overestimated.

<sup>5</sup> Bureau of Labor Statistics. Occupational Employment and Wages, May 2023, NAICS 484000 – Truck Transportation. [https://www.bls.gov/oes/current/naics3\\_484000.htm](https://www.bls.gov/oes/current/naics3_484000.htm). Accessed June 27, 2024.

March 2024.<sup>60</sup> Multiplying the median hourly wage by the load factor results in a loaded hourly wage of \$42.75.

**Table 1. Respondents, Burden Hour, and Burden Hour Cost Estimates for Form OP-2.**

Year	Number of Respondents (a)	Number of Responses (a × 1 = b)	Average Burden Hours per Response (c)	Total Burden Hours (b × c = d)	Total Burden Hour Cost (d × \$42.75 = e)
1	399	399	1.5	599	\$25,607
2	736	736	1.5	1104	\$47,196
3	621	621	1.5	932	\$39,843
Totals	1756	1756	4.5	2634	\$112,646
<i>3-year average</i>	<i>585</i>	<i>585</i>	<i>1.5</i>	<i>878</i>	<i>\$37,549</i>

**Estimated Total Annual Burden: 878 hours.**

**Estimated Annual Number of Respondents: 585.**

**Estimated Annual Number of Responses: 585.**

**Estimated Annual Burden Hour Cost to Respondents: \$37,549.**

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

Respondents may incur costs in addition to burden hour costs. There are mailing costs if the respondent chooses to submit updates to Form OP-2 by mail rather than electronically.

#### Updates to Form OP-2

FMCSA estimates that approximately 5% of forms will be submitted by mail. Therefore, 29 annual respondents will file by mail, at an estimated cost of \$5 per respondent (paper, envelope, and postage). This results in a total annual cost of \$146 (29 × \$5 = \$146).

#### Estimated Total Annual Non-Labor Cost to Respondents

Annualized, the agency estimates that 29 respondents will incur a non-labor total cost of \$146 (\$0 in filing fees + \$146 in mailing costs = \$146).

**Estimated Non-Labor Costs to Respondents: \$146.**

**Estimated Labor Costs to Respondents: \$37,549.**

**Estimated Labor and Non-Labor Costs to Respondents: \$37,695 (\$37,549 + \$146 = \$37,695).**

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

The agency estimates that reviewing the contents of the package, deciding whether to grant or reject the applications, issuing a certificate of registration to the carrier where appropriate, and performing the ministerial functions associated with the handling of the 585 applications

<sup>60</sup> Bureau of Labor Statistics. “Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group.” [www.bls.gov/news.release/pdf/ecec.pdf](http://www.bls.gov/news.release/pdf/ecec.pdf). Accessed June 27, 2024.

received on average annually takes approximately 10 minutes (0.167 hours) per form, or 98 hours per year (585 × 0.167 hours = 98 hours).

Tasks associated with Form OP-2 are performed by a General Schedule Grade 9 Transportation Specialist in headquarters at a wage cost of approximately \$38.24 per hour.<sup>(7)</sup> The load factor for Federal Government workers is 1.28.<sup>(8)</sup> Multiplying the load factor by the wage rate provides a total compensation cost of \$48.95 (1.28 × \$38.24 = \$48.95) per hour. The total estimated annual cost to the Federal Government is \$4,797 (98 hours × \$48.95 per hour).

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

The respondent burden hours have increased by 831 hours for this renewal (878 hours proposed – 47 hours currently approved = 831 hours). The change is due to an increase in the number of respondents who updated the OP-2 applications. Table 2 displays the changes in burden estimates.

**Table 2. Change in estimates.**

Information Collection Version	Annual Number of Respondents	Annual Number of Responses	Annual Burden Hours
Currently Approved under OMB Control Number 2126-0019	31	31	47
Revised Estimates	585	585	878
<b>Total Change in Burden from the Currently Approved Collection of Information</b>	<b>554</b>	<b>554</b>	<b>831</b>

An estimated 585 respondents will incur a labor/non-labor total cost of \$37,695 annually. This is an increase from the \$2,196 cost incurred previously. This is due to an increase in burden hours. There is an increase of \$37,695 in estimated labor-related burden costs to respondents due to the increased burden hours. However, the estimated burden hours per respondent have not changed.

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

FMCSA uses a portion of the collected data to prepare a public notice of the registration application, which is published in the “FMCSA Register.” Publication of this notice initiates a 10-day period during which an interested party may file a complaint seeking denial of the registration on a limited number of statutory grounds.

<sup>7</sup> Based on the 2024 Washington, Baltimore wage for GS-9 step 5 of \$38.24 per hour. [SALARY TABLE 2024-DCB \(LEO\) \(opm.gov\)](#) .

<sup>8</sup> Consistent with other FMCSA ICRs.

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

FMCSA does not request such approval.

**18. EXCEPTIONS TO CERTIFICATION STATEMENT**

None.

**ATTACHMENTS**

- A. 26 U.S.C. § 4481.
- B. 49 CFR part. 368.
- C. The ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (Dec. 29, 1995).
- D. 49 U.S.C. § 13902(c).
- E. Final Rule titled “Unified Registration System,” 78 FR 52608 (August 23, 2013).
- F. Final Rule titled “Unified Registration System; Suspension of Effectiveness,” 82 FR 5292 (January 17, 2017).
- G. 60-day Federal Register notice (89 FR 12416), published on February 16, 2024.
- H. Executive Order 13166 titled, “Improving Access to Services for Persons with Limited English Proficiency,” August 16, 2000 (65 FR 50121).