Department of Transportation
Federal Motor Carrier Safety Administration

SUPPORTING STATEMENT
"Hazardous Materials Safety Permit" ICR
OMB Control No. 2126-0030

SUMMARY

- The Federal Motor Carrier Safety Administration (FMCSA) is requesting a three-year renewal of its approved information collection titled "Hazardous Materials Safety Permit" (OMB Control No. 2126-0030), which is set to expire on November 30, 2026.
- Under federal laws (49 U.S.C. § 5101 et seq. and § 5109), the Department of Transportation is required to prescribe regulations for issuing motor carrier safety permits to transport specific high-risk hazardous materials in commerce—such as Division 1.1, 1.2, or 1.3 explosives and liquefied natural gas—above established threshold quantities. Motor carriers must hold a valid safety permit, keep proof of it in the vehicle, and comply with operational and recordkeeping mandates, including maintaining regular communication records between drivers and carriers. The supporting statement details the justification, burden calculations, and statutory authorities required by the Office of Management and Budget (OMB) for continuing this regulatory oversight program.
- The estimated annual burden for this information collection is 799,400 hours. FMCSA estimates that the annual burden hour for this information collection has increased by approximately 49,400 hours from the previously approved 750,000 hours. This is due to the number of companies holding a hazardous materials safety permit increasing from 1065 to 1142.

INTRODUCTION

This is to request the Office of Management and Budget (OMB) renew for three-years the approved information collection titled, "Hazardous Materials Safety Permit", (OMB Control No. *2126-0030*), which is currently due to expire on November 30, 2026.

Part A. Justification

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The Federal laws (Attachment A), relating to the transportation of hazardous materials (HM) (49 U.S.C. § 5101 et seq.) were enacted to provide adequate protection against the risk to life and property inherent in the transportation of HM in commerce by improving the regulatory and enforcement authority of the Secretary of Transportation (Secretary). Certain provisions of chapter 51 of title 49, U.S.C., including §§ 5105(e), 5109 and 5119, apply only to the

transportation of HM by motor vehicle. The authority for implementing these provisions (except § 5109 (f)) has been delegated to FMCSA under 49 CFR §1.87(d)(2) (Attachment B).

Section 5109 requires the Department of Transportation (DOT) to prescribe regulations necessary for the Secretary to issue motor carrier safety permits for transporting certain HM. A motor carrier must hold a safety permit issued by DOT and keep a copy of the permit or other proof of its existence in the vehicle, in order to be in compliance while transporting certain HM in commerce. Under § 5109(b), a safety permit is required to transport any of the following four HM, in quantities above the threshold amounts established by DOT.

- A Division 1.1,1.2 or 1.3 explosive;
- Liquefied natural gas;
- Hazardous material designated as extremely toxic by inhalation (TIH);

or

- A highway-route-controlled quantity of radioactive material.

Other provisions in section 5109 require DOT to issue regulations for issuing safety permits, including application procedures; duration, term and limitations of a safety permit; other conditions needed to protect public safety; and procedures to amend, suspend or revoke a safety permit. In order to issue a safety permit, DOT must find that the motor carrier is fit, willing and able to:

1. Provide the transportation to be authorized by the safety permit;
2. Comply with the Federal hazardous materials transportation law and DOT's regulations under that law; and
3. Comply with applicable Federal motor carrier safety laws and applicable minimum financial responsibility laws and regulations.

A final rule (Attachment C) titled, "Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits" (69 FR 39350 June 30, 2004), adopted a revised list referred to as the "Modified Statutory Option" or "expanded list") and additional explosive and toxic by inhalation materials in certain quantities as appropriate. This list is now codified in 49 CFR § 385.403. Specifically, a permit will also be required for:

- Radioactive Materials - A highway route-controlled quantity of Class 7 materials.
- Explosives – More than 25 kilograms (kg) (55 pounds) of a Division 1.1, 1.2 or 1.3 material, or an amount of a Division 1.5 material requiring a placard under part 172, subpart F, of this subchapter.
- Toxic by Inhalation (Division 2.3 and 6.1) Materials – Hazard Zone A materials in a packaging with a capacity greater than 1 liter (L) (0.26 gallons); a shipment of Hazard Zone B materials in a bulk packaging (capacity greater than 450 L [119 gallons]); or a shipment of Hazard Zone C or D materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons).
- A shipment of Methane (compressed or refrigerated liquid), natural gas (compressed or refrigerated liquid), or any other compressed or refrigerated liquefied gas with methane

content of at least 85 percent, in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons).

This information collection supports the DOT strategic goal of safety by promoting the safe and secure transportation of the designated HM and enhances motor carrier safety on our nation's highways.

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

The HM safety permit regulations require companies holding permits to develop a communications plan that allows for the periodic tracking of the shipment.[1] This may be accomplished either through phone calls or radio calls placed by the driver or through an electronic monitoring or tracking system. A record of the communications may be kept by either the driver (e.g., recorded in the logbook) or the company that contains the time of the call and the location of the shipment. These records must be kept, either physically or electronically, for at least six months at the company's principal place of business or readily available to employees at the company's principal place of business.

3. **EXTENT OF AUTOMATED INFORMATION COLLECTION**

In accordance with the Government Paperwork Elimination Act (GPEA) (44 U.S.C § 3504 (October 23, 1998)) (Attachment D), FMCSA allows motor carriers to complete and prepare the required communications documentation electronically. While 100% of the motor carriers are allowed to use electronic methods to meet this requirement, it is estimated that at least 85% maintain the communications record electronically. If the motor carrier has near constant tracking of their HM driver through electronic monitoring, there is no additional requirement as the regulation allows the use of an electronic tracking or monitoring system.

4. **EFFORTS TO IDENTIFY DUPLICATION**

There are no existing reporting requirements or available data that duplicate the information which is collected.

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

The regulations do not set forth any prescribed method of communication between the driver and the carrier or the method by which the record of the communication is maintained. Carriers are permitted to use any system to communicate with a driver and maintain the record that meets the criteria specified in 49 CFR 385.415. The FMCSA developed the regulations under the assumption that small businesses make up the majority of the entities that are subject to these provisions.

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

Implementation of the HM Safety Permit rule required that communications be established between motor carriers and their drivers. Companies holding permits are required to develop a communications plan and must require contact from the driver or electronic tracking equipment at the beginning and end of transportation, during loading or unloading of a permitted material or at least twice per day. FMCSA determined that requiring any of this communication information to be collected less frequently would tremendously reduce the benefits of the rule and jeopardize safety.

7. **SPECIAL CIRCUMSTANCES**
There are no special circumstances related to this ICR.

8. **COMPLIANCE WITH 5 CFR 1320.8**:
FMCSA published a notice in the Federal Register (91 FR 24640) with a 60-day public comment period to announce this proposed information collection on May 6, 2026. No comments were received in response to the 60-day FR notice.

9. **PAYMENTS OR GIFTS TO RESPONDENTS**
Respondents are not provided with any payments or gifts for this information collection.

10. **ASSURANCE OF CONFIDENTIALITY**
FMCSA does not collect the communications plans or records; therefore, this is not applicable.

11. **JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION**
There are no questions of a sensitive nature.

12. **ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED**
FMCSA estimates that 1142 carriers holding an HM Safety Permit (HMSP) operate more than 117,000 trucks; however, not all of those trucks typically transport HM, requiring a safety permit. The Agency estimates that each of the estimated carriers operates an average of 30 trucks requiring HM safety permits. With a total of 1142 motor carriers, this results in approximately 34,260 trucks in permitted HM transport (1142 carriers × 30 trucks). The Agency estimates that a fully utilized truck is used for 280 trips per year and that carriers make 9,592,800 annual trips transporting permitted HM (34,260 trucks × 280 trips).

The HM safety permitting program requires all motor carriers to communicate with their drivers at the beginning and end of each duty tour and at the pickup and delivery of each permitted load, and to maintain written records of these communications. These records must include the name of the driver, identification of the vehicle, permitted material(s) being transported, the date, location and time of each contact. FMCSA estimates that it takes 5 minutes to maintain a daily record for each driver's daily communication. The total annual information collection burden for maintaining daily communication records is 799,400 hours [9,592,800 trips × 5 minutes per record ÷ 60 minutes per hour].

Estimated Annual Burden Hours: 799,400 hours [9,592,800 million trips × 5 minutes per record ÷ 60 minutes per hour = 799,400].

Estimated Number of Annual Respondents: 1142 motor carriers transporting permitted HM

Estimated Number of Responses: 34,260 trucks with communication records for transporting permitted HM [1142 carriers × 30 trucks = 34,260].

13. **ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS**
There are no costs to respondents beyond those associated with the annual hourly burden.

14. **ESTIMATE OF COST TO THE FEDERAL GOVERNMENT**
This information collection imposes no cost to the Federal Government. The Federal Government does not routinely collect information for this burden. Motor carriers holding HM safety permits are required to maintain a record of communication and have it readily available to an authorized FMCSA representative or special agent upon request.

15. **EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS**
This ICR is currently approved at 750,000 estimated annual burden hours. FMCSA estimates that it takes 5 minutes to maintain a daily record for each driver's daily communications. The total annual ICR burden for maintaining daily communication record in the request is 799,400 hours [9,592,800 trips × 5 minutes per record ÷ 60 minutes per hour]. The program adjustment increase of 49,400 annual burden hours [799,400 proposed annual burden hours -750,000 currently approved annual burden hours] is due to an increase in the number of motor carriers (the number of respondents increased by 77) with active HM safety permits.

16. **PUBLICATION OF RESULTS OF DATA COLLECTION**
The results of this ICR will not be published.

17. **APPROVAL FOR NOT DISPLAYING THE EXPIRATION DATE OF OMB APPROVAL**
FMCSA is not seeking this approval.

18. **EXCEPTIONS TO CERTIFICATION STATEMENT**
FMCSA is not seeking any exception to the certification statement.