

## I. Background

The Secretary of Transportation has discretionary authority to prescribe the records required to be prepared or compiled by certain for-hire motor carriers and brokers subject to the commercial regulations implementing Title 49 U.S.C., subtitle IV, part B, including records related to movement of traffic and receipts and expenditures of money. 49 U.S.C. 14122(a). The Secretary may prescribe the time period during which operating, accounting, and financial records must be preserved by for-hire motor carriers and brokers subject to the reporting requirements. 49 U.S.C. 14122(c). In addition, some for-hire motor carriers (transporting either passengers or property) are required to submit annual financial reports under 49 U.S.C. 14123.

FMCSA's regulations include record retention requirements in several places. Appendix A to part 379 provides a generalized listing of retention times for records required to be prepared or compiled by certain for-hire motor carriers and brokers subject to the commercial regulations implementing Title 49 U.S.C., subtitle IV, part B. Parts 369 and 379 of the FMCSRs contain the regulations relating to annual reporting and preservation of records. Other parts of the FMCSRs contain specific record retention requirements for records pertinent to that part.

FMCSA's predecessor agency, the Interstate Commerce Commission, published a final rule on March 18, 1985, (50 FR 10774) which created "Note A" to be applied to certain records listed in Appendix A. The note is codified at the end of Appendix A to part 379 and is listed as the applicable "Retention Period" for several items and categories of records on the table in Appendix A. Note A indicates that the records so referenced shall be maintained as determined by the designated records supervisory official for the company. It further states that companies should be aware of other regulatory agencies' record retention requirements and exercise reasonable care in choosing retention periods which reflect past experiences, company needs, pending litigation, and regulatory requirements.

Only a few of the FMCSRs refer to the record-keeping requirements in 49 CFR part 379 as the basis for retention requirements. FMCSA requests comments providing information on the necessity and appropriateness of these references and links described below:

1. Title 49 CFR part 369 contains regulations governing the reporting requirements for motor carriers under

the authority of 49 U.S.C. 14123(a). Those reporting requirements are now very minimal. Only large for-hire motor carriers of property and large for-hire motor carriers of passengers are subject to the annual report provisions. See 49 CFR 369.1–369.4. The records necessary to support these reporting requirements are specified in 49 CFR 369.5: "Books, records and carrier operating documents shall be retained as prescribed in 49 CFR part 379, Preservation of Records."

2. Regulations found in 49 CFR part 373 govern the issuance of bills of lading and freight or expense bills by for-hire motor carriers to shipper and receivers. With some exceptions, for-hire carriers are required to issue bills of lading with certain specified information, such as receipts for property being transported as required by the Carmack Amendment, 49 U.S.C. 14706. 49 CFR 373.101. A record of the information on the bill of lading is required to be kept in accordance with part 379. Property carriers are also required to issue freight or expense bills with specified information, and to retain copies of such documents in accordance with part 379, 49 CFR 373.103(a). For-hire motor carriers of property may enter into written agreements with shippers to waive any of these requirements, 49 U.S.C. 14101(b)(1).

Part 373 also includes requirements applicable to for-hire passenger carriers to issue an expense bill for charter service, and to retain copies of such documents in accordance with part 379, 49 CFR 373.103(b).

## II. Request for Public Comments

FMCSA requests comments on recordkeeping activities associated with Appendix A to part 379 and responses to the questions below.

### General Question: Records Retention

1. If other Federal or State entities have record retention requirements for similar or the same records, what type of records are they, how long are you required to retain them, and which Federal or State entities require them?

You may find it useful, when answering this question, to submit your responses in a table format. If you wish to do so, go to the docket FMCSA–2019–0074 at [Regulations.gov](https://www.regulations.gov) and fill out and submit the table as part of your comment to this RFI. This table may be found in the supporting materials for the docket and includes current FMCSA existing recordkeeping requirements in Part 379 and those under consideration. Information can be added to each requirement concerning whether other agencies collect this information from

you and for how long they request retention.

### Retention Times

2. How long do you hold each of the records listed in Appendix A that are subject to Note A now?

3. Do you hold them that long ONLY because of the requirement in Appendix A?

If yes, how long would you hold them in the ordinary course of business regardless of the Appendix A requirement?

### Numbers and Costs of Records Retention

4. For each category of records maintained for FMCSA, how many records do you maintain, e.g., how many physical pages/volumes of electronic information do you retain? How many and which categories of records are also subject to the requirements of another regulatory entity?

5. Can you provide an estimate for how much it costs to store each category of records per year? Does this cost reflect retaining paper records, electronic records, or both?

### Note A

6. Should any of the items listed in Appendix A that do not refer to Note A be modified to adopt Note A?

7. As Note A does not provide a specific retention period, should those items remain in Appendix A or be removed?

8. Is it helpful to retain Note A? Why or why not?

Issued under authority delegated in 49 CFR 1.87.

**Meera Joshi,**

*Deputy Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[FTA Docket No. FTA 2021–0007]

### Agency Information Collection Activity Under OMB Review

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The

ICR describe the nature of the information collection and their expected burdens.

**DATES:** Comments must be submitted on or before September 23, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

*Comments are Invited On:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD-10, Washington, DC 20590, (202) 366-0354 or [tia.swain@dot.gov](mailto:tia.swain@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On May 28, 2021 FTA published a 60-day notice (86 FR 16442) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5

CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

*Title:* Survey of FTA Stakeholders.

*OMB Control Number:* 2132-0564.

*Type of Request:* Renewal with revisions of a previously approved information collection.

*Abstract:* Executive Order 12862, “Streamlining Service Delivery and Improving Customer Service,” requires FTA to identify its stakeholders and address how the agency will provide services in a manner that seeks to streamline service delivery and improve the experience of its customers. FTA is seeking a three-year approval for an existing information collection with revisions. Changes in methodology will improve the quality of stakeholder feedback, and non-substantive changes to the survey instrument will more accurately assess the data collected from from transit agencies, states and metropolitan planning organizations. FTA will utilize the survey to assess how its services are perceived by its customers, learn about opportunities for improvement and establish goals to measure results. The data captured from the survey will provide this information and enable FTA to make improvements where necessary. The survey will be limited to data collections that solicit voluntary opinions and will not involve information that is required by regulations. The estimated number of respondents is 6,454, an increase of 5,266 respondents from the previous request of 1,188 respondents. There is an increase in the number of respondents due to FTA’s efforts to expand outreach to a broader cross-section of FTA stakeholders. Respondents are split into two groups. Group A includes Chief Executive Officers (CEOs) and other executive leaders of transit agencies, state DOTs,

and other FTA stakeholders. Group B includes unit supervisors and professional staff such as engineers, urban planners and budget analysts from the same organizations. The previous IC only targeted respondents in Group A. The current IC targets respondents in both Group A and Group B. To further expand stakeholder outreach, FTA accessed an additional database, and allowed multiple respondents to submit responses from a single organization. Previously, since only CEOs or other top executive leader of an organization responded, there could be only one response per organization because there is only one top executive leader per organization.

However, the expansion of the target population to other labor categories allows multiple people from the same organization to respond to the survey (CEO, engineer, urban planner, etc.). There is a decrease in the estimated annual total burden hours, despite the increase in number of respondents, in large part because FTA found that respondents spent less time interacting with the previous survey than estimated. In addition to stakeholder outreach outlined in #8 above, in 2019, FTA utilized survey analytics to appropriately determine the amount of time spent filling out the survey.

*Respondents:* Transit agencies, States, and Metropolitan Planning Organizations.

*Estimated Annual Burden on Respondents:* 6,454.

*Estimated Annual Number of Responses:* 6,454.

*Estimated Total Annual Burden:* 807.  
*Frequency:* Biennial.

**Nadine Pembleton,**

*Director, Office of Management Planning.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to Form 911, Request for Taxpayer Advocate Service Assistance (and Application for Taxpayer Assistance Order)

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden,