

**Department of Transportation  
Office of the Chief Information Officer**

**SUPPORTING STATEMENT**

Training Certification for Entry-Level Commercial Motor Vehicle Operators

**Introduction:** This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the revision of the OMB Control Number 2126-0028, "Training Certification for Entry-Level Commercial Motor Vehicle Drivers," information collection which is due to expire on September 30, 2007.

The regulations forming the basis for this collection are applicable to certain bus and truck drivers who operate a commercial motor vehicle (CMV) for which a commercial driver's license (CDL) is required in interstate commerce ("CDL drivers"), and their motor-carrier employers (49 CFR part 380, subpart E) (Attachment A). The definition of a CMV includes vehicles that have a gross vehicle weight rating of 26,001 pounds or more; are designed to transport 16 or more passengers; or are used to transport placardable hazardous materials (49 CFR § 383.5) (Attachment B). Applicability of these regulations is further limited to "entry-level" CDL drivers," i.e. those who have either no experience, or less than 1 year of experience, operating a CMV (49 CFR 380.502(b) (Attachment C). The regulations require that entry-level CDL drivers obtain training in four specified subject areas not included in the CDL knowledge test, and present a certificate of training to their motor-carrier employer for retention in a driver qualification file.

This submission includes an adjustment for an error in the calculation of the number of entry-level CDL drivers affected by the rule.

**Part A. Justification.**

**1. Circumstances that make the collection of information necessary:**

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. § 31301, *et seq.*) (Attachment D) established national minimum testing and licensing standards for all operators of CMVs. The goal was to ensure that drivers of large trucks and buses possess the knowledge and skills necessary to safely operate on public highways. The CMVSA established the CDL program and directed the Federal Highway Administration (FHWA) (predecessor Agency to FMCSA) to establish minimum Federal standards that States must meet when licensing CMV drivers. The CMVSA applies to anyone who operates a CMV in interstate or intrastate commerce, including employees of Federal, State and local governments.

Section 4007(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240, December 18, 1991) (Attachment E) directed FHWA to "commence a rulemaking proceeding on the need to require training of all entry-level drivers of CMVs." On June 21, 1993, FHWA published in the *Federal Register* an advance notice of proposed rulemaking (ANPRM) entitled, "Commercial Motor Vehicles: Training for All Entry Level Drivers" (58 FR 33874) (Attachment F). The FHWA also began a study of the effectiveness of the training of entry-level drivers of buses and heavy trucks by the private sector. The results of the study were published in 1995 under the title "Adequacy of Commercial Motor Vehicle

Driver Training,” and are available in FMCSA Docket 1997-2199. The study found that the heavy truck, motor coach, and school bus segments of the industry were not providing adequate entry-level training.

On August 15, 2003, FMCSA published a notice of proposed rulemaking (NPRM) entitled, “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (68 FR 48863) (Attachment G). The Agency proposed mandatory training in four areas: driver qualifications, hours-of-service of drivers, driver wellness and whistle-blower protection. The CDL tests at that time did not cover these subjects and the Agency believed that knowledge of these areas was vital to large truck and bus safety. On May 21, 2004, FMCSA published a final rule with the same title as the NPRM (69 FR 2004) (Attachment H). The Agency mandated training in the four subject areas, effective July 20, 2004.

The information collection under this approval is necessary for this Agency to meet the directive of the Congress in ISTEA, and to address the findings of the 1995 study on the adequacy of entry-level driver training.

This information collection supports the DOT Strategic Goal of Safety.

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

CDL drivers receive a certificate when they successfully complete the specified mandatory training, and present it to prospective employers to validate their knowledge and skills in truck driving. Employers may not allow a driver to operate a CMV without ensuring that the driver has been properly trained. The employer keeps a copy of the training certificate in the driver qualification file. During a compliance review, the employer must be able to demonstrate to the investigator that its CDL drivers have completed the required training.

**3. Extent of automated information collection:**

This information collection requires the completion and signing of a training certification form. Training providers are free to use 100% automated means to complete the certification form electronically, or may use of a paper copy. The completed certification form is filed in the driver’s qualification file maintained at the principal place of business of the motor carrier.

**4. Describe efforts to identify duplication:**

The information that the FMCSA requires the motor carrier to collect is not, to the best of our knowledge, being collected from any other source.

**5. Efforts to minimize the burden on small businesses:**

The motor carrier industry includes a large number of small operators, many of whom are self-employed owner-operators. Small employers are subject to the same requirements as other motor carriers. Employers must verify the eligibility of a driver before allowing him or her to operate a CMV. In addition, employers must maintain a copy of the driver’s training certificate in the driver qualification file.

It is the responsibility of the driver to obtain the required training. An employer, a training school, or a consortium of motor carriers may provide the training. This could take place, for example, in any of the following forms: (1) a classroom setting with a trained instructor, (2) a one-on-one meeting between the entry-level driver and a representative of his or her employer working from a prepared outline, or (3) a professionally-prepared video or audio covering the required topics. In any case, the employer must obtain some evidence of the content of the instruction to enable a Safety Investigator to verify that the requirements of the rule have been met.

**6. Impact of less frequent collection of information:**

The training certification form is completed only once by each CMV driver to satisfy the minimum requirements of the program. Collection less frequently would be equal to no collection, which would prevent motor carriers and Safety Investigators from verifying that a CDL driver has obtained the required minimum training.

**7. Special circumstances:**

There are no special circumstances with this information collection.

**8. Compliance with 5 CFR 1320.8:**

On May 23, 2007 (72 FR 29032) (Attachment I), FMCSA published a notice in the *Federal Register* requesting public comments on the proposed renewal of this IC. No comments were received in response to this notice. In addition, FMCSA published a second notice on August 31, 2007 (72 FR 50442)(Attachment J) with a 30-day comment period that announced when this IC was being submitted to OMB for approval.

**9. Payments or gifts to respondents:**

Respondents do not receive any payments or gifts.

**10. Assurance of confidentiality:**

The driver retains the training certificate and a copy of the certificate is maintained by the motor carrier in the driver's qualification file. Motor carriers allow FMCSA investigators to review this documentation during compliance reviews. FMCSA investigators protect the information that they review during compliance reviews in accordance with the requirements of the Privacy Act of 1974, Public Law 93-559, 88 Stat. 1897 (December 31, 1974) (Attachment K).

**11. Justification for collection of sensitive information:**

There are no questions of a sensitive nature.

**12. Estimate of burden hours for information requested:**

Supporting statements calculate the burden of a rule on an annual basis, and are normally approved for a period of 3 years. On May 21, 2004, FMCSA published a final rule initiating a

requirement that all entry-level CDL drivers receive certain training. At that time, FMCSA submitted a request for a new information collection titled, "Training Certification for Entry-Level Commercial Motor Vehicle Operators." FMCSA also submitted a Supporting Statement (SS1). OMB approved the IC and the SS1 on June 14, 2004, for the three-year period June 30, 2004 to June 30, 2007.

This Supporting Statement (SS2) accompanies an application to OMB for renewal of the approval of this collection of information. It applies the approach of the SS1 except that it corrects an error in that analysis.

### The Calculations of SS1

SS1 accompanied the initiation of this rule and calculated the paperwork burden for each of the first three years. The first year of the Entry-Level Driver Training rule was unique. The definition of "entry-level CDL driver" includes two groups: drivers with one year or less of CDL driving experience on the effective date of the rule, and drivers with no CDL driving experience (49 CFR 380.502(b)). Thus, by definition there would be a burden on the former group -- drivers with a CDL driving experience of less than a year -- only in the first year of the rule. In Year 2 and Year 3 and beyond, all CDL drivers with one year or less of CDL driving experience would already have received the training. Thus, after Year 1, the training rule only applies to individuals obtaining their first CDL. Any driver who has a CDL has already received the required training.

### The Calculations of SS2

This Supporting Statement applies the calculations of the former years 2 and 3 to years 4, 5 and 6. The Agency employs the SS1 approach to calculating the burden of this rule, with one exception. SS1 erroneously reduced the number of entry-level CDL truck drivers to be trained by 30% to allow for drivers who would have received the training absent the new rule ("the 30%"). A reduction would have been appropriate if the calculation was of the cost of the rule, because the cost of training the 30% who would have received the training absent the rule should not be included in the cost of this rule. However, the Paperwork Reduction Act examines the paperwork burden imposed by documents required by a rule. In this case, the document is a training certificate. All entry-level CDL drivers have to produce the training certificate reflecting several specific pieces of information about the training, and the motor carrier must retain the certificate. The 30% must also meet this paperwork burden. For purposes of the Paperwork Reduction Act, the Agency must include entry-level CDL drivers who would have been trained absent the rule.

The FMCSA has corrected this error and determined that 45,611 entry-level CDL drivers must be trained each year and must complete a training certificate. See Item 15 below for the details of this calculation.

### Annual Paperwork Burden

FMCSA estimates that an entry-level CDL driver takes 10 minutes to complete, photocopy, give the photocopy to the motor carrier, and place the original of the certificate in a personal file.

**Estimated Total Annual Hour Burden: 7,602 hours** [45,611 drivers x 10 minutes/60 minutes = 7,602 hours].

**13. Estimate of total annual costs to respondents:**

Other than the costs associated with the burden hours shown in item #12 above (which are not to be included in item #13), there are no capital/start-up costs or operation/maintenance costs associated with the information collection burdens for this proposal.

**14. Estimate of cost to the Federal government:**

There are no costs to the Federal government.

**15. Explanation of program changes or adjustments:**

Collection 2126-0028 began with the inception of the entry-level driver training Final Rule published on May 21, 2004. Under the terms of the rule, Year 1 was a transition year. It was unique because in Year 1, and only in Year 1, the Agency was required to train certain CDL drivers who had obtained their CDL in the past year. The Supporting Statement that accompanied the rule in 2004 covered the first 3 years of the rule and took the unique nature of Year 1 into account. This Supporting Statement covers Years 4, 5 and 6 of the rule. No previously-trained drivers need to be accounted for in these years. Therefore, the current Supporting Statement reflects a decrease of 32,426 respondents (and 5,404 burden-hours).

In the 2004 Supporting Statement, the number of entry-level CDL drivers who would be required to complete and file a training certificate was reduced by 30% to allow for the percentage of drivers who would have received the training absent the new rule. This reduction was appropriate in calculation of the total costs of the new rule because 30% of the drivers would not have incurred any additional costs as a result of the new rule. However, all CDL drivers receiving the training would be required to file the new training certificate with their motor-carrier employer. Thus the 30% reduction would not apply when calculating the paperwork burden. This correction results in an increase in the number of respondents by 13,185 (45,611 – 32,426) and burden hours by 2,198 (7,602 – 5,404).

The adjustments are shown in the tables below:

**Table 1. Calculations of the 2004 Supporting Statement**

	Property Carriers	Motor coaches	School Buses	Totals	
	Respondents	Respondents	Respondents	Respondents	Hours at 10 minutes per respondent
<b>Base</b>	58,600	2,100	17,800		
<b>30% reduction for drivers who would have been trained absent the rule</b>	-17,580	n/a	n/a		
<b>SUBTOTAL</b>	41,020	2,100	17,800		
<b>Less 50% intrastate</b>	-20,510	-1,050	n/a		
<b>Less 68% exempt government employees</b>	n/a	n/a	-12,104		
<b>SUBTOTAL</b>	20,510	1,050	5,696		
<b>Only 1% interstate</b>	n/a	n/a	57		
<b>150% to allow for extra drivers on hand</b>	30,765	1,575	86	32,426	5,404

**Table 2. Calculations of the 2007 Supporting Statement**

	Property Carriers	Motor coaches	School Buses	Totals	
	Respondents	Respondents	Respondents	Respondents	Hours at 10 minutes per driver
<b>Base</b>	58,600	2,100	17,800		
<b>30% reduction for drivers who would have been trained absent the rule</b>	n/a	n/a	n/a		
<b>SUBTOTAL</b>	58,600	2,100	17,800		
<b>Less 50% intrastate</b>	-29,300	-1,050	n/a		
<b>Less 68% exempt government employees</b>	n/a	n/a	-12,104		
<b>SUBTOTAL</b>	29,300	1,050	5,696		
<b>Only 1% interstate</b>	n/a	n/a	57		
<b>150% to allow for extra drivers on hand</b>	43,950	1,575	86	45,611	7,602

**Table 3. Summary of Adjustments**

	<b>Respondents</b>	<b>Hours</b>
<b>2004 Supporting Statement: (Year 1)</b>	64,852	10,808
<b>ADJUSTMENT 1: Eliminate drivers who had a burden in Year One ONLY</b>	- 32,426	- 5,404
<b>Subtotal</b>	32,426	5,404
<b>ADJUSTMENT 2: Restore the 30% of drivers mistakenly excluded from the paperwork burden</b>	+ 13,185	+ 2,198
<b>New Totals</b>	45,611	7,602

### **Property Haulers**

Currently, 58,600 new CDL property-carrying drivers enter the industry annually. It is estimated that 50% percent of these drivers (or 29,300) operate in interstate commerce. However, FMCSA believes that it is logical to assume that a truck employer would train a greater proportion of its drivers (150%) than that necessary to meet the short-term requirements of the regulation since doing so provides the operator with greater flexibility in scheduling interstate truck trips. Therefore, 150% of 29,300 (or 43,950) currently employed CMV truck drivers would operate in interstate commerce and require additional training/certification.

### **Motor Coaches**

Currently, 2,100 motor coach drivers enter the industry annually. (Note: It is estimated that none of these motor coach drivers receive training/certification through an accredited program and that 50% of these drivers (1,050) operate in interstate commerce. However, FMCSA believes that it is logical to assume that a motor coach employer would train a greater proportion of its drivers (150%) than that necessary to meet the short-term requirements of the regulation since doing so provides the operator with greater flexibility in scheduling interstate motor coach trips. Therefore, 150% of 1,050 or (1,575) currently-employed motor coach drivers will operate in interstate commerce and require additional training/certification.

### **School Buses**

Annually, 17,800 school bus drivers enter the industry. It is estimated that 68% of these school bus drivers (or 12,104) are government employees. The remaining 32% of these drivers (or 5,696) are contractors. Government employees are exempt per Section 390.3(f) of the Federal Motor Carrier Safety Regulations (FMCSRs) from Parts 350 through 399 of the FMCSRs, except for Controlled Substances and Alcohol Use and Testing and the Commercial Driver's License Regulations. Therefore, government school bus drivers are not subject to this rule. The Agency estimates that none of the contractor school bus drivers receive training/certification through an accredited program and that 1% of these drivers (57) operate in interstate commerce. However, FMCSA believes that it is logical to assume that a contract school bus employer would train a greater proportion of its drivers (150%) than that necessary to meet the short-term requirements of the regulation since doing so provides the operator with greater flexibility in scheduling interstate school bus trips. Therefore, 150% of 57 or 86 (rounded) currently-employed contractor school bus drivers will operate in interstate commerce and require additional training/certification.

Time to complete, photocopy and file a certification form: 10 minutes for each driver to complete, photocopy and file a certification form.

**16. Publication of results of data collection:**

This information will not be published.

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

The FMCSA is not seeking this approval.

**18. Exceptions to certification statement:**

There are no exceptions to the certification statement.

**Part B. Collections of Information Employing Statistical Methods.**

This information collection does not employ statistical methods.

Attachments

- A. 49 CFR part 380, subpart E
- B. 49 CFR 383.5
- C. 49 CFR 380.502(b)
- D. Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. § 31301 et seq.)
- E. Section 4007(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240, Dec 18, 1991)
- F. ANPRM entitled “Commercial Motor Vehicles: Training for All Entry Level Drivers,” (58FR33874) June 21, 1993.
- G. NPRM entitled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators,” (68FR48863), August 15, 2003.
- H. Final Rule entitled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators,” (69FR2004), May 21, 2004.
- I. 60-day comments request Federal Register notice (72 FR 29032), May 23, 2007.
- J. 30-day comments request Federal Register notice (72 FR 50442), August 31, 2007.
- K. Privacy Act of 1974, Public Law 93-579, 88 Stat. 1897 (December 31, 1974).