

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

**SUPPORTING STATEMENT
Training Certification for Entry-Level Commercial Motor Vehicle Operators**

INTRODUCTION

The purpose of this document is to request approval from the Office of Management and Budget (OMB) for revision of the information collection (IC), entitled “Training Certification for Entry-Level Commercial Motor Vehicle Operators,” covered by OMB Control Number 2126-0028. On March 11, 2008, OMB approved a revision of the paperwork burden of the former regulation on the training of entry-level commercial motor vehicle (CMV) operators. That approval expires on September 30, 2009. The agency herewith revises this IC to reflect the requirements of a notice of proposed rulemaking (NPRM) entitled “Training Certification for Entry-Level Commercial Motor Vehicle Operators,” (72 FR 73226), dated December 26, 2007 (Attachment A). This proposed rule would expand the scope of the training that entry-level drivers must obtain, and also makes that training a prerequisite for issuance of a Commercial Driver’s License (CDL). Accredited training institutions would issue proof of successful completion of the requisite training to the graduate, who would in turn tender it to the State driver-licensing agency (SDLA) in order to obtain a CDL.

PROPOSED RULE: On December 26, 2007, FMCSA proposed a comprehensive revision of the Entry-Level Driver Training (ELDT) rule. The proposal included an estimate of the PRA burden, based upon 32,426 as the number of entry-level drivers needing training (ELDNT) annually. That was the number approved by OMB *at that time*. The comment period on the proposal expires on May 23, 2008.

CURRENT RULE: On March 11, 2008, OMB approved a renewal of the burden of ICR 2126-0028 under the *current* ELDT rule. This calculation included FMCSA’s revised estimate of the number of ELDNT annually: 45,611.

THIS DRAFT SUPPORTING STATEMENT: FMCSA by this document “updates” the PRA burden of its *proposed* rule by applying the newly-approved number of drivers - 45,611 - to the calculation.

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 B) established the CDL Program. The purpose of the legislation was to improve the knowledge and skills of drivers of large trucks and buses. The CMVSA directed the Federal Highway Administration (FHWA), predecessor of the Federal Motor Carrier Safety Administration (FMCSA), to develop national standards for the testing and licensing of operators of commercial motor vehicles (CMVs), and to require the States to apply these standards when licensing operators. The CMVSA did not require driver training.

The CMVSA applies to those operating a CMV in excess of 26,000 pounds gross vehicle weight rating (GVWR), or a combination of vehicles exceeding 26,000 pounds GVWR that includes a towed unit in excess of 10,000 pounds GVWR. It also applies to any motor vehicle designed to haul 16 or more passengers, including the driver, or that is transporting certain hazardous materials, regardless of the size of the motor vehicle. The CMVSA is generally applicable to both intrastate and interstate commerce. It also extends to employees of Federal, State and local governments.

Section 4007(a)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, December 18, 1991) (ISTEA) (Attachment C) directed the U.S. Department of Transportation (DOT) to study “the effectiveness of the efforts of the private sector to ensure adequate training of entry-level drivers of commercial motor vehicles.” As required by section 4007(a)(2), the Agency published an advance notice of new rulemaking (ANPRM) entitled, “Commercial Motor Vehicles: Training for All Entry Level Drivers” (58 FR 33874, June 21, 1993). The Agency asked the public to address 13 questions on topics such as training standards, curriculum requirements, the definition of “entry-level driver,” pass rates and costs.

In 1995, FHWA published the results of a study of the entry-level training of the heavy truck, motor coach, and school bus segments of the CMV industry. Entitled “Adequacy of Commercial Motor Vehicle Driver Training,” the study concluded that none of these industry segments was providing adequate entry-level driver training. In April 1996, FHWA published a notice seeking public comment on the report.

On January 1, 2000, FMCSA was established as a separate administration within the DOT by the Motor Carrier Safety Improvement Act of 1999. On August 15, 2003, FMCSA published an NPRM entitled, “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (68 FR 48863) (Attachment D). The Agency addressed the comments it had received to the questions posed by the earlier ANPRM. The NPRM proposes that training be required in four areas: driver qualifications, hours of service of drivers, driver wellness and whistle-blower protection. The Agency believed that driver awareness of these subjects – none of which was addressed by the CDL knowledge test – was vital to large truck and bus safety. On May 21, 2004, FMCSA published a final rule entitled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators (69 FR 29384) (Attachment E). The FMCSA discussed the public comments to the NPRM, and adopted the four topics proposed in the NPRM. This rule can be found at 49 CFR 380.501 et seq. (Attachment F).

On December 2, 2005, the United States Court of Appeals for the District of Columbia Circuit, in *Advocates for Highway and Auto Safety v. Federal Motor Carrier Safety Administration* (429 F.3d 1136), found the new minimum training requirements to be inconsistent with the 1995 report, and ordered the Agency to reconsider the rule. Because of this decision, the Agency is proposing revised, comprehensive standards for the training of entry-level CDL drivers, and is directing the States to require proof of successful completion of this training as a condition for issuance of a CDL.

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

Under the revised training rule, accredited schools that train CDL drivers will provide the successful graduate with a Driver Training Certificate (DTC). The information to be included on the DTC is specified in the new rule. Drivers would be required to present the DTC to the State in order to obtain a CDL. The State would maintain a copy of the training certificate, and enter data from it into the Commercial Driver's Licensing Information System (CDLIS). All 50 States utilize CDLIS, and successful completion of the required training would thus be a matter of record available to any State in which the driver seeks licensure.

The purpose of this new rule is to enhance the safety of CMV operations on our nation's highways. The FMCSA believes this rule promotes safety because it requires comprehensive training, and because maintenance of a copy of the DTC by the State will assist the Agency in conducting licensing-fraud investigations. In addition, this information will enhance research into the effectiveness of entry-level driver training in preventing CMV crashes.

3. Extent of automated information collection:

This information collection addresses the completion and signing of a training certificate by a training institution. The candidate for the CDL then presents the certificate to the State when he or she applies for a CDL. The State is free to employ automated information collection to maintain a copy of the training certification.

4. Describe efforts to identify duplication:

The information FMCSA is proposing to collect is not currently being collected from any other source.

5. Efforts to minimize the burden on small businesses:

The former rule requires employers to maintain a copy of the DTC in the driver qualification file of each of its CDL drivers. The new rule would eliminate this requirement following a 3-year implementation period, as well as all involvement of motor carriers in the entry-level driver training process. In this respect, the rule relieves both small and large motor carriers of a paperwork burden.

6. Impact of less frequent collection of information:

With few exceptions, a driver would only need to obtain a certificate of training once in his or her driving career; it would not expire.

7. Special circumstances:

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8:

The FMCSA published a NPRM entitled “Training for Entry Level Drivers of Commercial Motor Vehicles,” (72 FR 73226) on December 26, 2007. The PRA related comments received in response to the NPRM will be addressed in the final rule.

9. Payments or gifts to respondents:

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

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 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 G).

11. Justification for collection of sensitive information:

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested:

This paperwork burden estimate covers the initial 3-year period of the proposed rule. During this period, the existing rule on Driver Training will remain in full effect. The “phase-in” period is designed to allow sufficient time for the driver training institutions and State driver-licensing agencies (SDLAs) to prepare for their new responsibilities. At the end of three years, the driver training requirements of the rule will take full effect. At that point, all applicants for a CDL will be required to present a Driver Training Certificate (DTC), obtained from an approved driver-training school, to the State licensing agency in order to obtain a CDL. Motor carriers would incur no paperwork burden under the new rule.

During the initial 3-years period, the former training requirements of 49 CFR Section 380.503 will remain in effect. The training provided to entry-level CDL drivers under that rule is less comprehensive than under the new rule. The former training addresses four topics: driver qualifications, driver hours of service, driver wellness, and whistleblower protection. Training institutions must provide a Training Certificate (TC) to all who successfully complete the training, and motor carriers may not allow a driver to operate a CMV requiring a CDL until they ensure that the driver has received this training. SDLAs incur no paperwork burden under the former rule.

During this 3-year period, the agency estimates that training institutions and SDLAs will incur a paperwork burden as they conduct “start-up” activities preparatory to the full launch of the new training at the outset of year 4.

Therefore, the Agency has developed its estimate of the paperwork burden of the new rule in two parts:

- (1) The burden of the former rule -- this rule continues in place for a period of 3 years, and

- (2) The burden of the new rule – under which training institutions would not issue DTCs for a period of 3 years, but they, and the SDLAs, would incur “start-up” paperwork burdens associated with preparation for compliance with the new requirements in the fourth year.

Part 1 of 2: The Burden of the Former Rule

Introduction

The former rule took effect in 2004. It forbids a motor carrier from using an “entry-level” CDL driver who has not received the requisite driver training. The term “entry-level CDL driver” refers to all individuals who become CDL-drivers during the year.

Table 1 calculates the annual paperwork burden associated with the former rule. An estimate of the burden of the former rule was approved by OMB on March 11, 2008. It estimates the number of entry-level drivers to be trained each year as 45,611, and the annual paperwork burden as 7,602 hours.

TABLE 1

THE BURDEN OF THE FORMER RULE					
	Property Hauling CDL Drivers	Motor coach CDL Drivers	School Bus CDL Drivers	TOTALS	
Entry-level Drivers	58,600	2,100	17,800		
Less 50%: exempt intrastate drivers	29,300	1,050	n/a	CDL Drivers	Burden Hours 10 minutes per driver
Less 68%: exempt government drivers	n/a	n/a	5,696		
Less 99%: exempt intrastate drivers	n/a	n/a	57		
Add 50%: Reserve Drivers	43,950	1,575	86	45,611	7,602 (Rounded)

*rounded

CDL Drivers Hauling Property

There are approximately 58,600 entry-level CDL drivers needed annually in the industry. However, not all entry-level CDL drivers of heavy trucks are subject to the training rule.

Entry-Level Truck Drivers Not in Interstate Commerce – This rule only pertains to interstate entry-level drivers. We estimate that 50% of these 58,600 truck drivers would operate exclusively intrastate. Therefore, only 29,300 (58,600 x .50) entry-level heavy truck operators are subject to the training requirements each year.

Entry-level Truck Drivers Kept in Reserve by Motor Carriers - FMCSA believes that an employer of heavy truck operators would train more entry-level drivers for interstate operations than it uses in routine day-to-day operations. Employers would prepare for those “peak” days when, for a variety of reasons, its operations require a greater number of interstate drivers than normal. The FMCSA believes that this “reserve” of entry-level CDL drivers would, on average, equal an additional 50% of such drivers, or 14,650 drivers (29,300 x .50).

Therefore, the total number of entry-level heavy truck drivers requiring this training would therefore be 43,950 (29,300 + 14,650) annually.

Motor Coach Drivers

Operators of CMVs (regardless of weight) transporting 16 or more passengers, including the driver, in interstate commerce are also required to obtain a CDL. These include school bus drivers and motor coach drivers. There are 2,100 entry-level motor coach drivers in this category each year. The FMCSA estimates that none of these motor coach drivers would have received entry-level driver training sufficient to satisfy this new rule.

Entry-Level Motor Coach Drivers Not in Interstate Commerce – This training rule only pertains to interstate entry-level motor coach drivers. We estimate that 50% of the drivers in this category would operate exclusively intrastate. Therefore, only 1,050 (2,100 x .50) entry-level motor coach operators would be subject to the training requirements.

Entry-level Motor Coach Drivers Kept in Reserve by Motor Carriers – The FMCSA believes that it is logical to conclude that an employer of entry-level motor coach operators would train more drivers than it uses in its routine day-to-day operations. Employers want to be prepared for days when, for a variety of reasons, its operations require a greater number of drivers than normal. The FMCSA believes that this “reserve” of entry-level CDL drivers would, on average, equal an additional 50% of such drivers, or 525 motor coach drivers (1,050 x .50).

Therefore, the total number of entry-level motor coach drivers requiring this training would therefore be 1,575 (1,050 + 525).

School Bus Drivers – There are 17,800 school bus drivers needed annually in the industry. Only a small percentage of these operate in interstate commerce and are subject to the Federal Motor Carrier Safety Regulations.

Government Employees -- The FMCSA estimates that 68% of these entry-level school bus drivers would be government employees. Government employees are exempt from the training requirement (49 CFR 390.3(f)). Therefore, only those operating school buses as *contractors* for governmental bodies would be subject to the training requirement. It is estimated that, of the 5,696 school bus drivers who are not governmental employees (17,800 x .32), only one percent would be subject to the training rule. The most common reason for this estimate is that the operators of school buses rarely cross state lines, and

thus are not in interstate commerce. Thus 57 (5,696 x .01) of entry-level school bus drivers would be subject to the rule each year.

Entry-level School Bus Drivers Kept in Reserve -- FMCSA believes that contractors in this field would maintain a “reserve” of qualified drivers in order to be able to cover the need for school bus operators at peak times. The FMCSA estimates that this reserve component would result in the training of an additional 50% of the number of drivers needed.

Therefore, the total number of school bus drivers requiring this training each year would be 86 ((57 x .50)+ 57).

Total of heavy truck, motor coach and school bus operators –The total number of entry-level CDL operators who must obtain training annually is 45,611 (43,950 truck + 1,575 motor coach + 86 school bus).

SUBTOTAL: Part 1 of 2: The Burden of the Former Rule

The Training Certificate required under the current regulation takes a driver approximately 10 minutes to complete, photocopy and file. Therefore, the burden of the former rule would be 7,602 hours annually (45,611drivers x 10/60 minutes, rounded) during the first 3 years of this new rule, during which the former rule would continue in effect (See Table 1).

Part 2 of 2: The Burden of “Phasing In” the New Rule

Introduction

Under the new rule, a period of 3 years will pass before the new training requirements take full effect. During this 3-year period, the FMCSA anticipates that training schools and States will be preparing to meet the requirements of the new rule when it takes full effect.

The former rule requires the applicant-driver to submit a training certificate to the motor carrier, and the motor carrier to retain it in its records. After a 3-year implementation period, the new rule would eliminate all paperwork burdens on the motor carrier with respect to entry-level driver training. The training institution will provide those successfully completing the entry-level truck-driver training with a Driver Training Certificate (DTC) containing all information required by the rule. In all 50 States and the District of Columbia, a person applying for a CDL would be required to present the DTC to the State driver-licensing agency in order to obtain a CDL. Only two categories of entities will incur a burden under the new rule: the 51 States, and accredited training institutions.

The new rule requires up to 120 hours of training as opposed to an estimated average of 10 hours under the former rule. In addition, while the former rule is silent on the qualifications of the trainer(s), the new rule includes several standards that the trainers of the entry-level material would have to satisfy. The primary burden of existing training schools during this phase-in period will be to revise their training processes to conform to the requirements of this

rule. Some training institutions will need to amend their “diploma” so that it contains all the information required for the new DTC. In addition, FMCSA anticipates that new enterprises offering driver training will come into existence in response to the rule, and that there will be significant investments of time and materials associated with these new schools.

The primary burden for State driver-licensing agencies during the initial 3-year period will relate to establishing the mechanisms necessary to (1) require a DTC as a condition of CDL licensure, (2) receive and copy DTCs as CDL applicants present them, and (3) transmit data from the DTCs to CDLIS in a timely manner.

Following the initial 3-year period, the information collection required by former rule will be completely replaced by that of the new rule, requiring the DTC as a condition of CDL licensure. At that time, FMCSA will also revise its estimate of the burden of the rule, as required by the PRA. At that time, the Agency will publish a notice seeking public comment on the burden estimates.

Training Institutions During the Phase-In Period

The total number of driver-training schools (public and private) that provide CDL driver training today is not known with certainty; the number that will provide training in 3 years under the terms of this new rule is even more uncertain. For ease of estimation of the burden of this rule, FMCSA treats CDL training schools currently in place separately from new schools that will come into existence over the initial 3-year period.

Current Driver-Training Schools

After the 3-year phase-in period of this new rule, those seeking CDL licensure will have to obtain a DTC reflecting successful completion of the appropriate training. Approximately 10 hours of training are necessary to satisfy the former training requirements; under the new rule, schools must present 90 or 120 hours of training, depending on the class of CDL being sought. The Agency believes that some training institutions will be unable or unwilling to obtain the accreditation required to continue to offer CDL driver training. The FMCSA estimates that there are between 200 and 500 CDL training schools in existence today; we further estimate that between 150 and 350 of these schools will take the steps necessary to be able to offer the expanded training when the rule takes effect in 3 years.

The FMCSA estimates that the average CDL training school that chooses to offer the expanded driver training will require 300 hours during the next 3 years to revise its processes to conform to the requirements of this new rule. This figure accounts for those existing schools that will experience little or no burden during this 3-year period because their programs are substantially in conformance with the rule. Some existing training institutions may need only to amend their “diploma” so that it complies with the requirements of a DTC. The new rule specifies the information that must appear on the DTC, and prohibits issuance of a CDL by any State in the absence of a valid DTC. The new rule also accounts for those institutions that will require more extensive revision of their curricula and training processes during the phase-in period. The 300 hours for revision of processes by the average training school also takes into

account those existing training institutions that choose to enter the driver-training field for the first time.

Therefore, the average annual burden for a current training school choosing to offer the new CDL driver training will be 100 hours [300 hours/3 years]. This results in a total for all such schools of between 15,000 hours [150 schools x 100 hours] and 35,000 hours [350 schools x 100 hours]. For purposes of this collection, FMCSA adopts the mean, or 25,000 hours, as the estimated burden on current CDL driver-training schools.

Start-up Driver-Training Schools

As explained above, FMCSA believes that some driver-training institutions in existence today will choose to leave the business of CDL-driver training because they will be unable or unwilling to obtain the required accreditation. But the potential return-on-investment would, we believe, be sufficiently attractive to draw the interest of new investors. The FMCSA believes it is reasonable to estimate that between 75 and 125 new driver-training schools will enter this market during the 3-year period. For ease of calculation, we assume that all of these schools will begin preparing immediately and will be ready to offer training when the rule takes full effect.

The FMCSA estimates that the average burden on entities entering the training business will be 3,000 hours for the initial 3-year period. This average takes into account the fact that these institutions will have to design their training program from scratch. These figures account for the burden of developing the curricula and the information management systems necessary to begin operations, and for obtaining the required accreditation of its offerings. All activities would be preparatory to beginning operations in 3 years. The number of hours excludes any hours for instructors; this element will, we assume, be minimal during the initial 3-year period. During these 3 years, the annual burden would average 1,000 hours [3,000 hours / 3 years].

The annual burden for start-up driver-training schools coming into existence during the initial 3-year period will be between 75,000 and 125,000 hours [75 schools x 1,000 hours and 125 schools x 1,000 hours]. The FMCSA adopts the mean, or 100,000 hours, as the estimated annual burden for start-up CDL driver-training schools.

Total of Current and Start-up Driver-Training Institutions

Therefore, the total estimated annual paperwork burden of both current and start-up driver-training institutions will be 125,000 burden hours (25,000 hours for current institutions + 100,000 hours for start-up institutions).

State Driver-Licensing Agencies (SDLAs) During the Phase-In Period

During the 3-year phase-in period, the additional information collected by SDLAs will be minimal because DTCs will not be required (in order to obtain a CDL license) until after the 3-year implementation period. However, other tasks will need to be undertaken during the start-up 3-year period in order to prepare the State to collect information on an ongoing basis when the rule is fully implemented. The SDLAs will incur an information collection burden during this

phase-in period as they prepare for full implementation of the rule. At that point, the SDLAs must be able to receive, retain and transmit certain information. Specifically, the SDLAs would:

- (1) receive information from the driver-applicant in the form of a DTC,
- (2) retain a copy of the DTC, and
- (3) transmit specified information from the DTC to the Commercial Driver's License Information System (CDLIS).

The Paperwork Reduction Act requires that the utilization or adaptation of technology to manage information be treated as a paperwork burden. The FMCSA believes it is reasonable to assume that the SDLAs will employ technology in managing this information. Further, it is reasonable to assume that the vast majority of DTCs will be submitted in hard copy. It is also reasonable to assume that the SDLAs will scan the DTC and would then transmit the scanned image to CDLIS electronically. All SDLAs transmit information to CDLIS electronically today. We believe the information systems necessary to support these various functions are in place in all the States. However, capacity of these systems would need to be expanded to accommodate the receipt, retention and transmission of a greater volume of information. Consequently, the SDLAs would need to:

- (1) Expand their scanning and storage capacity so they can capture and retain a copy of each DTC, and
- (2) Ensure that their system(s) are able to upload the specified data from the DTC scanned image, or the information thereon, to CDLIS.

The FMCSA estimates that the expansion of the capacity of the scanning, storage and transmission functions of these SDLA information systems will require 150 hours of effort over the initial 3-year period, and that changes to the capacity to upload to CDLIS would require 120 hours of effort over the same period. The number of SDLAs is 51, so the paperwork burden of the SDLAs during this 3-year "phase-in period" of the new rule would be 13,770 hours [51 States x 270 hours]. Therefore, the annual paperwork burden would be 4,590 hours [13,770/3].

SUBTOTAL: Part 2 of 2

Burden Hours of "Phasing In" the New Rule

The total estimated paperwork burden of the "phase-in" aspect of the new rule is 129,590 hours (125,000 hours for Training Institutions + 4,590 hours for SDLAs).

THE TOTAL BURDEN OF THIS INFORMATION COLLECTION

To calculate the total estimated paperwork burden of this rule it is necessary to add the following:

- (1) the paperwork burden of the former rule as it continues in place, and
- (2) the paperwork burden of the new rule as it is phased in.

Part 1 of 2: Burden Hours of the Former Rule As It Continues in Place

7,602 hours

Part 2 of 2: Burden Hours of “Phasing In” the New Rule

129,590 hours

TOTAL OF PART 1 and PART 2

Estimated Total Annual Burden Hours: 137,192 hours [7,602 currently approved annual burden hours + 129,590 annual burden hours due to the NPRM = 137,192].

Estimated Annual Number of Respondents: 45,611 entry-level commercial motor vehicle drivers.

Estimated Annual Number of Responses: 45,611.

The FMCSA is prepared to update this information collection when the new rule takes full effect in three years, or when the Agency is able to derive more accurate paperwork burden estimates. In either case, the Agency would publish a notice seeking public comment on its revised burden estimates.

13. Estimate of total annual costs to respondents:

The Agency has developed its estimate of the costs of this information collection in two parts:

- (3) The burden of the current rule that continues in place for the 3-year period of this Supporting Statement, and
- (4) The burden of the new rule that is phased in over the 3-year period of this Supporting Statement.

The Agency has calculated the total cost of this information collection by combining these two parts. Table 2 summarizes the analysis to follow:

TABLE 2

COST OF THIS INFORMATION COLLECTION

	PART I	PART II
	The Former Rule Continues	The New Rule is Phased In
Capital & Startup Costs	This rule has been in effect since 2004 so the vast majority of training institutions and their curricula have been established. Therefore, there are no capital & startup costs to report.	Training institutions & SDLAs would incur costs associated with readying their information systems for the full effect of the rule following this 3-year period.
	None	Between \$3,275,000 and \$6,275,000 (rounded)
Operation & Maintenance Costs	The entry-level CDL-driver photocopies the TC & files it. The motor carrier receives the original of the TC & files it in the driver's Driver Qualification file.	Delivery of the revised training would not occur until after the 3 years of this implementation period. Therefore, there are no operating and maintenance costs to report.
	\$25,086 (rounded)	None
TOTAL COST	Between \$3.3 and \$6.3 million (rounded)	

The Former Rule

In the new rule, CDL-driver training continues in place under the former rule (Section 380.513) for the first 3 years. (The new rule will be phased in over this same period). Under the former rule, a motor carrier cannot permit an entry-level driver to operate a CMV until it receives a copy of a CDL-driver training certificate meeting the requirements of the rule.

The annual operating cost of the former rule is comprised of the following:

- (1) Drivers photocopy the TC, at a cost of approximately 25 cents per driver, and maintain the original in a file at a cost of 15 cents per driver.
- (2) Motor carriers maintain a file for the certificate at a cost of 15 cents per driver.

Thus, the total annual cost of the former rule will be a total of 55 cents per driver. As explained above, the FMCSA estimate of 45,611 entry-level interstate CDL drivers has been approved by OMB (March 11, 2008). This number will be trained annually. Thus, the total annual cost for all drivers of continuing the former rule as described would be \$25,086 (rounded) (45,611 drivers x \$.55).

The New Rule

The new rule eliminates the role of the motor carrier in CDL-driver training; SDLAs assume the task of ensuring that all entry-level applicants for a CDL have received this training. The driver-training institutions will provide those successfully completing the entry-level driver training with a DTC containing all information required by the rule. However, full implementation of the new rule will not take place until 3 years have elapsed, so this supporting statement does not reflect any operational costs associated with the DTC.

During this 3-year period, both the CDL driver-training institutions and the States will incur capital costs. These costs will primarily be associated with adaptation of existing information systems in preparation for full implementation of the new rule at the start of Year 4. First, training schools will incur a small capital cost in amending their information systems so that the certificate of graduation contains all the requirements of the new DTC. We estimate that cost will be \$3,000, on a one-time basis, so that the annual capital cost will be \$1,000 per school (\$3,000/3). The number of training institutions offering entry-level CDL-driver training when the new rule is fully implemented is estimated to be between 200 and 500 (see Paragraph 12 above). Therefore, the cost of amending the systems to accommodate the new DTC will be a total of between \$200,000 (\$1,000 x 200 institutions) and \$500,000 (\$1,000 x 500 institutions) annually.

Second, CDL driver-training institutions will incur an additional capital cost during this phase-in period. These capital expenses will primarily be associated with the expanded curriculum of the new rule. Some of this cost will be incurred purchasing the hardware needed to expand the information systems. This cost will be annualized over the life of the equipment. The FMCSA estimates this portion of the capital expenses will average \$1,000 annually. The Agency estimates an additional \$8,000 annually will be needed, on average, to obtain the appropriate software, install it, program it, and test it. Combined with other system services that will be required during the 3-year period of this Supporting Statement, we estimate the average cost for expansion of the curriculum to be \$9,000 (\$1,000 + \$8,000). Therefore, the capital cost of expanding the information systems would be \$9,000 per school annually over this 3-year period, or a total of between \$1,800,000 (\$9,000 x 200 institutions) and \$4,500,000 (\$9,000 x 500 institutions) annually.

The primary cost of the paperwork burden for SDLAs during the initial 3-year period will be establishing the mechanisms needed to (1) receive and copy DTCs as CDL applicants present them, and (2) transmit DTC data to CDLIS in a timely manner. At the end of the initial 3-year period, the SDLAs will be responsible for receiving and retaining copies of the DTCs of applicants for CDLs, and for uploading data from them to CDLIS. During the initial 3-year period, the SDLAs will be engaged in making changes to their information systems preparatory to the rule being fully implemented. CDLIS uploads from the States are currently handled electronically, so it is fair to assume that the States would upload driver training data in the same

manner. The FMCSA believes that two primary adaptations will need to be made to the information systems of the institutions:

- (1) Expand scanning and storage capacity to capture and retain a copy of each DTC, and
- (2) Establish protocols to permit the uploading of specified data from the DTC to CDLIS.

We estimate the cost of these systems adaptations at \$25,000 per SDLA, per year. There are 51 SDLAs so the total cost to all SDLAs would be \$1,275,000 (\$25,000 x 51) annually.

Thus, the total annual cost of implementing this new rule for both training institutions and SDLAs would be between \$3.275 million (\$200k to convert the TC to a DTC + \$1.8 million to revise curricula + \$1.275 million to adapt the information systems of the SDLAs) annually, and \$6.275 million (\$500k to convert the TC to a DTC + \$4.5 million to revise curricula + \$1.275 million to adapt the information systems of the SDLAs)

Summary

The total annual cost of this information collection is computed by combining (1) the cost of continuing the former CDL driver-training rule, and (2) the cost of implementing the new rule. The result of this calculation is between approximately \$3.3 and 6.3 million (rounded) (\$25,086 continuing the former rule + (LOW) \$3,275,000 implementation of the new rule) and (\$25,086 continuing the former rule + (HIGH) \$6,275,000 implementation of the new rule).

Estimate of Total Annual Costs to Respondents: \$3,275,000.

Following the initial 3-year Phase-In period, the FMCSA anticipates revising its estimate of the burden of the new rule, as required by the PRA. At that time, the Agency would publish a notice seeking public comment on the revised burden estimates.

14. Estimate of cost to the Federal government:

There are no costs to the Federal government.

15. Explanation of program changes or adjustments:

This program change increase in the annual burden hours from 7,602 to 137,192 hours is due to a new statute in a NPRM.

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. NPRM entitled, “Minimum Training Requirement for Entry-Level Commercial Motor Vehicle Operators” (72 FR 73226, December 26, 2007).
- B. Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. § 31301 *et seq.*)
- C. Section 4007(a)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240, Dec 18, 1991).
- D. NPRM entitled, “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators,” (68FR48863), August 15, 2003.
- E. Final rule entitled, “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators,” (69FR29384), May 21, 2004.
- F. 49 CFR 380.501
- G. Privacy Act of 1974, Public Law 93-559, 88 Stat. 1897 (December 31, 1974)