

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

SUPPORTING STATEMENT

Training Certification for Entry-Level Commercial Motor Vehicle Operators

Background: On December 26, 2007, FMCSA proposed by Notice of Proposed Rulemaking (NPRM) a comprehensive revision of the Entry-Level Driver Training (ELDT) rule (72 FR 73226). The comment period on the proposal expired on March 25, 2008. The final rule is still under development. On March 25, 2008, the Office of Management and Budget (OMB) approved a request for the renewal of the burden of this OMB Control Number 2126-0028 information collection. That burden was, of course, based upon the current rule without regard to the proposed rule. In its approval, OMB revised the expiration date of this collection to September 30, 2009, with the following explanation:

“The request for a three-year approval is not granted because DOT has proposed changes to this collection in its proposed rule on Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators (RIN 2126-AB06). The new expiration date is intended to provide sufficient time for DOT to finalize this rulemaking and address public comments on the proposed rule. DOT shall examine public comments in response to the NPRM and will describe in the preamble of the final rule how the agency has maximized the practical utility of the collection and minimized the burden.”

The agency’s NPRM drew considerable public comment. FMCSA will respond to the comments as part of the final Entry-Level Driver Training rule. However, FMCSA does not anticipate issuance of a final rule prior to September 30, 2009. Consequently, by this document the agency requests renewal of the existing collection burden, without change. FMCSA requests the customary 3-year extension of approval to allow for a final rulemaking on this complex topic.

Introduction: This is to request OMB’s renewal without change of the current clearance for OMB Control Number 2126-0028, “Training Certification for Entry-Level Commercial Motor Vehicle Drivers.” The information collection is due to expire on September 30, 2009.

The regulations forming the basis of this collection are applicable to bus and truck drivers who drive in interstate commerce and operate commercial motor vehicles (CMV) for which a commercial driver’s license (CDL) is required (“CDL drivers”). The regulations also cover motor-carrier employers of these drivers (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). These regulations apply to “entry-level” CDL drivers, i.e. those who have either no experience, or less than 1 year of experience, operating a CMV in interstate commerce (49 CFR 380.502(b)) (Attachment C). Entry-level CDL drivers must receive this training, and upon completion, obtain a certificate of training from the training provider as proof of completion of the training. The employing motor carrier must maintain a copy of the certificate in the driver’s qualification file.

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, “Training for All Entry Level Drivers of Commercial Motor Vehicles (CMVs)” (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” (Adequacy Report), 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 May 21, 2004, FMCSA published a final rule entitled, “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (69 FR 29384)(Attachment G). The new requirements went into effect on July 20, 2004 and remain in force today. The rule mandates training for interstate CMV drivers on four topics: driver qualifications, hours-of-service of drivers, driver wellness and whistle-blower protection.

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 Adequacy Report. This information collection also 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 mandatory training, and must present a copy of it to employers in order to be qualified to drive a CMV in interstate commerce. 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 certificate serves as proof that the CDL driver 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 may totally automate completion of the certificate of training. The certificate is filed in the driver's qualification file maintained at the principal place of business of the employing motor carrier.

4. Describe efforts to identify duplication:

The information that this rule requires to be collected 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 substantial number of small business operators who are required to ensure that their interstate CDL drivers have received the appropriate training. All employers, regardless of size, must verify the eligibility of a driver before allowing him or her to operate a CMV, and must maintain a copy of the driver's training certificate in the driver qualification file. It is also 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. The following are examples of acceptable training environments: (1) a classroom with a trained instructor, (2) a one-on-one training session between the entry-level driver and a representative of his or her employer working from a prepared outline, and (3) a professionally-prepared video or audio covering the required topics. An employer providing the training must retain evidence of the training so that a Safety Investigator can verify that the requirements of the rule have been satisfied.

6. Impact of less frequent collection of information:

A CDL driver is only required to take this training once in his or her career. When the training is complete, a certificate of training is created as proof of attendance. The driver simply provides a copy of the certificate to future employers to satisfy the requirement of this rule. Any less frequent collection would defeat the purpose of the training; safety investigators must be able to verify that CDL drivers have received this important training.

7. Special circumstances:

There are no special circumstances associated with this information collection.

8. Compliance with 5 CFR 1320.8:

On May 28, 2009, FMCSA published a notice (74 FR 25607) in the *Federal Register* with a 60-day requesting public comments on the proposed renewal of this ICR (Attachment H). No comments were received in response to this notice.

On August 25, 2009, FMCSA published a notice in the Federal Register (74 FR 42951) (Attachment I) with a 30-day comment period announcing that this ICR would be sent to OMB for review and approval.

9. Payments or gifts to respondents:

Respondents do not receive payments or gifts.

10. Assurance of confidentiality:

The driver retains the original of the training certificate and provides a copy to motor carriers employing him or her. Motor carriers maintain the copy in the driver qualification file; FMCSA investigators may 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, 5 U.S.C. § 552a, Public Law 93-557, 88 Stat. 1897 (December 31, 1974) (Attachment J).

11. Justification for collection of sensitive information:

No sensitive information is collected.

12. Estimate of burden hours for information requested:

All CDL holders must obtain requisite entry-level driver training prior to driving a CMV in interstate commerce. CDL holders who operate exclusively in intrastate commerce are not required to obtain entry-level driver training. The agency estimates that 58,600 CDLs are issued each year, and that 45,611 of these are interstate CDLs. FMCSA estimates that the following tasks are associated with this burden estimate: Drafting of the requisite certificate of training, photocopying of the certificate, delivery of a copy of the certificate to the employing motor carrier, and retention of the original of the certificate in a personal filing system.

The Agency estimates that 45,611 interstate CDL drivers will take 10 minutes annually, on average to complete the tasks associated with the CDL training certificate.

Total Estimated Annual Burden Hours: 7,602 hours [45,611 drivers × 10 minutes/60 minutes to complete CDL tasks = 7,601.8 (rounded to 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 burden of 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:

There are no program changes or adjustments to the burden estimates.

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 does not ask for 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 “Training for All Entry Level Drivers of Commercial Motor Vehicles (CMVs),” (58 FR 33874) June 21, 1993.
- G. Final Rule entitled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators,” (69 FR 29384), May 21, 2004.
- H. 60-day comments request Federal Register notice, (74 FR 25607) dated May 28, 2009.
- I. 30-day comments request Federal Register notice, (74 FR 42951) dated August 25, 2009.
- J. Privacy Act of 1974, 5 U.S.C. § 552a, Public Law 93-579, 88 Stat. 1897 (December 31, 1974).