

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

**SUPPORTING STATEMENT
Medical Qualification Requirements**

The Federal Motor Carrier Safety Administration (FMCSA) submits this supporting statement to the Office of Management and Budget for its review and approval, with plans to revise a currently-approved information collection request (ICR) titled, “*Medical Qualification Requirements*,” covered by OMB Control Number 2126-0006. Currently, this ICR is due to expire on May 31, 2012. This request to revise the ICR is based upon new FMCSA program requirements contained in a final rule entitled, “*Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used In Interstate Commerce*,” (75 FR 4996) dated February 1, 2010, (Attachment A). The final rule would require for-hire motor carriers operating commercial motor vehicles (CMVs) that are designed or used to transport between 9 and 15 passengers in interstate commerce to comply with FMCSA’s medical qualification requirements.

Part A. Justification.

1. Circumstances that make the collection of information necessary:

Commercial motor vehicles are by their nature a threat to highway safety if not operated properly by qualified individuals. CMVs (trucks and buses) are longer, heavier, and more difficult to maneuver than automobiles. Not only does it take a skilled driver to operate them safely, it takes a physically and mentally fit driver to do so as well. Information certifying driver physical fitness must be collected in order for our highways to be safe. FMCSA is the Federal government agency that is authorized to require the collection of this information, and the authorizing regulations are located at 49 CFR parts 390-399 (see Attachment B).

FMCSA’s regulation at 49 CFR § 391.41 sets forth the physical qualification standards that interstate commercial driver’s license (CDL) drivers who are subject to part 391 must meet, with the exception of CDL drivers of migrant workers (who must meet the physical qualification standards set forth in 49 CFR § 398.3). The regulations on keeping records for driver physical qualifications are found at 49 CFR § 391.43, which specifies that a physical examination be performed on CMV drivers subject to part 391 who operate in interstate commerce. The results of the examination shall be recorded in accordance with the requirements set forth in that section.

If two medical examiners disagree about the medical certification of a driver, the requirements set forth in 49 CFR § 391.47 mandate that a third medical examiner’s opinion be submitted. The third medical examiner is an impartial medical expert whose participation to give a medical opinion is mutually agreed upon by the driver and motor carrier. If there is disagreement on the opinion by either party, § 391.47 provides a procedure for submitting an application to the

FMCSA for resolution of the medical conflict.

The current provisions of 49 CFR §§ 391.51 and 398.3 require that a motor carrier retain the medical examiner's certificate in the driver's qualification file for 3 years. The certificate affirms that the driver is physically qualified to drive a CMV in interstate commerce. For CDL drivers, beginning three years after the effective date of the final rule, motor carriers will meet this requirement by retaining the Commercial Driver's License Information System (CDLIS) Motor Vehicle Record (MVR) obtained from the State Driver Licensing Agency.

Persons who are not physically qualified to drive under § 391.41 due to a limb impairment must file an application for and be issued a skill performance evaluation certificate (SPE) (formerly a limb waiver) in order to be physically qualified. This is specified in § 391.49. The application must be submitted to the appropriate FMCSA service center in which the driver has legal residence. If the application is submitted jointly by the person (driver applicant) who seeks the SPE certificate and by the motor carrier, who will employ the driver applicant, the application must be submitted to the FMCSA service center where the motor carrier's principal place of business is located. If the SPE certificate is granted by the FMCSA, the motor carrier must retain a copy of it in the driver's qualification file for 3 years. The SPE certificate is valid for 2 years (unless otherwise specified) and may be renewed.

Title 49 CFR § 381.300 establishes the procedures that persons must follow to request exemptions from the regulations. Without an exemption, individuals who do not meet the vision or diabetes requirements in § 391.41 would not be qualified to operate a CMV in interstate commerce.

On September 3, 2003, the FMCSA announced in a Final Notice of Disposition entitled, "Qualification of Drivers; Exemption Applications; Diabetes," (68 FR 52441, (see Attachment C) that it will issue exemptions to CMV drivers with insulin-treated diabetes mellitus (ITDM) from the Federal diabetes standard set forth in § 391.41(b)(3). Exemptions will be granted only to those applicants who meet specific conditions and comply with all the requirements of the exemption. Exemptions will be issued for a period of 2 years; after the 2-year period, those holding exemptions may reapply for another 2-year exemption.

On November 8, 2005, the FMCSA announced in a Notice of Revised Final Disposition titled, "*Eligibility Criteria and Applications; Diabetes*" (70 FR 67777) (see Attachment D), its decision to revise the terms and conditions of its previous decision to issue exemptions to CMV drivers with ITDM from the Federal diabetes standard in the Federal Motor Carrier Safety Regulations (FMCSRs). This action was in response to section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, 119 Stat. 1144 (August 10, 2005) (at Attachment E), which required FMCSA within 90 days of enactment to modify its exemption program to allow individuals who use insulin to treat diabetes mellitus to operate CMVs in interstate commerce. While these individuals no longer had to demonstrate safe driving experience operating a CMV while using insulin, other requirements were implemented by section 4129. Under the current diabetes exemption program, each applicant is required to provide the following: certain vital statistics,

an endocrinologist evaluation, an evaluation by an ophthalmologist or optometrist, a current medical examination report from a medical examiner, a readable photocopy of a current driver's license and a current motor vehicle record. The Agency must ensure that granting the exemption will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with the regulations.

On December 1, 2008, the FMCSA revised this ICR due to a final rulemaking (FR) titled, "*Medical Certification Requirements as part of the CDL*" (73 FR 73096) (see Attachment F). The FR requires that: 1) CDL drivers subject to 49 CFR 391 (non-excepted, interstate drivers) provide the State with an original or copy of their medical certificate so that this information can be recorded in the State's Commercial Driver License Information System (CDLIS) driver record, before the initial issuance, renewal, transfer or upgrade of the CDL; and 2) all CMV drivers operating in interstate commerce (both CDL and non-CDL) subject to 49 CFR part 391 who are issued either an FMCSA exemption under 49 CFR part 381, subpart C, or a SPE certificate¹ under 49 CFR § 391.49, provide motor carriers with a copy of the certificate.

This information collection supports the DOT Strategic Goal of Safety by ensuring that CMV drivers are physically qualified to operate trucks and buses on our nation's highways.

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

The public interest in, and right to, have safe highways requires the assurance that drivers of complicated, modern CMVs can safely perform the increased physical and mental demands of their duties. The FMCSA physical qualification standards provide this assurance by requiring drivers to be examined and medically certified as physically and mentally fit to drive.

Third-party requirements of this information collection are being considered since State laws are generally in substantial conformity with the Federal regulations for physical qualifications of CMV drivers. Consequently, the estimate of the number of CMV drivers (respondents) covered by this information collection reflects both interstate drivers subject to the FMCSRs and intrastate drivers subject to compatible State regulations. Although Federal regulations do not require States to comply with the physical qualification requirements in the FMCSRs, most States mirror the Federal requirements; therefore, we assume this burden is consistent with other FMCSA information collections.

Motor carriers are permitted to employ only drivers who are medically certified to drive.

Applicants with certain medical conditions are not qualified to drive. Individuals with limb

¹ CDL drivers subject to part 391 are already required to provide the employing motor carrier with a copy of the SPE certificate so it can be retained in the motor carrier's file for a period of 3 years after the date of execution. The driver is also required to have the SPE certificate or medical exemption document (or a legible copy) in his or her possession whenever on duty. See 49 CFR § 391.49(j)(1). Neither, the SPE nor the medical exemption information collection activities are new for purposes of complying with the Paperwork Reduction Act (44 U.S.C. §§ 3501-3520) and the burden hour estimates for them do not change as a result of the requirements set forth in the final rule entitled, "*Medical Certification Requirements as Part of the Commercial Driver License.*"

impairments are permitted to operate a CMV, but only when they are otherwise qualified and are granted a SPE certificate by the FMCSA. The FMCSA must collect this type of medical information about drivers so that public safety is not compromised.

The medical conflict application provision provides a mechanism for drivers and motor carriers to have the FMCSA make a final decision to resolve conflicting medical evaluations when either party does not accept the decision of a medical specialist. Without the last provision and its incumbent information-collecting requirements, an unqualified person may be permitted to drive and qualified persons may be prevented from driving.

Medical examiners (MEs) must provide specific FMCSA-prescribed information about every driver they examine. If this information were not required, the threat to public safety would be immense and unacceptable.

The FMCSA may grant an exemption that relieves a person from compliance with a regulation if the agency determines that the exemption is in the public interest and would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with the regulation. Information collected under 49 CFR § 381.310 is necessary to the FMCSA in making its determination to grant an exemption from compliance with a regulation.

3. Extent of automated information collection:

Because the FMCSA does not require that medical documents be provided to FMCSA, “electronic collection of information” is not applicable and is, therefore, 0 percent (%), for purposes of this information collection.

The nature of the medical certificate and recordkeeping requirements in the driver’s qualification files precludes automated collection by the motor carriers for this information at this time. A hard copy of the certificate must be signed by the medical examiner and provided to the driver. The driver currently provides a copy of the certificate to the motor carrier to retain on file for three years from the date of issuance. For CDL drivers beginning 3 years after the effective date of the final rule titled, “*Medical Certification Requirements as part of the CDL,*” the motor carrier will begin meeting this requirement with a copy of the MVR obtained from the State Driver’s License Agency (SDLA). There is nothing to preclude an electronic record of the medical certification. The FMCSA is constantly evaluating new information technology in an attempt to decrease the burden on motor carriers and medical examiners. Our evaluation is always done in the context of retaining highway safety as our highest priority. Any new or improved information technology in the medical or scientific field would be subject to rulemaking if it affects the medical certification of drivers.

4. Efforts to identify duplication:

The FMCSA is the only Federal agency with the authority to regulate the qualifications of CMV

drivers operating in interstate commerce. Rulemaking under the Administrative Procedure Act provides the necessary medium for uncovering duplication if it existed. Comments to the docket on various FMCSA rulemaking notices have revealed no such duplication.

5. Efforts to minimize the burden on small businesses:

There are no additional burdens to small businesses for this information collection.

6. Impact of less frequent collection of information:

If the medical examination of commercial drivers was conducted less frequently, it is likely that drivers whose medical condition has worsened would not be detected in time to prevent them from being involved in an accident. A driver's physical or mental condition may worsen at any time. Federal vision and diabetes exemptions must be reviewed every 2 years to ensure that the granting of the exemption does not diminish safety under § 381.310. In the interest of highway safety, the medical examination and exemption renewal should not be performed less frequently.

7. Special circumstances:

There are no special circumstances associated with this information collection.

8. Compliance with 5 CFR § 1320.8:

As noted above, on September 3, 2003, the FMCSA announced in a Final Notice of Disposition that it will issue exemptions to certain diabetic drivers of CMVs from the diabetes mellitus prohibitions contained in § 391.41(b)(3). Exemptions are granted only to those applicants who meet specific conditions and comply with all the requirements of the exemption. Exemptions will be issued for a period of 2 years; after the 2-year period, those holding exemptions may reapply for another 2-year exemption period.

On November 8, 2005, the FMSCA announced its decision to revise the terms and conditions of its previous decision to issue exemptions to CMV drivers with ITDM from the Federal diabetes standard in the FMCSRs. This action is in response to section 4129 of SAFETEA-LU. As a result of the implementation of section 4129, individuals with ITDM who are applying for an exemption from the physical qualifications requirements are no longer required to submit proof of their driving experience operating a CMV while using insulin. Proof of driving experience would typically include letters of reference from the current and previous employers that the person was employed as a CMV driver, and an estimate of the number of hours that the individual spent driving each week over a 3-year period. Therefore, the elimination of the 3-year

driving experience requirement has resulted in a significant reduction in the information collection burden associated with applying for a diabetes exemption.

On November 16, 2006, FMCSA published a notice of proposed rulemaking (NPRM) entitled, “*Medical Certification Requirements as Part of the CDL*” (71 FR 66723) (see Attachment G), and requested comments from the public on its proposal to amend the FMCSRs to merge information from the medical certificate into the CDL process required by section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). The comments received in response to the NPRM were addressed in the final rule.

9. Payments or gifts to respondents:

Respondents to this information collection do not receive any payments or gifts.

10. Assurance of confidentiality:

All medical records are kept confidential. The information is retained by the FMCSA in accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. § 552a, as amended. The information on the physical examination form is retained on file in the office of the medical examiner and is subject to applicable State and Federal laws regarding the confidentiality of medical records. The FMCSA, in accordance with 49 CFR §§ 391.51 and 398.3, requires only the medical certificate of physical qualification to be kept in the driver qualification file maintained by the employer.

11. Justification for collection of sensitive information:

The medical examination process requires the ME to inquire about aspects of driver physical and mental health, including history of frequent alcohol use, illicit drug use or habit-forming medication use.

12. Estimate of burden hours for information requested:

Medical Examination Form and Medical Certificate

The Agency currently estimates that approximately 4,585,000 examinations are conducted annually for the 7,000,000 drivers subject to FMCSA’s physical qualification standards. The 9-15 passenger van rule would add approximately 57,900 drivers subject to the FMCSA physical qualification standards. A medical certificate usually is valid for 2 years after the date of examination. Biennial examinations would result in approximately 28,950 medical examinations per year. However, drivers with certain medical conditions must be certified more frequently than every two years. In addition, some employers require newly hired drivers to obtain a new medical certification even if the driver’s current certificate is still valid. As a result of these exceptions to the biennial medical certification schedule, the Agency estimates that the actual number of medical certifications conducted annually is 31 percent greater than would be the case if all drivers were only examined biennially, that is that an additional 8,975 ($0.31 \times 28,950$) exams are conducted outside the biennial cycle. The Agency estimates that in total, an additional **37,925** examinations will be conducted annually [$57,900 \text{ divided by } 2 = 28,950$

regular medical examinations annually + 8,975 out-of-cycle medical examinations].

Estimated Total Annual Responses: 4,622,925 [4,585,000 current responses + 37,925 new responses].

It takes a medical examiner approximately 20 minutes to complete, document, and file the medical examination report and 1 minute to complete the medical examiner's certificate and furnish one copy to the person who was examined and one copy to the motor carrier who employs him or her. It takes a motor carrier approximately 1 minute to file the medical certificate. Therefore, the annual time burden to respondents for the medical examination and certificate is estimated at **13,906 hours** (37,925 exams x 22 minutes/60 minutes per hour). The current annual burden is **1,681,171 hours**; as a result of the 9-15 passenger van rule, this annual burden will increase to **1,695,077 hours** [1,681,171 current hours + 13,906 additional hours].

Respondents' salary costs associated with these hours is estimated as calculated below. The average hourly wage of a medical examiner (not limited to doctors of medicine, but may include doctors of osteopathy, physician assistants, advance practice nurses and doctors of chiropractic) is estimated to be \$54.03, or 90 cents per minute. The current annual cost associated with the 4,585,000 exams currently administered is \$86,656,500. The additional annual cost for medical examiners to complete the medical examination process for the 37,925 examinations is approximately \$716,783 [37,925 examinations x \$18.90 (.90 x 21 minutes)]. The total costs will increase to **\$87,373,283** [\$86,656,500 current cost + \$716,783 new cost].

The average hourly wage (including benefits) of motor carriers' administrative personnel is estimated to be \$11.09, or 19 cents per minute. The current annual salary cost to motor carriers to file the certificate is \$871,150. The additional annual cost for the 37,925 examinations is \$7,206 [37,925 certificates x .19 (.19 x 1 minute)]. The total costs of filing the certificate will increase to \$878,356 [\$871,150 current cost + \$7,206 new cost]

The total annual salary cost to respondents for the medical examination form and certificate will increase to **\$88,251,639** [\$86,656,500 current cost to examiners + \$716,783 new cost to examiners + \$871,150 current costs to carriers + \$7,206 new cost to carriers].

Resolution of Medical Conflict

The safety director of a motor carrier would generally submit the application to the FMCSA for a resolution of medical conflict, and would attend a hearing if the FMCSA deems it necessary to hold a hearing. A safety director would need approximately 1 hour to prepare paperwork for each case and an additional 8 hours to attend any hearing. There are about 3 cases per year submitted to the FMCSA for resolution of conflicting medical opinions. One of every three cases is sent to a hearing before an Administrative Law Judge. Therefore, the annual time burden to respondents for the resolution of medical conflicts is about **11 hours** (3 cases x 1 hour each to prepare, plus 8 hours for one hearing per year).

Respondents' salary costs associated with the resolution of medical conflicts is estimated as

calculated below. The average hourly wage (including benefits) of safety directors is estimated to be \$22.00. The motor carrier's cost would be about \$198 if the case went to a hearing (9 hours x \$22 per hour) and approximately \$22 if the case did not go to a hearing. The annual salary costs to respondents for the resolution of medical conflicts is approximately **\$242** [\$198 + 44 (2 non-hearing cases x \$22 per case)].

FMCSA has assumed that, due to the small number of 9-15 passenger van drivers (57,900) relative to the total number of drivers subject to physical qualification standards (7,000,000) and the fact that only 3 medical conflict resolution cases currently arise per year, that the 9-15 passenger van rule will result in no increase in the number of medical conflict resolutions.

Skill Performance Evaluation (SPE) Certification Program (formerly the Limb Waiver Program)

An SPE certificate is valid for 2 years; FMCSA estimates that there are currently 1,700 SPE certificates due for renewal in any one given year. Further, it is estimated that there are 400 new SPE certificates processed each year, making a total of 2,100 new and renewed annual SPE certificates. It takes an estimated 15 minutes for a driver to complete an application for a new SPE certificate, approximately 2 minutes for a driver to complete an application for an SPE certificate renewal, and approximately one minute for the motor carrier to make a copy of the SPE certificate and file it in the driver qualification (DQ) file. The current annual motor carrier time burden for the SPE certification program is about **35 hours** (2,100 certificates x 1 minute/60 minutes). Drivers who voluntarily participate in the SPE program spend approximately **157 annual hours** [57 hours (1,700 renewals x 2 minute/60 minutes) + 100 hours (400 new x 15 minutes, or 6,000 minutes/60 minutes)] to complete the SPE application and renewal processes. The current annual hour burden for respondents (motor carriers and drivers) to complete the SPE certificate application and renewal (waiver) processes and retain a copy of the certificate in the driver's DQ file is **192 hours** [35 hours (carrier) + 157 hours (57 driver renewals) + 100 driver (new)].

Respondents' (carriers and drivers) salary costs associated with the burden for the SPE are estimated as follows. The average hourly wage (including benefits) of motor carriers' administrative personnel, who would file the certificates, is estimated to be \$13.73. The median hourly earnings for drivers of general freight trucks is \$16.11 with the middle 50 percent earning between \$12.67 and \$20.09 per hour. For the purposes of this analysis FMCSA will use \$20.09 per hour as an average.

Therefore, the total annual salary costs to respondents (carriers and drivers) to participate in the SPE certification program is **\$3,635** [\$480.55 for motor carriers (35 hours x \$13.73 per hour for

administrative personnel = \$480.55) + \$3,154.13 for drivers (157 hours x \$20.09 per hour = \$3,154.13) = \$3,634.68, or \$3,635 rounded to the nearest dollar].

FMCSA cannot predict how many of the 57,900 drivers now subject to physical qualification standards due to the 9-15 passenger van rule will be part of the SPE program. However, because the total annual hourly burden relative to the total population of drivers is so small (192

hours/7,000,000 hours), FMCSA does not believe this will be a noticeable source of burden for the additional 57,900 impacted by the 9-15 passenger van driver rule.

Vision Exemptions

There are approximately 1,241 new applications for vision exemptions filed annually and 1,572 total applicants (new and renewals). Approximately 268 new vision exemptions or (22 percent) are granted annually. An exemption is valid for two years, but may be renewed. Currently, there are 1,004 active drivers with vision exemptions. It is estimated that 27 percent or 424 vision exemptions would be up for renewal annually [1,572 total applicants x .27 or 27 percent = 424]. It takes an estimated 60 minutes for a driver to complete an application for a vision exemption. The annual time burden for applying for new vision exemptions and renewing existing vision exemptions is estimated at 692 hours (268 new vision exemptions + 424 vision exemption renewals x 1 hour each).

Therefore, the total estimated annual burden hours for respondents (carriers and drivers) to complete the vision exemption application and renewal processes, and to retain a copy in the driver's DQ file is **727 hours** [692 hours (driver) + 35 hours (carrier)].

Respondents' salary costs associated with these hours is estimated below. The median hourly earnings of general freight truck drivers who would apply for a vision exemption is approximately \$16.11 with the middle 50 percent earning between \$12.67 and \$20.09 per hour. For the purposes of this analysis, FMCSA will use \$20.09 to avoid underestimating the cost. The total annual salary cost to respondents (drivers) to apply for or renew a vision exemption is estimated at \$13,902 (692 hours x \$20.09 per hour = \$13,902.28, or \$13,902 rounded to the nearest dollar).

Therefore, the total annual salary costs to respondents (carriers and drivers) to participate in the vision exemption program is **\$14,383** [\$480.55 for motor carriers (35 hours x \$13.73 per hour for administrative personnel to file a copy of the exemption = \$480.55 or \$481 rounded to the nearest dollar) + \$13,902 for drivers (692 hours x \$20.09 per hour = \$13,902.28 or \$13,902 rounded to the nearest dollar) = \$14,383].

FMCSA cannot predict how many of the 57,900 drivers now subject to physical qualification standards due to the 9-15 passenger van rule will apply for vision exemptions. However, because the total annual hourly burden relative to the total population of drivers is so small (727 hours/7,000,000 hours), FMCSA does not believe this will be a noticeable source of burden for the additional 57,900 impacted by the 9-15 passenger van driver rule.

Diabetes Exemptions

The FMCSA estimates that approximately 600 applications for the diabetes exemption could be filed annually, and that it would take an average of 60 minutes to complete an application. The information collected from the diabetes exemption application will consist of an application letter with supporting documentation specified in the Notice of Revised Final Disposition (Attachment C) (e.g., vital statistics, medical, copy of driver's license). The FMCSA would carefully evaluate each and every application for regulatory relief from the diabetes standard to

assess the potential safety performance of each applicant. The diabetes exemption program creates an annual burden of **600 hours** (600 x 1 hour).

The median hourly earnings of drivers of light and heavy trucks is \$20.09 per hour. The total annual salary costs to respondents (CMV drivers) to complete the diabetes exemption application and renewal processes is estimated at \$12,054 (600 hours x \$20.09 per hour = \$12,054). The average hourly wage (including benefits) of motor carriers' administrative personnel to file a copy of the diabetes exemption in the driver qualification file is estimated to be \$13.73. The total annual salary for motor carriers' administrative personnel would be \$137 [\$13.73 x 10 hours (600 diabetes exemptions x 1 minute per exemption/60 minutes per hour) = \$137.30 or \$137.00 rounded to nearest dollar]. Therefore, the total annual salary cost to respondents (drivers and carriers) to participate in the diabetes exemption program is estimated at **\$ 12,191** [\$12,054 (driver cost) + \$137 (carrier cost) = \$12,191].

FMCSA cannot predict how many of the 57,900 drivers now subject to physical qualification standards due to the 9-15 passenger van rule will apply for diabetes exemptions. However, because the total annual hourly burden relative to the total population of drivers is so small (600 hours/7,000,000 hours), FMCSA does not believe this will be a noticeable source of burden for the additional 57,900 impacted by the 9-15 passenger van driver rule.

TOTALS:

The revised total annual time burden to respondents for all medical requirement components is approximately **1,696,607 hours** (1,682,701 current hours + 13,906 additional hours). The revised total annual salary costs for respondents associated with these hours is approximately **\$88,282,181** (\$87,558,193 current cost + \$716,783 additional cost to examiners + \$7,206 additional cost to carriers).

	Current	Additional	Revised Total
Medical Examination Form and Medical Certificate	1,681,171	13,906	1,695,077
Resolution of Medical Conflict	11	0	11
SPE	192	0	192
Vision Exemption	727	0	727
Diabetes Exemption	600	0	600
Total	1,682,701	13,906	1,696,607

Estimated Total Annual Responses: 4,622,925 (4,585,000 current responses + 37,925 new responses).

Estimated Total Annual Burden: 1,696,607 hours (1,682,701 current hours + 13,906 additional hours)

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:

The cost to the Federal government due to the medical examination process requirements is minimal because the FMCSA does not receive or process the documents. The 9-15 passenger van rule itself will result in no increase in Federal government costs associated with this information collection. The current costs to the Federal government are discussed below.

The cost to the Federal government for the resolution of medical conflict is minimal; there are only about three cases per year submitted to the FMCSA for resolution of conflicting medical opinions.

The SPE program requires the Federal government approximately 1.5 hours to analyze the letter of application and the accompanying materials. It takes approximately 8 hours to process the SPE certification forms and evaluate the applicant's driving abilities. An additional 30 minutes is needed to analyze paperwork prepared by the evaluating employee and issue the certificate to the applicant, making a total of 10 hours of staff work per SPE certificate. The average hourly wage (including benefits) of FMCSA field staff personnel is \$20.43. Therefore, the salary costs to the Federal government per SPE certificate is approximately \$204.30. The annual cost to the Federal government for the SPE certification program is approximately **\$429,030** [2,100 SPE certificates x \$204.30 per SPE certificate= \$429,030].

The cost to the Federal government to conduct the vision exemption process is approximately **\$578,000** annually. This is estimated using an average monthly amount of \$48,000 contract costs to conduct the vision exemption program.

The cost to the Federal government to conduct the diabetes exemption process will be approximately **\$892,000** annually. This is estimated using an average monthly amount of \$75,000 contract costs to conduct the diabetes exemption program.

The cost to the Federal government as a result of the operations of drivers of migrant workers is minimal because the FMCSA does not receive or process the documents.

The total annual cost to the Federal government for all medical requirement components is approximately **\$1,899,030** [\$429,030 SPE Process + \$578,000 vision exemption process + \$892,000 diabetes exemption process = \$1,899,030].

15. Explanation of program changes or adjustments:

This regulatory change will result in an estimated program change increase of 13,906 annual

burden hours and 37,925 responses. Both changes are the result of an additional 57,900 drivers subject to physical qualification standards due to the 9-15 passenger van rule.

16. Publication of results of data collection:

This information will not be published.

17. Approval for not displaying the expiration date for 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 does not employ statistical methods.

Attachments

- A. A final rule entitled, "*Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used In Interstate Commerce*" (75 FR 4996), dated February 1, 2010.
- B. Title 49 CFR parts 390-399.
- C. A notice of final disposition entitled, "*Qualification of Drivers; Exemption Applications; Diabetes*" (at 68 FR 52441), September 3, 2003.
- D. A notice of revised final disposition entitled, "*Qualification of Drivers, Eligibility Criteria and Applications; Diabetes Exemption*" (at 70 FR 67777), November 8, 2005.
- E. Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SATETEA-LU) (Public Law 109-59, 119 Stat. 1144; August 10, 2005).
- F. A final rule entitled, "*Medical Certification Requirements as Part of the CDL*" (at 73 FR 73096), December 1, 2008.
- G. A notice of proposed rulemaking entitled, "*Medical Certification Requirements as Part of the CDL.*" (71 FR 66723), November 16, 2006.