

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

**Justification for Nonmaterial/Nonsubstantive Change  
for  
OMB Control Number 2126-0011 ICR**

The currently approved (August 3, 2011) Information Collection Supporting Statement includes information collection burdens for the changes set forth in a Final Rule, titled “Commercial Driver’s License Testing and Commercial Learner’s Permit Standards” for the first 3 years of implementation of the new rule requirements starting on July 8, 2011.

A previously approved (May 13, 2009) Information Collection Supporting Statement includes information collection burdens for the changes set forth in a Final Rule, titled “Medical Certification Requirements as Part of the CDL” for the first 3 years of implementation of these new rule requirements starting on January 30, 2009 and the 4<sup>th</sup> and subsequent years of administration of these new rule requirements starting on January 30, 2012.

While this additional burden in the 4<sup>th</sup> and subsequent years was accounted for in the previously approved (May 13, 2011) Information Collection Supporting Statements, it was beyond the 3 year approval cycle for the previously approved (May 13, 2009) Information Collection Supporting Statement. Therefore, approval is now requested for this additional information collection burden to be added to the currently approved (August 3, 2011) information collection burden..

General assumptions made for the administration of the requirements set forth in the Final Rule on the “Medical Certification Requirements as Part of the CDL” in the 4<sup>th</sup> and subsequent years.

- Currently, approximately 10% of the 12.8 million CDLIS driver records which is 1,280,000 (.10 x 12.8 million = 1,280,000) are inactive because they are either: 1) drivers with expired CDLs, 2) drivers who have been downgraded<sup>1</sup> to a non-CDL, 3) drivers who have been disqualified for life, or 4) deceased drivers. In all cases, the CDLIS driver records must be kept to meet Federal or State record retention requirements.<sup>2</sup>
- The number of active CDLIS driver records is therefore 11.52 million (12.8

---

<sup>1</sup> CDL downgrade means either: (1) the State allows the driver to change his or her self-certification to excepted from part 391, as provided in §390.3(f) or 391.2 of this chapter; (2) a State allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that State’s physical qualification requirements for intrastate only; or (3) the State removes the CDL privilege from the driver license.

<sup>2</sup> The retention periods can be from 3 years to life depending on the type of offense.

million -1,280,000 = 11.52 million). This number includes drivers who are authorized to operate CMVs in intrastate or interstate commerce.<sup>3</sup>

- There are approximately 4.2 million active CDL holders (both intrastate and interstate); and 7.32 million inactive CDL holders (both intrastate and interstate) (4.2 million + 7.32 million = 11.52 million).
- Of the 4.2 million active CDL holders, FMCSA estimates that approximately 74% (or 3.1 million) would remain active CDL holders engaged in interstate commerce once the final rule on “Medical Certification as part of the CDL” is implemented.
- Of the remaining 7.32 million inactive CDL holders (11.52 – 4.2 million = 7.32 million), FMCSA estimates that approximately 74% (or 5.42 million) would remain inactive interstate CDL holders.
- While some of the 5.42 million inactive interstate CDL holders may not renew their medical certification and therefore downgrade to excepted interstate commerce, intrastate commerce or a non-CDL because they are not currently operating in non-excepted interstate commerce, the Agency has no basis by which to determine how many would take this action, Therefore, the Agency is making the assumption that all inactive interstate CDL holders will renew their medical certification once the requirements set forth in the Final Rule on “Medical Certification as part of the CDL” are implemented.

Therefore,

- The number of active CDLIS driver records would remain at 11.52 million.
- The number of interstate CDL holders who will renew their medical certification will be 8.52 million (3.1 + 5.42 million = 8.52 million)

The proposed IC burden for subsequent years would consist of the following recordkeeping activities (The Agency’s explanation for these proposed burden hour estimates is set forth in further detail below):

Current and Proposed IC Activity for States and CDL Drivers	Current Annual Burden Hours for the IC Activities	Proposed Annual Burden Hours for the IC Activities
State recording of medical examiner’s certificate information	0*	205,333**

<sup>3</sup> FMCSA does not have any data on the number of “excepted” drivers that are operating in interstate commerce so our overall estimates for interstate drivers will include them as well.

State recording of the self certification of commercial motor vehicle operation on the CDLIS record	0*	3,984**
State verification of medical certification status of all interstate CDL holders	0*	2,593**
Driver to notify employer of convictions/disqualifications	640,000*	640,000*
Driver to complete previous employment paperwork	403,200*	403,200*
States to complete compliance certification documents	1,632*	1,632*
State to complete compliance review documents	2,400*	2,400*
Data/document checks and CDLIS recordkeeping	212,224*	212,224*
Drivers to complete the CDL application	48,000*	48,000*
CDL tests recordkeeping	84,000*	84,000*
Knowledge and skills test examiner certification	25,216*	25,216*
<b>Total Burden Hours</b>	<b>1,416,672*</b>	<b>1,628,582</b>

**Note:** \* See currently approved (August 3, 2011) Information Collection Supporting Statement for first 3 years.

\*\* See previously approved (May 13, 2009) Information Collection Supporting Statement for 4<sup>th</sup> and subsequent years.

FMCSA estimates a **total annual burden of 1,628,582 hours** (205,333 + 3,984 + 2,593 + 640,000 + 403,200 + 1,632 + 2,400 + 212,224 + 48,000 + 84,000 + 25,216 = 1,628,582) imposed on the States and motor carrier industry over the first 3 years of implementing the new CDL testing and CLP standards as part of the CLP and CDL testing and issuance processes and the administration of the merger of the medical certification requirements and the CDL issuance and renewal processes. The change in the total annual burden hours is the result of a program adjustment in regard to the administration of the merger of the medical certification requirements and the CDL issuance and renewal processes. This is based on the following calculations:

**1. State Recording of Medical Examiner's Certificate Information [ 49 CFR § 383.73(a)(5) and (j)]:**

Assumptions:

- Approximately 69% of the 8.52 million interstate CDL holders would renew their medical certification every 2 years.
- Approximately 31% of the 8.52 million interstate CDL holders would renew their medical certification every year as a condition of a medical variance (i.e., an exemption, Skill Performance Evaluation (SPE) certificate or pilot program) or their employer requires another examination.
- It takes approximately 2 minutes to record the medical examiner's certificate information on the CDLIS driver record.
- FMCSA estimates that there are 576,000 new drivers (5% of the current total of 11.52 million active CDL driver record) who would obtain a CDL every year.
- FMCSA estimates that 74% of these new 576,000 CDL holders, or 426,240 new CDL holders would be engaged in interstate commerce. Some of these drivers may be "excepted" from the medical certification requirements under §§ 390.3(f), 391.2 or 392.68, but FMCSA does not have any data on excepted drivers so our estimates here include them. Therefore, the Agency is using the worst case scenario that all interstate CDL drivers need a medical examiner's certificate.

Therefore,

- The number of CDL holders who would need to renew and submit a copy of their medical examiner's certificate to the State would be 8.52 million CDL holders engaged in interstate commerce
- Since 31% of the 8.52 million interstate CDL holders would need to submit a copy of their medical examiner's certificate to the State every year as a condition of their medical variance or their new employer requires another examination, rather than every 2 years as the other 69% of the 8.52 million interstate CDL holders will be required to submit, the total number of renewal submittals (responses) for a 2-year cycle would be 11.16 million (8.52 million x 1.31 = 11.16 million).

The annual submittal of medical examiner's certificates to the State would be **6.16 million annual responses** (11.16 million / 2 years + .576 million (or 576,000) new drivers = 6.16 million).

FMCSA estimates a total of **205,333 annual burden hours** (6.16 million responses x 2/60 hours = 205,333) for the States to obtain and record the medical examiner's certificate information on the CDLIS driver record.

## **2. State Recording of the Self Certification of Commercial Motor Vehicle (CMV) Operation on the CDLIS Driver Record [49 CFR § 383.71(a)]**

Assumptions:

- All CDL holders would need to have their self certification of CMV operation

information recorded on their CDLIS driver record as either “non-excepted interstate,” “excepted interstate,” “non-excepted intrastate” or “excepted intrastate.” .

- CDLs are renewed on average every 5 years.
- It takes approximately 5 seconds (.083 minutes) for the State to record the medical certification status information on the CDLIS driver record.

Therefore,

FMCSA estimates the annual State recording of self certification of CMV operation information would be **2,880,000 million annual responses** (11.52 million/5 years + .576 million new CDL drivers = 2,880,000 million).

FMCSA estimates the State recording of self certification of CMV operation information at a total **annual burden of 3,984 hours** (2,880,000 million responses x .083/60 hours = 3,984 hours).

### **3. State Verification of Medical Certification Status of All Interstate CDL Holders [49 CFR § 383.73(a)-(d)]**

Assumptions:

- Only the medical certification status information of CDL holders subject to part 391 must be verified because they are the only drivers required to be medically certified (8.52 million).
- Approximately 2% of active CDLIS driver records are transferred to another State each year.
- It takes approximately 5 seconds (.083 minutes) to verify the medical certification status information of a CDL driver who operates a CMV in interstate commerce.

Therefore,

FMCSA estimates that the SDLA’s annual verification of medical certification status information would generate **1,874,400 annual responses** [(8,520,000 renewals/5 years) + (.02 x 8,520,000 transfers per year) = 1,874,400).

FMCSA estimates a total **annual burden of 2,593 hours** (1,874,400 x .083/60 hours = 2,593) for SDLAs to verify the medical certification status information of all interstate CDL drivers.

**Estimated Total Annual Responses: 27,120,130** (16,205,730 [current] + 6,160,000 + 2,880,000 + 1,874,400 = 27,120,130).

## **Proposed Annual Cost for 4<sup>th</sup> and Subsequent Years**

FMCSA estimates the **total annual cost** to SDLAs to upgrade their CLPs to tamperproof documents and to administer refresher training is **\$1,122,520** (\$934,920 + \$187,600 = \$1,122,520). This is based on the following calculations:

### **1. Proposed Annual Cost for States to Tamperproof CLPs**

Assumptions:

- FMCSA estimates that it would cost the State driver licensing agency (SDLA) \$1.50 to produce a tamperproof CLP document.
- FMCSA estimates that it costs the State driver licensing agency \$.10 to produce a paper CLP document.
- The Agency estimates that 556,500 new CLPs are issued every year based on a 3-year average of new records added to CDLIS.
- FMCSA estimates that approximately 20 percent of the applicants fail the CDL skills test the first time.
- FMCSA estimates that approximately 5% of CLP holders not pass the CDL knowledge and skills tests and obtain a CDL.
- FMCSA estimates that the CLP holders who fail the CDL skills test will renew their CLP once during the year.

Therefore:

- The The total number of CLP documents produced annually would be 691,200 ( $556,500 \times 1.20 = 667,800$  CLP documents).
- The total annual additional cost to the SDLA per CLP document is \$1.40 ( $\$1.50 - \$.10 = \$1.40$ )
- The **additional annual cost** to the SDLAs to produce the tamper proof CLPs is **\$934,920** ( $667,800 \text{ CLPs} \times \$1.40 / \text{CLP} = \$934,920$ ).

### **2. Proposed Annual Cost for States to Train and Certify Test Examiners**

Assumptions:

- FMCSA estimates that refresher training costs \$25 per hour.
- Approximately 25 percent of the examiners will only administer the knowledge test.
- FMCSA estimates that refresher combined knowledge and skills test examiner training will take 16 hours to complete.
- FMCSA estimates that initial knowledge-test-only examiner training will take 8 hours to complete.
- FMCSA estimates that States will spread the refresher training over

the 4 years.

- FMCSA estimates that there are 2,144 examiners who administer CDL tests

Therefore,

- The **annual cost** to the SDLAs to administer the refresher training is **\$187,600** ( $[\.75 \times 2,144 \text{ examiners}/4 \text{ years} \times 16 \text{ hours} \times \$25/\text{hour}] + [\.25 \times 2,144 \text{ examiners}/4 \text{ years} \times 8 \text{ hours} \times \$25 = \$187,600]$ )