

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

**SUPPORTING STATEMENT
DRIVER QUALIFICATION (DQ) FILES**

Introduction.

The Federal Motor Carrier Safety Administration (FMCSA) submits this supporting statement to the Office of Management and Budget (OMB) for its review and approval of its request for revision of the information collection request (ICR) titled, “*Driver Qualification Files*,” OMB Control Number 2126-0004. OMB approval of this information collection (IC) expires May 31, 2013.

Motor carriers must maintain a DQ file on each employee-driver and document therein that the individual meets the minimum qualification requirements for a driver of commercial motor vehicles (CMVs) in interstate commerce. On May 27, 2010, the OMB approved the Agency’s most recent supporting statement on the PRA burden of the DQ file regulations. The supporting statement estimated that 5.6 million drivers were subject to the requirements of those regulations. This supporting statement estimates that 3.6 million drivers are subject to the DQ file regulations. The Agency’s estimate of the number of drivers subject to these regulations has been revised to exclude any consideration of drivers and motor carriers operating exclusively in *intrastate* commerce. In the past, the Agency has included estimates of the DQ-file burden of this community in the estimates it included in DQ-file ICRs submitted to OMB. The Agency adopts this new position after careful review and analysis of the PRA and its regulations. The Agency believes that accounting for drivers and carriers who operate exclusively in intrastate commerce misstates the paperwork burden of the Federal DQ file regulations. The Agency believes that intrastate motor carriers collecting driver qualification information on applicants for driving positions that are exclusively intrastate are doing so pursuant to the laws of their States.

This estimate of 3.6 million interstate drivers was derived from a careful analysis of the FMCSA’s Motor Carrier Management Information System. This is consistent with the Agency’s practice in developing estimates for the IC. The data is summarized on the Agency’s website under the heading “FMCSA, Commercial Motor Vehicle Facts – March 2013.” The location is <http://www.fmcsa.dot.gov/documents/facts-research/CMV-Facts.pdf>.

The FMCSA estimates the current paperwork burden of 2126-0004 to be 5.8 million hours; the Agency’s former estimate, approved by the OMB in 2010, was 3.3 million hours. The bulk of the increase in burden hours is the result of a more accurate Agency estimate of the number of job openings for CMV drivers offered each year. In 2010, the Agency estimated the turnover rate (the percentage of all driver positions subject to hiring annually) to be an average of 13 percent. The Agency has carefully examined

updated driver-turnover data and estimates that the current turnover rate averages 57 percent.

Part A. Justification.

1. Circumstances that make collection of information necessary.

The Motor Carrier Safety Act of 1984 (Public Law 98-554, Title II, 98 Stat 2832 (October 30, 1984)) (Attachment A) requires the Secretary of Transportation (Secretary) to issue regulations pertaining to commercial motor vehicle safety. A motor carrier is required to maintain specified information in a DQ file for each commercial motor vehicle driver it employs. The DQ file documents the qualifications of the driver to operate a CMV in interstate commerce. The authority to require carriers to maintain DQ files is 49 U.S.C. §§ 504 (Attachment B), 31133 (Attachment C), 31136 (Attachment D), and 31502 (Attachment E), and 49 CFR § 1.87 (Attachment F).

This information collection supports the DOT strategic goal of safety. Motor carriers must ensure each driver's qualifications prior to permitting them to operate a CMV in interstate commerce. The information collected and maintained in the DQ file of a driver for this purpose substantiates these qualifications and aids investigators in assessing the qualifications of that driver.

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

The public interest in highway safety demands the hiring of drivers whose records demonstrate their ability to operate CMVs safely, and to withstand the physical and mental demands of their occupation. Motor carriers use the DQ file to document their analysis that a driver: (1) is physically qualified to operate a CMV, (2) has the experience and training to safely operate the CMV he or she is assigned to drive, (3) has the appropriate driver's license, (4) is not disqualified from operating a CMV, and (5) does not have a history of high risk behavior. The DQ files assist the motor carrier in assessing safety risk. Without the DQ files, it would be very difficult for the motor carrier to make this assessment. It would also be very difficult for safety investigators to determine that the motor carrier are obtaining the information and only allowing qualified drivers to operate CMVs.

3. Extent of automated information collection.

Because these rules frequently involve the transmission and maintenance of records, a significant percentage are susceptible to electronic communication and capture. However, the agency lacks data on current motor carrier practices in this regard. FMCSA assumes that 20% of these activities are in fact performed electronically. The percentage is increasing each year.

4. Efforts to identify duplication.

The FMCSA is the only Federal agency given the authority to regulate the qualification of CMV drivers operating in interstate commerce. The requirements of the DQ file do not duplicate any other Federal Motor Carrier Safety Regulations (49 CFR part 350-399).

5. Efforts to minimize the burden on small businesses.

Some motor carriers employ part-time drivers. These drivers may undertake other part-time employment as a driver. Agency rules permit abbreviation of the contents of DQ files to avoid unnecessary duplication and burdensome recordkeeping (40 CFR §§ 391.63 and 391.65) (Attachment G). In some instances, the motor carrier regularly employing the driver simply furnishes a “Qualification Certificate” to other carriers who employ the same driver. The qualification certificate frees the second carrier from many of the recordkeeping requirements of the DQ file regulations.

Some motor carrier operations are exempt from all recordkeeping requirements related to DQ files. These include: (1) farm custom-harvesting operations (§ 391.2(a)); (2) beekeepers (§ 391.2(b)); (3) farmers using non-articulated CMVs to transport farm machinery, farm supplies, and/or agricultural products within 150 air-miles (§ 391.2(c) and § 390.5); and (4) non-business private motor carriers of passengers (§ 391.68). In addition, farmers using articulated CMVs to transport farm machinery, farm supplies, and/or agricultural products within a radius of 150 air-miles are exempt from some recordkeeping requirements (§ 391.67).

On March 14, 1996, the Federal Highway Administration (FHWA) (predecessor agency of FMCSA) published a notice of proposed rulemaking (NPRM) titled, “*Safety Performance History of New Drivers*” (61 FR 10548) (Attachment H). The Small Business Administration (SBA) requested detail on the calculation of the estimated paperwork burden. Several commenters, including the SBA, J.B. Hunt and Mobil Corporation, were also concerned about limits on the ability of a motor carrier to investigate those hours-of-service violations that lead to out-of-service orders. FMCSA answered both of these concerns in a supplemental notice of proposed rulemaking (SNPRM) dated July 17, 2003, and titled, “*Safety Performance History of New Drivers*” (68 FR 42339) (Attachment I). Details provided therein by the Agency satisfied the SBA’s request. Finally, in the March 30, 2004 final rule titled, “*Safety Performance History of New Drivers and Minimum Training Requirements for Longer Combination Vehicles (LCV) Operators and LCV Driver-Instructor Requirements*” (69 FR 16684 at Attachment J), FMCSA established that while previous employers can charge a fee for providing the safety history of their former drivers, they may not condition release of this information upon payment of that fee.

6. Impact of less frequent collection of information.

Some documents in the DQ file are never revised or reviewed after they are collected. Some must be completed before a driver begins working for a motor carrier; others are

required within 30 days of the first day of employment. Still others, such as the driver's official State driving record, are required annually.

7. Special circumstances.

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR § 1320.8.

On March 5, 2013 (78 FR 14402)(Attachment K), FMCSA published a Federal Register notice requesting public comments on the revised estimates of this ICR. The Agency received five comments. The major concern expressed by the commenters was that FMCSA was underestimating the IC burden of the tasks associated with DQ files. But the commenters were not aware that this "Driver Qualification Files" ICR (2126-0004) does not purport to estimate the IC burden of all the tasks associated with DQ files. It was clear that the commenters were not aware that the IC burdens imposed by the regulations of other Federal agencies are addressed by those agencies elsewhere. The Paperwork Reduction Act requires the Federal agency "sponsoring" the regulations to estimate the IC burden of those regulations. For example, the U.S. Department of Transportation (DOT) sponsors part 40 of volume 49 of the Code of Federal Regulations (part 40) that requires the employers of individuals holding safety-sensitive positions to establish a program for the drug and alcohol (D & A) testing of those employees. Thus, motor carriers employing individuals to operate certain CMVs, such as tractor-trailers and motor coaches, must establish a program to conduct D & A testing of those employees. Employers must maintain certain documents in order to be able to demonstrate compliance with part 40. Motor carriers often place these documents in the DQ files of their drivers. FMCSA cannot address the IC burden of these requirements because DOT does so in its ICR styled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs." The DOT ICR estimates the total PRA burden of the D & A testing regulations on all entities, including those subject to the regulations of the Federal Aviation Agency, the Federal Transit Administration, the Federal Railroad Administration, the U.S. Coast Guard and the FMCSA. In the future, FMCSA will clarify that the IC burden estimate of this ICR (2126-0004) does not account for the IC burden of all information in DQ files that motor carriers are required to collect and maintain. Comment to this notice and FMCSA replies are provided at Attachment L.

The FMCSA published a second notice on May 23, 2013 (78 FR 30954, see Attachment M) with a 30-day public comment period announcing the submission of this ICR revision to OMB for approval.

9. Payments or gifts to respondents.

The FMCSA does not provide respondents with any payment or gift for providing this information.

10. Assurance of confidentiality.

The information collected by motor carriers pursuant to the Agency's DQ file regulations are to be kept private to the extent permitted by law. In 2004, FMCSA completed a rulemaking expanding the background investigation that motor carriers must conduct on applicants for CMV driver positions ("*Safety Performance History of New Drivers*," 69 FR 16684, March 30, 2004). Included were requirements that prospective (hiring) motor carriers collect from past employers accident history and information pertaining to driver's history of compliance with the DOT drug and alcohol regulations. Prospective motor carriers are required to ensure that information defined as "sensitive" by section 391.23 is "maintained in a secure location with controlled access" [49 CFR 391.53(a)(1)]. The driver's drug and alcohol history is "sensitive." Other driver records, including the driver's accident history, are not subject to this requirement. However, FMCSA believes that most motor carriers who are subject to the "controlled access" requirement do not divide a driver's data as sensitive and non-sensitive, but simply place all driver information, sensitive and non-sensitive, in a single DQ file, and control access to the entire DQ file. Therefore, FMCSA, for purposes of these PRA estimates, treats the safeguard provision as if it applied to the entire DQ file.

11. Justification for collection of sensitive information.

This information collection involves sensitive data. As explained in Item 10, the Agency has taken steps to limit access to sensitive data.

12. Estimate of burden hours for information requested.

FMCSA uses a variety of tools to regulate the safety of motor carrier operations. One tool is the DQ file. Motor carriers are required to maintain a DQ file on each of their employees who operate a CMV. The FMCSRs require motor carriers to maintain certain documents in the DQ file, such as the driver's application for employment and the official driving record of the employee as obtained from State records. FMCSA does not require the data contained in DQ files to be submitted to the Agency, though the data must be produced in an investigation. Most investigations are conducted on site at the carrier's principal place of business where the records are maintained.

Some drivers operate CMVs that require a commercial driver's license (CDL). These include CMVs with a gross vehicle weight rating in excess of 26,000 pounds, passenger vehicles designed or used to transport 16 or more passengers (including the driver), and motor vehicles transporting hazardous materials that require the vehicle to be placarded. The DQ files of these "CDL-drivers" must contain information beyond that required of drivers of non-CDL vehicles. For example, the DQ file of a CDL-driver must contain information obtained from previous employers concerning the testing of the driver for the presence of drugs and alcohol, as required by law. Non-CDL drivers are not subject to this testing; their DQ files do not contain any such information. In addition, Part 391 of the FMCSRs requires any person applying for employment as a CMV driver to authorize the hiring motor carrier to obtain their safety performance history as a CMV driver for

the most recent 3 years. However, the CDL regulations of Part 382 of the FMCSRs require drivers of CDL vehicles to authorize the hiring motor carrier to obtain their safety performance history for the most recent 10 years. The IC burden associated with the most recent 3 years of safety history (required of all CMV drivers) is estimated in this 2120-0004 information collection, but the IC burden associated with years 4 through 10 is included in the information collection titled “*CDL Testing and Standards*” (2126-0011).

Drivers in interstate commerce are subject to the DQ file requirements of part 391. The Agency does not believe that it is required to account for the paperwork burden of motor carriers who operate exclusively in intrastate commerce. In the past, the Agency has included this burden in the estimates of its DQ file ICRs submitted to OMB. The Agency now believes that intrastate motor carriers are required to collect driver qualification information by the laws of their States. This information is not collected pursuant to part 391 of the FMCSRs. The Agency has discontinued its practice of including intrastate motor carrier data in its estimates for this ICR.

FMCSA has also updated its estimates of the number of drivers engaged in interstate commerce in accordance with 2013 data of the Agency.¹ FMCSA now estimates that there are approximately 3.6 million drivers subject to the DQ file requirements. The estimate is comprised of an estimated 3.0 million interstate CDL drivers and 0.6 million non-CDL interstate drivers.

¹ FMCSA, Commercial Motor Vehicle Facts – March 2013. <http://www.fmcsa.dot.gov/documents/facts-research/CMV-Facts.pdf> .

These estimates are derived from State systems that track and collect information on driver activity, such as roadside inspections and moving violations. FMCSA compiles the State data in its Motor Carrier Management Information System (MCMIS). FMCSA's analysis of MCMIS has revealed that a significant number of active motor carriers do not generate a single data point during periods as large as several months. As a result, the Agency extrapolates to derive its estimates of the number of driver and motor carriers.

It is difficult to find data limited to employment opportunities for truck drivers, principally because the parameters of the term "truck driving" are not fixed, and vary by one's perspective. Employers who use CMVs to support operations *other than moving freight or passengers* are excluded from some "truck driving" data. Examples would be operators of a bakery delivery truck, or a construction crane that only travels a few miles on public roads a year. The Occupational Employment Statistics OES of the Bureau of Labor of Statistics (BLS), employs the category "warehouseman" for drivers whom FMCSA considers CMV operators. According to data obtained from the BLS,² employment of CMV drivers has decreased the past 5 years with the exception of the year 2011. The Agency estimates that the number of job offerings for CMV drivers will remain stable at 2.1 million job openings per year. This estimate is central to FMCSA's calculation of the information collection burden of DQ files that follows.

According to the most recent data from the trade group American Trucking Associations, the job turnover rate for over-the-road drivers exceeds 100 percent per year.³ FMCSA examined driver employment data it received from OES and divided interstate CMV drivers into three categories: over-the-road (OTR), truckload (TL), and less-than-truckload (LTL). Generally, the OTR category is made up predominantly of for-hire general freight drivers (such as, long-haul drivers). The TL category is made up predominantly of for-hire specialized freight drivers (such as package delivery drivers), and the LTL category is made up of a) drivers who transport their employer's property and b) drivers who are engaged in specialized operations analogous to LTL operations.⁴ The Agency estimates that 40 percent of interstate CMV drivers are OTR, 20 percent are TL, and 40 percent are LTL. Thus, the weighted turnover rate for all CMV drivers is 57 percent,⁵ which means that approximately 2.1 million openings for interstate CMV drivers need to be filled each year (3.6 million total interstate CMV drivers × 0.57).

For this analysis, FMCSA divides the information collection burdens of the DQ file regulations into 3 components, as follows:

² <http://www.bls.gov/oes/current/oes533032.htm>.

³

http://www.logisticsmgmt.com/article/ata_reports_linehaul_driver_turnover_rate_is_still_above_100_percent/.

⁴ Intrastate drivers within any of these categories are excluded from calculations.

⁵ Calculated as: (40% proportion of OTR drivers × 104% turnover of OTR drivers) + (20% proportion of TL drivers × 63% turnover of TL drivers) + (40% proportion of LTL drivers × 8% turnover of LTL drivers). Turnover rates for OTR drivers and LTL drivers are taken from the source in footnote 3. TL driver turnover rates were increased from historical rates by 33%, which is approximately equal to the increase in turnover for both OTR (32%) and LTL (33%) drivers individually.

- Component 1: Driver Hiring –the application for employment, the applicant’s driving record, and the applicant’s safety history obtained from previous employers.
- Component 2: Annual Review of Driver Performance –The Driver’s Certificate of Violations, the annual review of the employee’s driving record, and drivers employed by more than one motor carrier.
- Component 3: Driver Safety History – is a one-time requirement per truck driver position. Motor carriers must conduct an investigation of the applicant-driver’s safety history by consulting the applicant’s past employers for whom he or she worked as a truck driver. Motor carriers are required to provide notice to driver applicants that they are conducting this investigation and of the remedies available if the driver feels aggrieved by the representation of the safety record made by a former employer. Some drivers will exercise their right to obtain a copy of the safety history as provided by the previous employer. Some will be taking advantage of their right to rebut, in writing, the inaccuracies he or she perceives. Such drivers will employ the rebuttal procedures outlined in this regulation.

FMCSA estimates that that the total PRA burden of the DQ requirements is 5.8 million hours.

Component 1: Driver Hiring

a) Driver’s Application for Employment (§ 391.21)

FMCSA estimates that:

- The 2.1 million driver positions attract an average of 5 applicants each. Consequently, an estimated 10.5 million applications (2.1 million positions × 5 applications per position) are submitted to motor carriers each year.
- A driver spends an average of 15 minutes completing an employment application, which includes obtaining a certificate of past traffic violations.
- It takes a carrier an average of 1 minute to handle each application.
- Some of these regulatory requirements would be employed by any hiring entity, including hiring motor carriers, even if section 391.21 did not exist. The Agency considers such elements of the application process, whether required of driver-applicants or hiring motor carriers, to be exempt from PRA estimates under the “usual and customary” practices exception [5 CFR 1320.3(b)(2)].

The estimated annual burden of driver applications for employment is **2.8 million hours**. This total comprises 2,6 million burden hours from drivers completing an employment application (2.1 million job openings × 5 applicants per position × 15 minutes ÷ 60) and 0.2 million burden hours from motor carriers handling driver employment applications (2.1 million job openings × 5 applicants per position × 1 minute ÷ 60).

b) Applicant's Driving Record (§ 391.23)

The motor carrier must request the driving record of its successful driver-applicants for the preceding 3 years from the State of the driver's licensure. FMCSA estimates that:

- Carriers, on average, conduct driver record checks on 3 applicants per position,
- Carriers conduct driver record checks on 6.3 million applicants (2.1 million open positions × 3 background checks per open position).
- It takes the motor carrier an average of 5 minutes to complete all activities associated with this requirement, including requesting the records, receiving the records, and filing the records.

The estimated annual burden of applicant driving records is **0.5 million hours** (6.3 million checks × 5 minutes ÷ 60).

c) Investigation and Review of Safety Performance History (§ 391.23)

All motor carriers must investigate the safety performance history of all successful applicants. To do so, motor carriers must inquire of those who previously employed the applicant as a truck driver (or in any other safety-sensitive position). They must ask for the required records of those who employed the applicant during the preceding 3 years. FMCSA estimates that:

- On average, 20 percent of the driver applicants each year have no truck-driving experience (and of whom performing a safety history investigation is unnecessary).
- A safety history investigation can be performed on the remaining 1.7 million driver positions (2.1 million × 0.8).
- A hiring motor carrier will average 3 safety history investigations for each truck-driving position, so 5.1 million safety history investigations are conducted by motor carriers each year (1.7 million positions × 3 driver-applicants per position).
- Hiring motor carriers can satisfy the investigative requirement in an average of 20 minutes.

FMCSA-regulated carriers must respond to hiring motor carrier requests for the safety history of their former drivers. They do this by providing specific driver safety data for the 3-year period preceding the request. FMCSA estimates that motor carriers that *receive* such requests require, on average, 5 minutes per request to locate, develop and transmit the former driver's safety history.

The annual burden associated with investigation and review of safety performance history is estimated to be **2.1 million hours**, comprising 0.4 million hours for motor carriers to provide safety histories of former employees (5.1 million requests × 5 minutes ÷ 60), and 1.7 million hours for hiring motor carriers to conduct reviews of the safety histories (5.1 million checks × 20 minutes ÷ 60).

Component 2: Annual Review of Driver Qualifications

Motor carriers are required to examine the violation history and driving record of each of their drivers annually.

a) Driver's Certificate of Violations (§ 391.27)

CMV drivers are required annually to provide their employers certificates listing all violations of traffic laws and ordinances, other than parking violations, they have incurred in the past year. The 2.1 million drivers who are hired during the year do not have to provide this certificate because applicants for employment must provide this certificate as part of the hiring process. Therefore, this requirement applies to the other 1.5 million drivers who remain with their employer for at least 12 months (3.6 million total drivers – 2.1 million drivers hired within a year). FMCSA estimates that a driver, on average, takes 2 minutes to provide an employer with a certificate of violations. The estimated annual burden of the certificate of violations is **0.1 million hours** (1.5 million drivers × 2 minutes ÷ 60).

b) Motor Carrier Review of Driving Record (§ 391.25)

The Agency requires motor carriers to review the official driving records of their drivers each year, as provided by the State that issued the driver's license. This includes requesting, receiving, and filing the record. As with item a), drivers who change jobs during the year are not subject to this requirement because motor carriers obtained this information during the hiring process. Consequently, motor carriers will request the official driving record for an estimated 1.5 million drivers. FMCSA estimates that an average of 5 minutes is required to satisfy the driving record requirement. The estimated annual burden for annual reviews of driving records is **0.1 million hours** (1.5 million drivers × 5 minutes ÷ 60).

c) Drivers for More Than One Motor Carrier.

1) Multiple-Employer Driver - § 391.63

A "multiple-employer driver" is a CMV driver who is employed by more than one motor carrier in any period of 7 consecutive days (§ 390.5). FMCSA estimates that approximately 10 percent of drivers, or 360,000 work for more than one carrier.

A motor carrier who employs a driver already employed as a driver during the preceding 7 days is not subject to all the DQ file requirements. The motor carrier in lieu of the application for employment must only obtain the driver's name and social security number, as well as the identification number of the operator's license, its type, and the State of issuance. FMCSA estimates that it takes a motor carrier approximately 1 minute to record and file this information. The estimated annual burden of this requirement is **6,000 hours** (360,000 drivers × 1 minute ÷ 60).

2) Drivers Furnished By Another Motor Carrier - § 391.65

A motor carrier using a driver whom it does not regularly employ does not have to establish and maintain a complete DQ file for that driver. It must obtain and maintain a “Qualification Certificate” from the motor carrier that regularly employs the driver. FMCSA estimates that 20 percent of drivers, or 720,000, work for a second motor carrier on a temporary basis. FMCSA estimates that a driver’s regular motor carrier requires 2 minutes to complete the Qualification Certificate. The motor carrier that temporarily employs a driver must contact the regular employer to validate the certificate, and then file it. FMCSA estimates that the temporary employer requires 3 minutes to satisfy these requirements. Therefore, the estimated burden for both motor carriers is 5 minutes per driver (2 minutes + 3 minutes). The annual burden associated with this activity is estimated to be **60,000** hours (720,000 drivers × 5 minutes ÷ 60).

Component 3: Driver’s Review and Rebuttal of Safety Performance History

a) Requirement to Notify Drivers of Right to Review

Motor carriers must notify driver-applicants in writing of their right to review safety performance data provided by their previous employers (§391.23). This notice must be given an estimated 5.1 million times, corresponding to the estimated number of safety investigations conducted each year (see component 1(c)). FMCSA estimates that motor carriers require an average of 1 minute to provide this notice. The estimated annual burden of this notification is **0.1 million hours** (5.1 million driver applicants × 1 minute ÷ 60).

b) Furnishing Drivers with Copies of Safety Histories Provided by Previous Employers

Drivers have the right to request a copy of their safety history *from the hiring motor carrier*. As provided to the hiring motor carrier by *previous employers of the driver*. The Agency estimates that a hiring motor carrier will, on average, investigate the safety history of 3 driver-applicants for each driver opening; thus approximately 5.1 million safety history investigations are conducted each year. The 1.7 million applicants who are selected for a driver position have no reason to request their safety history. FMCSA estimates that, of the remaining 3.4 million applicants not selected for employment, only 5 percent, or 170,000 (3.4 million × 5%) will request their safety histories. FMCSA estimates that it takes 3 minutes for prospective employers to provide the driver-applicant with a copy of the safety performance history. The total annual burden associated with providing drivers their safety performance histories is estimated to be **8,500 hours** (170,000 requests × 3 minutes ÷ 60).

c) Rebuttal of Safety Performance History (§ 391.23)

An unsuccessful driver applicant who is dissatisfied with the accuracy of the safety history provided by a former employer is permitted to draft a rebuttal of it. The driver must forward the rebuttal to the former employer and ask that the history be amended. The driver must provide a copy of the rebuttal to the prospective employer. The Agency assumes that, of the 170,000 unsuccessful applicants for driver positions who receive their safety histories, 10 percent, or 17,000, submit a rebuttal. FMCSA estimates that drivers will require 30 minutes to draft a rebuttal and provide it to the motor carriers. The annual burden associated with submitting a rebuttal is estimated to be **8,500 hours** (17,000 rebuttals × 30 minutes ÷ 60).

Total

Table 1: Estimated Burden of DQ File Requirements

Burden Component	Responses (millions)	Minutes per Response	Burden Hours (millions)
Component 1: Driver Hiring			
Driver Completing Application	10.5	15	2.6
Carrier Retaining Application	10.5	1	0.2
Carrier Collecting and Reviewing Driving Record	6.3	5	0.5
Carrier Providing Safety Histories of Former Employees	5.1	5	0.4
Carrier Reviewing Safety Histories of Driver Applicants	5.1	20	1.7
Total for Component 1	37.5		5.4
Component 2: Annual Review of Driver Qualifications			
Driver Annual Review of Violations	1.5	2	0.1
Carrier Annual Review of Driving Records	1.5	5	0.1
Carrier Gathering Information for Multiple-Employer Drivers	0.4	1	0.0
Carrier Qualification Certificates for Drivers Temporarily Furnished by Another Employer	0.7	5	0.1
Total for Component 2	4.1		0.3
Component 3: Driver Review and Rebuttal of Safety Performance History			
Driver Safety History Review Notification	5.1	1	0.1
Driver Safety History Review	0.2	3	0.0
Driver Safety History Rebuttal	0.0	30	0.0
Total for Component 3	5.3		0.1
Total for ICR	46.9		5.8

Estimated Annual Burden of this ICR: 5.8 million hours.

Estimated Number of Respondents per Year: 4.1 million (3.6 million drivers + 0.5 million commercial motor carriers).

Estimated Number of Responses per Year: 46.9 million.

13. Estimate of total annual costs to respondents or record keepers.

The known non-labor costs associated with this information collection are for motor

carriers to purchase driver records, called “motor vehicle records” (MVRs). Obtaining these records is required as part of the hiring decision and an annual review of current drivers. Each State imposes an estimated cost per MVR of \$4.00, plus \$1.00 for fees to be paid to third-party providers to obtain this information on behalf of the motor carrier. Carriers will request driving records for 6.3 million applicants (calculated under component 1(b)) and 1.5 million employees (calculated under component 2(b)) per year, a total of 7.8 million requests. The annual cost for obtaining driving records is estimated to be \$39 million (7.8 million × \$5.00).

14. Estimate of cost to the Federal government.

The Federal government incurs no costs associated with part 391 (DQ file) information. As explained in item 12 above, motor carriers collect and maintain part 391 information, and FMCSA does not require that information to be submitted to the Agency. Consequently, FMCSA does not incur any costs related to part 391 information. A motor carrier must make the part 391 information available when an FMCSA investigator conducts an on-site review at the motor carrier’s place of business or terminal.

15. Explanation of program changes or adjustments.

The revised estimate of the burden of this IC is 5.8 million hours, a substantial increase over the currently-approved burden of 3.3 million hours. The bulk of the increase is the result of the Agency’s development of a more accurate estimate of the turnover rate of positions for CMV drivers each year. The Agency’s most recently-approved estimate, developed in 2010, was based upon a 13 percent turnover of driver positions. More recently, the Agency has carefully examined driver turnover data and recognizes that, in fact, the driver turnover rate is approximately 57 percent.

In addition, the Agency has discontinued its practice of including intrastate motor carrier data in its estimates for this ICR. This ICR does not account for the paperwork burden of motor carriers who operate exclusively in intrastate commerce. This community was formerly included in FMCSA DQ-file burden estimates. The Agency believes that individual States have imposed DQ-file requirements on intrastate motor carriers under the auspices of State law, and that to account for it under the Paperwork Reduction Act would inaccurately state the burden of the Federal DQ-file requirements.

16. Publication of results of data collection:

This information collection is recordkeeping in nature. As such, there will be no related publication.

17. Approval for not displaying the expiration date for OMB approval:

FMCSA is not seeking this approval.

18. Exceptions to certification statement:

FMCSA is claiming no exception to any element of the certification statement identified in Item 19 of OMB Form 83-I.

Attachments

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- A. The Motor Carrier Safety Act of 1984, Public Law 98-554, Title II, 98 Stat. 2832, October 30, 1984.
- B. Title 49 U.S.C. § 504 titled, “*Reports and records.*”
- C. Title 49 U.S.C. § 31133 titled, “*General powers of the Secretary of Transportation.*”
- D. Title 49 U.S.C. § 31136 titled, “*United States Government regulations.*”
- E. Title 49 U.S.C. § 31502 titled, “*Requirements for qualification, hours of service, safety, and equipment standards.*”
- F. Title 49 CFR § 1.87 titled, “*Delegation to the Federal Motor Carrier Safety Administration Administrator.*”
- G. Title 49 CFR § 391 titled, “*Qualification of Drivers and Longer Combination Vehicle (LCV).*”
- H. An NPRM titled, “*Safety Performance History of New Drivers*” (at 61 FR 10548), March 14, 1996.
- I. A SNPRM titled, “*Safety Performance History of New Drivers*” (at 68 FR 422339), July 17, 2003.
- J. A final rule titled, “*Safety Performance History of New Drivers and Minimum Training Requirements for Longer Combination Vehicles (LCV) Operators and LCV Driver-Instructor Requirements*” (at 69 FR 16684), March 30, 2004.
- K. A Sixty-day Comment Request Federal Register Notice (at 78 FR 14402), dated March 05, 2013.
- L. Comments to Sixty-day Comment Request Federal Register Notice and FMCSA Replies.
- M. A Thirty-day Comment Request Federal Register notice (at 78 FR 30954), dated May 23, 2013.