

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

**SUPPORTING STATEMENT
Report by State Driver Licensing Agencies (SDLAs) on
the Annual Number of Entry-Level Commercial Driver's License (CDL) Applicants
and Related Data**

This is to request the Office of Management and Budget's (OMB) emergency approval of a new information collection request (ICR) titled, "Report by State Driver Licensing Agencies (SDLAs) on the Annual Number of Entry-Level Commercial Driver's License (CDL) Applicants and Related Data." This collection consists of a single report from each of SDLAs of the 50 States and the District of Columbia, on one occasion only. FMCSA is requesting emergency processing of this information collection request in order for the results to be obtained in time to inform Departmental and agency efforts without delay.

Part A. Justification:

1. Circumstances that make collection of information necessary.

On July 6, 2012, the President signed legislation titled "Moving Ahead for Progress in the 21st Century Act (MAP-21)." Section 32304 of MAP-21 (49 U.S.C. 31305 (c)) provides that the Secretary of Transportation must issue final regulations establishing minimum entry-level training requirements for individuals before obtaining a CDL for the first time or prior to upgrading from one class of CDL to another (entry-level drivers). The Agency is required to develop instruction and behind-the-wheel training that will be effective in providing entry-level CDL drivers the knowledge and skills they need to operate a commercial motor vehicle safely. On September 18, 2014, Advocates for Highway and Auto Safety, the International Brotherhood of Teamsters, and Citizens for Reliable and Safe Highways sued FMCSA and DOT in the United States Court of Appeals for the District of Columbia Circuit (Case no. 14-1183). The plaintiffs petitioned for an order of mandamus compelling DOT to publish a final rule on entry-level driver training within 180 days. While as of this date the court has not ruled on the petition, the court could order that a notice of proposed rulemaking (NPRM) and final rule be drafted according to a highly expedited schedule. Obtaining this data would help address this urgent legal issue in a timely manner.

FMCSA has taken numerous steps toward satisfying the section 32304 mandate. The Agency has conducted two public listening sessions in conjunction with industry trade shows and engaged its Motor Carrier Safety Advisory Committee to provide recommendations to support the rulemaking. FMCSA learned that there is not agreement among stakeholders about how to satisfy the statutory mandate.

Next, FMCSA commissioned a neutral convener to analyze the feasibility of conducting a negotiated rulemaking (Reg Neg) to develop the regulations (5 U.S.C. secs. 581-590). Based upon the convener's recommendation, FMCSA, on December 10, 2014, published notice of its intent to establish an Entry-Level Driver Training Advisory Committee (ELDTAC) to negotiate proposed regulations to implement section 32304. On February 12, 2015, the Agency published

notice of the first meeting of the ELDTAC, which was held on February 26-27, 2015 (80 FR 7814). The FMCSA is currently engaged in regular negotiations with the ELDTAC expected to go through May 2015 with a target date for publication of an NPRM of October 15, 2015 (Id. at 7815).

Despite these efforts and the urgent nature and schedule of the negotiations, FMCSA lacks certain data that is crucial to its efforts to satisfy the MAP-21 mandate -- for example, the number of individuals who would require entry-level CDL driver training annually. Given that this rulemaking will likely be considered “significant” within the meaning of Executive Order 12988, obtaining this data is crucial to developing an NPRM and the required cost-benefit analysis. The data, combined with other data in the Agency’s possession, will also be central to the ability of ELDTAC to build consensus among the various stakeholders.

The only known source of the number of individuals who obtain their first and upgraded CDL each year is the 50 States and the District of Columbia. The only way the Agency can obtain this information is by asking the SDLAs to report it to FMCSA.

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

This collection consists of a single report from each of SDLAs of the 50 States and the District of Columbia, on one occasion only. The reports will be compiled to provide the Agency for the first time an estimate of the number of individuals who apply to the States for CDLs for the first time each year. The results will inform the Agency on the scope of the entry-level driver-training program it must design and publish for public comment. The information from this collection will also inform other Agency activities; FMCSA has long been hamstrung by its inability to estimate the size of the “new driver” population each year.

3. Extent of automated information collection.

This information collection will permit respondents to submit their reports electronically by email.

4. Efforts to identify duplication.

The Agency has attempted to obtain this information for many years. In its search, the Agency has explored several other avenues for finding this information. For example, the Agency considered asking various trade groups representing private and public truck driving schools for their cooperation, but soon realized that these entities generally did not have the desired information either.

5. Efforts to minimize burden on small businesses.

Only SDLAs would report the information described in this collection. No businesses would be asked to report. The report would be a one-time collection.

6. Impact of less frequent collection of information.

Each SDLA will report information on a single occasion only.

7. Special circumstances.

FMCSA requests emergency processing of this information request so the Agency can be informed quickly of the scope of its task of designing a driver-training program for all CDL applicants in the United States. The information collection is “essential” to FMCSA’s safety mission: to reduce crashes, injuries, and fatalities involving large trucks and buses (44 U.S.C. 3507(j)(1)(A)(ii), 5 C.F.R. 1320.13(a)(1)(ii)). Expedited review is necessary to minimize public harm that is reasonably likely to result if normal clearance processes are followed resulting from the operation of trucks and motor coaches by individuals lacking appropriate driver training that would be required by this rulemaking (44 U.S.C. 3507(j)(1)(B)(i), 5 C.F.R. 1320.13(a)(2)(i)). In addition, use of the normal clearance process is reasonably likely to cause a “court-ordered deadline to be missed” (44 U.S.C. 3507(j)(1)(B)(iii), 5 C.F.R. 1320.13(a)(2)(iii)). This ICR is narrowly focused and practical steps have been taken in the design of this collection to minimize its burden on the SDLAs it would apply to (5 C.F.R. 1320.13(c)).

8. Compliance with 5 CFR 1320.8.

The FMCSA published a notice in the Federal Register on March XX, 2015 (80 FR XXXX) (Attachment C) with a 30-day comment period that announced its intention to submit this ICR to OMB for emergency approval.

9. Payment or gifts to respondents.

There will be no payments or gifts to the SDLAs for reporting this information.

10. Assurances of Confidentiality.

The reports of the SDLAs will contain aggregated data and not any confidential information.

11. Justification for collection of sensitive information.

The Agency is asking SDLAs for aggregated data without any personally identifiable information or other sensitive information.

12. Estimates of burden hours for information requested.

The information collection consists of a report filed by the SDLAs of the 50 States and the District of Columbia of the number of applicants for an entry-level CDL it experiences annually, and directly related data. FMCSA is confident that the information is available electronically to all of the 51 respondents.

For purposes of this estimate, FMCSA assumes that all 51 respondents will have to conduct a specific inquiry of their databases containing this information. The Agency estimates that the

SDLAs will require an average of 19 hours and 30 minutes to report the requested information to FMCSA.

Estimated Total Annual Hours: 995 hours (51 respondents x 19 hours and 30 minutes per respondent = 994.5 hours, rounded to 995 hours).

Estimated Number of Respondents: 51 respondents (the SDLAs of the 50 States and the District of Columbia).

Estimated Number of Responses: 51 responses (a report from the SDLA of each State and the District of Columbia).

13. Estimates of total annual costs to respondents.

FMCSA estimates the following costs will be incurred by each of the 51 respondents: Two data-processing employees would work at the wage rate of \$39.00 per hour and expend approximately 7.5 hours each on this report, and one information-systems manager at the wage rate of \$80.00 per hour would expend a total of 4.5 hours on the report of his or her State's SDLA. Thus, the total cost to respondents for compiling information and submitting it to the FMCSA for this one-time report is \$945.00 (\$39.00 per hour x 7.5 hours per data-processing employee = \$292.50 per employee x 2 employees = \$585.00, plus the information-systems manager at \$80.00 per hour x 4.5 hours = \$360.00). The aggregate for 51 SDLAs is \$48,195.00.

Estimated Annual Cost to Respondents: \$48,195.00.

14. Estimate of cost to the Federal government.

Two Federal employees working at the wage rate of \$50.00 per hour will require an estimated 10 hours each to analyze and organize the data received from the 51 SDLAs. Therefore, the cost to the Federal government will be \$1,000.00 (\$50.00 x 10 hours x 2 employees).

Estimated Annual Cost to Federal Government: \$1,000.00.

15. Explanation of program changes or adjustments.

The program change increase of an estimated 995 annual burden hours is due to a new ICR.

16. Publication of results of data collection.

FMCSA will aggregate the data provided in the 51 reports. The Agency anticipates employing this data in the development of the various regulatory analyses that by law must accompany the Agency's proposed rulemakings. It is anticipated that the source of the data would be openly described.

17. Approval for not displaying the expiration date of OMB Approval.

FMCSA is not seeking an exemption from displaying the expiration date on the information collection form.

18. Exceptions to certification statement.

None

Attachments:

A. Section 32304 of Moving Ahead for Progress in the 21st Century Act (MAP-21),” dated July 6, 2012, P.L.112-141.

B. *In Re Advocates for Highway and Auto Safety; the International Brotherhood of Teamsters; and Citizens for Reliable and Safe Highways, Petitioners v. Anthony Foxx, Secretary of the United States Department of Transportation; the United States Department of Transportation; and the Federal Motor Carrier Safety Administration*, United States Court of Appeals for the District of Columbia Circuit, September 18, 2014.

C. 30-day Comment Request Federal Register Notice, (80 FR XXXX) dated May XX, 2015.

Form MCSA-5894, “Request for Data to State Driver Licensing Agencies,”