

JUSTIFICATION FOR EMERGENCY PROCESSING OF
PAPERWORK REDUCTION ACT APPROVAL REQUEST
“Report by State Driver Licensing Agencies”

Introduction: On September 18, 2014, Advocates for Highway and Auto Safety, the International Brotherhood of Teamsters, and Citizens for Reliable and Safe Highways sued the Federal Motor Carrier Safety Administration (FMCSA) and the U.S. Department of Transportation (DOT) in the United States Court of Appeals for the District of Columbia Circuit (DC Circuit). The plaintiffs seek an order of mandamus compelling DOT to promulgate an entry-level driver training regulation by a date certain.

In legislation signed into law on July 6, 2012 (“Moving Ahead for Progress in the 21st Century (MAP-21)”), Congress mandated that FMCSA conduct rulemaking to put in place mandatory training for entry-level applicants for a commercial drivers’ license (CDL) no later than October 1, 2013 (Sec. 32304). FMCSA decided that the complexity of this endeavor might best be addressed by a negotiated rulemaking (“Reg Neg”) conducted under the provisions of the Negotiated Rulemaking Act of 1996 (5 U.S.C. § 561 *et seq.*). On August 19, 2014, FMCSA published a Notice of Intent to Explore Negotiated Rulemaking (79 FR 49044) and hired a convener to speak with interested parties about the feasibility of conducting a negotiated rulemaking. Based upon the convener’s recommendation, the Agency on December 10, 2014, published notice of its intent to establish an Entry-Level Driver Training Advisory Committee to negotiate proposed regulations to implement section 32304. On February 12, 2015, the Agency published notice of the formation of an Entry-Level Driver Training Advisory Committee (ELDTAC) as part of the negotiated rulemaking process.

Although FMCSA is moving the Reg Neg ahead as a high priority, the Agency believes that the DC Circuit may require a greater showing that the Agency is proceeding in good faith and with deliberate speed to develop and propose the driver-training program. However, FMCSA does not have certain data that is crucial to that development: the number of individuals who would require entry-level CDL driver training annually. This data, which is not available from any sources other than individual State driver licensing agencies (SDLAs), would not only inform the design of the training program, but would allow the Agency to conduct the various regulatory analyses, such as cost/benefit analysis, that it must, by law, publish with any formal rulemaking proposal. In addition, the data would provide valuable information for the ongoing Reg Neg.

The only known source for the data about the number of individuals who obtain their first 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 provide it to FMCSA. The SDLAs would report this information only once. The timely provision of this data by the SDLAs is critical to FMCSA’s defense against the mandamus action, and to completion of the Congressionally-mandated rulemaking.

Title: State Commercial Drivers' License (CDL) Report

Need for Information:

FMCSA does not know and cannot confidently estimate the number of entry-level drivers who would annually be subject to a training rule. The Agency cannot obtain this information in a timely manner from any other source than the SDLAs.

FMCSA will also employ this information to develop the various regulatory analyses (e.g. Cost/Benefit Analysis) that must be completed before the Agency can publish its proposal for an entry-level driver-training program.

The Agency requests emergency processing of this information request. The information collection is essential to FMCSA's safety mission of reducing crashes, injuries and fatalities involving commercial motor vehicles. Expedited review is necessary to satisfy the Court that the Agency is moving forward on the Congressional mandate in a timely manner.

Estimated Annual Number of Responses: 51 (50 States and District of Columbia).

Estimated Annual Number of Respondents: 51 (50 States and District of Columbia).

Estimated Annual Burden of Respondents: 995 hours.