

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

**SUPPORTING STATEMENT
Electronic Logging Device (ELD) Vendor Registration**

INTRODUCTION:

This is to request the Office of Management and Budget's (OMB) approval of a new information collection request (ICR) entitled, Electronic Logging Device Vendor Registration. This ICR will be used to enable motor carriers to register their ELDs with the Federal Motor Carrier Safety Administration (FMCSA).

A. Justification.

1. Circumstances that make collection of information necessary:

The primary mission of the FMCSA is to reduce crashes, injuries and fatalities involving large trucks and buses. The Secretary of Transportation has delegated to FMCSA its responsibility under 49 U.S.C. §§ 31136 and 31502 (Attachments A and B) to prescribe regulations that ensure that CMVs are operated safely.

The safe operation of a CMV requires alert drivers. The Federal Motor Carrier Safety Regulations (FMCSRs) state:

“No driver shall operate a commercial motor vehicle, and a commercial motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle (49 CFR 392.3) (Attachment C).

A motor carrier required to use an ELD must use only an ELD that is listed on the Federal Motor Carrier Safety Administration's registered ELD list, accessible through the Agency's Web site in accordance with 49 CFR 395.22 (Attachment D).

On March 28, 2014, FMCSA published a Supplemental notice of proposed rulemaking (SNPRM) entitled, “Electronic Logging Devices and Hours of Service Supporting Documents,” (79 FR 17656), (Attachment E) which proposed to require the use of ELDs within the motor carrier industry who are currently subject to Records of Duty Status (RODS) preparation requirements. Specifically, the SNPRM proposed: (1) requiring new technical specifications for ELDs that address statutory requirements; (2) mandating ELDs for drivers currently using RODS; (3) clarifying supporting document requirements so that motor carriers and drivers can comply efficiently with HOS regulations, and so that motor carriers can make the best use of ELDs and related support systems as their primary means of recording HOS information and

ensuring HOS compliance; and (4) proposing both procedural and technical provisions aimed at ensuring that ELDs are not used to harass vehicle operators.

To ensure consistency among manufacturers and devices, functional specifications were published with the SNPRM. Providers' certification of compliance to these functional specifications is required. Providers will also be required to register their compliant devices with FMCSA.

This IC supports the Department of Transportation's Strategic Goal of Safety because the information helps the Agency improve the safety of drivers operating CMVs on our Nation's highways.

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

The ELD providers will be asked to self-certify and register their devices with FMCSA online via an application Form MCSA-5893, "Electronic Logging Device (ELD) Vendor Registration and Certification." Once completed, FMCSA will issue a unique identification number that the provider will embed in their device(s). The registration process will include the requirement to provide answers to the following questions (numbered as published in the SNPRM):

5. ELD—Registration-Certification

As described in § 395.22(a) of subpart B, (Attachment D) motor carriers must only use ELDs that are listed on the FMCSA Web site. An ELD provider must register with FMCSA and certify each ELD model and version for that ELD to be listed on this Web site.

5.1. ELD Provider's Registration

5.1.1. Registering Online*

An ELD provider developing an ELD technology must register online at a secure FMCSA Web site where the ELD provider can securely certify that its ELD is compliant with this appendix. Provider's registration must include the following information:

- (1) Company name of the technology provider/manufacturer.
- (2) Name of an individual authorized by the provider to verify that the ELD is compliant with this appendix and to certify it under section 5.2 of this appendix.
- (3) Address of the registrant.
- (4) Email address of the registrant.
- (5) Telephone number of the registrant.

5.1.2. Keeping Information Current

The ELD provider must keep the information in section 5.1.1 current through FMCSA's Web site.

5.1.3. Authentication Information Distribution

FMCSA will provide a unique ELD registration ID, authentication key(s), authentication file(s), and formatting and configuration details required in this appendix to registered providers during the registration process.

5.2. Certification of Conformity With FMCSA Standards

A registered ELD provider must certify that each ELD model and version has been sufficiently tested to meet the functional requirements included in this appendix under the conditions in which the ELD would be used.

5.2.1. Online Certification

An ELD provider registered online as described in section 5.1.1 must disclose the following information about each ELD model and version and certify that the particular ELD is compliant with the requirements of this appendix. The online process will only allow a provider to complete certification if the provider successfully discloses all of the following required information:

- (1) Name of the product.
- (2) Model number of the product.
- (3) Software version of the product.
- (4) An ELD identifier, uniquely identifying the certified model and version of the ELD, assigned by the ELD provider in accordance with 7.1.15.
- (5) Picture and/or screen shot of the product.
- (6) User's manual describing how to operate the ELD.
- (7) Description of the supported and certified data transfer mechanisms and step-by-step instructions for a driver to produce and transfer the ELD records to an authorized safety official.
- (8) Summary description of ELD malfunctions.
- (9) Procedure to validate an ELD authentication value as described in section 7.1.14.

(10) Certifying statement describing how the product was tested to comply with FMCSA regulations.

The FMCSA will maintain a list on their website of the current ELD providers and devices that have been certified (by the providers) to meet the technical specifications. The information will be necessary for fleets and drivers to easily find a compliant ELD for their use in meeting the FMCSA regulation requiring the use of ELDs.

3. Extent of automated information collection:

The FMCSA estimates that 100% of the providers will submit the information electronically. Providers that are presently selling ELDs are using state of the art technology. The FMCSA utilizes a computer system to store and retrieve the registration information.

4. Efforts to identify duplication:

There is no duplication of information collected as this is a new requirement by FMCSA as currently, there is not registration system from providers of ELDs.

5. Efforts to minimize the burden on small businesses:

There may be providers that are small businesses but the information required to be input to the FMCSA website for registration is simple and would not pose a burden to a small business or individual.

6. Impact of less frequent collection of information:

This information must be collected so that the industry may have a resource to gain access to a list of certified ELD providers and devices.

7. Special circumstances:

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8:

The FMCSA published a notice in the Federal Register (79 FR 64248) with a 60-day public comment period to announce this proposed information collection on October 28, 2014 (see Attachment G). A summary of the 19 comments received in response to this notice and the agency's responsive considerations are also provided in the 30-day comment Federal Register notice for this ICR and as follow:

COMMENTS FROM THE PUBLIC

General Summary

FMCSA published a notice in the Federal Register with a 60-day public comment period to announce this proposed ICR on October 28, 2014 (79 FR 64248). The Agency requested comments concerning the necessity of the proposed information collection, the accuracy of the estimated burden, how the quality of collected information could be enhanced and ways in which the burden could be minimized without reducing the quality of the collected information. The Agency received 19 comments. Of these comments, nine were outside the scope of this notice. Some of these comments actually responded to elements of the ELD SNPRM, rather than the registration process.

GUIDANCE

Several commenters stated that there was a need for additional guidance for ELD registration. Garmin also wanted guidance on registration when an ELD sub-function may be implemented across multiple software and hardware components provided by one or more providers.

REGISTRATION PROCESS

Two commenters asked who is responsible for registration and supplying the certification of conformity to the ELD functional requirements. Verigo suggested that FMCSA clarify what supporting documentation would be necessary to complete the software certification. One commenter wrote that, according to the SNPRM, only device manufacturers can register.

FMCSA Response

Registration of ELDs is the responsibility of the ELD provider. An ELD provider is the registered entity who manufactures the ELD, manufactures or assembles the ELD technology, certifies that the ELD complies with the functional specifications for ELDs set forth in the proposed subpart B of part 395 (including the proposed Appendix to subpart B of Part 395), and registers it on the FMCSA Web site.

DEFINITION OF DEVICE and OTHER SYSTEMS WITH ELD FUNCTIONALITY

A commenter wanted clarification of what FMCSA means by device. A commenter suggested that FMCSA allow the certification and registration of individual devices or subsystems (e.g., Bluetooth device, mobile smartphone or tablet, etc.) as meeting a subset of the technical specifications. These components could be combined into compliant ELD systems.

A commenter asked how a software-based Transportation Management System would be registered.

FMCSA Response

Electronic Logging Device (ELD) means a device or technology that meets the requirements of proposed subpart B of part 395 including the proposed Appendix to subpart B of part 395—Functional Specifications for All Electronic Logging Devices (ELDs). It reads: Electronic logging device (ELD) means a device or technology that automatically records a driver's driving time and facilitates the accurate recording of the driver's hours of service, and that meets the requirements of subpart B of this part. Where the combination of sub-components is needed to meet this definition, the provider must register all of the components together as the ELD device.

SOFTWARE VERSION CONTROL

Commenters asked how software version updates would be accommodated. Vnomics recommended that the software version that is displayed be the current base or main version. Vnomics also asked FMCSA to verify that the software version required by proposed section 5.2.1(3) refers to the ELD software version that is part of a larger telematics solution.

FMCSA Response

The ELD registration process will allow providers to update and maintain their device information to accommodate software version revisions. Providers will be able to update device information and software revisions on the registration site when they deem it necessary to do so, and will continue to certify that the updated device(s) continue to meet the regulation's requirements-. See SNPRM Section 5.1.2:

5.1.2. Keeping Information Current

The ELD provider must keep the information in section 5.1.1 (b) and 5.2.1 current through FMCSA's Web site.

TIME TO REGISTER / REGISTRATION INFORMATION

Saucon reminded the Agency that the content of the form would affect the estimates of the time registration would take annually. Saucon could not concur with the time estimate to complete the registration process. The commenter wrote that the time estimate depends on several undefined factors, including the level of detail in Form MCSA-5893. Saucon suggested that a simple checklist of key technical points that must be met by the provider might be sufficient for the form. Saucon also asked FMCSA to clarify that certification is required at the product level, and not the individual device level.

Until all the technical specification issues in the SNPRM have been resolved and FORM MCSA-5893 has been created to require the provision of substantive information demonstrating compliance, OOIDA believed that the ICR proceeding is premature. OOIDA believed the certification, with such specific information, should be updated as the rule evolves, otherwise a provider could remain on the approved list without additional verification of continued compliance.

A commenter asked how devices can be registered as compliant before the details of compliancy are published. Saucon noted that the form was not available for comment.

While the registration process itself did not impose an undue burden, Verigo was concerned that there was no estimate of the time required to complete the software certification or what would be required to be submitted to substantiate that certification. Verigo commented that the certification process is a significant undertaking and volunteered to provide its estimate to FMCSA.

FMCSA Response

As proposed in the SNPRM, the registration of ELDs requires 15 pieces of information from the providers outlined in section 5.1.1, Registering Online, and section 5.1.2, Online Certification. FMCSA conducted time trials to determine the average amount of time required to complete a simulated form with the 15 items required to register an ELD.

5.1.1 Registering Online

(a) An ELD provider developing an ELD technology must register online at a secure FMCSA Web site where the ELD provider can securely certify that its ELD is compliant with this appendix.

- (b) Provider's registration must include the following information:
- (1) Company name of the technology provider/manufacturer.
 - (2) Name of an individual authorized by the provider to verify that the ELD is compliant with this appendix and to certify it under section 5.2 of this appendix.
 - (3) Address of the registrant.
 - (4) E-mail address of the registrant.
 - (5) Telephone number of the registrant.

5.2.1. Online Certification

(a) An ELD provider registered online as described in section 5.1.1 must disclose the information in paragraph (b) of this section about each ELD model and version and certify that the particular ELD is compliant with the requirements of this appendix.

(b) The online process will only allow a provider to complete certification if the provider successfully discloses all of the following required information:

- (1) Name of the product.
- (2) Model number of the product.
- (3) Software version of the product.
- (4) An ELD identifier, uniquely identifying the certified model and version of the ELD, assigned by the ELD provider in accordance with 7.1.15.
- (5) Picture and/or screen shot of the product.
- (6) User's manual describing how to operate the ELD.
- (7) Description of the supported and certified data transfer mechanisms and step-by-step instructions for a driver to produce and transfer the ELD records to an authorized safety official.
- (8) Summary description of ELD malfunctions.
- (9) Procedure to validate an ELD authentication value as described in section 7.1.14.
- (10) Certifying statement describing how the product was tested to comply with FMCSA regulations.

Registration will be at the model level of the ELD, not at the individual device level. See 5.2.1(b)(2) above.

FMCSA will include procedures for provider registration of an ELD on the registration website. FMCSA will also provide guidance on the website to provider that will contain the tools provider will need to ensure that their ELD meets the technical specifications in part 395. This guidance will contain all requirements and procedures related to RODS data compliance. However, it will be the responsibility of each provider to ensure that their products comply with the RODS file data definitions that FMCSA provides. If the regulation evolves, the changes to the technical specification and the certification process will be updated through the notice and comment process.

In response to Verigo comments regarding the time necessary to determine whether the software meets the certification requirements, we note that the certification process is outside the scope of the current ICR, which is limited to the time required to fill out the certification information in 5.1.1 and 5.2.1 of the Appendix to 395.

ID / AUTHENTICATION

Under proposed section 5.1.3, FMCSA will provide a unique ELD registration ID number that the provider will embed on the device. Saucon asked FMCSA to provide an example

of the ID number, and to clarify its purpose, including when the ID number needs to be provided and displayed. It asked if the ID number could be used as evidence during inspections that a device is ELD-certified and if Saucon would receive a certificate that it could present at inspections.

FMCSA Response

The unique ELD registration ID format is outside the scope of this ICR. But, as outlined in the SNPRM, section 7.17 APPENDIX TO SUBPART B OF PART 395—FUNCTIONAL SPECIFICATIONS FOR ALL ELECTRONIC LOGGING DEVICES (ELDS), FMCSA defined the ELD Registration ID and proposed that the registration ID be available on the ELD during inspections. The Agency does not plan to issue certificates for certified ELDs.

UPDATING EXISTING DEVICES

Saucon asked how that ID number could be added to register existing, already installed AOBRDs that, through software updates, may become compliant ELDs. These AOBRDs are not easily accessible to either the manufacturer or the motor carrier.

FMCSA Response

Software updates, although outside the scope of this ICR, would most likely be provided through the connectivity of AOBRDs via their cellular connection or available online to AOBRD owners. These software updates can include the Registration ID for the newly compliant devices. Existing device providers will be able to notify owners of existing AOBRDs if their devices are capable of being updated to meet ELD requirement through software updates. These devices in turn will be able to be registered and certified by the providers on the FMCSA ELD registration website.

FMCSA ELD LIST

Saucon provided a list of information that it suggested be included on any Web site storing information on ELD providers. The list included the company name and contact information, a link to the provider's Web site, a descriptor noting in which industry the provider mainly works (i.e., motorcoach, trucking, etc.), and a section for comments on what the provider provides. Saucon also suggested that the provider have a username and password to access and edit the information on the Web site.

During roadside inspections and Safety Audits and Compliance Reviews, CVSA wrote that it would be critical for inspectors to accurately and quickly verify compliance. Therefore, the Agency must consider what documentation needs to be maintained as evidence of certification.

FMCSA Response

The FMCSA list of registered devices will include only the minimal information on the certified devices. The Agency outlined this in the SNPRM in Section 5.3:

5.3. Publicly Available Information

Except for the information listed under section 5.1.1 (b)(2), (4), and (5) and section 5.2.1 (b)(9), FMCSA will make the information in sections 5.1.1 and 5.2.1 for each certified ELD publicly available on a Web site to allow motor carriers to determine which products have been properly registered and certified as ELDs compliant with this appendix.

FMCSA will not provide or require "certification documents" that would be carried with the device. The ELD Registration ID will be verified through eRODS only.

DE-REGISTRATION

Verigo was concerned with the ELD de-registration process and requested more information.

FMCSA Response

FMCSA will provide information regarding the de-registration process in the Final Rule.

SELF-CERTIFICATION

OOIDA commented that the information required of ELD manufacturers who wish to be on FMCSA's approved list of providers must be more substantive than a general self-certification of compliance with the technical specifications of the rule.

FMCSA Response:

The registration of ELDs requires 15 pieces of information from the providers, as outlined in section 5, ELD Registration and Certification, Section 5.1.1, Registering Online, and section 5.1.2, Online Certification. Specifically, 5.2.1(b)(10) "Certifying statement describing how the product was tested to comply with FMCSA regulations. The Agency requires this self-certification just as NHTSA requires self-certification of vehicle and parts manufacturers."

The FMCSA published a notice in the Federal Register (80 FR 18295) with a 30-day public comment period that announced this information would be sent to OMB for approval on April 3, 2015 (see Attachment H).

9. Payments or gifts to respondents:

No payments or gifts will be provided to the respondents.

10. Assurance of confidentiality:

The information to be collected is not confidential and is available to the public.

11. Justification for collection of sensitive information:

The information to be collected is not sensitive in nature.

12. Estimate of burden hours for information requested:

FMCSA estimates that there will be 22 respondents, 20 U.S. and 2 foreign ELD vendors, and that each vendor will register an average of 4 devices. The total of 88 devices (4 devices × 22 vendors) exceeds the number of devices that FMCSA is currently aware of, but the Agency has opted to use a conservatively high count in order to avoid under-estimating burden. Each vendor will take an estimated 15 minutes of preparation time plus 15 minutes per device to complete the initial registration, for a total of 75 minutes (15 minutes of preparation time + 4 × 15 minutes per device) per vendor in the first year. In subsequent years, it is expected that registration updates will take half the initial time; therefore respondents will take an estimated 7.5 minutes of preparation time and 7.5 minutes per device to complete registration updates, for a total of 37.5 minutes per vendor in subsequent years as shown in Table 1.

Table 1: ELD Registration Burden Calculations

	# of Vendors	Prep time per vendor (hours)	Time entering information per ELD (hours)	Avg. number of ELDs per vendor	Avg. Total clerical time (hours)
Initial registration (year 1)	22	0.25	0.25	4	27.5
Update registration (year 2)	22	0.125	0.125	4	13.75
Update registration (year 3)	22	0.125	0.125	4	13.75
Total 3-year burden hours					55
Avg. Annual Burden Hours					18.33

Estimated Total Annual Burden Hours: 18 hours [((22 respondents × 75 minutes in year 1) + (22 respondents × 37.5 minutes in year 2) + (22 respondents × 37.5 minutes in year 3)) = 3,300 minutes ÷ 60 minutes per hour = 55 ÷ 3 year approval period = 18.33 hours, rounded to 18 hours]. Table 1 below shows these calculations in detail.

Estimated Number of Annual Respondents: 22 [22 respondents for year 1 + 22 respondents for year 2 + 22 respondents for year 3 = 66 ÷ 3 year approval period = 22].

Estimated Number of Annual Responses: 88 [88 devices in year 1 + 88 devices in year 2 + 88 devices in year 3 = 264 ÷ 3 year approval period].

Estimated Labor Costs: FMCSA assumes that an “Office and Administrative Support” worker (Occupation Code 43-0000) in the “Navigational, Measuring, Electromedical, and Control Instruments Manufacturing” industry (North American Industry Classification System (NAICS) code 334500)¹ will be tasked with registering ELDs. The median wage for these workers in this industry was \$19.32.² This figure is inflated by 45 percent to account for fringe benefits³ and a further 27 percent to account for overhead.⁴ Consequently, total hourly labor costs are estimated

1 The labor cost estimates were calculated using the May 2011 National Industry-Specific Occupational Employment and Wage Estimates from the Bureau of Labor Statistics (BLS), available at: http://www.bls.gov/oes/2011/may/naics4_334500.htm.

2 FMCSA uses year 2011 wage figures to be consistent with all estimates presented in the regulatory impact analysis for the ELD supplemental notice of proposed rulemaking.

3 Calculated from “office and administrative support” industries in Table 9, “Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers,” from the March 2014 Employer Costs of Employee Compensation published by the BLS. Fringe benefits were estimated to be \$7.34 per hour relative to wages of \$16.37, per hour, or 45 percent of wages (\$7.34 ÷ \$16.37). <http://www.bls.gov/news.release/ecec.t09.htm>

4 FMCSA does not have overhead cost estimates specific to this industry, but assumes that they will be similar to those of the industry it serves, trucking. See Berwick, Farooq. “Truck Costing Model for Transportation

to be \$36 per hour ($\$19.32 \times 1.45 \times 1.27$). Total annual labor costs are therefore estimated to be \$684 (19 hours of annual burden \times \$36 per hour).

13. Estimate of total annual costs to respondents:

There are no costs to respondents beyond those associated with the annual hourly burden (not to be included here).

14. Estimate of cost to the Federal government:

FMCSA estimates the Federal government will face an annualized cost at a 7 percent discount rate of \$49,910 (in 2011 dollars—cost estimates shown below in 2014 dollars were converted to 2011 dollars using the GDP deflator⁵). Costs are expected to arise from two sources: system development, and operation and maintenance. Development costs are estimated to be \$315,204 (in year 2011 dollars) and annual operation and maintenance costs are estimated to be \$7,968 (in year 2011 dollars). Annualized cost estimates for 7 percent and 3 percent discount rates are presented Table 2.

Table 2: Costs to Government of ELD Registration System

Cost Category	2014 \$ value	2011 \$ value	Annualized over ten years at 7% rate	Annualized over ten years at 3% rate
Registration system development	\$328,337	\$315,204	\$41,942	\$ 35,875
Annual operation and maintenance	\$8,300	\$7,968	\$7,968	\$7,968
Total cost			\$49,910	\$ 43,843

Estimated Total Annual Cost to the Federal Government: \$49,910 (annualized at a 7 percent discount rate).

15. Explanation of program changes or adjustments:

This program change increase of an estimated 18 hours annual burden hours is due to a new ICR.

16. Publication of results of data collection:

The FMCSA will maintain a list on their website of the current ELD providers and devices that have been certified (by the providers) to meet the technical specifications. The information will be updated as each new provider registers ELDs. The time schedule for the Final Rule is currently estimated as September, 2015, with an effective date to follow in 2 years. The

Managers”. Upper Great Plains Transportation Institute, North Dakota State University (2003) accessed on August 21, 2014, at <http://ntl.bts.gov/lib/24000/24200/24223/24223.pdf>. See Appendix A, pp. 42-47.

⁵ The deflator index for 2014 is 107.924 and for 2011 it is 103.311 (US Dollar Implicit Price Deflators for Gross Domestic Product 1929-2014, 2009=100, Bureau of Economic Analysis). To calculate year 2011 figures, year 2014 figures were multiplied by 0.96 ($103.311 \div 107.924$).

collection of information will be ongoing as providers upgrade existing ELD devices or produce new products that are compliant with the technical specifications of the regulation.

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

No such approval is requested.

18. Exceptions to certification statement:

No exceptions to the certification statement are requested.