

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

**SUPPORTING STATEMENT**

**Hours of Service (HOS) of Drivers Regulations**

**INTRODUCTION**

This supporting statement accompanies FMCSA's final rule titled, "Electronic Logging Devices and Hours of Service Supporting Documents," published on December 16, 2015 (80 FR 78292) ("The ELD rule"). The ELD rule amended the Agency's "Hours of Service (HOS) of Drivers Regulations," (49 CFR part 395) and the Agency hereby requests Office of Management and Budget (OMB) approval of the Agency's revised estimate of the information collection request (ICR) burden of these regulations.

The Agency IC burden for the HOS rules is reported under OMB Control Number 2126-0001. The approved burden of this IC is 127.60 million hours. By this supporting statement, FMCSA submits an estimated burden of 99.46 million hours.

The ELD rule provides that ELD technology becomes mandatory in the third year of this estimate; during the first two years of this estimate, the HOS regulations may continue to be satisfied by records created on paper by hand. The Agency estimates that 20% of CMV drivers will be voluntarily employing electronic HOS technology in Year 1 and that 22% will be voluntarily employing electronic technology in Year 2. In Year 3, 100% of CMV drivers will be employing electronic technology because its use will be mandatory. The Agency develops its burden estimate of the HOS rules during the three-year period following publication of the ELD rule by estimating the burden of each of the three years separately, then totaling the three estimates and dividing by the sum by three.

**PART A. JUSTIFICATION**

**1. Circumstances that make the collection of information necessary**

Section 390.5 of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR 390.5 *et seq.*) defines the term "commercial motor vehicle" (CMV) as "[a] self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle -- (1) Has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater; or (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" (Attachment A).

The FMCSRs are applicable to individuals who drive CMVs in interstate commerce, and to the motor carriers that employ those individuals (49 CFR 390.3(a)) (Attachment B). The estimates

that follow, however, include drivers and motor carriers in both interstate and intrastate commerce because the OMB recently directed the Agency to include intrastate entities in its burden estimate. Further detail is provided under “Compliance with 5 CFR 1320.8,” Item 8 below.

The HOS rules apply to both property and passenger motor carriers. The HOS rules set limits on the on-duty time and driving time of CMV drivers, and mandate the amount and frequency of the time off-duty that such drivers must receive. Two types of information are collected under this IC: (1) the record of duty status (RODS), commonly referred to as a logbook, that CMV drivers are required to maintain; and (2) documents, such as gasoline and toll receipts, that may be used to verify the accuracy of the RODS. These supporting documents, typically collected by the driver in the ordinary course of business, must be retained by the motor carrier, with the RODS, for a period of 6 months from the date of receipt (49 CFR 395(k)(1)).

The RODS contains a 24-hour grid on which the CMV driver enters his or her duty status. CMV drivers must record their duty status as one of the following:

1. On-duty/driving,
2. On duty/not driving,
3. Off duty, or
4. Sleeper berth.

Lines extending from the X-axis of the 24-hour grid represent the 24 hours of the day, and lines extending from the Y-axis permit entry of one of the four duty statuses. Each time a driver’s duty status changes, he or she must mark the point that corresponds to both the time and the new duty status (49 CFR 395.8(h)) (Attachment C). Thus, both the new duty status, and the time the driver entered that status, are captured on the RODS. When complete, the RODS reflects the driver’s duty status at all times during the 24-hour period.

Both the driver and the motor carrier must ensure that the RODS are accurate. If a RODS is inaccurate or falsified, both the driver and the motor carrier are in violation of the FMCSRs, and subject to the applicable penalties (49 CFR 395.8(e)) (Attachment D).

Drivers must have RODS, as well as supporting documents, with them in the CMV for the current day and for the most recent 7 days during which RODS were required (49 CFR 395.8(k)(2)). Drivers are required to forward their RODS to their motor carriers within 13 days of completing them (49 CFR 395.8(i)) (Attachment E).

Motor carriers must systematically review the RODS and supporting documents of their CMV drivers. They also must maintain these records for at least 6 months from the time of receipt (49 CFR 395.8(k)(1)) (Attachment F).

CMV drivers who travel limited distances during their duty day are not required to maintain a RODS because their activities qualify as “Short Haul Operations” under section 395.1(e) (Attachment G). In lieu of the RODS, however, they must track four pieces of information by means of a “time card” record at the motor carrier’s place of business: the time they reported for

duty, the time they were released from duty, the total hours they were on duty that workday, and the total time for the proceeding seven days for drivers used for the first time or intermittently.

The time-card record is required by the regulations of the U.S. Department of Labor (DOL) and it reports the paperwork burden to OMB. FMCSA does not report the paperwork burden to avoid duplicating an accounting of the burden of the time card (See Item 4).

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

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 H and I) to prescribe regulations that ensure that CMVs are operated safely.

The 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 J).

The operation of CMVs by drivers who are overly fatigued is a serious safety problem. The RODS and supporting documents of the HOS rules have historically provided the Agency with its most effective tool in combating driver fatigue. Enforcement officials at roadside employ the RODS and supporting documents to determine the amount of rest a driver has obtained prior to the driver’s current duty day. They also determine the amount of time the driver has been on duty that duty day, and the amount of time the driver has been behind the wheel driving during the duty day. Finally, they examine the RODS for as many as 8 of the immediately preceding days in order to determine compliance with the HOS rules. The RODS are an invaluable tool in the detection of inaccurate and falsified logs, and thus in getting fatigued, unsafe drivers off the road.

In addition, enforcement officials employ the RODS and supporting documents retained by the motor carrier when conducting on-site compliance reviews (CR) of motor carriers. The safety assessments that result from such reviews are public information, and many shippers routinely examine the assessments, as well as crash and regulatory compliance records, when selecting a motor carrier to retain. A negative rating on a CR can be damaging to a motor carrier’s business. In addition, courts of law typically find CR assessments important evidence in prosecutions of HOS violations.

Furthermore, the MCSAP program requires States, as a condition of receiving grant funding, to adopt and enforce State CMV safety laws and regulations that are compatible with the FMCSRs (49 CFR 350.201(a))(Attachment K). These include the HOS rules. States thereby embrace the Federal enforcement scheme for regulating safety in the operation of CMVs, and work closely with Federal investigators in enforcing the HOS rules.

Motor carriers also help FMCSA detect fatigued drivers. It is in their interest to be proactive in detecting inaccuracy or falsification of RODS by their CMV drivers in order to avoid the penalties resulting from such infractions. Motor carriers examine the supporting documents, such as fuel receipts, toll receipts, bills of lading, repair invoices, and compare them to the entries on the RODS. This comparison of the supporting documents to the RODS helps the motor carrier verify the accuracy of the HOS reported by their CMV drivers. Motor carrier use of the RODS and supporting documents of their drivers enhances adherence to the HOS rules, keeps fatigued drivers off the road, and helps FMCSA protect the public.

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.

### **3. Extent of automated information collection:**

The ELD rule amended the Federal Motor Carrier Safety Regulations (FMCSRs) to establish minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs) and mandated the use of ELDs by drivers who must prepare HOS records of duty status (RODS).

The ELD rule also addressed issues raised by the U.S. Court of Appeals for the Seventh Circuit in its 2011 decision vacating the Agency's April 5, 2010, ELD rule concerning ELDs, as well as subsequent statutory developments. The requirements for ELDs will improve compliance with the HOS rules. Electronic technology reduces the information collection burden of the HOS regulations. The Agency estimates that the ELD rule will reduce the IC burden from the current 127.6 million hours to an average of 99.46 million hours during the 3-year period of this estimate. It is estimated that about 22% of these transactions will be conducted electronically.

### **4. Describe efforts to identify duplication:**

As explained in Item 1, the information on the employee's payroll time card satisfies the HOS IC requirements of short-haul drivers. The FMCSA does not dictate the form in which the data required by the "time card" exception (49 CFR 395.1(e)) must appear. Rules of the DOL require the employer to maintain this information (29 CFR 516.2) (Attachment L). By utilizing the information required by the DOL, FMCSA eliminates the HOS paperwork burden of approximately 2.04 million drivers and their motor carriers.

### **5. Efforts to minimize the burden on small businesses:**

As discussed in Item 1, the operations of many small motor carriers qualify as "short haul" operations under section 395.1(e). The estimated 2.04 million drivers conducting these operations are exempt from the requirement of the HOS rules that drivers maintain a logbook and supporting documents on board the CMV (see section 1). These drivers are not the primary focus of the HOS rules because accident data indicate that fatigue is not prevalent in this segment of the trucking industry. Moreover, these vehicles are under-represented in truck-related fatal crashes.

## **6. Impact of less frequent collection of information:**

The FMCSRs require CMV drivers to “keep their RODS current to the time shown for the last change of duty status” (49 CFR 395.8(f)(1)) (Attachment M). For example, if a driver begins the day working in an activity other than driving a CMV (e.g., loading or unloading a CMV), the appropriate entry is “on duty/not driving.” If the driver operates a CMV later that day, the appropriate entry for that activity is “on-duty/driving.” A driver must enter each change of duty status when it occurs, and retain for the motor carrier any supporting documents generated during the duty tour. In the ELD rule, the Agency amended the HOS rules to clarify the requirements for HOS supporting documents.

The FMCSA believes that the value of this RODS information to State and FMCSA enforcement personnel is substantially enhanced when it must be entered by the driver at the time of the change of duty status. This practice increases the likelihood that the RODS will not be altered in order to fraudulently gain driving time or on-duty time. If the information were collected less frequently, the task of identifying violations of the HOS rules, especially during roadside inspections, would be considerably more difficult. In addition, safety would be compromised.

## **7. Special circumstances:**

There are no special circumstances related to this information collection.

## **8. Compliance with 5 CFR 1320.8:**

On March 30, 2014, the Agency complied with Section 1320.8(d)(3) by asking for public comment on its paperwork reduction estimates in the Supplementary Notice of Proposed Rulemaking titled, “Electronic Logging Devices and Hours of Service Supporting Documents,” (79 FR 17656).

This request is being submitted in association with the final rule, entitled, “Electronic Logging Devices and Hours of Service Supporting Documents,” (80 FR 78292), dated December 16, 2015, 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. The comments received in response to the SNPRM were addressed in the Final Rule.

## **9. Payments or gifts to respondents:**

There is no payment or gift to respondents associated with this collection.

## **10. Assurance of confidentiality:**

Personally Identifiable Information (PII) will be protected to the extent allowed by the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended (Attachment N) and the Privacy Act of 1974 (Attachment O).

## **11. Justification for collection of sensitive information:**

The HOS rules require CMV drivers to enter their name on their RODS. In addition, at the end of their duty day, drivers must verify the accuracy of the RODS by placing their signature on the RODS (49 CFR 395.8(d)). Entry of the driver's name creates sensitive information, but is necessary to identify the driver who completed the RODS. The other information collected under this ICR -- "supporting documents" (such as gasoline and toll receipts) -- does not contain PII.

As explained in Item 2 above, law enforcement officials at roadside employ the CMV driver's RODS as the primary tool for determining if the driver complies with the HOS rules. In addition, State and FMCSA investigators use the RODS and supporting documents of a driver and motor carrier as the primary tool for assessing compliance with the HOS rules.

Violations of the HOS rules subject drivers and motor carriers to penalties prescribed by law. In order to prosecute these violations, whether at roadside or by other legal action, the Agency must be able to identify the driver.

## **12. Estimate of burden hours for information requested:**

The HOS rules require most CMV drivers to record their duty status and to have the RODS and supporting documents on-board the CMV. Supporting documents contain information that supports RODS entries; for example, a toll receipt may verify that at the time stamped on the receipt the driver was "on duty/driving," and where the vehicle was located at that time. Of course, it may indicate that the RODS are inaccurate; for instance, the toll receipt may indicate that at a certain time that the driver recorded as "off duty" on the RODS, he or she was actually "on duty/driving." Short-haul drivers are permitted to employ time cards in lieu of the RODS and are not required to maintain supporting documents. The Agency does not report an IC burden for the time card information because the DOL already accounts for the burden associated with collection and retention of that information (See Item 4).

### *Electronic HOS Technology*

The Agency estimates the average paperwork burden for the 3-year period of this estimate by developing a separate estimate for each of the 3 years, then totaling the 3 years and dividing the sum by 3. The Agency estimates that 20% of drivers in the first year following the publication of this ELD rule will employ electronic HOS technology voluntarily to record their hours of service. In the second year, the Agency estimates that 22% of drivers will use electronic technology voluntarily. In the third year, the percentage will be 100% because electronic technology will be mandatory and paper RODS will not be accepted. NOTE: For purposes of the estimate of the use of electronic technology in the third year, the Agency has determined that the number of carriers that will still be allowed to employ paper RODS is so small as to be de minimis.

### *Population of CMV Drivers Subject to HOS IC Requirements*

FMCSA estimates the total population of interstate and intrastate CMV drivers subject to HOS IC requirements to be 3.44 million drivers in Year 1, 3.48 million drivers in Year 2, and 3.51

million drivers in Year 3. Details of this estimate can be found in the Agency’s “Regulatory Evaluation of Electronic Logging Devices and Hours of Service Supporting Documents Final Rule,” beginning on page 13. This document is in the docket of the ELD Rule - Docket No. FMCSA-2010-0167 – that can be found at [www.regulations.gov](http://www.regulations.gov). (For purposes of the estimates of this document, the Agency rounds the values presented in the RIA to the nearest ten thousand (e.g., for Year 1, a value of 3,437,940 drivers subject to HOS IC requirements for 2015 as presented in the RIA is rounded to 3.44 million drivers in this document).

*The Information-Collection Tasks of the HOS Rules*

The HOS rules require drivers and motor carriers to perform three information-collection tasks each, as follows:

Table 1: Information-Collection Tasks

	<b>1</b>	<b>2</b>	<b>3</b>
<b>CMV Driver</b>	Filling Out RODS	Forwarding RODS to the Motor Carrier	Forwarding Supporting Documents to the Motor Carrier
<b>Motor Carrier</b>	Reviewing RODS	Maintaining RODS	Maintaining Supporting Documents

## YEAR 1

The Agency estimates that 20% of drivers currently employ electronic technology voluntarily to record their hours of service. Thus, of the total 3.44 million drivers, approximately 0.69 million use electronic means to record their HOS and 2.75 million drivers use paper records.

The Agency estimates the IC burden of the paper and electronic drivers separately, and then combines the two estimates to determine the total IC burden during Year 1.

### PAPER RODS: YEAR 1

#### CMV DRIVER TASKS: PAPER RODS

FMCSA estimates that 2.75 million CMV drivers currently employ paper RODS.

#### Driver Task 1: Filling Out the Paper RODS

Table 2: Driver Task 1: Filling Out the Paper RODS (\*millions)

DAILY: Number of RODS*	Minutes on Task: One RODS	DAILY: Minutes On Task*	Working Days Per Year	PER YEAR: Minutes on Task*	PER YEAR: Hours on Task*
2.75	6.50	17.88	240.00	4290.00	71.50

The amount of time a CMV driver uses to fill out a paper RODS varies with the number of changes in his or her duty status (e.g. from “on-duty driving” to “on-duty not driving”). We estimate that each of these 2.75 million CMV drivers takes an average of six and a half minutes each workday to fill out a paper RODS, or a total of 17.88 million minutes per day (2.75 million RODS daily x 6.5 minutes per RODS). The FMCSA estimates that, on average, CMV drivers work 240 days per year. Therefore, 71.50 million hours per year are expended by drivers filling out paper RODS [(17.88 million minutes per day x 240 workdays)/60 minutes per hour].

**Driver Task 2: Forwarding the Paper RODS to the Motor Carrier**

Table 3: Driver Task 2: Forwarding the Paper RODS (\*millions)

Daily Number of RODS*	Minutes per Task	Daily Total Minutes on Task*	Number of Times Task Performed Per Year	Annual Minutes on Task*	Annual Hours On Task*
2.75	5	13.75	25	343.75	5.73

A CMV driver is also responsible for forwarding his or her RODS to the employing motor carrier within 13 days of its completion (49 CFR 395.8(i)) (Attachment P). The Agency estimates that it takes an average of 5 minutes to forward the paper RODS. There are 2.75 million CMV drivers subject to this requirement, so 13.75 million minutes are expended in forwarding the RODS (5 minutes x 2.75 million drivers). If the driver forwards the RODS every 13 days, the forwarding task would take place roughly 28 times in a year (365 days divided by 13). FMCSA reduces this to 25 times per year to allow for off-duty time, such as vacation. Therefore, the Agency estimates that CMV drivers employ 343.75 million minutes per year on this activity (13.75 million minutes per day x 25 times per year), and that the total annual burden of this requirement is 5.73 million hours (343.75 million minutes/60 minutes in an hour).

**Driver Task 3: Forwarding the Supporting Documents to the Motor Carrier**

CMV drivers must forward supporting documents to their motor carriers [49 CFR 395.8(i)]. Drivers customarily submit supporting documents to the motor carrier simultaneously with the submission of the corresponding RODS. The motor carrier must retain these supporting documents for a period of 6 months, as described under “Paperwork Burden of Motor Carriers,”



below. The Agency believes that the driver’s burden associated with forwarding the supporting documents should be excluded from the burden of this IC because the document forwarding is a “usual and customary” activity. 5 CFR 1320.3(b)(2) states as follows:

“the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g. in compiling and maintaining business records) will be excluded from the ‘burden’ if the Agency demonstrates that the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary.”

The FMCSA believes that CMV drivers would still forward these supporting documents to their employing motor carrier in the absence of the HOS requirement because, as a condition of employment, motor carriers require drivers to maintain and provide these documents. Motor carriers use these records to satisfy other legal obligations. One example of such an obligation is that imposed by the rules of the Internal Revenue Service pertaining to taxation of business income. Business entities itemize the expenses of their operations in order that they may deduct the expenses from their gross income. In the motor carrier environment, these records include receipts for gasoline, lodging, repair, and toll expenses. These documents must be retained by the motor carrier so that it can substantiate its deductions for business expenses. (Motor carriers customarily reimburse their driver-employees for such expenses.) The income taxation laws of most States also require such records to substantiate deductions from state business income taxes.

**Total Burden in Year 1 for CMV Drivers Using Paper Logs (Tasks 1, 2, and 3)**

Table 4: Total Year 1 Burden of Driver Tasks (\*millions)

TASK 1	TASK 2	TASK 3	TOTAL DRIVER BURDEN in YEAR 1
Hours Completing the RODS*	Hours Forwarding the RODS to the Motor Carrier*	Hours Forwarding the Supporting Documents to the Motor Carrier	Total Hours*
71.50	5.73	0.00	77.23

The total annual paperwork burden for CMV drivers using paper logs during Year 1 is 77.23 million hours.

**MOTOR CARRIER TASKS: PAPER RODS**

**Motor Carrier Task 1: Reviewing the Paper RODS and Supporting Documents**

Table 5: Motor Carrier Reviewing the RODS (\*millions)

Daily Number of RODS*	Daily Number of RODS Reviewed (50%)*	Minutes per Task	Daily Total Minutes on Task*	Number of Working Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
2.75	1.38	2.00	2.75	240.00	660.00	11.00

Motor carriers must ensure that the RODS of their CMV drivers are complete and accurate (49 CFR 395.8(e))(Attachment D). Motor carriers are not required to review every RODS, but it is common practice for motor carriers to review systematically a portion of the RODS of their drivers for consistency with the corresponding supporting documents. Based upon its experience conducting compliance reviews of motor carriers, the FMCSA estimates that motor carriers review approximately 50% of their drivers' RODS.

There are 2.75 million CMV drivers who complete a paper RODS each working day in Year 1. Therefore, motor carriers review 1.38 million RODS each working day (2.75 million RODS x .50)(rounded). The FMCSA estimates that the average motor carrier uses 2 minutes to review a single RODS and examines an average of 3 supporting documents to do so. Two minutes for each of 1.38 million reviews creates a total time burden of 2.75 million minutes per day for this task (1.38 million RODS reviewed x 2 minutes per review)(rounded). The total for the 240 working days in a year is 660.00 million minutes (2.75 million minutes x 240 days), or 11.00 million hours (660.00 million minutes/60 minutes in an hour).

**Motor Carrier Task 2: Maintaining Paper RODS**

Table 6: Motor Carrier Maintaining the RODS (\*millions)

Daily Number of RODS to be Maintained*	Minutes per Task	Daily Total Minutes on Task*	Number of Working Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
2.75	1.00	2.75	240.00	660.00	11.00

Motor carriers are required to maintain RODS for a period of six months after receipt [49 CFR 395.8(k)(1)]. The Agency estimates an average burden of one minute per paper RODS maintained, or a total of 2.75 million minutes per day spent by all motor carriers in Year 1 (2.75 million drivers creating a RODS each day x 1 minute per RODS). Therefore, for the 240 working days of Year 1, 660.00 million minutes (2.75 million minutes per day x 240 days), or 11.00 million hours (660.00 million minutes/60 minutes in an hour) are expended by motor carriers on Task 2.

**Motor Carrier Task 3: Maintaining Supporting Documents**

Table 7: Motor Carrier Maintaining the Supporting Documents (millions\*)

Daily Number of RODS With Supporting Documents*	Minutes per Task	Daily Total Minutes on Task*	Number of Working Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
2.75	1.00	2.75	240.00	660.00	11.00

Motor carriers are also required to maintain supporting documents for a period of six months after receipt (49 CFR 395.8(k)). The Agency estimates an average burden of one minute is necessary to maintain the supporting documents of a single RODS. This equates to 2.75 million minutes per day expended on this task in Year 1 (2.75 million CMV drivers creating supporting documents x 1 minute each), or 660.00 million minutes per year (2.75 million minutes x 240 working days). This computes to a total of 11.00 million hours expended by motor carriers for maintaining the supporting documents (660.00 million minutes/60 minutes per hour).

**Total Burden for Motor Carriers during Year 1: Paper RODS**

Table 8: Total Year 1 Burden of Motor Carrier Tasks (\*millions)

TASK 1	TASK 2	TASK 3	TOTAL MOTOR CARRIER BURDEN: YEAR 1
Hours Reviewing the RODS*	Hours Maintaining the RODS*	Hours Maintaining the Supporting Documents	Hours*
11.00	11.00	11.00	33.00

The total paperwork burden for motor carriers using paper logs during Year 1 is 33.00 million hours.

**TOTAL BURDEN PAPER RODS: YEAR 1**

Table 9: Total YEAR 1 Burden of PAPER RODS (millions of hours)

DRIVER	MOTOR CARRIER	TOTAL BURDEN of PAPER RODS during Year 1
77.23	33.00	110.23

The Agency combines the driver burden of 77.23 million hours and the motor carrier burden of 33.00 million hours, and estimates the paperwork burden of paper RODS during Year 1 to be 110.23 million hours.

## ELECTRONIC LOGS: YEAR 1

### CMV DRIVER TASKS – YEAR 1: ELECTRONIC RODS

FMCSA estimates that approximately 20% of all CMV drivers (0.69 million) who are subject to the HOS rules currently employ electronic means to record their RODS.

**Driver Task 1: Filling Out the Electronic RODS**

Table 10: CMV Driver Filling Out the RODS (\*millions)

DAILY: Number of RODS*	Minutes on Task: One RODS	DAILY: Minutes On Task*	Working Days Per Year	PER YEAR: Minutes on Task*	PER YEAR: Hours on Task*
0.69	2.00	1.38	240.00	331.20	5.52

Electronic HOS technology eliminates any IC burden associated with the drivers forwarding the RODS to the motor carrier (Task 2). Further, as explained above, the Agency has determined that Task 3, the forwarding of supporting documents to the motor carrier, is a “usual and customary” activity and thus not reportable under the PRA [5 CFR 1320.3(b)(2)]. Therefore, the entire driver burden is derived from filling out the RODS.

Table 11: Total Burden of Drivers Using Electronic Recordkeeping in Year 1 (\*millions)

TASK 1	TASK 2	TASK 3	TOTAL DRIVER BURDEN of ELECTRONIC RODS in YEAR 1
Hours Completing the RODS*	Hours Forwarding the RODS to the Motor Carrier*	Hours Forwarding the Supporting Documents to the Motor Carrier	Hours*
5.52	0	0	5.52

**MOTOR CARRIER TASKS – YEAR 1: ELECTRONIC RODS**

**Motor Carrier Task 1: Reviewing Electronic RODS and Supporting Documents**

Table 12: Motor Carrier Reviewing the RODS (\*millions)

Daily Number of RODS*	Daily Number of RODS Reviewed (50% of total)*	Minutes per Task	Daily Total Minutes on Task*	Number of Workin g Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
0.69	.035	2.00	0.69	240.00	165.60	2.76

**Motor Carrier Task 2: Maintaining RODS**

Electronic RODS are maintained automatically by motor carriers without IC burden.

**Motor Carrier Task 3: Maintaining Supporting Documents**

Table 13: Motor Carrier Maintaining the Supporting Documents (\*millions)

Daily Number of RODS With Supporting Documents (millions)	Minutes per Task	Daily Total Minutes on Task (millions)	Number of Working Days Per Year	Annual Total Minutes on Task (millions)	Annual Total Hours On Task (millions)
0.69	1.00	0.69	240.00	165.60	2.76

**Total Burden for Motor Carriers in Year 1: Electronic RODS**

Table 14: Total Burden of Motor Carrier Tasks in Year 1 (\*millions)

TASK 1  Hours Reviewing the RODS*	TASK 2  Hours Maintaining the Rods*	TASK 3  Hours Maintaining the Supporting Documents*	TOTAL MOTOR CARRIER BURDEN for Electronic RODS in YEAR 1  Hours (millions)
2.76	0	2.76	5.52

**TOTAL BURDEN of ELECTRONIC RODS in YEAR 1**

Table 15: Total YEAR 1 Burden ELECTRONIC RODS (millions of hours)

DRIVER	MOTOR CARRIER	TOTAL YEAR 1 BURDEN
5.52	5.52	11.04

**TOTAL YEAR 1 BURDEN OF ALL RODS  
(PAPER and ELECTRONIC)**

Table 16: TOTAL YEAR 1 BURDEN (millions of hours)

PAPER	ELECTRONIC	TOTAL YEAR 1 BURDEN
110.23	11.04	121.27

**YEAR 2**

The Agency estimates that 22% of CMV drivers will employ electronic technology voluntarily to record their HOS during Year 2. Therefore, the Agency estimates that, of the 3.48 million total CMV drivers subject to HOS recordkeeping, approximately 0.77 million will use electronic means to record their HOS, and 2.71 million will use paper records, during Year 2. The Agency estimates the IC burden of the paper and electronic drivers separately, and then combines the two estimates to determine the total IC burden during Year 2.

**PAPER RODS: Year 2**

CMV DRIVER TASKS: PAPER RODS

FMCSA estimates that 2.71 million CMV drivers will employ paper RODS in Year 2.

**Driver Task 1: Filling Out the Paper RODS: Year 2**

Table 17: Driver Task 1: Filling Out the RODS: Year 2 (\*millions)

DAILY: Number of RODS*	Minutes on Task: One RODS	DAILY: Minutes On Task*	Working Days Per Year	PER YEAR: Minutes on Task*	PER YEAR: Hours on Task*
2.71	6.50	17.62	240.00	4227.60	70.46

The amount of time a CMV driver uses to fill out a RODS varies with the number of changes in his or her duty status (e.g. from “on-duty driving” to “on-duty not driving”). We estimate that each of the 2.71 million CMV drivers takes an average of six and a half minutes each workday to fill out a paper RODS, or a total of 17.62 million minutes per day (2.71 million RODS daily x 6.5 minutes per RODS). The FMCSA estimates that, on average, CMV drivers work 240 days per year. Therefore, 70.46 million hours per year are expended by drivers filling out paper RODS [(17.62 million minutes per day x 240 workdays)/60 minutes per hour].

**Driver Task 2: Forwarding the Paper RODS to the Motor Carrier**

Table 18: Driver Task 2: Forwarding the RODS (\*millions)

Daily Number of RODS*	Minutes per Task	Daily Total Minutes on Task*	Number of Times Task Performe d Per Year	Annual Minutes on Task*	Annual Hours On Task*
2.71	5.00	13.55	25.00	338.75	5.65

A CMV driver is also responsible for forwarding his or her RODS to the employing motor carrier within 13 days of its completion (49 CFR 395.8(i)) (Attachment P). The Agency estimates that it takes an average of 5 minutes to forward the paper RODS. There are 2.71 million CMV drivers subject to this requirement, so 13.55 million minutes are expended in forwarding the RODS (5 minutes x 2.71 million drivers). If the driver forwards the RODS every 13 days, the forwarding task would take place roughly 28 times in a year (365 days divided by 13). FMCSA reduces this to 25 times per year to allow for off-duty time, such as vacation. Therefore, the Agency estimates that CMV drivers employ 338.75 million minutes per year on this activity (13.55 million minutes per day x 25 times per year), and that the total annual burden of this requirement is 5.65 million hours (338.75 million minutes/60 minutes in an hour).

**Driver Task 3: Forwarding the Supporting Documents to the Motor Carrier**



CMV drivers must forward supporting documents to their motor carriers [49 CFR 395.8(i)]. Drivers customarily submit supporting documents to the motor carrier simultaneously with the submission of the corresponding RODS. The motor carrier must retain these supporting documents for a period of 6 months, as will be discussed under “Paperwork Burden of Motor Carriers,” below. The Agency believes that the driver’s burden associated with forwarding the supporting documents should be excluded from the burden of this IC because the document forwarding is a “usual and customary” activity. 5 CFR 1320.3(b)(2) states as follows:

“the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g. in compiling and maintaining business records) will be excluded from the ‘burden’ if the Agency demonstrates that the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary.”

The FMCSA believes that CMV drivers would still forward these supporting documents to their employing motor carrier in the absence of the HOS requirement because, as a condition of employment, motor carriers require drivers to maintain and provide these documents. Motor carriers use these records to satisfy other legal obligations. One example of such an obligation is that imposed by the rules of the Internal Revenue Service pertaining to taxation of business income. Business entities itemize the expenses of their operations in order that they may deduct the expenses from their gross income. In the motor carrier environment, these records include receipts for gasoline, lodging, repair, and toll expenses. These documents must be retained by the motor carrier so that it can substantiate its deductions for business expenses. (Motor carriers customarily reimburse their driver-employees for such expenses.) The income taxation laws of most States also require such records to substantiate deductions from state business income taxes.

**Total Burden for CMV Drivers Using Paper Logs (Tasks 1, 2, and 3)**

Table 19: Total Burden of Driver Tasks (\*millions)

TASK 1	TASK 2	TASK 3	TOTAL DRIVER BURDEN
Hours Completing the RODS*	Hours Forwarding the RODS to the Motor Carrier*	Hours Forwarding the Supporting Documents to the Motor Carrier	Total Hours*
70.46	5.65	0	76.11

The total annual paperwork burden for CMV drivers using paper logs is 76.11 million hours.

**MOTOR CARRIER TASKS: PAPER RODS: YEAR 2**

**Motor Carrier Task 1: Reviewing the Paper RODS and Supporting Documents**

Table 20: Motor Carrier Reviewing the RODS: Year 2 (\*millions)

Daily Number of RODS*	Daily Number of RODS Reviewed (50%)*	Minutes per Task	Daily Total Minutes on Task*	Number of Working Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
2.71	1.36	2.00	2.71	240.00	650.40	10.84

Motor carriers must ensure that the RODS of their CMV drivers are complete and accurate (49 CFR 395.8(e))(Attachment D). Motor carriers are not required to review every RODS, but it is common practice for motor carriers to review systematically a portion of the RODS of their drivers for consistency with the corresponding supporting documents. Based upon its experience conducting compliance reviews of motor carriers, the FMCSA estimates that motor carriers review approximately 50% of their drivers’ RODS.

There are 2.71 million CMV drivers completing a RODS each working day. Therefore, motor carriers review 1.36 million RODS each working day (2.71 million RODS x .50)(rounded). The FMCSA estimates that the average motor carrier uses 2 minutes to review a single RODS and examines an average of 3 supporting documents to do so. Two minutes for each of 1.36 million reviews creates a total time burden of 2.71 million minutes per day for this task (1.36 million RODS reviewed x 2 minutes per review)(rounded). The total for the 240 working days in a year is 650.40 million minutes (2.71 million minutes x 240 days), or 10.84 million hours (650.40 million minutes/60 minutes in an hour).

**Motor Carrier Task 2: Maintaining Paper RODS**

Table 21: Motor Carrier Maintaining the RODS: Year 2 (\*millions)

Daily Number of RODS to be Maintained*	Minutes per Task	Daily Total Minutes on Task*	Number of Working Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
2.71	1.00	2.71	240.00	650.40	10.84

Motor carriers are required to maintain RODS for a period of six months after receipt [49 CFR 395.8(k)(1)]. The Agency estimates an average burden of one minute per paper RODS maintained, or a total of 2.71 million minutes per day spent by all motor carriers (2.71 million drivers creating a RODS each day x 1 minute per RODS). Therefore, for the year of 240 working days, 650.40 million minutes (2.71 million minutes per day x 240 days), or 10.84 million hours (650.40 million minutes/60 minutes in an hour) are expended by motor carriers on Task 2 during Year 2.

**Motor Carrier Task 3: Maintaining Supporting Documents**

Table 22: Motor Carrier Maintaining the Supporting Documents: Year 2 (millions\*)

Daily Number of RODS With Supporting Documents*	Minutes per Task	Daily Total Minutes on Task*	Number of Working Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
2.71	1.00	2.71	240	650.40	10.84

Motor carriers are also required to maintain supporting documents for a period of six months after receipt (49 CFR 395.8(k)). The Agency estimates an average burden of one minute is necessary to maintain the supporting documents of a single RODS. This equates to 2.71 million minutes per day expended on this task (2.71 million CMV drivers creating supporting documents x 1 minute each), or 650.40 million minutes per year (2.71 million minutes x 240 working days). This computes to a total of 10.84 million hours expended by motor carriers for maintaining the supporting documents (650.40 million minutes/60 minutes per hour).

**Total Burden for Motor Carriers: Paper RODS**

Table 23: Total Burden of Motor Carrier Tasks (\*millions)

TASK 1	TASK 2	TASK 3	TOTAL MOTOR CARRIER BURDEN
Hours Reviewing the RODS*	Hours Maintaining the RODS*	Hours Maintaining the Supporting Documents	Hours*
10.84	10.84	10.84	32.52

The total annual paperwork burden for motor carriers using paper logs is 32.52 million hours.

**TOTAL BURDEN PAPER RODS: YEAR 2**

Table 24: Total Burden PAPER RODS in YEAR 2 (millions of hours)

DRIVER	MOTOR CARRIER	TOTAL BURDEN of PAPER RODS Year 2
76.11	32.52	108.63

The Agency combines the driver burden of 76.11 million hours and the motor carrier burden of 32.52 million hours to estimate the paperwork burden of paper RODS in Year 2 to be 108.63 million hours.

## ELECTRONIC LOGS: YEAR 2

### CMV DRIVER TASKS: ELECTRONIC RODS

FMCSA estimates that 0.77 million CMV drivers will employ electronic means to record their RODS during Year 2.

#### **Driver Task 1: Filling Out the Electronic RODS**

Table 25: CMV Driver Filling Out the Electronic RODS: Year 2 (\*millions)

DAILY: Number of RODS*	Minutes on Task: One RODS	DAILY: Minutes On Task*	Working Days Per Year	PER YEAR: Minutes on Task*	PER YEAR: Hours on Task*
0.77	2.00	1.54	240.00	369.60	6.16

Electronic HOS technology eliminates any IC burden associated with the drivers forwarding the RODS to the motor carrier (Task 2). Further, as explained above, the Agency has determined that Task 3, the forwarding of supporting documents to the motor carrier, is a “usual and customary” activity and thus not reportable under the PRA [5 CFR 1320.3(b)(2)]. Therefore, the entire driver burden is derived from filling out the RODS.

Table 26: Total Burden Drivers Using Electronic Recordkeeping Year 2 (\*millions)

TASK 1	TASK 2	TASK 3	TOTAL DRIVER BURDEN: Electronic RODS Year 2
Hours Completing the RODS*	Hours Forwarding the RODS to the Motor Carrier*	Hours Forwarding the Supporting Documents to the Motor Carrier	Hours*
6.16	0	0	6.16

**MOTOR CARRIER TASKS: ELECTRONIC RODS: YEAR 2**

**Motor Carrier Task 1: Reviewing Electronic RODS and Supporting Documents**

Table 27: Motor Carrier Reviewing the RODS: Year 2 (\*millions)

Daily Number of RODS*	Daily Number of RODS Reviewed (50% of total)*	Minutes per Task	Daily Total Minutes on Task*	Number of Working Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
0.77	0.39	2.00	0.77	240.00	184.80	3.08

**Motor Carrier Task 3: Maintaining Supporting Documents**

Table 28: Motor Carrier Maintaining the Supporting Documents (\*millions)

Daily Number of RODS With Supporting Documents (millions)	Minutes per Task	Daily Total Minutes on Task (millions)	Number of Working Days Per Year	Annual Total Minutes on Task (millions)	Annual Total Hours On Task (millions)
0.77	1.00	0.77	240.00	184.80	3.08

**Total Burden for Motor Carriers: Electronic RODS**

Table 29: Total Burden of Motor Carrier Tasks (\*millions)

TASK 1	TASK 2	TASK 3	TOTAL MOTOR CARRIER BURDEN
Hours Reviewing the RODS*	Hours Maintaining the Rods*	Hours Maintaining the Supporting Documents*	Hours (millions)
3.08	0	3.08	6.16

**TOTAL BURDEN ELECTRONIC RODS: YEAR 2**

Table 30: Total YEAR 2 Burden ELECTRONIC RODS  
(millions of hours)

DRIVER	MOTOR CARRIER	TOTAL YEAR 2 ELECTRONIC BURDEN
6.16	6.16	12.32

**TOTAL YEAR 2 BURDEN OF ALL RODS  
(PAPER and ELECTRONIC)**

Table 31: TOTAL YEAR 2 BURDEN (millions of hours)

PAPER	ELECTRONIC	TOTAL YEAR 2 BURDEN
108.63	12.32	120.95

**YEAR 3**

During the third and final year of the 3-year period covered by this ICR, all CMV drivers subject to the HOS rules will be required to use electronic RODS. Therefore, FMCSA calculates the IC burden of Year 3 based on 100% of drivers using electronic RODS.

**ELECTRONIC LOGS: YEAR 3**

**CMV DRIVER TASKS: ELECTRONIC RODS**

All 3.51 million CMV drivers will be required to employ electronic means to record their RODS.

**Driver Task 1: Filling Out the Electronic RODS: Year 3**

Table 32: CMV Driver Filling Out the Electronic RODS (\*millions)

DAILY: Number of RODS*	Minutes on Task: One RODS	DAILY: Minutes On Task*	Working Days Per Year	PER YEAR: Minutes on Task*	PER YEAR: Hours on Task*
3.51	2.00	7.02	240.00	1684.80	28.08

Table 33: Total Year 3 Burden of Driver Tasks (\*millions)

TASK 1	TASK 2	TASK 3	TOTAL YEAR 3 DRIVER BURDEN
Hours Completing the RODS*	Hours Forwarding the RODS to the Motor Carrier*	Hours Forwarding the Supporting Documents to the Motor Carrier	Hours*
28.08	0	0	28.08

**MOTOR CARRIER TASKS: YEAR 3 (all electronic RODS)**

**Motor Carrier Task 1: Reviewing Electronic RODS and Supporting Documents**

Table 34: Motor Carrier Reviewing the RODS: Year 3 (\*millions)

Daily Number of RODS*	Daily Number of RODS Reviewed (50% of total)*	Minutes per Task	Daily Total Minutes on Task*	Number of Workin g Days Per Year	Annual Total Minutes on Task*	Annual Total Hours On Task*
3.51	1.76	2.00	3.51	240.00	842.40	14.04

**Motor Carrier Task 3: Maintaining Supporting Documents**

Table 35: Motor Carrier Maintaining the Supporting Documents: Year 3 (\*millions)

Daily Number of RODS With Supporting Documents (millions)	Minutes per Task	Daily Total Minutes on Task (millions)	Number of Working Days Per Year	Annual Total Minutes on Task (millions)	Annual Total Hours On Task (millions)
3.51	1.00	3.51	240.00	842.40	14.04

**Total Burden for Year 3 Motor Carriers: Electronic RODS**

Table 36: Total Burden of Year 3 Motor Carrier Tasks (\*millions)

TASK 1  Hours Reviewing the RODS*	TASK 2  Hours Maintaining the Rods*	TASK 3  Hours Maintaining the Supporting Documents*	TOTAL YEAR 3 MOTOR CARRIER BURDEN  Hours (millions)
14.04	0	14.04	28.08

**TOTAL YEAR 3 BURDEN  
(ALL RODS ELECTRONIC)**

Table 37: Total YEAR 3 Burden (all electronic RODS)  
(millions of hours)

DRIVER	MOTOR CARRIER	TOTAL YEAR 3 BURDEN
28.08	28.08	56.16



Computation of Average of the 3 Years	
YEAR	Estimated Burden
1	121.27
2	120.95
3	56.16
<b>TOTAL OF 3 YEARS</b>	<b>298.38</b>
<b>AVERAGE (Total Divided by 3)</b>	<b>99.46</b>

**Estimated Total Annual Burden Hours:** 99.46 million hours.

**Estimated Number of Annual Respondents:** 4.02 million (3.48 million CMV drivers + 0.54 million motor carriers).

The Agency derives its estimate of the number of annual CMV driver respondents by averaging the number of drivers in Year 1, Year 2, and Year 3. The average of 3.44 million (Year 1), 3.48 million (Year 2), and 3.51 million (Year 3) is 3.48 million.

**Estimated Total Number of Annual Responses:** 1670.40 million (835.20 million driver responses + 835.20 million motor carrier responses).

The Agency estimates the number of annual responses of drivers to be 835.20 million (3.48 million CMV drivers × 240 RODS per driver per year). The Agency estimates the number of annual responses of motor carriers to be 835.20 million (3.48 million driver RODS x 240 RODS per driver per year).

### **13. Estimate of total annual costs to respondents:**

The Agency provides a cost estimate for the three-year period of this ICR by (1) estimating the cost of paper HOS recordkeeping experienced by the 80% of drivers and their motor carriers that will be using paper RODS in year 1 of this renewal, and 78% in year 2 of the renewal (with 0% using paper RODS in year 3); (2) estimating the cost of electronic HOS recordkeeping to the 20% of drivers and their motor carriers who will be using electronic HOS technology in year 1, 22% in year 2, and 100% in year 3, and (3) adding the two cost estimates.

- (1) Cost of paper HOS recordkeeping: Approximately 3.48 million drivers are required to maintain RODS. The Agency estimates that the number of drivers using paper RODS in the first year of this renewal is 2.75 million, in the second year 2.71 million, and in the third year 0 for an average yearly count of 1.82 million. The remaining drivers will employ electronic logs. A single paper logbook for one driver for 30 days costs about

\$3.50, so the cost for 12 months of logbooks is \$42.00 per driver. The estimated average annual cost for paper RODS for all drivers is approximately \$76.44 million ( $\$42.00 \times 1.82$  million drivers). Motor carriers are required to maintain RODS and supporting documents. The Agency estimates that there are approximately 1,747.2 million HOS records in paper form per year (436.8 million paper RODS and 1,310.4 million supporting documents). Motor carriers will need approximately 0.7 million filing cabinets holding approximately 2,500 records each to store these records. The Agency estimates that a filing cabinet of this size can be obtained at the cost of \$50.00, and will last 20 years. The cost of 0.7 million filing cabinets is, therefore, \$1.74 million, annualized over twenty years.

The total annual cost of compliance with the HOS rules for those using paper RODS during this period is approximately \$78.18 million (driver: \$76.44 million + motor carrier: \$1.74 million).

TOTAL (Paper logs): \$78.18 million.

- (2) Cost of electronic HOS recordkeeping: The Agency's Regulatory Impact Analysis (RIA) prepared for the ELD rulemaking (see Item 3) estimates the annualized cost of using and maintaining electronic HOS technology to be \$1,032.2 million per year. The RIA is located in the docket of the ELD rulemaking: FMCSA-2010-0167. The RIA estimates are based upon an HOS rule requiring the use of electronic HOS technology by all drivers that are required to complete RODS. The estimates of this ICR are based upon a 3-year period in which use of electronic HOS technology is voluntary. The Agency estimates that an average of 47.33% of drivers will be using electronic HOS technology over the three year of this renewal, and determines that the annual total cost of compliance with the HOS rules for those using such technology to be \$488.54 million.

TOTAL (electronic HOS technology): \$488.54 million.

**Estimate of average total annual costs to respondents: \$566.72 million** [\$78.18 million annual cost of compliance with HOS rules for those using paper RODS + \$488.54 million annual cost of compliance with HOS rule for those using electronic HOS technology = \$566.72 million].

#### **14. Estimate of annual cost to the Federal government:**

Information recorded and collected by drivers and motor carriers pursuant to Federal and State HOS requirements is not submitted to the FMCSA, so this IC imposes no collection, transmission or storage costs on the Federal government. The record keeper of the driver RODS is the motor carrier.

#### **15. Explanation of program changes or adjustments:**

FMCSA has reduced its estimate of the total annual burden of this ICR from 127,600,000 hours to 99,460,000 hours, for a total decrease in average annual burden hours of 28,140,000 hours. This total decrease of 28,140,000 hours is comprised of a program change decrease of 21,373,653 hours due to the Final ELD Rule (savings in burden derived from the increased use

of electronic technology for HOS recordkeeping in year 3 of this estimate (see Table 38 below)), and an adjustment change decrease of 6,766,347 hours.

FMCSA has reduced its estimate of the total annual number of responses from 1,756,800,000 to 1,670,400,000, for a total decrease of 86,400,000 responses. This total decrease of 86,400,000 responses is comprised entirely of an adjustment change decrease of 86,400,000 responses. In addition, the estimated annual number of respondents has decreased from 4,200,000 currently approved respondents (comprised of 3,660,000 CMV drivers and 540,000 motor carriers) to 4,020,000 respondents (comprised of 3,480,000 CMV drivers and 540,000 motor carriers). This decrease of 180,000 respondents is the result of an adjustment change decrease of 180,000 CMV drivers that are estimated to be subject to HOS recordkeeping requirements.

FMCSA has increased its estimate of the cost burden from \$330,760,000 to \$566,720,000. This total increase of \$235,960,000 is comprised of a program change increase of \$264,896,927 due to a Final Rule, and an adjustment change decrease of \$28,936,927.

Table 38: Program Adjustments

	OMB Approval of May 21, 2015	This ICR
Number of CMV Drivers Subject to HOS Recordkeeping Requirements	Year 1: 3.66 million Year 2: 3.66 million Year 3: 3.66 million	Year 1: 3.44 million Year 2: 3.48 million Year 3: 3.51 million
Mandatory Electronic RODS	None	Electronic RODS Mandatory in Year 3

The Agency employed the same percentages of voluntary use of electronic technology in Years 1 and 2 in both 2015 submissions. However, in Year 3, we used 23% voluntary usage in the ICR approved May 21, 2015, whereas in this ICR, that percentage is 100% because the ELD rule mandates the use of electronic RODS by all drivers beginning in Year 3.

**16. Publication of results of data collection:**

There are no plans to publish this collection of information.

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

The FMCSA is not seeking this approval.

**18. Exceptions to certification statement:**

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