

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

**SUPPORTING STATEMENT
Training Certification for Entry-Level Commercial Motor Vehicle Operators**

Introduction:

The Federal Motor Carrier Safety Administration (FMCSA) submits this document with the Agency’s Notice of Proposed Rulemaking titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” that was published on March 7, 2016 (80 FR 11944)(Attachment A). The NPRM proposes changes in the Agency’s approach to the training of entry-level drivers. The proposed rule would mandate that applicants for a commercial driver’s license¹ (CDL) receive theory and behind-the-wheel training delivered by training providers who are approved by FMCSA. Driver-trainees would have to demonstrate proficiency in the theory and/or behind the wheel (range and public road) portions of the training in order to obtain a CDL or endorsement. FMCSA also proposes to expand the current regulation to include intrastate as well as interstate drivers.

The proposed compliance date for this rule is 3 years after the effective date of the final rule. This is designed to provide the States with sufficient time to enact implementing legislation, to modify their information systems, and to make such information available from Commercial Driver’s License Information System CDLIS.

The current entry-level training rules will remain in effect for the entirety of the 3-year period covered by this analysis. Therefore, FMCSA does not amend its current estimate of the information collection (IC) burden of FMCSA’s driver-training regulations. When the proposed training regulations replace the current training requirements at the end of the 3-year period, the Agency will provide revised burden estimates for this OMB Control Number 2126-0028.

Part A. Justification.

1. Circumstances that make the collection of information necessary:

On July 6, 2012, President Obama signed legislation titled “Moving Ahead for Progress in the 21st Century Act” (MAP-21)(Pub. L. 112–141, 126 Stat. 405, 791)(Attachment C). Section 32304 of MAP-21 directs FMCSA to develop mandatory training requirements for all applicants for a CDL. The requirements must address the knowledge and skills necessary for safe driver performance. The new rules would require entities that provide entry-level driver training to register with FMCSA, provide driver training in accordance with the regulations and the prescribed curricula, and maintain records of their training activity. When a driver trainee successfully completes the applicable curricula, the training provider must electronically upload a certificate to FMCSA.

This information collection supports the DOT Strategic Goal of Safety.

¹ A CDL is required to operate vehicles with a gross vehicle weight rating of 26,001 pounds or more, designed to transport 16 or more passengers, or used to transport placardable hazardous materials (49 CFR § 383.5)

(Attachment B).

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

Congress has directed FMCSA to ensure that individuals who want to obtain an initial CDL, upgrade their CDL, or obtain certain CDL endorsements receive training to enable them to be as safe as possible on the roads. FMCSA has carefully considered how to gather the data it requires without unduly burdening the training providers. The Agency proposal does not impose an IC burden on drivers. It only imposes an IC burden on the small number of motor carriers who offer ELDT training. The IC burdens imposed on drivers and motor carriers by the current regulations would be eliminated by the proposed rules.

Information will only be collected from providers of entry-level driver training. The data will be gathered in the course of the following tasks performed by these training providers:

- (1) **REGISTRATION:** Training providers must complete and submit a Form MCSA-5896, "FMCSA Entry-Level Driver Training Provider Identification Report," to FMCSA. FMCSA evaluates the Report and if it finds the applicant qualified, places them on the TPR. The proposed rules would require training providers to keep this information current by submitting online updates, and to verify the information no less frequently than every two years.
- (2) **CERTIFICATION OF DRIVER-TRAINEES WHO SUCCESSFULLY COMPLETE TRAINING:** Training providers must report to FMCSA electronically the names of individuals successfully completing ELDT training.

Under the proposed rule, State Driver Licensing Agencies (SDLA) would be prohibited from taking certain actions until they have received electronic certification indicating completion of the ELDT requirements in part 380. These actions include issuing an initial Class A or Class B CDL, upgrading a CDL (e.g., Class B to Class A), and issuing a CDL with an endorsement (hazardous materials, passenger, or school bus). SDLAs would also be prohibited from reinstating a CDL holder who has been disqualified from operating a CMV for highway-safety related reasons until they have received electronic certification indicating that the individual completed the refresher training curriculum that is a part of the proposed rules.

When the new ELDT rules are established by a final rule, they will generate a variety of data from which the Agency will gain an improved understanding of how best to train individuals to drive CMVs safely. For instance, the ELDT rules will provide a much clearer picture of the total number of individuals who require entry-level driver training. The data will also enable FMCSA to conduct on-site reviews of training providers and verify that they are conducting training in accordance with Federal standards.

3. Extent of automated information collection:

Training providers will electronically upload proof of an individual driver's successful completion of the applicable training to FMCSA, and FMCSA will provide corresponding data electronically to the SDLAs.

4. Describe efforts to identify duplication:

To the best of our knowledge, information that would be collected pursuant to the proposed entry-level driver training regulation is not being collected by any other person

or entity.

5. Efforts to minimize the burden on small businesses:

The IC burden of the proposed rule would fall on entities providing the training; the proposal would impose no paperwork burden on motor carriers, except those who train their own drivers. The proposed rules include provisions relieving those entities that train three or fewer drivers per year from certain paperwork burdens.

6. Impact of less frequent collection of information:

The events associated with the proposed collection of information are:

- (1) REGISTRATION: Training providers must complete and submit the Training Provider Identification Report to FMCSA. FMCSA evaluates the Report and if it finds the applicant qualified, places them on the TPR. The proposed rules would require training providers to keep this information current by submitting online updates, and to verify the information no less frequently than every two years.
- (2) CERTIFICATION OF DRIVER-TRAINEES WHO SUCCESSFULLY COMPLETE TRAINING: Training providers must report to FMCSA electronically the names of individuals successfully completing ELDT training.

The Agency sees no practical manner of making these requirements less frequent.

7. Special circumstances:

There are no special circumstances associated with this IC.

8. Compliance with 5 CFR 1320.8:

The Agency complied with Section 1320.8(d)(3) by asking for public comment on its paperwork reduction estimates in the NPRM.

9. Payments or gifts to respondents:

Respondents do not receive payments or gifts.

10. Assurance of confidentiality:

As proposed, training providers would obtain and maintain information about individual trainees. The proposed rules require providers to safeguard sensitive information. In the course of compliance reviews of training providers, FMCSA would be likely to encounter sensitive information. The Agency protects information it collects during reviews in accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. § 552a, Pub. L. 93-557, 88 Stat. 1897 (December 31, 1974) (Attachment D). The same laws would protect the information uploaded to FMCSA by training providers.

11. Justification for collection of sensitive information:

No sensitive information is collected.

12. Estimate of burden hours for information requested:

PRA estimates must be limited to a three-year period. As explained in Item 1 above, during the next 3 years, the current entry-level driver training rules will remain in place. The Agency sees no reason for the burden of the current rules imposed by those rules -- 66,250 hours -- to change.

All CDL holders must obtain requisite entry-level driver training prior to driving a CMV in interstate commerce. CDL holders who operate exclusively in intrastate commerce are not required to obtain entry-level driver training. The agency estimates that 530,000 CDLs are issued each year, and that 397,500 of these are interstate CDLs. FMCSA estimates that the following tasks are associated with this burden estimate: Drafting of the requisite certificate of training, photocopying of the certificate, delivery of a copy of the certificate to the employing motor carrier, and retention of the original of the certificate in a personal filing system.

The Agency estimates that 397,500 interstate CDL drivers will take an average of 10 minutes annually to complete the tasks associated with the CDL training certificate.

Total Estimated Annual Burden Hours: 66,250 hours (397,500 drivers × 10 minutes ÷ 60 minutes).

Total Estimated Annual Responses and Respondents: 397,500 drivers

The Agency estimates value of the drivers' time to be about \$18 per hour, comprising the wages (\$11.89 per hour¹) and employee benefits (50.0 percent of wages²) drivers can expect to receive after they have been employed by a motor carrier (\$18 = \$11.89 × (1 + 0.50)). The total annual labor cost for the tasks associated with the CDL training certificate is estimated to be \$1.2 million per year (66,250 hours × \$18 per hour).

13. Estimate of total annual costs to respondents:

There are no costs to respondents beyond those associated with the burdens of registration of training providers and certification of driver-trainee (described in item 12 above).

14. Estimate of cost to the Federal government:

Compliance with the amended training requirements of the proposed rule would not be required during the 3-year period to which this document is limited. However, during these 3

1 Bureau of Labor Statistics (BLS). Occupational Employment Statistics, May 2010, 53-3032 Heavy and Tractor-Trailer Truck Drivers. <http://www.bls.gov/oes/current/oes533032.htm#nat>. Accessed March 13, 2012. For entry level drivers, FMCSA uses the wage estimate for the lowest 10th percentile.

2 FMCSA estimates this 50% employee benefit rate by using the private industry average wage (\$16.03 per hour) and benefit information (\$8.01 per hour) for production, transportation, and moving material workers. Benefits thus amount to 50.0 percent of wages (0.500 = \$8.01 / \$16.03). From "Employer Costs for Employee Compensation—September 2010". Accessed on 23-August-2011 at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

years, FMCSA would be developing the Training Provider Registry. The cost of the development effort is estimated to be \$5 million over a period of two years⁵.

⁴ \$86.00 rate calculated from BLS median wages for Training and Development Managers, Occupation Code 11-3130. Median wages of \$49.01 have 37.4% fringe benefits and 27.4% overhead costs added resulting in \$86 hourly cost.

⁵ “Training Provider Registry Costs,” Section 3.4.1, page 66, “Regulatory Evaluation of Entry-Level Driver Training Notice of Proposed Rulemaking.”

Estimated average annual cost to the Federal Government: \$1,666,667 [\$5,000, 000 /3 year development period for Training Provider Registry = \$1,666,667.

1. Explanation of program changes or adjustments:

These proposed rules constitute a comprehensive amendment of the Agency’s regulations governing entry-level driver training.

2. Publication of results of data collection:

This information will not be published beyond basic information about individual training providers necessary to identify them on the TPR.

3. Approval for not displaying expiration date of OMB approval:

The FMCSA does not ask for this approval.

4. Exceptions to certification statement:

There are no exceptions to the certification statement.