

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

**SUPPORTING STATEMENT
DRIVER QUALIFICATION (DQ) FILES**

Introduction.

The Federal Motor Carrier Safety Administration (FMCSA) submits this supporting statement to the Office of Management and Budget (OMB) for its review and approval of its request for extension of the information collection request (ICR), “*Driver Qualification Files*,” OMB Control Number 2126-0004. OMB approval of this information collection (IC) expires July 31, 2016.

Motor carriers must maintain a driver qualification (DQ) file on each driver it employs and document therein the driver’s qualifications to drive commercial motor vehicles (CMV). This supporting statement estimates the current IC burden of 2126-0004 to be 10.21 million hours.

Part A. Justification.

1. Circumstances that make collection of information necessary.

The Motor Carrier Safety Act of 1984 (Pub. L. 98-554, Title II, 98 Stat 2832 (October 30, 1984)) (Attachment A) requires the Secretary of Transportation (Secretary) to issue regulations pertaining to commercial motor vehicle safety. A motor carrier is required to maintain specified information in a DQ file for each commercial motor vehicle driver it employs. The information documents the driver’s qualifications to operate a CMV. The authority to require carriers to maintain DQ files is 49 U.S.C. §§ 504, 31133, 31136, and 31502, and 49 CFR §§ 391.51 and 1.87 (Attachments B, C, D, E, F and G).

This information collection supports the DOT strategic goal of safety. Motor carriers must ensure each driver’s qualifications prior to permitting him or her to operate a CMV (49 CFR §391.11)(Attachment H). The information collected and maintained in the DQ file of a driver for this purpose substantiates these qualifications and aids Federal and State investigators in assessing the qualifications of drivers.

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

Public interest in highway safety dictates that employers seek out drivers who operate CMVs safely amidst the various physical and mental demands of truck driving. DQ files assist the motor carrier in assessing the safety risk of hiring an individual to drive a CMV. The DQ file documents that a driver: (1) is physically qualified to operate a CMV, (2) has the experience and training to safely operate the type of CMV he or she is assigned to drive, (3) has the appropriate driver's license, (4) has not been disqualified from operating a CMV, and (5) has a history of avoiding high-risk behavior. Without the DQ file, it would be very difficult for the motor carrier to make this assessment. The file also assists Federal and State safety investigators in

determining that motor carriers are weighing these factors in deciding who may drive CMVs on their behalf.

3. Extent of automated information collection.

The regulations provide for the transmission and maintenance of records electronically and in fact, a significant percentage of electronic records are so handled and maintained today. The Agency believes the percentage is increasing each year.

4. Efforts to identify duplication.

FMCSA is the only Federal agency given the authority to regulate the qualification of CMV drivers operating in interstate commerce. The general requirements of the DQ file (49 CFR § 391.51 and part 391, subpart F) do not duplicate any Federal Motor Carrier Safety Regulations (49 CFR parts 350-399).

5. Efforts to minimize the burden on small businesses.

Some motor carriers employ part-time drivers. These drivers may undertake other part-time employment as a driver. Agency rules permit abbreviation of the contents of DQ files to avoid unnecessary duplication and burdensome recordkeeping (49 CFR §§ 391.63 and 391.65) (Attachment I). In some instances, the motor carrier regularly employing the driver simply furnishes a “Qualification Certificate” to other carriers who employ the same driver. The qualification certificate frees the second carrier from many of the recordkeeping requirements of the DQ file regulations.

Some motor carrier operations are exempt from all recordkeeping requirements related to DQ files. These include: (1) farm custom-harvesting operations (§ 391.2(a)); (2) beekeepers (§ 391.2(b)); (3) farmers using non-articulated CMVs to transport farm machinery, farm supplies, and/or agricultural products within 150 air-miles (§ 391.2(c) and § 390.5); and (4) non-business private motor carriers of passengers (§ 391.68). In addition, farmers using articulated CMVs to transport farm machinery, farm supplies, and/or agricultural products within a radius of 150 air-miles are exempt from some recordkeeping requirements (§ 391.67). In addition, on December 4, 2015, President Obama signed the Fixing America’s Surface Transportation (FAST) Act (Pub. L. No. 114-94) into law. Section 5524 of the Act exempts certain pickup truck operators conducting welding activities in the pipeline industry from all recordkeeping related to DQ files.

On March 14, 1996, the Federal Highway Administration (FHWA) (predecessor agency of FMCSA) published a notice of proposed rulemaking (NPRM) titled, “*Safety Performance History of New Drivers*” (61 FR 10548) (Attachment J). The Small Business Administration (SBA) asked the Agency to provide details on its estimate of the paperwork burden of the proposal. The SBA, and commenters J.B. Hunt and Mobil Corporation, were also concerned about limits on the ability of a motor carrier to investigate hours-of-service violations that lead to out-of-service orders. FMCSA answered all these concerns in a supplemental notice of proposed rulemaking (SNPRM) dated July 17, 2003, and titled, “*Safety Performance History of New Drivers*” (68 FR 42339) (Attachment K). The final rule, published on March 30, 2004, clarified

that previous employers may charge a fee for providing the safety history of their former drivers but may not condition release of the history upon payment of the fee (69 FR 16684) (Attachment L).

6. Impact of less frequent collection of information.

The information on some DQ documents is only provided one time, such as that furnished at the time the individual applies for employment as a driver. Other information must be obtained by the motor carrier within 30 days of the date the driver begins to drive a CMV for the employer. Other information, such as the driver's motor vehicle record, is only updated once a year.

7. Special circumstances.

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR § 1320.8.

On February 17, 2016 (81 FR 8122, see Attachment M), FMCSA published a notice in the Federal Register requesting public comments on the proposed revision of this information collection. One comment was received in response to this notice.

The FMCSA published a second notice on July 11, 2016 (81 FR 44917, see Attachment N) with a 30-day comment period that announced this information collection was being submitted to OMB for approval.

9. Payments or gifts to respondents.

The FMCSA does not provide respondents with any payment or gift for providing this information.

10. Assurance of confidentiality.

The information collected by motor carriers pursuant to the Agency's DQ file regulations must be protected to the extent permitted by law. Agency regulations require motor carriers to obtain certain information about a driver they are considering hiring to operate a CMV from certain past employers of the driver. This information includes the driver's traffic accident history and the driver's drug and alcohol history. Motor carriers are required to ensure that certain sensitive information, such as drug and alcohol records, is "maintained in a secure location with controlled access" [49 CFR 391.53(a)(1)]. FMCSA believes that as a practical matter, most motor carriers control access to the entire DQ file as if it all were sensitive.

11. Justification for collection of sensitive information.

This information collection involves sensitive data necessary to ensure that motor carriers are informed of the qualifications of their drivers. As explained in Item 10, Agency regulations require motor carriers to limit access to driver-qualification data.

12. Estimate of burden hours for information requested.

Some drivers operate CMVs that require a commercial driver's license (CDL). These include CMVs with a gross vehicle weight rating in excess of 26,000 pounds, passenger vehicles designed or used to transport 16 or more passengers (including the driver), and motor vehicles transporting hazardous materials that require the vehicle to be placarded. The DQ files of these CDL-drivers must contain more information than is required in the DQ files of non-CDL drivers. For example, the DQ file of a CDL-driver must contain information obtained from previous employers concerning the testing of the driver for the presence of drugs and alcohol. This testing is required for CDL drivers, but not for non-CDL drivers. The *additional* IC burden associated with information collected only from CDL drivers is not estimated in this 2120-0004 information collection, but is accounted for in the Agency's information collection titled "*CDL Testing and Standards*" (2126-0011).

FMCSA has updated its estimate of the number of CMV drivers in accordance with 2015 data: there are 5.7 million drivers subject to the requirements of the driver qualification regulations.¹ This estimate is derived from State systems that track and collect information on driver activity, such as roadside inspections and moving violations. FMCSA compiles this data in its Motor Carrier Management Information System (MCMIS). FMCSA's analysis of MCMIS data indicates that a significant number of motor carriers do not generate a single data point during periods as large as several months. Consequently, the Agency extrapolates to derive its estimates of the number of drivers and motor carriers actively engaged in commercial-vehicle operations.

¹FMCSA, 2015 Pocket Guide to Large Truck and Bus Statistics.
http://ntl.bts.gov/lib/54000/54800/54841/2015_Pocket_Guide_-_March_30_2015__For_Web_Publishing_-.

Several of the rules pertaining to DQ files require IC-related tasks to be performed when a motor carrier is hiring CMV drivers. Truck-driver employment is historically characterized by high rates of turnover; for instance, according to data compiled by the Journal of Commerce, the job turnover rate for over-the-road drivers is currently 97 percent per year.² Other segments of the CMV-driver industry have less dramatic rates. Given the focus of the DQ file requirements on the “hiring event,” for this analysis FMCSA must develop some estimate of the number of hiring positions offered annually.

FMCSA has no internal data that reflects the frequency of driver hiring. In addition, many independent data sources do not capture the precise population of CMV drivers that the Agency regulates. For the analysis in this document, FMCSA believes that the Occupational Employment Statistics (OES) of the Bureau of Labor of Statistics (BLS) are the best alternative. The OES provide data on “warehousemen” that captures many, but not all, CMV drivers subject to the FMCSRs. For example, drivers of delivery vehicles and drivers of construction equipment that may move only a few times a year -- like heavy-duty, wheel-mounted construction cranes -- may not be accurately reflected in the OES data. Such drivers are generally subject to the FMCSRs. In addition, OES data on the employment of CMV drivers is limited to drivers who operate in interstate commerce. In order to estimate the population of both interstate and intrastate CMV drivers, FMCSA divided the OES data into three categories: over-the-road (OTR), truckload (TL), and less-than-truckload (LTL). The OTR category is made up predominantly of CMV drivers transporting general freight on behalf of for-hire motor carriers. The TL category is made up predominantly of CMV drivers transporting specialized freight on behalf of for-hire motor carriers. The LTL category is made up of CMV drivers transporting the property of their motor carrier and drivers engaged in specialized operations analogous to LTL operations. The Agency estimates that 40 percent of interstate CMV drivers are OTR, 20 percent are TL, and 40 percent are LTL. FMCSA applied these estimates to the population of all interstate and intrastate CMV drivers subject to the FMCSRs. The Agency estimates this population to be 5.7 million drivers. The resulting turnover rate for interstate and intrastate CMV drivers is 63 percent,³ which equates to 3.6 million job openings for CMV drivers each year (5.7 million total CMV drivers × 0.63). According to BLS data,⁴ employment of CMV drivers has increased only a small amount each of the past 5 years. The Agency believes this pattern is likely to continue. Therefore, FMCSA estimates the number of job offerings for CMV drivers will continue to be approximately 3.6 million per year.

To analyze the IC burden of the FMCSRs governing DQ files, FMCSA divides the requirements into 3 components:

- Component 1: Driver Hiring – the application for employment, the applicant’s driving record, and the applicant’s safety history obtained from previous employers.

² http://www.joc.com/trucking-logistics/labor/us-truck-driver-turnover-rate-rises-pressuring-shipping-costs_20150202.html

³ Calculated as: (40% proportion of OTR drivers × 97% turnover of OTR drivers) + (20% proportion of TL drivers × 94% turnover of TL drivers) + (40% proportion of LTL drivers × 13% turnover of LTL drivers). Same source as footnote 2.

⁴ <http://www.bls.gov/oes/current/oes533032.htm>.

- Component 2: Annual Review of Driver Performance – the driver’s certificate of violations, the annual review of the employee’s driving record, and drivers employed by more than one motor carrier.
- Component 3: Driver Safety History – investigation of the driver’s safety history. This is a one-time requirement for each truck driver position. Motor carriers must conduct this investigation through inquiries directed to the driver’s previous employers. Motor carriers are required to notify driver applicants that they are conducting this investigation and describe the remedies available to them if they wish to contest their former employer’s representation of their safety record. Some drivers will exercise their right to obtain a copy of the safety history as provided by the previous employer. Some will take advantage of their right to submit a written rebuttal of the information supplied by their former employers. The FMCSRs outline the rebuttal process.

Component 1: Driver Hiring

a) Driver’s Application for Employment (§ 391.21)

FMCSA estimates that:

- The 3.6 million driver positions attract an average of 5 applicants each. Consequently, an estimated 18 million applications (3.6 million × 5) are submitted to motor carriers each year.
- A driver spends an average of 15 minutes completing an employment application, which includes obtaining a certificate of past traffic violations.
- It takes a carrier an average of 1 minute to handle each application.
- Some of these regulatory requirements would be employed by any hiring entity, including hiring motor carriers, even if the FMCSRs did not exist. For instance, employers must ask for the driver’s name, address, date of birth and social security number, as well as the issuing State, number, and expiration date of driver’s license to operate a CMV. The Agency believes employers would ask the nature and extent of the driver’s experience in the operation of CMVs even in the absence of § 391.21. The Agency considers such elements of the application process, whether required of driver-applicants or hiring motor carriers, to be exempt from PRA estimates under the “usual and customary” practices exception [5 CFR 1320.3(b)(2)].

The estimated annual burden of driver applications for employment is **4.8 million hours**. This total is the sum of drivers’ 4.5 million burden hours completing an employment application (3.6 million job openings × 5 applicants per position × 15 minutes ÷ 60) and motor carriers 0.3 million burden hours handling driver employment applications (3.6 million job openings × 5 applicants per position × 1 minute ÷ 60).

b) Applicant’s Driving Record (§ 391.23)

Motor carriers must request the driving record of all applicants for the preceding 3 years from the State of licensure. FMCSA estimates that:

- Carriers, on average, conduct driver record checks on 3 applicants per position,

- Carriers conduct driver record checks on 10.7 million applicants (3.6 million open positions × 3 background checks per open position).
- It takes the motor carrier an average of 5 minutes to complete all activities associated with this requirement, including requesting the records, receiving the records, and filing the records.

The estimated annual burden of applicant driving records is **0.9 million hours** (10.7 million checks × 5 minutes ÷ 60).

c) Investigation and Review of Safety Performance History (§ 391.23)

All motor carriers must investigate the safety performance history of all successful applicants. To do so, motor carriers must inquire of those who previously employed the applicant as a truck driver (or in any other safety-sensitive position). They must ask for the required records of those who employed the applicant during the preceding 3 years. FMCSA estimates that:

- On average, 20 percent of the driver applicants each year have no truck-driving experience (and thus there is no safety history to investigate).
- Safety-history investigations are conducted for the remaining 2.9 million driver positions (3.6 million × 0.8).
- A hiring motor carrier will average 3 safety history investigations for each truck-driving position, so 8.64 million safety history investigations are conducted by motor carriers each year (2.9 million positions × 3 driver-applicants per position).
- Hiring motor carriers can satisfy the investigative requirement in an average of 20 minutes.

FMCSA-regulated carriers must respond to hiring motor carrier requests for the safety history of their former drivers. They do this by providing specific driver safety data for the 3-year period preceding the request. FMCSA estimates that motor carriers that *receive* such requests require, on average, 5 minutes per request to locate, develop and transmit the former driver's safety history.

The annual burden associated with investigation and review of safety performance history is estimated to be **3.6 million hours**, comprising 0.7 million hours for motor carriers to provide safety histories of former employees (8.6 million requests × 5 minutes ÷ 60), and 2.9 million hours for motor carriers to review safety histories (8.6 million checks × 20 minutes ÷ 60).

Component 2: Review of Driver Qualifications

Motor carriers are required to examine the violation history and driving record of each of their drivers annually.

a) Driver's Certificate of Violations (§ 391.27)

CMV drivers are required annually to provide their employers certificates listing all violations of traffic laws and ordinances, other than parking violations, they have incurred in the past year.

The 3.6 million drivers who are hired during the year do not have to provide this certificate because applicants for employment must provide this certificate as part of the hiring process. Therefore, this requirement applies to the other 2.1 million drivers who remain with their employer for at least 12 months (5.7 million total drivers – 3.6 million drivers hired within a year). FMCSA estimates that a driver, on average, takes 2 minutes to provide an employer with a certificate of violations. The estimated annual burden of the certificate of violations is **0.1 million hours** (2.1 million drivers × 2 minutes ÷ 60).

b) Motor Carrier Review of Driving Record (MVR) (§ 391.25) and Medical Qualification (§ 391.51(a)(7))

DRIVING RECORD (MVR)

Motor carriers are required to obtain a copy of the motor vehicle record (MVR) of each driver they employ to operate a commercial motor vehicle (§391.25). This must be done each year, and the motor carrier must review the MVR for moving violations, accidents and other data to help it assess the driver's qualification to operate a CMV.

MEDICAL QUALIFICATION

Motor carriers must verify that a driver is medically qualified before allowing the driver to drive a CMV (§391.11(a)(4)). The physical qualification standards are enumerated in § 391.41. A medical examination must be performed on all CMV drivers at least every two years (§ 391.43). Until recent regulatory changes were made with regard to CDL drivers, the rules required medical examiners to record the results of their driver examinations on a medical examiner's certificate. Motor carriers were required to obtain a copy of that document and retain it in the driver's DQ file as proof of the driver's physical qualification to operate a CMV. However, regulatory changes have created a different process for verifying the medical status of a CDL driver; the process for a non-CDL driver remains unchanged.

On April 23, 2015, FMCSA published the final rule, *Medical Examiner's Certification Integration* (80 FR 22790). This rule complemented two earlier final rules, *Medical Certification Requirements as Part of the CDL* (Med-Cert) (73 FR 73096, December 1, 2008), and *National Registry of Certified Medical Examiners*, (77 FR 24104, April 20, 2012). Today, only certified medical examiners listed on FMCSA's National Registry may conduct driver medical examinations, and drivers must be certified physically qualified by those listed on the Registry. Medical examiners must take and pass a test on the Agency's medical requirements and satisfy other qualifications to be listed on the National Registry.

After completing a medical examination of a CDL driver, certified medical examiners must transmit the results of that examination electronically to FMCSA and to the State Driver Licensing Agency (SDLA). After completing a medical examination of a non-CDL driver, examiners record the result in the customary manner on a medical examiner's certificate.

Motor carriers verify the physical qualification of CDL drivers by requesting the driver's MVR from the SDLA. The MVR of CDL drivers now includes the driver's medical status as reported by medical examiners, in addition to moving violations, accidents, etc. Motor carriers verify the

physical qualification of non-CDL drivers by obtaining a copy of the medical examiner's certificate.

In this supporting statement, FMCSA revises its method of estimating the paperwork burden of the annual MVR review and the review of medical qualifications. The former must be performed no less than once per year, and the latter must be conducted at any point that a driver undergoes a medical examination. The Agency is also for the first time factoring in that a substantial portion of the medical certificates issued each year expire in one year, or less, and not the maximum two years permitted by regulation. Expiration dates are set at the discretion of the medical examiner, and if a driver's medical condition requires monitoring, the medical examiner may require re-examination of that driver more frequently than every other year. Current data indicate that 61% of medical certificates are for the maximum two years, 32% are for one year, and 7% are for less than one year.

FMCSA estimates jointly the paperwork burden of (1) the annual review of driving record and (2) the review of driver medical qualification. We develop an estimate for non-CDL drivers for each of these requirements and an estimate for CDL drivers for each of these requirements, and then combine them to obtain the total estimated paperwork burden of these two parts of Component 2, "Review of Driver Qualifications."

NON-CDL DRIVERS

There are 1.8 million non-CDL drivers.

MVR REVIEW OF NON-CDL DRIVERS

63 per cent of drivers change employers during any given year. There is no annual MVR review of these drivers because, as explained and accounted for under "Driver Hiring" (Component 1 above), an MVR review is required as part of the hiring process.

37 per cent of drivers remain with their employer for at least 12 months. Carriers must obtain and review the MVR of these drivers .67 million times annually (.37 x 1.8 million).

TOTAL MVR RESPONSES FOR NON-CDL DRIVERS: .67 million responses.

MEDICAL QUALIFICATION REVIEW OF NON-CDL DRIVERS

.13 million non-CDL drivers (7 per cent) have a medical certificate that expires in every quarter of the year. Motor carriers must obtain and review the medical record of these drivers .52 million times annually (.13 x 4).

.58 million non-CDL drivers (32 per cent) have a medical certificate that expires in one year. Motor carriers must obtain and review the medical record of these drivers .58 million times annually.

1.10 million non-CDL drivers (61 per cent) have a medical certificate that expires every two years. Motor carriers must obtain and review the medical record of these drivers .55 million times annually (1.10 million divided by 2).

TOTAL MEDICAL QUALIFICATION RESPONSES FOR NON-CDL DRIVERS: 1.65 million (.52 + .58 + .55 million).

TOTAL RESPONSES FOR NON-CDL DRIVERS: 2.32 million (.67 million MVR + 1.65 million Medical).

CDL DRIVERS

There are 3.9 million CDL drivers.

MEDICAL QUALIFICATION REVIEW OF CDL DRIVERS

.27 million CDL drivers (7 per cent) have a medical certificate that expires in every quarter of the year. Motor carriers must obtain and review the medical record of these drivers 1.08 million times annually (.28 x 4).

1.25 million CDL drivers (32 per cent) have a medical certificate that expires in one year. Motor carriers must obtain and review the medical record of these drivers 1.25 million times annually.

2.38 million CDL drivers (61 per cent) have a medical certificate that expires every two years. Motor carriers must obtain and review the medical record of these drivers 1.19 million times annually (2.38 million divided by 2).

TOTAL MEDICAL QUALIFICATION RESPONSES FOR CDL DRIVERS: 3.52 million (1.12 + 1.25 + 1.19 million).

MVR REVIEW OF CDL DRIVERS

63 per cent of drivers change employers during any given year. There is no annual MVR review of these drivers because, as explained and accounted for under “Driver Hiring” (Component 1 above), an MVR review is required as part of the hiring process.

37 per cent of drivers remain with their employer for at least 12 months. Carriers must obtain and review the MVR of these drivers 1.44 million times annually (.37 x 3.9 million).

TOTAL MVR RESPONSES FOR NON-CDL DRIVERS: 1.44 million responses.

TOTAL RESPONSES FOR NON-CDL DRIVERS: 4.96 million (3.52 million Medical + 1.44 million MVR).

**TOTAL RESPONSES FOR BOTH NON-CDL AND CDL DRIVERS:
7.28 million (2.32 million non-CDL + 4.96 million CDL)**

TIME BURDEN

Some responses may take more than 5 minutes and some responses may take less than 5 minutes, but the Agency believes that the average time required for each response is 5 minutes.

7.28 million responses x 5 minutes per response = 36.4 million minutes. Thus, the paperwork burden of the medical qualification and MVR review elements of the DQ file is **.61 million hours** annually (36.4 million minutes divided by 60 minutes in an hour)(rounded).

c) Drivers for More Than One Motor Carrier.

1) Multiple-Employer Driver - § 391.63

A “multiple-employer driver” is a CMV driver who is employed by more than one motor carrier in any period of 7 consecutive days (§ 390.5). FMCSA estimates that approximately 10 percent of drivers, or 570,000, work for more than one carrier.

A motor carrier who utilizes a driver employed as a driver during the preceding 7 days is not subject to all the DQ file requirements. The motor carrier in lieu of the application for employment must only obtain the driver’s name and social security number, as well as the identification number of the operator’s license, its type, and the State of issuance. FMCSA estimates that it takes a motor carrier approximately 1 minute to record and file this information. The estimated annual burden of this requirement is **10,000 hours** (570,000 drivers × 1 minute ÷ 60).

2) Drivers Furnished By Another Motor Carrier - § 391.65

A motor carrier using a driver whom it does not regularly employ does not have to establish and maintain a complete DQ file for that driver. It must obtain and maintain a “Qualification Certificate” from the motor carrier that regularly employs the driver. FMCSA estimates that 20 percent of drivers, or 1,140,000, work for a second motor carrier on a temporary basis. FMCSA estimates that a driver’s regular motor carrier requires 2 minutes to complete the Qualification

Certificate. The motor carrier that temporarily employs a driver must contact the regular employer to validate the certificate, and then file it. FMCSA estimates that the temporary employer requires 3 minutes to satisfy these requirements. Therefore, the estimated burden for both motor carriers is 5 minutes per driver (2 minutes + 3 minutes). The annual burden associated with this activity is estimated to be **95,000 hours** (1,140,000 drivers × 5 minutes ÷ 60).

Component 3: Driver's Review and Rebuttal of Safety Performance History

a) Requirement to Notify Drivers of Right to Review

Motor carriers must notify driver-applicants in writing of their right to review safety performance data provided by their previous employers (§391.23). This notice is given an estimated 8.6 million times, corresponding to the estimated number of safety-history investigations conducted each year (see component 1(c)). FMCSA estimates that motor carriers require an average of 1 minute to provide this notice. The estimated annual burden of this notification is **0.1 million hours** (8.6 million driver-applicants × 1 minute ÷ 60).

b) Furnishing Drivers with Copies of Safety Histories Provided by Previous Employers

Drivers have the right to request a copy of their safety history from the hiring motor carrier, as it was provided to the hiring motor carrier by previous employers of the driver. The Agency estimates that a hiring motor carrier will, on average, investigate the safety history of 3 driver-applicants for each driver opening; thus, approximately 8.6 million safety history investigations are conducted each year. The 2.9 million applicants who are selected for driver positions generally have no reason to request their safety history. Of the remaining 5.7 million applicants, FMCSA estimates that only 5 percent, or 285,000 (5.7 million × 5%), request their safety history. FMCSA estimates that it takes 3 minutes for prospective employers to provide the driver-applicant with a copy of the safety performance history. The total annual burden associated with providing drivers their safety performance history is estimated to be **14,000 hours** (285,000 requests × 3 minutes ÷ 60).

c) Rebuttal of Safety Performance History (§ 391.23)

A driver applicant may rebut a safety history in writing. The driver must forward the rebuttal to the former employer and ask that the history be amended. The driver must provide a copy of the rebuttal to the prospective employer. The Agency assumes that, of the 285,000 unsuccessful applicants for driver positions who receive their safety histories, 10 percent, or 28,500, submit a rebuttal. FMCSA estimates that drivers will require 30 minutes to draft a rebuttal and provide it to the motor carriers. The annual burden associated with submitting a rebuttal is estimated to be **14,000 hours** (28,500 rebuttals × 30 minutes ÷ 60).

Table 1 below summarizes the information presented above; differences in totals are due to rounding.

Table 1: Estimated Burden of DQ File Requirements

Component of Burden	Responses (millions)	Minutes per Response	Burden Hours (millions)
COMPONENT 1: Driver Hiring			
a) Driver’s Application For Employment	36.0	16	4.8
b) Applicant’s Driving Record	10.7	5	0.9
c) Safety Performance History	17.2	25	3.6
TOTAL for Component 1	63.9		9.3
COMPONENT 2: Annual Review of Driver Qualifications			
a) Driver’s Certificate of Violations	2.1	2	0.1
b) Carrier Review of Driving Record and Medical Qualification	7.32	5	0.61
c) Drivers for More Than One Carrier	1.7	6	0.1
TOTAL for Component 2	11.08		.81
COMPONENT 3: Driver Review and Rebuttal of Safety Performance History			
a) Notification of Driver of Right to Review	8.6	1	0.1
b) Furnishing Driver Safety Histories	0.3	3	0.01
c) Rebuttal of Safety Performance History	0.0	30	0.01
TOTAL for Component 3	8.9		0.1
TOTAL of Components 1, 2 and 3	83.88		10.21

Estimated Annual Burden of this ICR: 10.21 million hours.

Estimated Number of Respondents per Year: 6.2 million (5.7 million drivers + 0.5 million commercial motor carriers).

Estimated Number of Responses per Year: 83.88 million.

13. Estimate of total annual costs to respondents or record keepers.

The known non-labor costs associated with this information collection are for motor carriers to purchase driver records, called “motor vehicle records” (MVRs). Obtaining these records is

required as part of the hiring decision and an annual review of current drivers. Each State imposes an estimated cost per MVR of \$4.00, plus \$1.00 for fees to be paid to third-party providers to obtain this information on behalf of the motor carrier. Carriers will request driving records for 10.7 million applicants (calculated under component 1(b)) and 7.28 million employees (calculated under component 2(b)) per year, or a total of 17.98 million requests. The annual cost for obtaining driving records is estimated to be \$89.9 million (17.98 million × \$5.00).

14. Estimate of cost to the Federal government.

The Federal government incurs no costs associated with part 391 (DQ file) information. As explained in item 12 above, motor carriers collect and maintain part 391 information, and FMCSA does not require that information to be submitted to the Agency. A motor carrier must make the part 391 information available when an FMCSA or State investigator conducts an on-site review at the motor carrier's place of business or terminal.

15. Explanation of program changes or adjustments.

The revised estimate of the burden of this IC is 10.2 million hours; the Agency's previous estimate was 5.8 million hours. The increase in burden hours is the result of amendments of two underlying estimates. The Agency has amended its estimates of the turnover rate and the population of drivers subject to the driver qualification regulations. Turnover rate is the percentage of all driver positions subject to hiring annually. For the Agency's 2012 supporting statement (approved by OMB in 2013), the Agency estimated that the turnover rate averaged 57 percent. After carefully examining current driver-turnover data, the Agency estimates that the rate averages 63 percent today. The Agency also has amended the population of drivers subject to the driver qualification regulations to include the IC burden of intrastate drivers. In its 2012 Supporting Statement, FMCSA concluded that the DQ files of drivers who operate exclusively in intrastate commerce were being maintained pursuant to State, not Federal, law, and excluded the IC burden of these drivers. As a result, the population of drivers subject to the IC burden of these rules was limited to 3.6 million interstate drivers. Subsequently, the OMB directed FMCSA to include intrastate drivers in its IC estimates, and we do so in this supporting statement. The Agency estimates that 5.7 million interstate and intrastate drivers are subject to the IC burden of the driver qualification regulations (3.6 million interstate and 2.2 million intrastate drivers, rounded).

16. Publication of results of data collection:

This information collection requires recordkeeping by motor carriers. As such, there will be no related publication of such data.

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

FMCSA is not seeking this approval.

18. Exceptions to certification statement:

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

Attachments

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- A. The Motor Carrier Safety Act of 1984, Pub. L. 98-554, Title II, 98 Stat. 2832, October 30, 1984.
- B. 49 U.S.C. § 504 titled, "Reports and records."
- C. 49 U.S.C. § 31133 titled, "General Powers of the Secretary of Transportation."
- D. 49 U.S.C. § 31136 titled, "United States Government regulations."
- E. 49 U.S.C. § 31502 titled, "Requirements for qualification, hours of service, safety, and equipment standards."
- F. 49 CFR § 391.51.
- G. 49 CFR § 1.87 titled, "Delegation to the Federal Motor Carrier Safety Administration Administrator."
- H. 49 CFR §391.11.
- I. 49 CFR §§ 391.63 AND 391.65.
- J. An NPRM titled, "Safety Performance History of New Drivers" (at 61 FR 10548), March 14, 1996.
- K. An SNPRM titled, "*Safety Performance History of New Drivers*" (at 68 FR 422339), July 17, 2003.
- L. A final rule titled, "*Safety Performance History of New Drivers and Minimum Training Requirements for Longer Combination Vehicles (LCV) Operators and LCV Driver-Instructor Requirements*" (at 69 FR 16684), March 30, 2004.
- M. A Sixty-day Comment Request Federal Register Notice (81 FR 8122), dated February 17, 2016.
- N. A Thirty-day Comment Request Federal Register notice (81 FR 44917), dated July 11, 2016.