

**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 Final Rule titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” published on December 8, 2016, Final Rule, 81 FR 88732, (Attachment A). On March 7, 2016, the Agency published a Notice of Proposed Rulemaking in this matter and provided the public the opportunity to respond to its information-collection (IC) estimates (81 FR 11944, page 11967)(Attachment B).

The Final Rule primarily revises 49 CFR part 380, Special Training Requirements, pertaining to the training of entry-level drivers. It establishes new minimum training standards for certain individuals applying for their commercial driver’s license¹ (CDL) for the first time; an upgrade of their CDL (e.g., a Class B CDL holder seeking a Class A CDL); or a hazardous materials (H), passenger (P), or school bus (S) endorsement for the first time. These driver-trainees must receive theory and behind-the-wheel (BTW) (range and public road) training, as applicable, that is delivered by training providers who are registered with FMCSA. Driver-trainees must demonstrate proficiency in the theory and/or BTW portions of the training in order to obtain a CDL or endorsement. FMCSA also amends the current regulation to include intrastate as well as interstate drivers.

The compliance date for this rule is 3 years after the effective date of the final rule. This 3-year period is designed to provide the States with sufficient time to pass necessary implementing legislation and to modify their information systems to begin recording the CDL applicant’s compliance with the entry-level driver training requirements of the rule. This phase-in period also allows time for CMV driver training entities to develop and begin offering training programs that meet the eligibility requirements for listing on the Training Provider Registry (TPR). FMCSA plans to develop and maintain the TPR both as a listing or registry of all providers of entry-level driver training that meet the requirements of this rule, and as a repository of information regarding which entry-level drivers have completed the training required by this rule.

The current entry-level training rules 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. That burden was approved by OMB on December 23, 2015 (ICR Reference Number 201509-2126-001) after public notice and comment (80 FR 53385).

In approximately two years, FMCSA will submit its estimate of the burden of the amended rules to OMB for approval in order that the IC collection to be conducted under those rules may proceed on the compliance date.

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

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 D). Section 32304 of MAP-21 directs FMCSA to develop mandatory training requirements for all applicants for a CDL and/or certain endorsements. The requirements must address the knowledge and skills necessary for safe driver performance. The new rules 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 submit training certification information to the TPR for each individual who completes entry-level driver training.

This information collection supports the DOT Strategic Goal of Safety.

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 final rule does not impose an IC burden on drivers and only imposes an IC burden on training providers. The IC burdens imposed on drivers and motor carriers by the current regulations have been eliminated.

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) Training Provider Registration: To provide training under FMCSA’s rules, training providers must initially register each training location with the TPR by submitting an initial Training Provider Registration Form (TPRF). FMCSA reviews the TPRF and, if the training provider requirements of the rule are met, places the training provider location on the TPR. Training providers must also submit an updated TPRF to the TPR for each training location every two years.
- (2) Submittal of Driver Training Certification Information: Training providers must electronically submit training certification information to the TPR for each individual who completes entry-level driver training.

State Driver Licensing Agencies (SDLAs) are prohibited from taking certain licensing actions until they have received electronic certification that the entry-level driver has successfully completed the ELDT requirements of this rule. These licensing actions include administering CDL skills tests to applicants for the Class A and Class B CDL, and/or the P or S endorsements, or knowledge test for the H endorsement.

The new ELDT rules are also designed to generate data that will improve the Agency’s understanding of how to train individuals to drive CMVs safely. For instance, the ELDT rule will provide a much clearer picture of the total number of individuals who require entry-level

driver training. Also, the Agency will monitor the safety performance of drivers who complete entry-level driver training in order to assess the efficacy of the training required by this rule. Finally, 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 must electronically submit training information to the TPR for each individual who completes entry-level driver training, and FMCSA must forward this 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 entry-level driver training rules is not currently being collected by any other person or entity.

5. Efforts to minimize the burden on small businesses:

The IC burden of the proposed rule falls on training providers and not on motor carriers (except those motor carriers that have in-house entry-level driver training programs and therefore are considered training providers).

6. Impact of less frequent collection of information:

Information is only collected as part of training provider registration with the Agency and when training providers electronically submit training certification information to the TPR when an individual successfully completes 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:

Training providers must obtain and maintain information about individual driver-trainees and must safeguard sensitive information. FMCSA agents will encounter this sensitive information when they examine the records of training providers to assess their compliance with the regulations. 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 E). The same laws protect the information training providers must upload to FMCSA.

11. Justification for collection of sensitive information:

The Agency must obtain the identity of drivers receiving entry-level driver training in order that SDLAs can determine if these entry-level drivers have completed the training required by this rule prior to taking the State-administered CDL skills test for the Class A or Class B CDL and/or the passenger or school bus endorsement, or the knowledge test for the hazardous materials endorsement. Also, this information is needed for the Agency to assess the safety performance of those receiving the training required under this rule, and without the identity of these drivers, the Agency would be unable to search accident databases and other records that reflect the safety performance of these drivers.

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. Consequently, the Agency does not amend its estimate of the burden of its entry-level driver training rules: 66,250 hours.

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 hour²) and employee benefits (50.0 percent of wages³) drivers can expect to receive after they have been employed by a motor carrier (\$18 = \$11.89 × (1 + 0.50)). The total annual

² 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.

³ 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>.

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 provider locations and electronically submitting training certification information to the TPR for each individual who completes entry-level driver training (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 years, FMCSA would be developing the TPR. The cost of the development effort is estimated to be \$5 million over a period of two years⁴.

15. Explanation of program changes or adjustments:

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

16. 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.

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

The FMCSA does not ask for this approval.

18. Exceptions to certification statement:

There are no exceptions to the certification statement.

ATTACHMENTS

⁴ *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 3.5.1 (Training Provider Registry Costs). Available in docket FMCSA-2007-27748 at <http://www.regulations.gov/#!docketDetail;D=FMCSA-2007-27748>.

- A. Final Rule, “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (81 FR 88732, December 8, 2016).
- B. Notice of Proposed Rulemaking, “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (81 FR 11944, March 7, 2016).
- C. 49 CFR 383.5.
- D. “Moving Ahead for Progress in the 21st Century Act” (MAP-21)(Pub. L. 112-141, 126 Stat. 405, 791).
- E. Privacy Act of 1974, 5 U.S.C. § 552a, Pub. L. 93-579, 88 Stat. 1897 (December 31, 1974).