

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

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

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) renewal of the Information Collection titled "Electronic Logging Device (ELD) Vendor Registration" (OMB Control No. 2126-0062), which is currently due to expire on December 31, 2018.

A final rule titled "Electronic Logging Devices and Hours of Service Supporting Documents," (80 FR 78292), published on December 16, 2016 (Attachment A), requires the use of ELDs within the motor carrier industry by drivers who are currently subject to records of duty status (RODS) preparation requirements. A motor carrier must use only an ELD that is registered with the Federal Motor Carrier Safety Administration (FMCSA). This ICR enables ELD vendors to register their ELDs with the Agency.

Part A. Justification

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The primary mission of 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 B and C) to prescribe regulations that ensure that CMVs are operated safely.

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

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

On December 16, 2015, FMCSA published a final rule entitled "Electronic Logging Devices and Hours of Service Supporting Documents," (80 FR 78292) that established minimum performance and design standards for hours-of-service (HOS) ELDs; requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs.

To ensure consistency among ELD vendors and devices, detailed functional specifications were published as part of the December 2015 final rule. Each ELD vendor developing an

ELD technology must register online at a secure FMCSA website where the ELD provider can securely certify that its ELD is compliant with the functional specifications. Each ELD vendor must certify that each ELD model and version has been sufficiently tested to meet the functional requirements in the rule under the conditions in which the ELD would be used.

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

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

2. HOW, BY WHOM, AND FOR WHAT PURPOSE IS THE INFORMATION USED

As described in 49 CFR 395.22(a), motor carriers must only use ELDs that are listed on the FMCSA Web site. An ELD vendor must register with FMCSA and certify that each ELD model and version has been sufficiently tested to meet the functional specifications under the conditions in which the ELD will be used. ELD providers are required to self-certify and register their devices with FMCSA online via an application Form MCSA-5893, "Electronic Logging Device (ELD) Vendor Registration and Certification." Once completed, FMCSA will issue a unique identification number that the provider will embed in their device(s).

The registration and certification process requirements are provided in Section 5 of Appendix A to Subpart B of part 395 of the FMCSRs, "Functional Specifications for All Electronic Logging Devices (ELDs)." FMCSA makes the information in sections 5.1.1 and 5.2.1 of Appendix A publicly available on the FMCSA Web site for each self-certified ELD to allow motor carriers to determine which products have been properly registered and certified as ELDs compliant with Appendix A.

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

3. EXTENT OF AUTOMATED INFORMATION COLLECTION

FMCSA estimates that 100 percent of the vendors will submit the information electronically. This is an appropriate assumption given that vendors that are presently selling ELDs are using state of the art technology. The FMCSA utilizes a computer system to store and retrieve the registration information.

4. EFFORTS TO IDENTIFY DUPLICATION

There is no duplication of information collected. There is no other registration system for vendors of ELDs.

5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES

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

6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION

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

7. SPECIAL CIRCUMSTANCES

There are no special circumstances related to this information collection.

8. COMPLIANCE WITH 5 CFR 1320.8

On September 17, 2018, FMCSA published a notice in the Federal Register with a 60-day public comment period to announce this request to renew the information collection (83 FR 46997, see Attachment F). The Agency received two comments in response to the notice. One commenter noted general support for the ELD registration requirements.

The second commenter, Garmin International, Inc., requested that FMCSA: (1) include the data transfer methods supported by each ELD in the Agency’s online list of current ELD vendors and devices that have been certified (by the vendors) to meet the functional specifications; and (2) refer inspectors to the Agency’s online list for information regarding data transfer methods supported by ELDs and the latest compliant software versions. While neither of these impact the information collection, FMCSA notes that: (1) the Agency is in the process of updating the list of certified ELDs on its website to include supported data transfer methods; and (2) the Agency provides extensive training and outreach to its enforcement partners regarding the online list of current ELD vendors and devices that have been certified to meet the functional specifications, including the compliant software version of each device.

FMCSA will publish a notice in the Federal Register with a 30-day public comment period to announce this ICR will be sent to OMB for its review and approval.

9. PAYMENTS OR GIFTS TO RESPONDENTS

No payments or gifts will be provided to the respondents.

10. ASSURANCE OF CONFIDENTIALITY

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

11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION

The information to be collected is not sensitive in nature.

12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED

Based on data from 2016 to 2018, FMCSA estimates that for each of the three years covered by this ICR, an average of 224 respondents will register an average of 2 devices. In addition, respondents are expected to update registration for each device an average of 3 times per year, for a total of 6 responses per year (2 devices × 3 updates per year). These estimates are based on the Agency’s Registered ELDs webpage, <https://eld.fmcsa.dot.gov/List> (accessed August 18, 2018), which lists devices self-certified by the manufacturer and devices revoked, and data from the Volpe Center, including initial device registration and registration updates from 2016 to 2018.

Each response is expected to require a total of 15 minutes, including 7.5 minutes of preparation time and 7.5 minutes to complete Form MCSA-5893. As shown in Table 1, this results in a total annual burden of 336 hours.

Table 1. Estimated Annual Respondents, Responses, Burden Hour, and Burden Hour Costs for Form MCSA-5893.

Respondents	Average Number of Responses per Respondent	Average Burden per Response (hours)	Total Annual Responses	Total Annual Burden (hours)
224	6	0.25	1,344	336

Estimated Number of Annual Respondents: 224.

Estimated Number of Annual Responses: 1,344 [224 respondents × 2 devices per respondent × 3 updates per device].

Estimated Total Annual Burden Hours: 336 hours [1,344 responses × 15 minutes per response].

Estimated Labor Costs: FMCSA assumes that an “Office and Administrative Support” worker (Standard Occupation Code 43-0000) in the “Navigational, Measuring, Electromedical, and Control Instruments Manufacturing” industry (North American Industry Classification System (NAICS) code 334500) will be tasked with registering ELDs. The median wage for these workers in this industry is \$21.17.¹ This figure is multiplied by 44 percent to account for employee benefits² and a further 27 percent to account for overhead.³ Consequently, total hourly labor costs are estimated to be \$38.72 per hour ($\$21.17 \times 1.44 \times 1.27$). Total annual labor costs are therefore estimated to be \$13,010 (336 hours × \$38.72 per hour).

13. ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS

There are no costs to respondents beyond those associated with the annual hourly burden in section 12, above (not to be included here).

14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

FMCSA estimates the Federal government will face an annualized cost of \$8,649 for contractor support related to the annual operation and maintenance of the ELD vendor

1 Bureau of Labor Statistics (BLS). May 2017 National Industry-Specific Occupational Employment and Wage Estimates: NAICS 334500 - Navigational, Measuring, Electromedical, and Control Instruments Manufacturing. Available at www.bls.gov/oes/current/naics4_334500.htm (accessed August 17, 2018).

2 FMCSA estimates this 44 percent employee benefit rate by using the private industry average benefits (\$7.68 per hour) and average wage (\$17.38 per hour) for office and administrative support workers. Benefits thus amount to 44 percent of wages ($\$7.68 \div \17.38). Bureau of Labor Statistics (BLS). Employer Costs for Employee Compensation —June 2017. “Table 9. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: private industry workers, goods-producing and service-providing industries, by occupational group, June 2017.” Available at www.bls.gov/news.release/archives/ecec_09082017.pdf accessed August 17, 2018).

3 FMCSA does not have overhead cost estimates specific to this industry, but assumes that they will be similar to those of the industry it serves, trucking. See Berwick, Farooq. “Truck Costing Model for Transportation Managers.” Upper Great Plains Transportation Institute, North Dakota State University (2003). Appendix A, pp. 42-47. Available at www.ugpti.org/resources/reports/downloads/mpc03-152.pdf (accessed August 16, 2018).

registration database.

15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS

Re-estimates of the number of respondents and responses has resulted in a program adjustment increase of an estimated annual 202 respondents (224 proposed – 22 currently approved), 1,256 responses (1,344 proposed – 88 approved), and 318 burden hours (336 proposed – 18 approved).

The increase in estimated respondents and responses are due to the availability of data. When the currently approved number of respondents and responses were estimated in 2015, no registration or update data was available. Therefore, the Agency based its estimates on the number of ELD devices it was aware of at that time. Now that the registration requirement has gone into effect, data is available. The proposed estimates are based on measured activity on the Agency’s Registered ELDs webpage, which lists devices self-certified by the manufacturer and devices revoked, and data from the Volpe Center, including initial device registration and registration updates from 2016 to 2018.

16. PUBLICATION OF RESULTS OF DATA COLLECTION

FMCSA maintains a list on their website of the current ELD vendors and devices that have been certified (by the vendors) to meet the technical specifications. The information will be updated as each new vendor registers ELDs. The collection of information will be ongoing as vendors upgrade existing ELD devices or produce new products that are compliant with the technical specifications of the regulation.

17. APPROVAL FOR NOT DISPLAYING THE EXPIRATION DATE OF OMB APPROVAL

No such approval is requested.

18. EXCEPTIONS TO CERTIFICATION STATEMENT

No exceptions to the certification statement are requested.

Attachments

- A. A final rule titled “*Electronic Logging Devices and Hours of Service Supporting Documents*” (at 80 FR 78292), December 16, 2016.
- B. D. 49 U.S.C. § 31136 titled, “United States Government regulations.”
- C. E. 49 U.S.C. § 31502 titled, “Requirements for qualification, hours of service, safety, and equipment standards.”
- D. 49 CFR 392.3.
- E. 49 CFR 395.22.
- F. A Sixty-day Comment Request Federal Register Notice (83 FR 46997), dated September 17, 2018.