

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

SUPPORTING STATEMENT

Hours of Service (HOS) of Drivers Regulations

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) approval for the renewal of the OMB Control Number 2126-0001, information collection request (ICR) titled, "Hours of Service (HOS) of Drivers Regulations" expiring on June 30, 2019.¹ The Federal Motor Carrier Safety Administration (FMCSA or the Agency) has updated its estimate of the number of commercial motor vehicle (CMV) drivers subject to the HOS recordkeeping requirements and the associated cost of installing and operating electronic logging devices (ELDs). The currently approved burden of this ICR is 99.46 million hours. FMCSA requests OMB approval of our revised estimate of 41.04 million hours for the annual burden of this ICR. The proposed reduction of 58.42 million burden hours is discussed in section 15, below.

The Agency estimates the total average annual cost of this ICR at \$2,898.50 million, which consists of \$1,507.75 million of monetized burden hours incurred by drivers and motor carriers, \$1,366.25 million for the installed cost of new ELDs, plus annual data management service charges paid to ELD vendors, and \$24.5 million to supply drivers with backup paper logbooks.

The previous supporting statement approved by OMB accompanied 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 compliance date resulted in mandatory use of ELDs in the third year of the currently approved ICR. For the first two years of the information collection period, the Agency assumed voluntary use of ELDs at 20 percent of the affected driver population for Year 1 and 22 percent in Year 2. The remaining population of drivers were assumed to continue using paper logbooks to comply with the HOS rules. In Year 3, burden hours were estimated based on all affected drivers operating ELD-equipped CMVs.

The estimate of burden hours in this supporting statement is a three-year average of annual burden hours for the segment of the total driver population operating ELD-equipped CMVs for the 2019-2021 information collection period. Drivers operating under short-haul exemptions are required to prepare time cards, and do so in accordance with Department of Labor regulations.² Section 395.8(a)(1)(iii)(A)(1-4) also provides that a motor carrier may require a driver to record the driver's duty status manually rather than require the use of an ELD, if the driver is operating a CMV (1) In a manner

¹ The Agency recognizes that some drivers may still be operating CMVs equipped with automated on-board recorders (AOBRDs) until the grandfather provision set forth in 49 CFR 395.15(a) expires December 16, 2019. The number of AOBRDs still in use is not known.

² 29 CFR 512.

requiring completion of a record of duty status on not more than 8 days within any 30-day period; (2) In a driveaway-towaway operation in which the vehicle being driven is part of the shipment being delivered; (3) In a driveaway-towaway operation in which the vehicle being transported is a motor home or a recreation vehicle trailer; or (4) That was manufactured before model year 2000, as reflected in the vehicle identification number as shown on the vehicle's registration.

Additionally, in this ICR, the Agency monetizes driver burden hours based on hourly wage rates, including benefits and motor carrier overhead. ELD fixed equipment and variable operating costs and the cost of backup paper logbooks are also included in the estimate of this ICR.

PART A. JUSTIFICATION

1. Circumstances that make the collection of information necessary

Section 390.5T of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR 350 *et seq.*) defines the term “commercial motor vehicle” (CMV) as *Commercial motor vehicle* means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—(1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, 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 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C. (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 390.3T(a)) (Attachment B). The estimates that follow, however, include drivers and motor carriers in both interstate and intrastate commerce pursuant to an OMB directive that the Agency 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) drivers’ daily record of duty status (RODS) (electronic records or, in some cases, paper logbooks), and (2) supporting documents, such as fuel and toll receipts, that may be used by motor carriers to verify the accuracy of the RODS and to document expense deductions taken in the determination of taxable income. Before December 18, 2017, drivers were required to maintain a paper logbook to meet the HOS rule daily reporting requirement of RODS. Now, CMV drivers that are not exempt from maintaining RODS under the HOS rules must use ELDs to meet the RODS reporting requirement. An ELD system requires the driver to enter information regarding on duty/driving time, on-duty/not driving time, off-duty time and sleeper berth time (49 CFR 395.24) (Attachment C). The ELD must be able to produce a graph grid of

the driver's daily duty status changes either on a display unit or printout.³ The driver burden hours estimated in the supporting statement for the currently approved ICR assumes it takes 6.5 minutes to complete a paper RODS including a daily grid graph, and 2 minutes to input duty status to an ELD. This ICR estimates RODS-related burden hours based on 2 minutes of driver time to input duty status.⁴

Motor carriers must retain drivers' RODS and supporting documents for no less than 6 months (49 CFR 395.8(k)(1)) (Attachment D). Drivers must retain copies of RODS for the previous seven days and make them available for inspection (49 CFR 395.8(k)(2)) (Attachment D).

The HOS rules require drivers to submit supporting documents generated or received that verify the driver's RODS. 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 "on duty/driving." The driver must submit the supporting documents to the motor carrier within 13 days of either the 24-hour period to which the supporting documents pertain or when the documents become available to the driver, whichever is later. (49 CFR 395.11(b)) (Attachment E).

Both the driver and the motor carrier must ensure that the RODS are accurate. If RODS are 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 F).

CMV drivers who travel limited distances during their duty day are not required to maintain RODS because their activities qualify as "Short-Haul Operations" under section 395.1(e) (Attachment G). In lieu of the RODS, however, these CMV drivers must track four pieces of information by means of a "time card" maintained 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 United States Department of Labor (DOL) regulations.⁵ Thus, FMCSA does not estimate burden hours for drivers with a short-haul exemption.

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 (49 CFR 1.87).

³ Appendix A to subpart B of part 395-Functional Specifications for all Electronic Logging Devices (ELDs), Section 4.8.1.3. Information to be Shown on the Printout and Display at Roadside.

⁴ The Agency is aware that some ELDs automatically capture driver's duty status. Therefore, the response time for some drivers to input their duty status may be less than 2 minutes.

⁵ 29 CFR 512.

The FMCSRs state in part:

“No driver shall operate a commercial motor vehicle, and a 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).

Fatigued drivers operating CMVs pose 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 time a driver has spent off duty 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, enforcement officials examine the RODS for as many as seven of the immediately preceding days to determine compliance with the HOS rules. The RODS are an invaluable tool used to detect inaccurate and falsified logs that facilitates removing 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 investigative reviews 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. A negative rating on an investigative review can be damaging to a motor carrier’s business. In enforcement actions of HOS violations, courts of law typically find investigative review assessments important evidence.

Furthermore, the Motor Carrier Safety Assistance Program (MCSAP) 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 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 to avoid the penalties resulting from such infractions. Replacing paper RODS with electronic RODS enhances the accuracy and minimizes the falsification of RODS. Motor carriers will continue to examine the supporting documents, such as fuel receipts, toll receipts, bills of lading, repair invoices, and compare them to the entries on the RODS. Comparing 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 driver-supplied supporting documents enhances driver adherence to the HOS rules, keeps fatigued drivers off the road, and helps FMCSA protect the public. Finally, this ICR 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 FMCSA amended the FMCSRs to establish minimum performance and design standards for ELDs and, subject to certain exceptions, the mandatory use of these devices by drivers who are subject to the HOS reporting requirements. ELD technology reduces the ICR burden of the HOS reporting requirements. Absent a malfunction of the ELD that requires a driver to maintain a paper RODS, all RODS transactions will be conducted electronically. The Agency estimates that the ELD rule will reduce burden hours from the currently approved 99.46 million hours to 41.04 million hours given that the projected driver population subject to the ELD mandate.

4. Describe efforts to identify duplication:

As explained in Item 1, the information on the employee's payroll time card satisfies the HOS reporting requirements of certain short-haul drivers. The FMCSA does not dictate the form with which the data required by the "time card" exception is collected (49 CFR 395.1(e)). Department of Labor regulations require the employer to maintain this information (29 CFR 516.2) (Attachment L).

5. Efforts to minimize the burden on small businesses:

Based on Small Business Administration size standards, FMCSA has determined that motor carriers of property with 148 power units or fewer, and passenger carriers with 93 power units or fewer, are small businesses.⁶ The operations of many small motor carriers qualify as "short haul" operations under section 395.1(e). For the three-year period covered by this ICR, the Agency estimates on average that 3.01 million drivers conducting these operations are exempt from the requirement of the HOS rules that drivers maintain RODS and supporting documents on board the CMV. 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." Each change of duty status must be recorded when it occurs, and the driver must 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 to fraudulently gain driving time or on-duty time. If the information were collected less frequently,

⁶ FMCSA Carrier Safety Fitness Determination Notice of Proposed Rulemaking. See 81 FR 3596, Thursday, January 21, 2016, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-01-21/pdf/2015-33153.pdf>

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 8, 2019, FMCSA published a notice in the Federal Register with a 60-day public comment period to announce this proposed information collection (84 FR 8563).

The Agency received three comments in response to the 60-day notice. Aaron Pettigrew expressed concern that the ELDs and vendor fees for data management service vendors are burdensome to small companies. Mr. Pettigrew did not comment on the reasonableness of FMCSA's estimate of the cost of ELDs or fees for data management services. The Agency finds that the benefits and costs of complying with the ELD rule are outside the scope of a request for approval of this information collection request. This supporting statement includes an estimate of the cost of ELDs and data management fees used to estimate non-labor related costs of the ICR. This supporting statement includes equipment costs and data management fees posted on vendors' web sites.

Two commenters, Toni Smith and TruckerNation stated that the 2-minute response time for collecting and filing records underestimates the burden hours and costs of complying with the HOS reporting and recordkeeping requirements. Mr. Smith stated that the 2-minute response time is not sufficient to account for the time to audit and file RODS and supporting documents. TruckerNation submitted the results of a survey in which 62 percent of respondents indicated it takes more than 6.5 minutes to input daily duty status to complete electronic RODS. The Agency finds that TruckerNation did not provide a discussion of the survey methods, the margin of error, or a mean response time that is statistically significant and different from a 2-minute response time.

With respect to Mr. Smith's comments, the Agency finds that the 2-minute response time in this supporting statement is applied to driver burden hours to monetize the cost of drivers' time on task to prepare daily RODS. It is applicable to administrative time incurred by motor carrier staff to audit RODS. The commenter provided a schedule of administrative staff weekly activities associated with HOS, which included tasks not adequately defined to be considered reporting and recordkeeping activities for purposes of estimating burden hours. Additionally, no estimates of response times for each task contained in the schedule of weekly activities were offered.

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, 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 motor carriers obtain driver identification data that includes the driver's name as it appears on the driver's license, license number and the issuing State or jurisdiction (49 CFR 395.22(c)) (Attachment P). Drivers are required to provide this information to the motor carrier (49 CFR 395.24(a)) so that the motor carrier can establish the driver's secure account and log-in credentials to authenticate individuals accessing their account. When drivers certify their RODS, data elements are automatically recorded by the ELDs, including the driver's or authenticated user identification data (49 CFR 395.26(b) and (f)) (Attachment Q).

In the event of an ELD malfunction, the driver must prepare a paper RODS. This requires the driver, at the end of their duty day, to 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" (e.g., fuel 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 is complying 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. To enforce 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. Drivers required to use ELDs are permitted to manually record their duty status in the event an ELD malfunctions (49 CFR 395.34) (Attachment R). The Agency does not have data on the frequency or duration of ELD malfunction rates that is necessary to estimate burden hours that drivers may incur to prepare paper RODS because of an ELD malfunction. 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 ICR 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).

Effect of ELD Technology on HOS Burden Hours

The FMCSA's final rule *The Electronic Logging Devices and Hours of Service Supporting Documents*; (80 FR 78292) requires most CMV drivers to record their duty status using ELDs no later than December 17, 2017 (49 CFR 395.8(a)(1)(i)). Therefore, this is the first request for the

HOS ICR in which the burden hours estimate for drivers and motor carriers is based on 100 percent compliance with the ELD rule for the entire three-year ICR collection period for those drivers that do not have either short-haul exemptions or are performing exempt activities under 49 CFR 395.8(a)(1)(iii)(A)(1). The Agency estimates a three-year average paperwork burden based on a three-year average of the estimated driver population operating ELD-equipped CMVs from 2019 through 2021.

Driver and Motor Carrier Information-Collection Tasks and Estimated HOS Rule Burden Hours

Table 1 summarizes the scope of the tasks by drivers before and after the compliance date of the ELD rule. Prior to the ELD rule compliance date, driver tasks consisted of filling out RODS (driver Task 1), forwarding RODS to the motor carrier (driver Task 2) and forwarding supporting documents to the motor carrier (driver Task 3). ELDs reduce the time required to complete RODS daily from 6.5 minutes to 2 minutes. The 5 minutes required for drivers to forward their paper RODS to motor carriers is eliminated because the ELD performs this function. The time required for drivers to forward supporting documents to motor carriers is not included in the estimate of burden hours, consistent with the currently approved ICR.

**Table 1
Driver HOS Information Collection Tasks Before and After ELD Rule**

ICR Period	Task 1 Filling Out RODS	Task 2 Forwarding RODS to the Motor Carrier	Task 3 Forwarding Supporting Documents to the Motor Carrier
Pre-ELD	6.5 minutes for paper RODS	5 minutes for paper RODS	Excluded as a usual and customary activity per 5 CFR 1320.3(b)(2)
Post-ELD	2 minutes for electronic RODS	Task eliminated by ELD, or otherwise de minimis ^(a)	Excluded as a usual and customary activity per 5 CFR 1320.3(b)(2)

^(a) The Agency is aware that some ELDs may not automatically forward electronic RODS to motor carriers. The Agency believes the time required for this task is de minimis.

For this ICR, like the currently approved ICR, the Agency believes that the drivers’ Task 3 burden hours associated with forwarding the supporting documents to motor carriers should be excluded from the burden hours because the document forwarding is a “usual and customary” activity. The Paperwork Reduction Act regulations at 5 CFR 1320.3(b)(2) (Attachment S) 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 reporting 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 is that motor carriers that itemize allowable expense deductions for Federal income tax purposes retain receipts to document such deductions. In the motor carrier environment, these records include receipts for fuel, 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 retention of documents to substantiate deductions from state business income taxes.

Population of CMV Drivers Subject to HOS ICR Requirements

FMCSA projected the driver population subject to the ELD requirements of the HOS regulations based on a query of Motor Carrier Management Information System (MCMIS) on December 27, 2017. On that date, the total driver population was estimated at 6.32 million and the number of drivers with short-haul exceptions was estimated at 2.96 million. Short-haul drivers are excluded from the estimate of burden hours to avoid duplication of burden hours for short-haul drivers that maintain time cards pursuant to Department of Labor regulations. Thus, of the population of 6.32 million interstate and intrastate drivers on December 27, 2017, 3.36 million drivers were subject to the ELD requirements of the HOS regulations. A 0.596 percent annual growth rate was applied to the 2017 total driver population and 2017 short-haul driver population to estimate the annual and average values for the 2019-2021 projection period.

The 0.596 percent growth rate used in this was derived from Bureau of Labor Statistics (BLS) occupation-specific growth rates between 2016 and 2026.⁷ A weighted average growth rate was estimated from BLS employment projections for the following standard occupational classifications:

- BLS SOC 53-3021 (Bus drivers, transit and intercity)
- BLS SOC 53-3022 (Bus drivers, school and special client)
- BLS SOC 53-3032 (Heavy and tractor-trailer truck drivers)
- BLS SOC 53-3023 (Light truck or delivery service drivers)

The projected net growth in total employment for BLS SOC 53-3021 (Bus drivers, transit and intercity) from 2016 to 2026 is 9.0 percent, which equates to a 0.864 percent annual compound growth rate. The projected net growth in total employment for BLS SOC 53-3022 (Bus drivers, school and special client) from 2016 to 2026 is 5.4 percent, which equates to a 0.525 percent annual compound growth rate. The projected net growth in total employment for BLS SOC 53-3032 (Heavy and tractor-trailer truck drivers) from 2016 to 2026 is 5.8 percent, which equates to a 0.568 percent annual compound growth rate. The projected net growth in total employment for BLS SOC 53-3023 (Light truck or delivery service drivers) is 6.5 percent, which equates to a 0.634 percent annual compound growth rate. FMCSA then computed a weighted average annual

⁷ United States Department of Labor, BLS. Employment Projections Program. *Table 1.2: Employment by detailed occupation, 2016 and projected 2026*. Available at: <http://www.bls.gov/emp/ind-occ-matrix/occupation.xlsx> (accessed October 29, 2018).

compound growth rate of 0.595 percent using the BLS 2016 estimates of employment for these four occupational categories.⁸ As shown in Table 2, the weighted average annual compound growth rate is applied to the 6.32 million 2017 total driver projection and 2.96 million drivers with short-haul exemptions. The average of the difference between the annual values projected for 2019 through 2021 results in a 3.42 million population for drivers operating ELD equipped CMVs.

Table 2. Estimate of Driver Population Operating ELD-Equipped CMVs

Year	A Total Population Projected at a 0.596% Annual Growth Rate	B Drivers Exempt from Operating ELD-Equipped Vehicles Projected at a 0.596% Annual Growth Rate	C = Col. A – Col. B. Drivers Operating ELD-Equipped Vehicles
2017	6.32	2.96	3.36
2018	6.35	2.98	3.38
Year 1 (2019)	6.39	2.99	3.40
Year 2 (2020)	6.43	3.01	3.42
Year 3(2021)	6.47	3.03	3.44
Three-Year Average (2019-2021)	6.43	3.01	3.42

Table 3 summarizes the calculations of drivers’ annual and three-year average burden hours for driver Task 1. The Agency assumes it takes drivers 2 minutes to enter the applicable duty status term or code number, manual inputs identifying the CMV and miscellaneous data.⁹ The estimates of annual total minutes per day drivers spend on driver Task 1 are 6.80 million minutes in Year 1, 6.84 million minutes in Year 2 and 6.88 million minutes in Year 3. The three-year average is 6.84 million minutes. Based on a 240-day work year, drivers are estimated to spend on average 1,641.36 million minutes or 27.36 million hours, performing this task.

Table 3. Driver Task 1 Burden Hours for Filling Out Electronic RODS

	Daily: Number of RODS (millions)	Minutes Per RODS on Task	Daily Minutes on Task (millions)	Working Days Per Year	Minutes on Task per Year (millions)	Hours on Task (millions)
Year 1	3.40	2	6.80	240	1,631.64	27.19
Year 2	3.42	2	6.84	240	1,641.34	27.36
Year 3	3.44	2	6.88	240	1,651.10	27.52
Average	3.42	2	6.84	240	1,641.36	27.36

⁸ The number of drivers that have short-haul exemptions is difficult to quantify because drivers can shift from being exempt to non-exempt depending on the length of the route driven on any given day. Thus, the driver population projections used in this analysis assumes that the relative share of drivers with short-haul exemptions on December 27, 2017, is held constant for purposes of projecting the population of drivers that are subject to the ELD mandate for the three-year period covered by this ICR.

⁹ Drivers are required to record four categories of duty status using text (e.g., off duty), abbreviations or code numbers listed in 49 CFR 395.24(b)(1) through (4).

The currently approved ICR estimated driver burden hours assuming voluntary use of ELDs in Year 1 and Year 2, which immediately preceded the ELD rule compliance date for a fraction of the affected driver population. In Year 1, 20 percent of the driver population was assumed to operate ELD equipped CMVs. In Year 2, 22 percent of the population was assumed to operate ELD equipped CMVs. Year 3 assumed 100 percent compliance with the ELD rule. Thus, driver Task 2 burden hours for Year 1 and Year 2 were estimated burden hours for roughly 80 percent of the driver population that continued to forward paper RODS to motor carriers. Burden hours were eliminated for the portion of the driver population operating CMVs voluntarily equipped with ELDs. In Year 3, driver burden hours for forwarding RODS to motor carriers is de minimis. Although ELDs will record electronic RODS, some do not transfer them automatically. The Agency is unable to quantify the number of ELDs that require driver intervention to transfer RODS to their employer, but it believes that the time required to perform this task is de minimis. The Agency assumes in this ICR drivers will no longer have to spend time to forward RODS to motor carriers. Thus, driver burden hours for Task 2 are eliminated in this ICR. Like the current ICR, the Agency finds it appropriate to exclude driver Task 3 burden hours to forward supporting documents to motor carriers under the same rationale previously described. Thus, the estimated annual burden for the driver population operating ELD-equipped CMVs to comply with the HOS rules is 27.36 million hours, as shown in Table 3, above.

Table 4. Motor Carrier Information Collection Tasks

	Task 1 Reviewing RODS	Task 2 Maintaining RODS	Task 3 Maintaining Supporting Documents
Current ICR	Review 50% RODS at 6.5 minutes for paper and 2 minutes for electronic RODS	1 minute per paper ROD. No burden hours incurred for maintaining electronic RODS.	1 minute per paper RODS
Proposed ICR	All RODS are electronic. Review 50% of RODS at 2 minutes per RODS	Task eliminated by ELD, or otherwise de minimis.	Usual and customary activity excluded from burden hours

Table 4 compares motor carriers’ information collection tasks accounted for in the current ICR and in this ICR.

Motor carriers and drivers must not falsify reporting of duty status (49 CFR 395.8(e)) (Attachment F). Drivers must submit RODS to motor carriers, who must retain them under 49 CFR 395.8(k)(1) (Attachment D). Motor carriers are responsible for drivers’ compliance with the FMCSRs under 49 CFR 390.11, which is applicable to part 395. Thus, the Agency expects motor carriers to review RODS to comply with these requirements. It is common practice for motor carriers to systematically review a portion of the RODS of their drivers for consistency with the corresponding supporting documents. Based upon its experience conducting investigative reviews of motor carriers, the FMCSA estimates that motor carriers review approximately 50 percent of their drivers’ RODS.

Table 5 summarizes the calculations of motor carriers annual and three-year average burden hours for motor carrier Task 1. The Agency assumes it takes motor carriers two minutes to evaluate the accuracy of a RODS when compared with accompanying supporting documents. The estimates of annual total minutes per day motor carriers spend on driver Task 1 are 3.40

million minutes in Year 1, 3.42 million minutes in Year 2 and 3.44 million minutes in Year 3. The three-year average is 3.42 million minutes. Based on a 240-day work year, motor carriers are estimated to spend on average 820.68 million minutes, which is the equivalent of 13.68 million hours per year performing this task.

Table 5. Motor Carrier Task 1 Reviewing RODS

	Daily: Number of RODS (millions)	Daily: Number of RODS Reviewed (millions)	Minutes Per RODS on Task	DAILY Minutes on Task (millions)	Working Days Per Year	Minutes on Task per Year (millions)	Hours on Task Per Year (millions)
Year 1	3.40	1.70	2	3.40	240	815.82	13.60
Year 2	3.42	1.71	2	3.42	240	820.67	13.68
Year 3	3.44	1.72	2	3.44	240	825.55	13.76
Average	3.42	1.71	2	3.42	240	820.68	13.68

In the current ICR, motor carrier Task 2 burden hours were eliminated for a percentage of drivers operating CMVs voluntarily equipped with ELDs in Year 1 and Year 2. Thus, in Year 1 and Year 2 motor carrier burden hours were reduced to reflect the electronic transfer and storage of electronic RODS by roughly 20 percent of the affected driver population required to maintain RODS operating ELD-equipped CMVs. In Year 3, it was assumed that 100 percent of the driver population required to maintain RODS would operate ELD-equipped CMVs and that all RODS would be transferred and stored electronically. Because the driver population subject to the ELD mandate in this ICR is required to operate ELD-equipped CMVs, motor carriers no longer are required to perform Task 2 RODS for recordkeeping activities. While motor carrier burden hours are essentially eliminated because ELDs provide for the electronic transfer of RODS to motor carriers, the cost to motor carriers to equip vehicles with ELDs includes a monthly service charge paid to ELD vendors for data management services. These costs are estimated and accounted for in Item 13.

The Agency has reconsidered whether it is appropriate to continue to include motor carriers' burden hours spent on maintaining drivers' supporting documents (motor carrier Task 3). In this ICR, the Agency finds that it is not appropriate to continue to estimate burden hours associated with this activity. As discussed above, the Agency finds that motor carriers require drivers to forward supporting documents as a condition of employment. In addition to using supporting documents to verify RODs, motor carriers may require supporting documents for other business purposes. For example, time stamped receipts for expenses can be used to verify RODS and be used by motor carriers to support expenses deducted for purposes of estimating taxable income. RODS may also be used for payroll records.¹⁰ Thus, the Agency expects that for this data collection activity motor carriers would require drivers to provide supporting documents to their employers in the absence of HOS reporting and recordkeeping requirements. Accordingly, the Agency is excluding this motor carrier recordkeeping activity from burden hours because it is a "usual and customary" activity under 5 CFR 1320.3(b)(2). Moreover, the Agency finds that there is no justification for the asymmetric treatment of supporting document activities between drivers and motor carriers in the current ICR. If it is usual and customary for drivers to forward

¹⁰The number of supporting documents a carrier must keep for each driver's workday is subject to a cap (49 CFR 395.11(d))

supporting documents to motor carriers it follows that the burden hours motor carriers incur to maintain supporting documents are a usual and customary task. For example, if motor carriers maintain the supporting documents for tax purposes, in the absence of the six-month minimum record retention requirement set forth by 49 CFR 395.8(k)(1) they would retain the documents consistent with best practices recommended by the Internal Revenue Service.¹¹ Accordingly, the Agency is excluding motor carrier Task 3 burden hours from the estimated motor carrier burden hours in this ICR.

Monetized value of drivers’ burden hours

The three-year average of the monetized value of drivers’ time to complete daily electronic RODS is estimated as the product of the three-year average of driver burden hours and the weighted average of median hourly wages for four Bureau of Labor Statistics (BLS) commercial driver occupations.¹² The median hourly wage is adjusted to include fringe benefits and motor carriers’ overhead. BLS does not publish data on fringe benefits for specific occupations. BLS does publish fringe benefit data for the broad industry groups in its *Employer Costs for Employee Compensation* (ECEC) quarterly new releases. For this analysis, the average hourly wage is \$25.80 and the average hourly fringe benefit is \$14.69 for private industry workers in the “transportation and warehousing industries,” which yields a 56.9 percent fringe benefit rate (56.9 percent = \$14.34/\$25.80).¹³ The hourly wage rate with fringe benefits is increased an additional 24.7 percent to account for motor carrier overhead. The overhead rate comes from a study prepared by the North Dakota State University Upper Great Plains Transportation Institute.¹⁴ Table 6 shows the computation of the \$36.25 hourly wage used to monetize driver burden hours.

Table 6. Driver Hourly Wage Including Fringe Benefits and Motor Carrier Overhead

Occupational Title (BLS Code Number)	Total Drivers	% of Total Drivers	Median Hourly Base Wage	Weighted Hourly Wage	Fringe Benefits Rate	Overhead Rate	Weighted Average Hourly Cost
Heavy and Tractor Trailer drivers (53-3032)	1,748,140	52.8%	\$20.42	\$10.79	56.9%	27.4%	\$21.57

¹¹ The IRS advises businesses to retain supporting documents for items of income and expenses until the period of limitations expire. The period of limitations ranges from two years to no time limit depending on the applicable provision of the Internal Revenue Code at issue. For example, if the taxpayer owes additional tax, the limitation period is three years. If a taxpayer files a fraudulent tax return, there is no limitation period. See Internal Revenue Service, Publication 583, Starting a Business and Keeping Records, <https://www.irs.gov/pub/irs-pdf/p583.pdf> (accessed October 25, 2018).

¹² Bureau of Labor Statistics (BLS), *Occupational Employment Statistics (OES)*, May 2017 Occupational Profiles, https://www.bls.gov/oes/current/oes_nat.htm (accessed October 29, 2018).

¹³ U.S. DOL, BLS. *Table 10: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by industry group. June 2018.* Available at <https://www.bls.gov/news.release/archives/ecec> (accessed October 26, 2018).

¹⁴ Berwick, Farooq. *Truck Costing Model for Transportation Managers*, North Dakota State University, Upper Great Plains Transportation Institute, 2003. Appendix A, pp. 42-47. This estimate is based on an average cost of \$0.107 per mile of CMV operation for management and overhead, and \$0.39 per mile for labor. The ratio of these values results in an estimated 27.4 percent overhead rate (27.4 percent = \$0.107 ÷ \$0.39). <https://www.ugpti.org/resources/reports/details.php?id=475> (accessed October 29, 2018).

Light truck and delivery Service Drivers (53-3033)	877,670	26.5%	\$15.12	\$4.01	56.9%	27.4%	\$8.02
Bus drivers, school and or special client (53-3022)	176,140	5.3%	\$19.61	\$1.04	56.9%	27.4%	\$2.09
Bus drivers, transit and intercity (53-3021)	507,340	15.3%	\$14.93	\$2.29	56.9%	27.4%	\$4.58
Weighted Driver Wage							\$36.25

Table 7 shows the annual and average burden hours and cost incurred by drivers to complete their electronic RODS. Based on a \$36.25 hourly wage and average annual burden of 27.36 million hours, the cost for drivers to complete electronic RODS is estimated at \$991.68 million (\$991.68 million = (27.36 million hours x \$36.25 per hour, rounded to the nearest one hundred thousand).

Table 7. Total Driver Burden Hours and Cost

	Burden Hours (millions)	Total Cost (\$ millions)
Year 1	27.19	\$985.64
Year 2	27.36	\$991.80
Year 3	27.52	\$997.60
Average	27.36	\$991.68

Monetized value of motor carriers' burden hours

The average annual burden hours incurred by motor carriers to review 50 percent of all RODS is estimated at 13.68 million hours. These burden hours are monetized using the BLS OES median wage for Bookkeeping Accounting and Auditing Clerk of \$18.87 per hour. Fringe benefits and motor carrier overhead are calculated at the same rates used to estimate the hourly wage for drivers shown in Table 7. This results in an average hourly wage of \$37.73 per hour. Thus, the monetized value of motor carriers' burden hours is estimated at \$516.07 million, as shown in Table 8.

Table 8. Motor Carrier Total Burden Hours and Cost

	Burden Hours (millions)	Total Cost (\$ millions)
Year 1	13.60	\$513.01
Year 2	13.68	\$516.06
Year 3	13.76	\$519.13
Average	13.68	\$516.07

Summary Burden Hour Statistics

IC1 - Respondents: Drivers of CMVs.

IC1 Estimated Number of Respondents: 3.42 million CMV drivers.

Frequency of Response for Drivers: 240 days per year.

Estimated Time per Response: CMV drivers using technology: 2 minutes per RODS.

Driver Burden Hours: 27.36 million = 3.42 million RODS x 2 minutes/60 x 240 days

Driver Total Burden Costs: \$991.68 million

IC2 – Respondents: Motor Carriers of Property and Passengers.

IC2 Estimated Number of Respondents: 540,000 Motor Carriers.

Frequency of Response for Motor carriers: 240 days per year.

Estimated Time per Response: Motor Carriers reviewing 50 percent of RODS: 2 minutes per RODS.

Motor Carrier Burden Hours: 13.68 million = 27.36 million x 50%

Motor Carrier Total Burden Costs: \$516.07 million

Estimated Total Annual Burden: 41.04 million hours = 27.36 million + 13.68 million

Estimated Total Burden Costs: \$1507.75 million = \$991.68 million + \$516.07 million

13. Estimate of total annual costs to respondents:

Motor Carrier Recordkeeping Costs

The ELD rule requires motor carriers to provide drivers with paper logbooks with graph grids to allow drivers to prepare paper RODS for a minimum of 8 days if an ELD malfunctions (49 CFR 395.22(h)(4) (Attachment T)). The Agency does not have data on the frequency or duration of ELD malfunctions to estimate the number of days that drivers must rely on backup paper logbooks to report their daily RODS. The Agency does, however, estimate the cost to motor carriers for supplying drivers with backup logbooks. The Agency assumes that each driver is supplied with two paper logbooks per year at an average per unit cost of \$3.58.¹⁵ That is, each driver is assumed to use one backup logbook per year to cover an eight day ELD malfunction. Therefore, a second backup logbook is provided by the motor carrier as a precaution against a subsequent malfunction. The Agency believes this to be a cautious and conservative estimate. Based on the average of 3.42 million drivers operating ELD equipped CMVs, motor carriers are estimated to spend an average of \$24.50 million on backup logbooks (\$24.50 million = 3.42 million drivers x 2 backup logbooks per driver x \$3.58, rounded to the nearest 10 thousand). The current ICR estimates motor carrier annual recordkeeping costs at \$78.18 million consisting of \$76.44 million to supply logbooks to drivers preparing paper RODS and \$1.74 million for the cost of filing cabinets required to store paper RODS. This ICR eliminates \$53.68 million in recordkeeping cost savings per year (i.e., \$78.18 million versus \$24.50 million).

Cost to Install and Operate ELDs

¹⁵ J.J. Keller sells backup logbooks that contains 10 RODS sheets. The unit price ranges with the quantity of purchases from \$4.98 (1 to 99 units) to \$3.43 (500 to 999 units). The midpoint price is \$4.13 (200 to 299 units). The Missouri Trucking Association sells the J.J. Keller backup logbook for \$4.25 and DirectDepot sells it for \$2.66. For purposes of this analysis, the Agency uses an average price of \$3.58 per backup logbook ($\$3.58 = (\$4.13 + \$4.25 + \$2.66)/3$). These price quotes were available from the following web sites: www.jjkeller.com/shop/Product/ELD-Backup-Log-Book-with-Detailed-DVIR-2-Ply-with-Recap-Stock#Pricing, www.motrucking.worldsecuresystems.com/hours-of-service/log-books/51944-eld-backup-log-book-with-detailed-dvir-2-ply-with-recap, and www.directdepot.net/product-info.php/product-model/51944?gclid=EAIaIQobChMI6uSTsNGu3gIVhR-GCh0iOAY9EAQYAiABEgLn8vD_BwE (accessed November 16, 2018).

ELD costs consist of the purchase price, installation cost and monthly service charges paid to ELD vendors for data management services. The Agency obtained ELD price points and monthly service charges posted on vendor websites¹⁶ and an online survey published by *ELD Ratings*.¹⁷ ELD prices ranged from \$99 to \$955, with a median value of \$450 per unit. The Agency used the median price point, plus \$150 installation cost to estimate the installed cost incurred by motor carriers.¹⁸ Monthly service charges for data management services ranged from \$15 to \$55 with a median cost of \$33 per month.¹⁹ ELD installed costs are estimated based on the average annual growth of the driver population, as opposed to the total driver population because the compliance date of the ELD rule coincided with the final year of the current ICR. However, annual service charges are incurred by the total driver population requiring ELDs. As shown in Table 9, the average annual cost for newly installed ELDs is \$12.13 million and the average annual service charges are estimated at \$1,354.1 million for a total average annual cost at \$1,366.25 million.

Table 9. Annual ELD Costs

	Drivers	New Drivers	New ELD Installed Cost (\$ millions)	Annual Service Charges (\$ billion)	Annual Cost (\$ millions)
Year 1	3.40	20,095	\$12.06	\$1,346.10	\$1,358.16
Year 2	3.42	20,215	\$12.13	\$1,354.11	\$1,366.23
Year 3	3.44	20,335	\$12.20	\$1,362.16	\$1,374.36
Average	3.42	20,215	\$12.13	\$1,354.12	\$1,366.25

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. Thus, the Federal government does not incur labor, contractor, data collection, transmission or storage costs.

15. Explanation of program changes or adjustments:

Table 10 summarizes the adjustment to burden hours for program changes and adjustments made in this ICR relative to the currently approved ICR.

¹⁶ Vendor websites include Carmalink (www.carmalink.com/pricing/), DataSmart ELD (www.datasmart4trucks.co/electronic-logbooks.html) and MasTrack (www.mastrack.com/eldbundle) (accessed November 16, 2018).

¹⁷ See <http://eldratings.com/bluetree/> (accessed November 16, 2018).

¹⁸ See Federal Motor Carrier Safety Administration, “Attitudes of Truck Drivers and Carriers on the Use of Electronic Logging Devices and Driver Harassment,” page 65, Table 57, November 2014, <https://rosap.nhtl.bts.gov/view/dot/192> (accessed November 16, 2018).

¹⁹ Some vendors only sell ELD applications with monthly service charges for data services. These are “bring your own device” services that require either a smart phone or tablet. Given that smart phone and tablet prices are comparable to ELD prices, ELD costs were estimated using the price points for the vendors selling the ELD and providing data services.

Table 10. Program Adjustments

	OMB Approval of December 21, 2015	This ICR
CMV Drivers Subject to HOS Recordkeeping Requirements	Year 1: 3.44 million Year 2: 3.48 million Year 3: 3.51 million Average: 3.48 million	Year 1: 3.40 million Year 2: 3.42 million Year 3: 3.44 million Average: 3.42 million
Mandatory Electronic RODS	Assumed voluntary use of ELD for 20 percent of the driver population in Year 1 and 22 percent in Year 2. Electronic RODS mandatory in Year 3	Affected drivers must submit electronic RODS for the entire collection period for this ICR.
Motor Carriers Review 50% of RODS	Three-year average burden hours estimated at 13.91 million hours	Three-year average burden hours estimated at 13.68 million hours. The downward revision is the result of a revised estimate of the driver population shown above.
Motor Carriers Subject to RODS Recordkeeping	540,000	Motor carrier RODS recordkeeping task eliminated based on 100 percent compliance with the ELD
Motor Carrier Supporting Document Recordkeeping	Included in estimate of motor carrier burden hours.	Excluded from motor carrier burden hours as a “usual and customary” activity required to determine taxable income.
Monetized Driver and Motor Carrier Burden Hours	Not Monetized	Driver burden hours monetized at \$36.25 per hour including fringe benefits and motor carrier overhead. Motor carrier burden hours are monetized at \$37.73 per hour
Cost of Paper Logbook	Motor carriers required to provide paper logbooks to those drivers not using ELDs prior to compliance date.	Motor carriers provide drivers two backup logbooks
Motor Carrier Cost to Maintain Paper Records	Motor carriers incur cost for filing cabinets to store paper RODS and supporting documents.	Monthly service charges to ELD vendor data management services eliminate paper recordkeeping storage requirements. Retention of supporting documents is a “usual and customary” activity for business purposes.
ELD Cost	ELD installed cost, plus monthly services charges applied to less than the total population of drivers prior to mandatory compliance in Year 3.	Installed cost of ELD plus data management fees updated to reflect current prices for ELD vendors’ devices and services. New costs incurred to equip the growth component of the driver population, plus monthly services charges for data management applicable to the total driver population.

Table 11 summarizes the adjustments made in this ICR in the estimate of burden hours relative to the currently approved ICR. In this ICR, the total average burden hours are reduced from 99.46 million to 41.03 million, a reduction of 58.42 million burden hours. Driver Task 1 burden hours reflects that the ELD mandate is in effect for the entire three-year information collection period and is applicable to those drivers that are not subject to the short-haul exemption or are not required to operate ELD-equipped vehicles if they are engaged in the activities listed in 49 CFR 395.8(a)(1)(iii)(A)(1-4). The current ICR average burden hours includes driver burden hours to complete paper RODS at 6.5 minutes per day and two minutes per RODS for those drivers that transitioned to ELDs during the three-year collection period. The Agency assumes in this ICR that it takes drivers required to operate ELD-equipped vehicles two minutes to input changes in their duty status in electronic RODS. Thus, the reduction in driver Task 1 burden hours, after accounting for estimated growth in the driver population, is estimated at 33.22 million hours. Driver Task 2 burden hours reflects that the ELD mandate is applicable to all three years of the information collection period. The ELD mandate did not become effective until the third year of the current ICR collection period. In the current ICR the Agency assumed approximately 20 percent of the drivers that are subject to HOS reporting requirements would operate ELD equipped CMVs. This supporting statement reflects the ELD mandate is in effect for the entire collection period for those drivers required to operate ELD-equipped vehicles. This results in the elimination of 3.79 million burden hours. As noted above, some ELD may not automatically transfer RODs and will require driver intervention to perform this task. The Agency believes this task is de minimis.

Motor carrier Task 1 burden hours are reduced by 0.2 million hours because of a downward revision to the estimate of the affected driver population. Motor carrier Task 2 burden hours are eliminated in this ICR because of the data management services provided by ELD vendors. This eliminates 7.28 million burden hours relative to the currently approved ICR. Motor carrier Task 3 burden hours are not included in this ICR because they are treated as usual and customary activity that motor carriers use to document the determination of taxable income. These adjustments result in the elimination of an average of 21.42 million burden hours (21.42 million hours = 0.23 million motor carrier Task 1 hours + 7.28 million motor carrier Task 2 hours + 13.91 motor carrier Task 3 million hours).

Table 11. Average Annual Burden Hour Adjustments-Burden Hour Reductions by Task

Burden Hour Adjustment by Task	Burden Hour Reductions (millions)
Driver Task 1 completion, review and edit RODs	33.22
Driver Task 2 electronic transmittal of RODS	3.79
Total reduction of driver burden hours	37.01
Motor Carrier Task 1 motor carrier review of RODS	0.23
Motor Carrier Task 2 retention of RODS	7.28
Motor Carrier Task 3 retention of supporting documents	13.91
Total reduction in motor carrier burden hours	21.42

Average reduction of burden hours	58.42
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The current ICR did not monetize driver and motor carrier burden hours. This ICR monetizes driver burden hours at \$991.68 million, which is the product of the \$36.25 weight average hourly wage times 27.36 million burden hours for drivers to perform reporting activities required by the HOS rules (\$991.68 million = 27.36 million hours x \$36.25 per hour). Motor carrier monetized burden hours for reviewing 50 percent of RODS is estimated at \$516.07 million based on an average of 13.68 million burden hours and a \$37.73 hourly wage for a motor carrier administrative employee.

The Agency estimates that motor carriers will incur on average \$24.50 million per year cost to supply drivers with backup logbooks required by the HOS rules. The backup logbooks are to be used in the event of ELD malfunctions. The current ICR estimated the cost to supply logbooks at \$76.44 million. The \$52.94 million cost reduction reflects the limited use of paper logbooks because of the use of ELDs. Now motor carriers need only supply drivers with paper backup logbooks. Additionally, the electronic storage of RODS minimizes the need for motor carriers to purchase filing cabinets to store paper RODS that drivers must complete in the event of an ELD malfunction. The Agency believes that the cost to store paper RODS is de minimis. Therefore, the estimated \$1.74 million cost for filing cabinets included in the current ICR is eliminated.²⁰

Lastly, this ICR updated the installed cost and data management fees for devices and services based on a review of prices quoted on vendors' web sites. The current ICR developed costs in 2013 dollars. This analysis reflects 2018 ELD vendor price quotes. The current ICR estimated the average annual cost at \$488.54 million. This ICR estimates the average annual cost at \$1,366.25 million. The \$887.71 million difference reflects an updated cost to install and operate ELDs, plus growth in the number of drivers required to operate ELD equipped CMVs.

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.

Attachments:

A. 49 U.S.C. 5103, General regulatory authority.

²⁰ Because all motor carriers subject to the ELD rules are assumed to be operating ELD-equipped vehicles, the Agency believes that the filing space required to retain paper logs completed because of an ELD malfunction will be de minimis. Pursuant to 49 CFR 395.8(k)(1), motor carriers must retain RODS and supporting documents for no less than six months. Assuming motor carriers eliminate paper RODS currently in storage after six months, they should have adequate capacity in existing filing cabinets to store paper RODS drivers prepare in response to an ELD malfunction.

- B. 49 CFR 390.3, General applicability.
- C. 49 CFR 395.24, Driver responsibilities- In general.
- D. 49 CFR 395.8(k)(1), Retention of driver's record of duty status and supporting documents.
- E. 49 CFR 395.11, Supporting documents.
- F. 49 CFR 395.8(e), Drivers record of duty status.
- G. 49 CFR 395.1, Scope of rules in this part.
- H. 49 U.S.C. 31136, United States Government regulations.
- I. 49 U.S.C. 31502, Requirements for qualifications, hours of service, safety, and equipment standards.
- J. 49 CFR 392.3, Ill or fatigued operator.
- K. 49 CFR 350.201, What conditions must a State meet to qualify for MCSAP funds?
- L. 29 CFR 516.2, Employees subject to minimum wage or minimum wage and overtime provisions pursuant to section 6 or sections 6 and 7(a) of the Act.
- M. 49 CFR 395.8(f)(1), Drivers record of duty status.
- N. 49 U.S.C. 552, Public Information; agency rules, opinion, orders, records, and proceedings.
- O. 49 U.S.C. 552.a, Codification of the Privacy Act of 1974.
- P. 49 CFR 395.22, Motor carrier responsibilities- In general.
- Q. 49 CFR 395.26, ELD data automatically recorded.
- R. 49 CFR 395.34, ELD malfunctions and data diagnostic events.
- S. 5 CFR 1320.3(b), Definitions, burden.
- T. 49 CFR 395.22(h)(4), Supply of blank paper RODSs.