

**Department of Transportation  
Federal Motor Carrier Safety Administration**

**SUPPORTING STATEMENT  
DRIVER QUALIFICATION FILES**

**Introduction**

The Federal Motor Carrier Safety Administration (FMCSA) submits this information collection Request (ICR) to the Office of Management and Budget (OMB) for approval of revisions and updates to the ICR titled *Driver Qualification Files*, OMB Control Number 2126-0004, which is due to expire on April 30, 2020. This revision is necessitated by the Agency's development of a notice of proposed rulemaking (NPRM) titled *Record of Violations* (85 FR 80745, December 14, 2020). The proposed rule would eliminate 49 CFR 391.27 and its reporting and recordkeeping requirements (1) that a driver operating a commercial motor vehicle (CMV) must complete a certified list of violations and submit the list of violations to his or her employer on an annual basis, and (2) that motor carriers must file and maintain the list of violations in driver qualification files. These requirements are largely duplicative of the requirement in 49 CFR 391.25 that motor carriers make an annual inquiry to request the motor vehicle record (MVR) from every State in which a driver holds or has held a CMV operator's license or permit for the past year.

This ICR also addresses the impact of the proposed modifications to 49 CFR 391.25 and 49 CFR 391.23. Currently, 49 CFR 391.25(a) requires motor carriers to request MVRs only for those drivers with licenses issued by State Driver's Licensing Agencies (SDLA). The regulation does not require motor carriers to request the equivalent of MVRs for those drivers operating CMVs in the United States who hold licenses issued by Canadian and Mexican licensing authorities. To ensure motor carriers are aware of traffic violations for a driver who is not licensed by a State, the Agency proposes in the *Record of Violations* NPRM to amend 49 CFR 391.25 to require motor carriers to request annually the MVR from each driver's licensing authority where a driver holds or has held a CMV operator's license or permit. This would require motor carriers to request MVRs from SDLAs, as well as Canadian and Mexican licensing authorities. The proposed rule would make a conforming change to 49 CFR 391.23 to require motor carriers to request MVRs from all applicable licensing authorities where a driver holds or has held a motor vehicle license or permit during the preceding three years when hiring a driver. For the reasons discussed in Items 12 and 13 below, the Agency finds that its estimates of the burden hours and costs associated with requesting MVR equivalents from Canadian and Mexican licensing authorities have been included in prior OMB-approved ICRs, notwithstanding the absence of a regulatory requirement to do so. Thus, this new information collection requirement does not create new burden hours and associated costs.

This ICR retains the assumptions in the supporting statement approved by OMB on April 29, 2020<sup>1</sup> for driver turnover rates, the hourly wage rate for drivers, and the hourly wage rate for

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<sup>1</sup> A copy of the supporting statement approved by OMB on April 29, 2020 is available at [https://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=201910-2126-001](https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201910-2126-001) and in FMCSA Docket No.

motor carrier administrative personnel, but updates the driver population. With the exception of 49 CFR 391.27, the driver population is updated to account for the 3-year information collection period advancing from 2020 through 2022 to 2021 through 2023. This adjustment is made so that the burden hours and costs of this ICR coincide with a 2021 effective date of the proposed rule. This ICR also updates the median fee motor carriers pay to request the equivalent of MVRs from Canadian Provincial and Territorial licensing authorities. The updated median fee did not change with the addition of the fees charged by Canadian Provincial and Territorial licensing authorities.

The proposed rule to rescind 49 CFR 391.27 would eliminate 0.12 million burden hours per year. The estimated reduction is offset by a 0.07 million increase in burden hours for the remaining information collection components of the ICR because of driver population growth. Similarly, the number of requests for MVRs and MVR equivalents increases from 15.44 million to 15.53 million because of driver population growth.

The 3-year average labor cost for this ICR is estimated at \$348.61 million, which compares to the \$350.45 million labor cost estimate for the approved ICR. The 3-year average cost for motor carriers to request MVRs is estimated at \$155.32 million that compares to \$154.40 million for the approved ICR.

The total cost of this ICR is \$503.93 million ( $\$503.93 \text{ million} = \$348.61 \text{ million} + \$155.32 \text{ million}$ ), which compares to \$504.85 million ( $\$504.85 = \$350.45 \text{ million} + \$154.40 \text{ million}$ ) for the approved ICR. Rescinding 49 CFR 391.27 eliminates \$3.9 million in reporting and recordkeeping costs for motor carriers and drivers. The estimated cost savings are offset by a \$2.06 million increase in labor-related costs and \$0.92 million increase in fees to request MVRs and MVR equivalents due to driver population growth. Thus, the net cost savings for this ICR is \$0.92 million.

## **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 to issue regulations pertaining to CMV safety. A motor carrier is required to maintain specified information in a driver qualification file for each CMV driver it employs. The information documents the driver's qualifications to operate a CMV. FMCSA's authority to require motor carriers to maintain driver qualification files is in 49 U.S.C. 504, 31133, 31136, and 31502; 49 CFR 391.51; and 49 CFR 1.87 (Attachments B, C, D, E, F, and G).

This information collection supports the Department of Transportation (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 driver qualification file of a driver 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 hire drivers who safely operate CMVs amidst the various physical and mental demands of truck driving. Driver qualification files assist the motor carrier in assessing the safety risk of hiring an individual to drive a CMV. The driver qualification 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 driver qualification file, it would be difficult for the motor carrier to make this assessment. The driver qualification 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 and international commerce. The general requirements for the content of driver qualification files are set forth in 49 CFR 391.51 and part 391, subpart F. The proposed rule for which this ICR has been prepared would eliminate 49 CFR 391.27 and the related reporting and recordkeeping requirements. They require that a motor carrier request, at least once every 12 months, a certified list of traffic violations covering the prior 12 months. When a driver does not have any violations to report, the driver is required to furnish a certification to that effect. The motor carrier must retain the list of violations or certification of no violations in the driver's qualification file. This requirement is largely duplicative of the requirements in 49 CFR 391.25 that motor carriers annually request and file MVRs for drivers covering at least the preceding 12 months.

## **5. Efforts to minimize the burden on small businesses.**

The proposed rule for which this ICR was prepared would rescind the duplicative task of drivers having to provide motor carriers an annual list of violations pursuant to 49 CFR 391.27. In addition, eliminating 49 CFR 391.27 would eliminate the associated paperwork burden and costs for motor carriers.

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 driver qualification 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 relieves the second carrier from many of the recordkeeping

requirements of the driver qualification file regulations.

Some motor carrier operations are exempt from all recordkeeping requirements related to driver qualification files. These include: (1) farm custom-harvesting operations (49 CFR 391.2(a)); (2) beekeepers (49 CFR 391.2(b)); (3) farmers using non-articulated CMVs to transport farm machinery, farm supplies, or agricultural products within 150 air-miles (49 CFR 391.2(c) and 49 CFR 390.5T); and (4) non-business private motor carriers of passengers (49 CFR 391.68). Farmers using articulated CMVs to transport farm machinery, farm supplies, or agricultural products within a radius of 150 air-miles are exempt from some recordkeeping requirements (49 CFR 391.67). In addition, certain pickup truck operators conducting welding activities in the pipeline industry are exempt from all recordkeeping related to driver qualification files (49 CFR 391.2(e)).

On March 14, 1996, the Federal Highway Administration (FHWA) (predecessor agency of FMCSA) published an NPRM titled *Safety Performance History of New Drivers* (61 FR 10548) (Attachment J). The rule proposed to amend the regulations specifying minimum safety information that new and prospective employers would be required to seek from drivers' previous employers when performing background investigations during the hiring process. 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 performance 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 driver qualification 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, such as the driver's MVR for the three years preceding the date of employment. Other information, such as the driver's MVR, is updated once a year. FMCSA has limited the collection of information to the time when it is most relevant to evaluate a driver's qualifications to operate a CMV. If this information was collected less frequently, the driver qualification file would not always provide current and accurate information regarding the driver's qualifications to operate a CMV. In the interest of highway safety, less frequent collection of information is not an option. Although rescinding 49 CFR 391.27 eliminates the collection of information submitted by drivers regarding their recent history of traffic violations, as noted above, motor carriers are required in large part to obtain the same information by 49 CFR 391.25.

## **7. Special circumstances.**

There are no special circumstances related to this information collection.

## **8. Compliance with 5 CFR 1320.8.**

On December 14, 2020, (85 FR 80745, see Attachment M), FMCSA published an NPRM in the Federal Register requesting public comment on the information collection requirements associated with the proposal to rescind 49 CFR 391.27 and amend 49 CFR 391.25 and 49 CFR 391.23.

## **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 driver qualification 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 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 driver qualification file, as if it all is 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 more than 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 driver qualification files of these CDL drivers must contain more information than is required in the driver qualification files of non-CDL drivers. For example, the driver qualification 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* burden associated with information collected only from CDL drivers is not estimated in this information collection, but is accounted for in the Agency's information collection titled *Commercial Driver Licensing Testing and Standards*, OMB Control No. 2126-0011.

As noted above, the NPRM is proposing to amend 49 CFR 391.23 and 49 CFR 391.25 to require motor carriers, either annually or as part of the employment process, to request a driver's MVR from each licensing authority that issued the driver a license. These changes would require motor carriers to request the MVR equivalent from Canadian and Mexican licensing authorities.

Although the proposed rule would institute new requirements for motor carriers to request MVRs for their drivers operating in the United States who are not licensed by a State, the current OMB-approved information collections for 49 CFR 391.23 and 49 CFR 391.25 already include reporting and recordkeeping costs incurred by motor carriers to request MVRs for such drivers.

All motor carriers authorized to operate in the United States are required to file Form MCS-150 Motor Carrier Identification Report, Form MCS-150B Motor Carrier Identification Report and Hazardous Material Permit Application, or Form MCSA-1 with FMCSA. These registration forms require motor carriers to report the number of drivers they employ and are the source of driver counts in the Motor Carrier Management Information System (MCMIS). MCMIS counts the total number of drivers reported by both domestic and foreign motor carriers. In turn, FMCSA uses the MCMIS driver population data published in FMCSA's annual *Pocket Guide to Large Truck and Bus Statistics*, which includes drivers employed by Canadian and Mexican motor carriers, to calculate the burden associated with information collections and paperwork. Thus, requests for MVR equivalents for drivers holding licenses issued by Canadian or Mexican licensing authorities already have been included in this information collection.

The burden associated with this information collection is organized in four categories described below.

#### *IC-1 Driver Hiring Process*

IC-1 consists of five reporting and recordkeeping tasks performed by drivers, hiring motor carriers, and drivers' previous employers. The five tasks are:

- IC-1.1: Driver prepares and submits employment application (49 CFR 391.21).
- IC-1.2: Hiring motor carrier files employment application in driver qualification file (49 CFR 391.51(b)(1)).
- IC-1.3: Hiring motor carrier requests MVR for three years preceding application and files it in the driver qualification file (49 CFR 391.23(a)(1) and (b)).
- IC-1.4: Hiring motor carrier requests safety performance history for three preceding years from applicant's previous employers and files documents received in investigation history file (49 CFR 391.23(a)(2) and (c)(1)).
- IC-1.5: Previous FMCSA-regulated employer responses to hiring carrier's request for a driver's safety performance history and filing of each request and response for one year (49 CFR 391.23(g)(1) and (4)).

#### *IC-2 Annual Review of Driver Qualifications*

IC-2 in the approved ICR supporting statement consists of three tasks. Two of the tasks are associated with driver and motor carrier burden hours and costs associated with drivers submitting an annual list of violations to their employer pursuant to 49 CFR 391.27. With the proposal to eliminate this regulation, the burden hours and costs of these reporting and recordkeeping requirements would be eliminated from this supporting statement. The remaining task, which is motor carriers' annual requirement to request drivers' MVRs or MVR equivalents from each licensing authority that issued the driver a license pursuant to 49 CFR 391.25(a) and to file the response in the driver qualification file pursuant to 49 CFR 391.51(b)(4), would be renumbered as IC-2.

### *IC-3 Limited Exemptions from Driver Qualification Documentation*

IC-3 consists of four reporting and recordkeeping tasks required to document qualifications of multiple-employer drivers, and drivers furnished to another motor carrier by their regular employer. The purpose of the limited exemptions is to minimize duplication of driver qualification reporting and recordkeeping requirements for drivers operating CMVs for more than one motor carrier. The four tasks associated with IC-3 are:

- IC-3.1: Multiple-employer driver provides the hiring carrier with license data, personal information, medical examiners certificate and certificate of road test or equivalent (49 CFR 391.63(a)).
- IC-3.2: Motor carrier files and retains license data, personal information, medical examiners certificate and certificate of road test or equivalent for three years after employment ends (49 CFR 391.63(b)).
- IC-3.3: Primary motor carrier providing certificate of qualification for a driver furnished to another motor carrier (49 CFR 391.65(a)(2)).
- IC-3.4: A motor carrier obtaining a certificate of qualification for a driver furnished by another motor carrier files and retains a copy of the certificate (49 CFR 391.65(b)(2)).

### *IC-4 Driver Review and Rebuttal of Safety Performance History*

Motor carriers are required to notify driver-applicants that their safety performance histories will be investigated 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 performance histories provided by their previous employer to the hiring motor carrier. Additionally, some will take advantage of their right to submit a written rebuttal of the information supplied by their former employers. Thus, IC-4 accounts for three tasks involving motor carriers and drivers:

- IC-4.1: Hiring carrier notifies driver of right to review safety performance history (49 CFR 391.23(i)(1)).
- IC-4.2: Hiring carrier provides prior employer safety performance history to driver (49 CFR 391.23(i)(2)).
- IC-4.3: Driver prepares and submits rebuttal to previous employer (49 CFR 391.23(j)(3)).

### *Estimated Driver Population and Job Openings*

The burden hours and costs in this ICR are based on a 6.2 million driver population of interstate and intrastate CDL and non-CDL CMV drivers that is reported in FMCSA's *2018 Pocket Guide to Large Truck and Bus Statistics*.<sup>2</sup> The number of CMV drivers at any given time fluctuates due to factors including, but not limited to, enforcement actions, driver turnover, and licensing issues. The interstate and intrastate driver counts are based on motor carrier registration data in MCMIS. The intrastate driver counts for States that do not require intrastate carriers to register with FMCSA are estimated by an extrapolation of State data. The driver population on December 29, 2017, is the base year from which the population is estimated for the 3-year period covered by this ICR.

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<sup>2</sup> Available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/safety/data-and-statistics/413361/fmcsa-pocket-guide-2018-final-508-compliant.pdf> (accessed April 22, 2019).



Several of the driver qualification file reporting and recordkeeping tasks are performed by drivers and motor carriers during the hiring process. Truck driver employment is historically characterized by high turnover rates. The turnover rate is the primary contributor to the annual number of job applications that motor carriers must investigate and document in driver qualification files. For example, *CCJ Commercial Carrier Journal* reported that the turnover rate in the second quarter of 2018 rose to an annualized rate of 98 percent for large truck load carriers, the highest observed since 2015.<sup>3</sup> Other segments of the CMV-driver industry have less substantial turnover rates. Given the focus of the driver qualification file reporting and recordkeeping requirements on the hiring process, FMCSA must estimate the number of annual job openings.

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. The United States Department of Labor, Bureau of Labor Statistics (BLS) Occupational Employment Statistics (OES) compiles data on CMV drivers under the Transportation and Moving Materials major occupational group. The OES data 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. These drivers are generally subject to the FMCSRs. In addition, OES data on the employment of heavy truck and tractor-trailer drivers is limited to drivers operating CMVs with a capacity of at least 26,000 pounds gross vehicle weight.

To estimate the population of both interstate and intrastate CMV drivers, FMCSA distributed the 6.2 million driver population reported in the *2018 Pocket Guide to Large Truck and Bus Statistics* among 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 distribution of the driver population used in this analysis is 52 percent for OTR drivers, 24 percent for TL drivers, and 24 percent for LTL drivers.<sup>4</sup> The Agency used these percentages to estimate a weighted average turnover rate. The turnover rate is applied to the total driver population to estimate annual job openings. The American Trucking Associations' turnover rates for the three categories in the second quarter of 2018 was 98 percent for OTR carriers, 72 percent for TL carriers, and 14 percent for LTL carriers.<sup>5</sup> The weighted average turnover rate is 71.6 percent.<sup>6</sup>

<sup>3</sup> *CCJ Commercial Carrier Journal*, "Driver Turnover Rate Surged Again in the Second Quarter to a Three-Year High," October 3, 2018, <https://www.ccjdigital.com/driver-turnover-rate-surged-again-in-second-quarter-to-three-year-high/> (accessed January 9, 2019).

<sup>4</sup> American Transportation Research Institute, *ATRI Analysis of the Operational Cost of Trucking: 2018 Update*, <http://atri-online.org/wp-content/uploads/2018/10/ATRI-Operational-Costs-of-Trucking-2018.pdf> (accessed April 19, 2019).

<sup>5</sup> American Trucking Associations Press Release *Turnover at Large Truckload Fleets Hits Highest Level Since 2015*, <https://www.trucking.org/article/Turnover-at-Large-Truckload-Fleets-Hits-Highest-Level-Since-2015> (accessed April 19, 2019).

<sup>6</sup> Calculated as:  $(71.6\% = (52\% \text{ proportion of OTR drivers} \times 98\% \text{ turnover of OTR drivers}) + (24\% \text{ proportion of TL drivers} \times 72\% \text{ turnover of TL drivers}) + (24\% \text{ proportion of LTL drivers} \times 14\% \text{ turnover of LTL drivers}))$ .

In this supporting statement, the 71.6 percent turnover rate is applied to the 3-year average of the projected driver population for the information collection period ending in 2023. The projected driver population is based on a 0.595 percent annual growth rate. The growth rate is a weighted average of annual compound growth rates estimated from BLS point estimates of driver employment in 2016 and 2026 projections for four commercial driver occupations reported by BLS Employment Projections Program.<sup>7</sup> Table 1 shows the calculation of the weighted average compound growth rate.

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<sup>7</sup> U.S. Department of Labor, BLS. Employment Projections Program. *Table 1.2: Employment by detailed occupation, 2016 and projected 2026*, <http://www.bls.gov/emp/ind-occ-matrix/occupation.xlsx> (accessed April 19, 2019).

**Table 1. Population Growth Rate**

BLS Standard Occupation	2016 Total Employment (thousands)	2016 Employment Percentage of Total	2026 Total Employment (thousands)	Compound Annual Growth Rate in Employment (2016-2026)	Weighted Average Compound Growth Rate
	A	$B = A/3,512$	C	$D = ((C/A) ^ (1/10)) - 1$	$E = B \times D$
Heavy and tractor-trailer truck drivers	1,871	53.3%	1,980	0.568%	0.303%
Light truck or delivery services drivers	953	27.1%	953	0.634%	0.17%
Bus drivers, school or special client	508	14.5%	508	0.525%	0.08%
Bus drivers, transit and intercity	179	5.1%	179	0.864%	0.04%
	3,512	100%	3,620		<b>0.595%</b>

The 0.595 percent weighted average growth rate does not equal the sum of the components due to rounding.

Table 2 shows the projected driver population from 2017 to 2023 at a 0.595 percent growth rate (2021-2023) is estimated at 6.39 million and the 3-year average job openings is estimated at 4.57 million (4.57 million job openings = 6.39 million drivers x 71.6%) and 71.6 percent turnover rate. The driver population for the 3-year period covered by this ICR

**Table 2. Projected Driver Population and Job Openings**

Year	Total Driver Population (millions)	Job Openings (millions)
	$A = A_{-1} \times (1 + 0.595\%)$	$B = A \times 71.6\% \text{ Turnover Rate}$
2017	6.20	4.44
2018	6.24	4.47
2019	6.27	4.49
2020	6.31	4.52
2021	6.35	4.55
2022	6.39	4.57
2023	6.42	4.60
Three-year Average 2021-2023	6.39	4.57

*Monetized value of drivers' and motor carriers' time to comply with driver qualification File reporting and recordkeeping requirements*

The Agency monetizes driver and motor carrier burden hours in this ICR using BLS 2018 median hourly wage data for the four driver occupations listed in Table 1 above.<sup>8</sup> Table 3 summarizes the estimation of a weighted average hourly wage of \$36.25 for drivers. The median hourly wages for each of the four driver occupations are increased to account for fringe benefits and motor carrier overhead, as shown in Table 3.

**Table 3. 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
	<i>A = from BLS OES Data</i>	<i>B = A/Sum of A</i>	<i>C = from OES</i>	<i>D = B x C</i>	<i>E = from BLS ECEC</i>	<i>F<sup>11</sup></i>	<i>G = D x (1+0.569) x (1+0.274)</i>
Heavy and Tractor Trailer drivers (53-3032)	1,748,140	52.8%	\$20.42	\$10.79	56.9%	27.4%	\$21.57
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
<b>Weighted Driver Wage</b>							<b>\$36.25</b>

Note:

- (a) The number of drivers is the number of respondents by occupational title to the BLS survey. The coverage and scope of the survey is described at [https://www.bls.gov/oes/oes\\_emp.htm#scope](https://www.bls.gov/oes/oes_emp.htm#scope) (accessed May 12, 2019).  
 (b) The \$36.25 hourly weighted average wage rate does not equal the sum of the components due to rounding.

BLS does not publish fringe benefit data by specific occupations. Therefore, the fringe rate used in this analysis is estimated from BLS data for the “transportation and warehousing” industry reported in BLS *Employer Costs for Employee Compensation (ECEC)* quarterly news releases. The *ECEC* reports an average hourly wage of \$25.80 and \$14.69 hourly fringe benefits expense for the “transportation and warehousing” industry. The ratio of hourly fringe benefits and the hourly wage rate results in a 56.9 percent fringe benefit rate (56.9% = \$14.34/\$25.80) that is applied to the median hourly wages for the driver occupations shown in Table 3.<sup>9</sup> The resultant hourly wage 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

<sup>8</sup> Bureau of Labor Statistics (BLS). *Occupational Employment Statistics (OES)*, May 2017 Occupational Profiles, [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm) (accessed April 19, 2019).

<sup>9</sup> U.S. Department of Labor, 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 April 19, 2019).

University Upper Great Plains Transportation Institute.<sup>10</sup> The \$36.25 hourly wage, rounded to \$36, is used to monetize driver burden hours.

Motor carrier labor costs are based on a \$14.48 median wage for a file clerk (BLS Standard Occupation Code 43-4071) reported in the BLS 2017 OES. When adjusted for fringe benefits and motor carrier overhead, the hourly rate used to estimate motor carrier salary expense is \$29.<sup>11</sup>

#### IC-1 Driver Hiring Process Burden Hours and Cost

Table 4 summarizes IC-1.1, the estimate of drivers' burden hours and cost to prepare employment applications. The average number of job openings is estimated at 4.57 million. It is equal to the difference between the total number of CMV drivers projected at a 0.596 percent annual growth rate and the estimated number of jobs openings created by a 71.6 percent turnover rate (4.57 million job openings = 6.39 million drivers x 71.6%). It is estimated that five applications are submitted for each job opening, with the average annual number of job applications estimated to be 22.86 million (22.86 million applications = 4.57 million job openings x 5 applications). The Agency estimates that it takes a driver-applicant 15 minutes to complete the application. This results in an estimated 5.72 million average annual burden hours (5.72 million burden hours = 22.86 job openings x 15 minutes ÷ 60). The drivers' time is monetized at \$28 per hour.<sup>12</sup> The average estimated cost to drivers is \$160.05 million (\$160.05 million = 5.72 million hours x \$28).

**Table 4. IC-1.1 Driver Cost to Prepare Employment Application**

	<b>Driver Population (millions)</b>	<b>Job Openings (millions)</b>	<b>Job Applications (millions)</b>	<b>Driver Burden Hours (millions)</b>	<b>Driver Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = From Table 2 Col. A</i>	<i>B = A x 71.6%</i>	<i>C = B x 5</i>	<i>D = C x (15 min/60)</i>	<i>E = D x \$28</i>
2021	6.35	4.55	22.73	5.68	\$159.10
2022	6.39	4.57	22.86	5.72	\$160.05
2023	6.42	4.60	23.00	5.75	\$161.00
Average	6.39	4.57	22.86	5.72	\$160.05

Note: Annual and average values may not match due to rounding.

Table 5 summarizes IC-1.2, which is the estimated burden hours and cost incurred by motor carriers to file employment applications. The Agency assumes that motor carriers will receive five applications for each job opening. This results in a 3-year average of 22.86 million applications. It takes 1 minute for a motor carrier file clerk to file each application in an average of 0.38 million burden hours (0.38 burden hours = 22.86 million applications x 1 minute ÷ 60).

<sup>10</sup> 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). Available at <https://www.ugpti.org/resources/reports/details.php?id=475> (accessed April 19, 2019).

<sup>11</sup> \$29 = \$14.48 x (1 + 56.9%) x (1 + 27.4%), rounded to the nearest dollar.

<sup>12</sup> The drivers' time is monetized at \$28 per hour for IC-1.1. This is because drivers seeking to change jobs and new entrants would be doing so on their own time. Hence, motor carrier overhead is not applicable to monetizing the burden hours associated with this task.

At an average hourly wage of \$29, motor carriers will incur an average annual salary expense of \$11.05 million.

**Table 5. IC-1.2 Motor Carrier Files Employment Application in Driver Qualifications File**

	<b>Job Applications (millions)</b>	<b>Hiring Motor Carrier Burden Hours (millions)</b>	<b>Hiring Motor Carrier Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = Table 4 Col. C</i>	<i>B = A x (1 Min./60)</i>	<i>C = B x \$29</i>
2021	22.73	0.38	\$10.99
2022	22.86	0.38	\$11.05
2023	23.00	0.38	\$11.12
Average	22.86	0.38	\$11.05

Note: Annual and average values may not match due to rounding.

Table 6 summarizes IC-1.3, which is the estimate of the burden hours and cost incurred by motor carriers to request MVRs from SDLAs for the preceding three years for drivers that motor carriers select for background investigations. The Agency estimates motor carriers will conduct a background investigation for three out of five applicants for each job opening. Therefore, motor carriers will request on average 13.72 million MVRs from SDLAs (13.72 million MVR requests = 4.57 million job applications x 3). The Agency expects that it will take 5 minutes to request and file MVRs provided by SDLAs, which results in an average of 1.14 million burden hours per year (1.14 million burden hours = 12.44 million MVR requests x 5 minutes ÷ 60). At an average wage of \$29 per hour, the average annual salary expense for this task is estimated at \$33.15 million (\$33.15 million = \$29 x 1.14 million burden hours). The supporting statement does not include an estimate of burden hours and associated costs incurred by SDLAs to provide MVRs in response to motor carrier requests. Providing MVRs to non-commercial and commercial drivers, as well as third parties, is a routine business process performed by SDLAs for a multitude of entities, not solely for motor carriers to meet FMCSA regulatory requirements. Other entities that use MVRs include, insurance companies, law enforcement agencies, private investigative agencies, Federal, State and local courts, and vendors providing batch retrieval services to authorized third parties.<sup>13</sup> Thus, the Agency provides an estimate of the fees motor carriers pay SDLAs for retrieval of MVRs, which is described in Item 13.

**Table 6. IC-1.3 Hiring Motor Carrier Requesting MVR from Licensing Authorities and Filing in Driver Qualifications File**

	<b>Job Openings (millions)</b>	<b>Number of Driver Records Requested (millions)</b>	<b>Hiring Carrier Burden Hours (millions)</b>	<b>Hiring Carrier Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = Table 4 Col. B</i>	<i>B = A x 3</i>	<i>C = B x (5 Min./60)</i>	<i>D = C x \$29</i>
2021	4.55	13.64	1.14	\$32.96

<sup>13</sup> See for example, Utah Department of Public Safety, Driver Privacy Protection Act Permissible Uses, Accessible at <https://site.utah.gov/dps-driver/wp-content/uploads/sites/17/2015/01/Permissible-Uses.pdf> (accessed May 7, 2019).

2022	4.57	13.72	1.14	\$33.15
2023	4.60	13.80	1.15	\$33.35
Average	4.57	13.72	1.14	\$33.15

Table 7 summarizes IC-1.4, which is the estimate of the burden hours and cost incurred by hiring motor carriers to obtain the safety performance history for those applicants that have previously been employed by a FMCSA-regulated motor carrier. The safety performance history is to cover at least three years preceding the date of the application. The Agency estimates 80 percent of applications investigated will require motor carriers to obtain on average 10.97 million safety performance histories from FMCSA-regulated carriers (10.97 million requests = 13.72 million application investigations x 80%). This task is estimated to take 20 minutes for each investigation, which results in an average annual burden of 3.66 million hours (3.66 million burden hours = 10.97 million requests x 5 minutes ÷ 60). At a \$29 per hour wage rate for a file clerk, hiring motor carriers are estimated to incur an average annual salary expense of \$106.09 million (\$106.09 million = 3.66 million burden hours x \$29).

**Table 7. IC-1.4 Burden Hours and Cost for Hiring Carrier to Obtain Applicants' Safety Performance History from Previous DOT Employer(s)**

	<b>Number of Applications Investigated (millions)</b>	<b>Number of Safety Performance History Requests (millions)</b>	<b>Hiring Carrier Burden Hours (millions)</b>	<b>Hiring Carrier Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = Table 6 Col. B</i>	<i>B = A x 80%</i>	<i>C = B x (20 Min./60 Min.)</i>	<i>D = C x \$29</i>
2021	13.64	10.91	3.64	\$105.46
2022	13.72	10.97	3.66	\$106.09
2023	13.80	11.04	3.68	\$106.72
Average	13.72	10.97	3.66	\$106.09

Note: Annual and average values may not match due to rounding.

Table 8 summarizes IC-1.5, which is the estimate of the burden hours and cost incurred by FMCSA-regulated motor carriers to respond to hiring motor carriers' requests for the safety performance histories of former drivers. FMCSA estimates that it takes motor carriers 5 minutes to respond to each request (i.e., retrieve the data, prepare the response, and transmit to the hiring motor carrier). The estimated average burden hours for this task are 0.91 million hours (0.91 million hours = 10.97 safety performance history requests x 80% x 5 min. ÷ 60 min.). At an average hourly wage of \$29, the estimated average cost to motor carriers is \$26.52 million (\$26.52 million = 0.91 million hours x \$29).

**Table 8. IC-1.5 Burden Hours and Cost for FMCSA-Regulated Employers to Supply Safety Performance History to Hiring Carrier**

	<b>Number of Applications Investigated (millions)</b>	<b>Number of Safety Performance History Requests (millions)</b>	<b>FMCSA-Regulated Carrier Burden Hours (millions)</b>	<b>FMCSA-Regulated Carrier Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = Table 6 Col. B</i>	<i>B = A x 80%</i>	<i>C = B x (5 Min./60 Min.)</i>	<i>D = C x \$29</i>
2021	13.64	10.91	0.91	\$26.37
2022	13.72	10.97	0.91	\$26.52
2023	13.80	11.04	0.92	\$26.68
Average	13.72	10.97	0.91	\$26.52

Note: Annual and average values may not match due to rounding.

### *IC-2 Annual Review of Driver Qualifications Burden Hours and Costs*

The supporting statement for the approved ICR of this information collection includes the estimated burden hours and cost incurred by drivers and motor carriers in accordance with 49 CFR 391.27. This supporting statement reflects the incremental change to the estimated burden hours in the renewal ICR because of the proposed elimination of 49 CFR 391.27 and the related driver and motor carrier reporting and recordkeeping costs. In the approved ICR, those 3-year burden hours and costs were estimated at 0.12 million burden hours and \$3.9 million. In the



approved ICR, the individual information collections for 49 CFR 391.27 for drivers and motor carriers were designated as IC-2.1 (driver submits certified list of violations to motor carrier) and IC-2.2 (motor carrier files list of violations in driver qualification file). They are eliminated from this supporting statement. The approved ICR information collection IC-2.3-Motor Carrier Requests for MVRs per 49 CFR 391.25 is redesignated as IC-2.

Table 9 summarizes the estimate of IC-2, which is the average annual burden hours and cost incurred by motor carriers to submit requests to licensing authorities for the MVRs of drivers who they have employed for the preceding 12 months and to file the response the driver qualification file. The number of requests is equal to the difference between the total driver population and the number of job openings created by annual turnover. The Agency estimates that motor carriers will request licensing authorities to furnish an average of 1.81 million MVRs (1.81 million requests = 6.39 million drivers x (1-71.6% turnover rate)). The Agency estimates that it takes a motor carrier file clerk 2 minutes to perform this task, which results in an estimated average burden of 0.06 million hours (0.06 million hours = 1.81 million requests to licensing authorities x 2 minutes ÷ 60). The wage rate for this task is \$29 per hour. The average annual salary expense to motor carriers is estimated at \$1.75 million.

**Table 9. IC-2 Employer Annual MVR Request to Licensing Authorities and Filing MVR in Driver Qualifications File**

	<b>Driver Population (millions)</b>	<b>Number of Drivers Subject to Annual MVR Review (millions)</b>	<b>Motor Carrier Burden Hours for Requesting and Filing MVRs from Licensing Authorities (millions)</b>	<b>Motor Carrier Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = Table 2 Col. A</i>	<i>B = A x (1-71.6%)</i>	<i>C = B x (2 Min./60)</i>	<i>D = C x \$29</i>
2021	6.35	1.80	0.06	\$1.74
2022	6.39	1.81	0.06	\$1.75
2023	6.42	1.82	0.06	\$1.76
Average	6.39	1.81	0.06	\$1.75

Note: Annual and average values may not match due to rounding.

*IC-3 Limited Exemptions from Driver Qualification Documentation Burden Hours and Costs*

IC-3 accounts for the reporting and recordkeeping requirements of driver qualification documentation pertaining to multiple-employer drivers (49 CFR 391.63) and for drivers furnished to another motor carrier by the drivers' regular employers (49 CFR 391.65). Table 10 shows the estimate of the average burden hours and cost associated with IC-3.1 and IC-3.2. IC-3.1 accounts for the reporting requirement of 49 CFR 391.63(a) that drivers provide license data and personal information to the motor carrier. FMCSA assumes that 10 percent or 0.64 million drivers are multiple-employer drivers (0.64 million drivers = 6.39 million driver populations x 10%). It takes drivers on average 1 minute to supply the data to secondary motor carriers, which results in an average of 0.011 million burden hours (0.011 million burden hours = 0.64 million drivers x 1 minute ÷ 60). At a \$36 hourly wage, the average annual cost of this task is estimated at \$0.383 million (\$0.383 million = 0.011 burden hours x \$36).<sup>14</sup> IC-3.2 accounts for secondary motor carriers' reporting and recordkeeping requirements prescribed by 49 CFR 391.63(b). The burden hours for this task are the same as that incurred by drivers. Motor carriers' costs are monetized at \$29 per hour at \$0.309 million.

**Table 10. IC-3.1 and IC-3.2 Reporting and Recordkeeping for Multiple Employer Drivers Information**

	Driver Population (millions)	Number of Multiple-Employer Drivers (millions)	IC-3.1 Driver Burden Hours (millions)	IC-3.1 Driver Salary Expense (millions)	IC-3.2 Motor Carrier Burden Hours (millions)	IC-3.2 Motor Carriers Salary Expense (\$ millions)
Year	$A = \text{Table 2 Col. A}$	$B = A \times 10\%$	$C = B \times (1 \text{ Min.}/60)$	$D = C \times \$36$	$E = B \times (1 \text{ Min.}/60)$	$F = E \times \$29$
2021	6.35	0.63	0.011	\$0.381	0.011	\$0.307
2022	6.39	0.64	0.011	\$0.383	0.011	\$0.309
2023	6.42	0.64	0.011	\$0.385	0.011	\$0.311
Average	6.39	0.64	0.011	\$0.383	0.011	\$0.309

Note: Annual and average values may not match due to rounding.

Table 11 summarizes the burden hour and cost to motor carriers furnishing drivers to a second carrier. A motor carrier using a driver who it does not regularly employ does not have to establish and maintain a complete driver qualification file for that driver if the motor carrier obtains a "Qualification Certificate" from the motor carrier that regularly employs the driver (49 CFR 391.65(a)). IC-3.3 accounts for the burden hours and cost for compliance with this regulation. FMCSA estimates that 20 percent of drivers work for a second motor carrier on a temporary basis. This equates to 1.28 million drivers (1.28 million furnished drivers = 6.39 million driver population x 20%). FMCSA estimates that drivers' regular motor carriers require 2 minutes to complete the Qualification Certificate. This results in an average annual burden of 0.043 million hours (0.043 million hours = 1.28 million drivers x 2 minutes ÷ 60). Based on a \$29 hourly wage for a file clerk, regular motor carriers are estimated to incur a \$1.23 million average annual salary expense to perform this task. Motor carriers that temporarily employ drivers must contact the drivers' regular employers to validate the certificate, and then file it in accordance with 49 CFR 391.65(b). IC-3.4 accounts for this task. The Agency estimates

<sup>14</sup> The driver wage rate used in this estimate includes motor carrier overhead because it is assumed that the driver is providing the information required by the rule while the driver is on duty.

it will take the temporary employer 3 minutes to contact drivers' regular employers and to file a Qualification Certificate for each driver. This results in an average annual burden of 0.064 million hours ( $0.064 \text{ hours} = 1.28 \text{ million drivers} \times 3 \text{ minutes} \div 60$ ). At the \$29 hourly wage for a file clerk, temporary motor carriers are estimated to incur a \$1.85 million average annual salary expense.

**Table 11. IC-3.3 and IC-3.4 Reporting and Recordkeeping for Drivers  
Furnished by Another Carrier**

	<b>Driver Population (millions)</b>	<b>Drivers Furnished to Another Motor Carrier (millions)</b>	<b>IC-3.3 Regular Motor Carrier Burden Hours (millions)</b>	<b>IC-3.3 Regular Employer Salary Expense (\$ millions)</b>	<b>IC-3.4 Temporary Motor Carrier Burden Hours (millions)</b>	<b>IC-3.4 Temporary Motor Carrier Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = Table 2 Col. A.</i>	<i>B = A x 20%</i>	<i>C = B x (2 Min./60)</i>	<i>D = C x \$29</i>	<i>E = B x (3 Min./60)</i>	<i>F = E x \$29</i>
2021	6.35	1.27	0.042	\$1.23	0.063	\$1.84
2022	6.39	1.28	0.043	\$1.23	0.064	\$1.85
2023	6.42	1.28	0.043	\$1.24	0.064	\$1.86
Average	6.39	1.28	0.043	\$1.23	0.064	\$1.85

Note: Annual and average values may not match due to rounding.

*IC-4 Driver’s Review and Rebuttal of Safety Performance History Burden Hours and Cost*

IC-4.1 accounts for the requirement that motor carriers notify drivers of their right to review safety performance histories provided by previous employers regulated by FMCSA to hiring motor carriers (49 CFR 391.23(i)(1)). The estimates of the burden hours and cost of this requirement are summarized in Table 12. The number of motor carrier notices to drivers equals the number of motor carrier requests for safety performance histories, which is estimated at 10.97 million drivers. FMCSA estimates that motor carriers require an average of 1 minute to provide this notice. The estimated average annual burden to notify applicants is 0.183 million hours (0.183 million hours = 10.97 drivers x 1 minute ÷ 60). At a \$29 hourly wage for a file clerk, the average annual expense to hiring motor carriers is estimated at \$5.30 million.

**Table 12. IC-4.1 Motor Carrier Notification to Driver of Right to Review Safety Performance History**

	<b>Number of Driver-Applicants Notified of Rights to Review Safety Performance History (millions)</b>	<b>Motor Carrier Burden Hours to Provide Notification (millions)</b>	<b>Motor Carrier Salary Expense to Provide Notification (\$ millions)</b>
<b>Year</b>	<i>A = Table 7 Col. B</i>	<i>B = A x (1 Min./60)</i>	<i>C = B x \$29/hour</i>
2021	10.91	0.182	\$5.27
2022	10.97	0.183	\$5.30
2023	11.04	0.184	\$5.34
Average	10.97	0.183	\$5.30

Note: Annual and average values may not match due to rounding.

IC-4.2 pertains to hiring motor carriers furnishing upon request by drivers copies of their safety performance histories provided to the hiring motor carrier by drivers’ previous employers. Drivers have the right to request a copy of their safety performance history from the hiring motor carrier. The Agency estimates that hiring motor carriers will, on average, investigate the safety performance history of three applicants for each driver opening; thus, approximately

10.97 million safety history investigations are conducted annually. The 4.57 million applicants selected for driver positions generally have no reason to request their safety history. Of the remaining 6.40 million driver-applicants (6.40 million applicants = 10.97 million applicant investigations – 4.57 million jobs), 5 percent or 0.320 million request their safety performance histories from the hiring motor carrier (0.320 applications = (10.97 million investigations – 4.57 million job openings) x 5%). FMCSA estimates that it takes 3 minutes for hiring motor carriers to provide each driver-applicant with a copy of his or her safety performance history. It takes 0.016 million burden hours to perform this task (0.016 million hours = 0.320 million drivers requesting their safety performance history x 3 minutes ÷ 60). Based on a \$29 per hour rate, hiring motor carriers’ average annual expense for performing this task is estimated at \$0.464 million. Table 13 summarizes the estimate of average annual burden hours and cost.

**Table 13. IC-4.2 Motor Carrier Providing Drivers with Safety Performance Histories**

	<b>Number of Safety Performance History Investigations (millions)</b>	<b>Number of Jobs Filled (millions)</b>	<b>Number of Drivers Requesting Safety Performance History (millions)</b>	<b>Motor Carrier Burden Hours to Provide Safety Performance History to Hiring Carrier (millions)</b>	<b>Motor Carrier Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = Table 14 Col. A</i>	<i>B = Table 2 Col. B</i>	<i>C = (A-B) x 5%</i>	<i>D = C x (3 Min./60)</i>	<i>E = D x \$29</i>
2021	10.91	4.55	0.318	0.016	\$0.461
2022	10.97	4.57	0.320	0.016	\$0.464
2023	11.04	4.60	0.322	0.016	\$0.467
Average	10.97	4.57	0.320	0.016	\$0.464

Note: Annual and average values may not match due to rounding.

IC-4.3 accounts for the time and expense incurred by driver-applicants if they choose to rebut in writing a safety performance history provided to the hiring motor carrier. The estimate of the annual burden hours and cost associated with this task is summarized in Table 14. The applicant must forward the rebuttal to former employers and ask that the history be amended. The Agency assumes that of the 0.320 million applicants who receive their safety performance histories from hiring motor carriers, 10 percent, or 0.032 million, will submit a rebuttal to their prior employers. FMCSA estimates that drivers will require 30 minutes to draft a rebuttal and provide it to their past employer(s). The annual burden associated with submitting a rebuttal is estimated to be 0.016 million hours (0.016 million = 0.032 million rebuttals × 30 minutes ÷ 60). The cost of this task is estimated at \$0.0448 million based on a \$28 per hour driver wage. Motor carrier overhead is excluded from the driver wage because it is assumed that the applicant is preparing the rebuttal on his or her own time.

**Table 14. IC-4.3 Driver Rebuttal of Safety Performance History**

	<b>Drivers Requesting Safety Performance History (millions)</b>	<b>Drivers Submitting Rebuttal (millions)</b>	<b>Driver Burden Hours (millions)</b>	<b>Driver Salary Expense (\$ millions)</b>
<b>Year</b>	<i>A = Table 13 Col. C</i>	<i>B = A x 10%</i>	<i>C = (B x 30 Min/60)</i>	<i>D = C X \$28</i>
2021	0.318	0.032	0.016	\$0.445

2022	0.320	0.032	0.016	\$0.448
2023	0.322	0.032	0.016	\$0.451
Average	0.320	0.032	0.016	\$0.448

Note: Annual and average values may not match due to rounding.

Table 15 summarizes the burden hours and costs incurred by drivers and motor carriers to comply with driver qualifications reporting and recordkeeping requirements.

**Table 15. Estimated Burden Hours and Cost of Driver Qualifications Reporting and Recordkeeping Requirements**

Information Collection	Number of Responses (millions)	Minutes per Response	Burden Hours (millions)	Cost (\$ millions)
<b>IC-1 Driver Hiring Process</b>				
IC-1.1 Driver prepares and submits employment application [49 CFR 391.21]	22.86	15	5.72	\$160.05
IC-1.2 Hiring motor carrier files application in driver qualification file [49 CFR 391.51(b)(1)]	22.86	1	0.38	\$11.05
IC-1.3 Hiring carrier requests applicant's MVR for 3 preceding years and files in driver qualification file [49 CFR 391.23(a)(1) and (b)]	13.72	5	1.14	\$33.15
IC-1.4 Hiring motor carrier requests safety performance history from applicant's prior FMCSA-regulated employers and files in investigation history file [49 CFR 391.23(a)(2) and (c)(1)]	10.97	20	3.66	\$106.09
IC-1.5 Prior FMCSA-regulated carrier response to request for safety performance history	10.97	5	0.91	\$26.52
<b>Total IC-1</b>	<b>81.40</b>		<b>11.81</b>	<b>\$336.87</b>
<b>IC-2: Annual Review of Driver Qualifications</b>				
IC-2 Employer annual request for MVR [49 CFR 391.25]	1.81	2	0.06	\$1.75
<b>IC-3 Limited Exemptions from Driver Qualification Documentation</b>				
IC-3.1 Multiple-employer driver provides license data and personal information [49 CFR 391.63(a)]	0.64	1	0.01	\$0.38
IC-3.2 Motor carrier files driver license data and personal information [49 CFR 391.63(b)]	0.64	1	0.01	\$0.31
IC-3.3 Regular employer provides certification of driver qualifications [49 CFR 391.65(a)(2)]	1.28	2	0.04	\$1.23
IC-3.4 Second employer requests certification of driver qualifications and files certificate [49 CFR 391.65(b)]	1.28	3	0.06	\$1.85
<b>Total IC-3</b>	<b>3.83</b>		<b>0.13</b>	<b>\$3.78</b>
<b>IC-4: Driver Review and Rebuttal of Safety Performance History</b>				
IC-4.1 Hiring carrier provides notification to drivers of right to review safety performance history [49 CFR 391.23(i)(1)]	10.97	1	0.18	\$5.30
IC-4.2 Hiring carrier provides prior employer safety history to applicant [49 CFR 391.23(i)(2)]	0.32	3	0.02	\$0.46
IC-4.3 Driver prepares and submits rebuttal to previous employer [49 CFR 391.23(j)(3)]	0.03	30	0.02	\$0.45
<b>TOTAL IC-4</b>	<b>11.33</b>		<b>0.21</b>	<b>\$6.22</b>
<b>TOTAL</b>	<b>98.37</b>		<b>12.22</b>	<b>\$348.61</b>

Differences due to rounding.

### Summary Statistics

Estimated annual burden hours: 12.22 million hours.

Estimated annual number of respondents: 6.93 million respondents (6.39 million drivers + 0.54 million motor carriers).

Estimated annual number of responses and recordkeeping tasks: 98.37 million

### **13. Estimate of total annual costs to respondents or recordkeepers.**

The known non-labor costs associated with this information collection are fees motor carriers pay to request MVRs. The Agency does not estimate licensing burden hours and costs incurred by licensing authorities to provide motor carriers with MVRs they are required to request pursuant to 49 CFR 391.25 and 49 CFR 391.23. The Agency finds this function is a routine business practice for licensing authorities.

In the approved ICR, motor carriers are assessed a \$10 fee to obtain MVRs from SDLAs, which consists of a \$9 median fee charged by all 51 SDLAs plus a \$1 third-party processing fee. The Agency assumes that third-party vendors provide batch processing of requests for MVRs on behalf of motor carriers. Thus, a \$1 fee for vendors retrieving MVRs is added to the median fee charged by SDLAs. A LexisNexis survey of SDLA requirements for ordering MVRs indicates that SDLAs have developed systems to accommodate small and large requests electronically.<sup>15</sup> Forty-nine SDLAs responded that they provide both interactive requests for MVRs as well as batch processing. The remaining SDLAs provide only batch processing.

In accordance with the proposed *Record of Violations* rulemaking, this supporting statement updates the median fee motor carriers would pay to request the equivalent of MVRs from Canadian Provincial and Territorial licensing authorities. Including the fees of Canadian licensing authorities in the updated median fee for MVRs provides a more accurate accounting of costs to obtain MVRs for drivers holding licenses issued by Canadian licensing authorities. FMCSA has surveyed fees charged by Canadian licensing authorities and third-party processing companies. FMCSA has determined that the median fee charged for a MVR equivalent in Canada is also \$9, when converted to United States dollars, and that third-party processing fees are consistent as well. Thus, the \$10 median fee would not change with the addition of the fees charged by Canadian Provincial and Territorial licensing authorities.<sup>16</sup>

Pursuant to the proposed rulemaking, motor carriers would be required to request MVRs annually from licensing authorities covering at least the 12 preceding months for drivers they have employed for that time period. The Agency estimates that motor carriers would request licensing authorities to provide 1.81 million MVRs to comply with 49 CFR 391.25. Motor carriers are also required during the hiring process to request licensing authorities to provide MVRs for applicants for the preceding three years. The Agency estimates that motor carriers would make 13.72 million requests for MVRs as part of the hiring process to comply with 49 CFR 391.23. Therefore, on average, motor carriers are estimated to request 15.53 million MVRs from licensing authorities at a cost of \$155.32 million (\$155.32 million = \$10 x 15.53 million).

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<sup>15</sup> LexusNexus MVR Order Requirements by State, July 2015. Available at [https://insurancesolutions.custhelp.com/ci/fattach/get/2901530/0/filename/MVR+Order+Requirements\\_2015-07-09.pdf](https://insurancesolutions.custhelp.com/ci/fattach/get/2901530/0/filename/MVR+Order+Requirements_2015-07-09.pdf) (accessed May 19, 2019).

<sup>16</sup> Although the Agency was unable to obtain the fees charged by Mexican State licensing authorities to include in the calculation of the median fee, FMCSA assumes fees to request MVR equivalents in Mexico are comparable.



#### 14. Estimate of cost to the Federal government.

The Federal government incurs no costs associated with part 391 information and recordkeeping requirements. 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.

Table 16 summarizes the incremental change in burden hours and costs associated with the proposed elimination of 49 CFR 391.27 and its reporting and recordkeeping requirements, as determined in the approved ICR, and the increase in the 6.35 million driver population from the approved ICR reporting period ending in 2022 to the 6.39 million driver population estimated in this supporting statement for the 3-year period ending in 2023. This adjustment recognizes that the approved ICR covers the 3-year period through 2020, whereas the effective date for the proposed rule eliminating 49 CFR 391.27 is anticipated to begin in 2021. Thus, the 3-year period accounts for the projected population growth from 2020 to 2021 for information collections other than those related to 49 CFR 391.27. The 71.6 percent driver turnover rate for the remaining information collections in the ICR, response times for each information collection used to estimate burden hours, and the hourly wage rates for drivers (\$36 per hour) and motor carrier administrative personnel (\$29 per hour) used to monetize the estimated burden hours in the approved ICR are continued in this supporting statement.

The total cost of this ICR is estimated at \$503.94 million, which consists of \$348.61 million of labor costs and \$155.32 million in fees to request MVRs and MVR equivalents from licensing authorities. The approved ICR cost was estimated at \$504.85 million, which consists of \$350.45 million of labor costs and \$154.40 million of fees for requests to SDLAs for MVRs. Rescinding 49 CFR 391.27 eliminates 0.12 million burden hours that is offset by a 0.07 increase in burden hours due to driver population growth, which affects the other information collection components of this ICR. The increase in labor-related costs due to driver population growth is estimated at \$2.06 million. Thus, the net decrease in labor-related cost for this ICR, after accounting for rescinding 49 CFR 391.27 and driver population growth, is \$1.84 million (\$1.84 million = \$3.90 million - \$2.06 million). The \$1.84 million labor cost savings are offset by the \$0.92 million increase in fees motor carriers pay to request MVRs and MVR equivalents from drivers’ applicable licensing authorities. As described above, the median fee used in the renewal ICR and this ICR is \$9, plus a \$1 fee paid to third-party service providers. Therefore, the increase in this cost to motor carriers is caused by driver population growth.

**Table 16. Changes in Burden Hours and Cost**

<b>Information Collection</b>	<b>Number of Responses</b>	<b>Burden Hours (millions)</b>	<b>Cost (\$ millions)</b>
<b>IC-1 Driver Hiring</b>			
IC-1.1 Driver Completes Application (391.21)	0.14	0.03	\$0.95
IC-1.2 Hiring Carrier Files Application in driver qualifications	0.14	0.00	\$0.07

File (391.51(b)(1))			
IC-1.3 Hiring Carrier Requests Applicant's MVR for preceding 3 years (391.23(a)(1) and 391.23(b)(1) and files in driver qualifications	0.08	0.01	\$0.20
IC-1.4 Hiring Carrier Request to Prior DOT Employers for Applicants' SPH. Files in investigation history file (391.23(a)(2) and 391.23(c)(1)).	0.06	0.02	\$0.63
IC-1.5 Prior DOT Employer Responses to Hiring Carrier Request of SPH	0.06	0.01	\$0.16
<b>TOTAL IC-1</b>	<b>0.48</b>	<b>0.07</b>	<b>\$1.99</b>
<b>IC-2: Annual Review of Driver Qualifications</b>			
Formerly IC-2.1 Driver submits List of Violations (391.27)	-1.80	-0.06	-\$2.16
Formerly IC-2.2 Motor carrier files List of Violations (391.27)	-1.80	-0.06	-\$1.74
Formerly IC-2.3 Now Designated IC-2 Employer annual request for MVR (391.25)	0.01	0.00	\$0.01
<b>Total IC-2</b>	<b>-3.60</b>	<b>-0.12</b>	<b>-\$3.89</b>
<b>IC-3 Limited Exemptions from Driver Qualification Documentation</b>			
IC-3.1 Multiple Employer Driver Provides License Data and Personal Information (391.63)	0.004	0.0001	\$0.002
IC-3.2 Motor Carrier Files Information	0.004	0.0001	\$0.002
IC-3.3 Primary employer provides certification of driver qualifications 391.65(a)(2)	0.008	0.0003	\$0.01
IC-3.4 Second employer requests certification of driver qualifications and files certificate 391.65(b)	0.008	0.0004	\$0.01
<b>TOTAL IC-3</b>	<b>0.023</b>	<b>0.001</b>	<b>\$0.02</b>
<b>IC-4: Driver Review and Rebuttal of Safety Performance History</b>			
IC-4.1 Hiring Carrier Must Notify Driver for Right to Review (391.23(i))	0.06	0.001	\$0.03
IC-4.2 Hiring Carrier Provides Prior Employer Safety Performance History to Applicant (391.23(iii)(2))	0.002	0.0001	\$0.003
IC-4.3 Driver Prepares and Submits Rebuttal to Previous Employer (391.23(j)(3))	0.0002	0.0001	\$0.003
<b>TOTAL IC-4</b>	<b>0.07</b>	<b>0.0013</b>	<b>\$0.04</b>
<b>49 CFR 391.27 Burden Hours and Costs Eliminated</b>	<b>-3.60</b>	<b>-0.12</b>	<b>-\$3.90</b>
<b>Change in Burden Hours and Costs Due to Driver Population Growth</b>	<b>0.56</b>	<b>0.07</b>	<b>\$2.06</b>
<b>Net Change in ICR Burden Hours and Costs</b>	<b>-3.04</b>	<b>-0.05</b>	<b>-\$1.84</b>
<b>Change in MVR Fees Due to Driver Population Growth</b>			<b>\$0.92</b>
<b>Net Change in Cost from Renewal ICR</b>			<b>\$-0.92</b>

## 16. Publication of results of data collection:

This information collection requires recordkeeping by motor carriers and drivers. 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.

### **Attachments**

- 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 titled, "General Requirements for Driver Qualification Files."
- G. 49 CFR 1.87 titled, "Delegations to the Federal Motor Carrier Safety Administration Administrator."
- H. 49 CFR 391.11 titled "General Qualifications of Drivers."
- I. 49 CFR 391.63 titled, "Multiple-Employer Drivers," and 391.65 titled, "Drivers Furnished by Other Motor Carriers."
- J. An NPRM titled, "*Safety Performance History of New Drivers*" (61 FR 10548, March 14, 1996).
- K. An SNPRM titled, "*Safety Performance History of New Drivers*" (68 FR 422339, July 17, 2003).
- L. A final rule titled, "*Safety Performance History of New Drivers*" (69 FR 16684, March 30, 2004).
- M. An NPRM titled, "*Record of Violations*" (85 FR 80745, December 14, 2020).