

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

**SUPPORTING STATEMENT
391.31 Road Test Requirement**

Summary

- This is a request for approval of a new ICR due to a proposed rule, the *Qualifications of Drivers; Vision Standard* proposed rule (86 FR 2344, January 12, 2021).
- IC-1 consists of three reporting and recordkeeping tasks motor carriers perform regarding the road test required by § 391.31 when they hire a new driver.
- IC-2 consists three reporting and recordkeeping tasks for the incremental burden associated with the requirement in the proposed rule that individuals physically qualified under § 391.44 for the first time would be required to complete a road test in accordance with § 391.31 subsequent to physical qualification.
- The annual information collection burden for respondent motor carriers associated with the road test form and certificate of driver’s road test is 430,588 hours with an associated cost of \$21,623,811.

Introduction

The Federal Motor Carrier Safety Administration (FMCSA) submits this new information collection request (ICR) titled “391.31 Road Test Requirement,” OMB Control Number 2126-TBD,¹ to the Office of Management and Budget (OMB) for approval. The ICR estimates the burden motor carriers incur to comply with the reporting and recordkeeping tasks required for the road test associated with 49 CFR § 391.31 (Attachment A). FMCSA has not previously accounted for the burden associated with § 391.31 road tests; accordingly, this ICR accounts for this burden. The ICR also includes the incremental burden associated with § 391.31 road tests due to FMCSA’s development of the *Qualifications of Drivers; Vision Standard* proposed rule (86 FR 2344, January 12, 2021) (Attachment B).

FMCSA notes this ICR is primarily specific to drivers of smaller commercial motor vehicles (CMV) that do not require a commercial driver’s license (CDL) to operate. The burden associated with the skills test required to obtain a CDL is accounted for in the “Commercial Driver Licensing and Testing Standards” ICR, OMB Control Number 2126-0011.

As shown in Table 8, the annual burden hours for this ICR are estimated at 430,588. Motor carrier burden hours are monetized using the Department of Labor, Bureau of Labor Statistics hourly wage data. The annual labor cost for this ICR is estimated at \$21,623,811.

Part A. Justification

¹ The OMB control number will be determined and assigned by OMB upon approval of the ICR.

1. Circumstances that make collection of information necessary.

In 1970, the Federal Highway Administration (FHWA), the predecessor agency of FMCSA, adopted § 391.31, which provides an individual must not drive a CMV until the individual has successfully completed a road test and has been issued a certificate of driver's road test (35 FR 6458, 6462, April 22, 1970) (Attachment C)). At that time, the FHWA stated that the interests of CMV safety would be promoted by ensuring drivers have demonstrated their skill by completing a road test (35 FR 6459). The related requirement in § 391.51 (Attachment D) that the motor carrier include information relating to the road test in the driver qualification file was also adopted in 1970 (35 FR 6465). The information documents the driver's ability to operate a CMV safely.

Sections 391.31 and 391.51 are based on the authority of the Motor Carrier Act of 1935² (1935 Act) and the Motor Carrier Safety Act of 1984³ (1984 Act), both as amended. The 1935 Act, as codified at 49 U.S.C. § 31502(b) (Attachment E), authorizes the Secretary of Transportation (Secretary) to prescribe requirements for the qualifications of employees of a motor carrier and the safety of operation and equipment of a motor carrier. The 1984 Act, as codified at 49 U.S.C. § 31136 (Attachment F), provides concurrent authority to regulate drivers, motor carriers, and vehicle equipment. Section 31136(a) requires the Secretary to issue regulations on CMV safety, including regulations to ensure that CMVs are operated safely. The Secretary has discretionary authority under 49 U.S.C. § 31133(a)(8) to prescribe recordkeeping and reporting requirements (Attachment G). The Administrator of FMCSA is delegated authority under 49 CFR § 1.87 (Attachment H) to carry out the functions vested in the Secretary by 49 U.S.C. Chapters 311 and 315 as they relate to CMV operators, programs, and safety.

The purpose of the *Qualifications of Drivers; Vision Standard* proposed rule is to permit individuals who cannot meet either FMCSA's current distant visual acuity or field of vision standard, or both, in 49 CFR § 391.41(b)(10) in one eye to be physically qualified to operate a CMV in interstate commerce. Such individuals would have to meet the proposed alternative vision standard in § 391.44 and FMCSA's other physical qualification standards. In addition, with limited exceptions, individuals physically qualified under the alternative vision standard for the first time would be required to complete a road test in accordance with § 391.31 before operating a CMV in interstate commerce. The road test would demonstrate individuals with a vision deficiency possess the skills needed to operate a CMV safely.

Motor carriers must ensure each driver has the skill to operate a CMV safely. The information collected and maintained by motor carriers in each driver qualification file related to the road test substantiates the driver can operate a CMV safely and the motor carrier has fulfilled its regulatory requirements. It also aids Federal and State safety investigators in assessing the qualifications of drivers.

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

² Pub. L. 74-255, 49 Stat. 543, August 9, 1935.

³ Pub. L. 98-554, 98 Stat. 2829, 2832, October 30, 1984.

Public interest in highway safety dictates that employers hire drivers who can safely operate CMVs amidst the various physical and mental demands of truck driving. Subject to some exceptions, § 391.31 requires a motor carrier to conduct a road test when the motor carrier hires a new driver. The motor carrier is required to rate the performance of the driver during the test on a road test form provided by the motor carrier. If the road test is successfully completed, the motor carrier completes a certificate of driver's road test and provides a copy to the driver. The motor carrier retains the original signed road test form and the original, or a copy, of the signed certificate in the driver qualification file. Motor carriers may maintain the required road test form and certificate electronically or via paper copy. The information collected by the motor carrier is needed to document the motor carrier conducted the road test as required and determined the driver can operate a CMV safely. The information also assists Federal and State safety investigators in determining that motor carriers fulfilled their regulatory requirements when deciding who may drive CMVs on their behalf and in assessing the qualifications of drivers.

The *Qualifications of Drivers; Vision Standard* proposed rule would require individuals physically qualified under the alternative vision standard in § 391.44 for the first time to complete a road test in accordance with § 391.31. Accordingly, the reporting and recordkeeping tasks required for the § 391.31 road test would be the same as those described in the previous paragraph. The proposed alternative vision standard would except an individual from the road test requirement if the individual operated a CMV in intrastate or excepted interstate commerce⁴ with the vision deficiency for the 3-year period immediately preceding the date of physical qualification under § 391.44 for the first time. To obtain the exception in § 391.44(d)(3), the individual would certify in writing to the motor carrier the date the vision deficiency began. If the motor carrier determines the individual operated a CMV in intrastate or excepted interstate commerce with the vision deficiency for the required 3 years, the motor carrier would prepare a written statement to that effect with the finding that the individual is not required by § 391.44(d) to complete a road test. A copy of the written statement would be provided to the individual. The motor carrier would retain in the individual's driver qualification file the original of the written statement and the original, or a copy, of the individual's certification regarding when the vision deficiency began. Motor carriers could maintain the written statement and certification electronically or via paper copy. The information collected by the motor carrier would be needed to document the motor carrier determined the individual meets the requirements of the exception and has operated a CMV safely with the vision deficiency. The information also assists Federal and State safety investigators in determining that motor carriers fulfilled their regulatory requirements when deciding who may drive CMVs on their behalf and in assessing the qualifications of drivers.

3. Extent of automated information collection.

⁴ More specifically, if the individual operated in interstate commerce excepted by § 390.3T(f) or § 391.2 from the requirements of subpart E of part 391 of the Code of Federal Regulations.

Motor carriers are required to retain in the driver qualification file the original signed road test form and the original, or a copy, of the signed certificate of driver's road test after a driver successfully passes a road test given by the motor carrier. Motor carriers may maintain the required road test form and certificate electronically or via paper copy. Generally, driver qualification files must be maintained at the motor carrier's principal place of business. Neither the road test form nor the certificate is routinely submitted to FMCSA.

Under the exception to a § 391.31 road test in the proposed alternative vision standard, the motor carrier would retain in the driver qualification file the original of the motor carrier's written statement and the original, or a copy, of the individual's certification regarding when the vision deficiency began. Motor carriers could maintain the written statement and certification electronically or via paper copy. Neither the written statement nor the certification would be routinely submitted to FMCSA.

4. Efforts to identify duplication.

FMCSA is the only Federal agency given the authority to regulate the qualification of CMV drivers operating in interstate commerce. Section 391.33 allows hiring motor carriers to accept in the place of a road test a valid CDL⁵ or a copy of a valid certificate of driver's road test issued to the driver within the preceding 3 years (Attachment I). Accordingly, drivers who have completed a skills test to obtain a CDL⁶ or had a road test conducted by a previous employer within the last 3 years are not required to have another road test under § 391.31. The general requirements of the driver qualification file (49 CFR § 391.51 and part 391, subpart F) do not duplicate any other Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 350–399).

FMCSA notes that the alternatives to a road test provided in § 391.33 would not apply to § 391.31 road tests required by the proposed alternative vision standard in § 391.44. FMCSA has determined that, with limited exceptions, motor carriers should evaluate whether a driver with a vision deficiency, including a CDL holder, has the skill to operate a CMV safely.

5. Efforts to minimize the burden on small businesses.

Section 391.31 requires a motor carrier to conduct a road test only when the motor carrier hires a new driver. Motor carriers are allowed by § 391.33 to accept in the place of a road test a valid CDL or a copy of a valid certificate of driver's road test issued to the driver within the preceding 3 years. Accordingly, drivers who have completed a skills test to obtain a CDL or had a road test conducted by a previous employer within the last 3 years are not required to have another road test under § 391.31.

⁵ However, if the motor carrier intends to assign to the CDL holder a vehicle necessitating the doubles/triples or tank vehicle endorsement, the motor carrier must administer the road test under § 391.31 in a representative vehicle. FMCSA lacks internal data to determine how many newly-hired CDL holders might need a doubles/triples or tank vehicle endorsement, but believes the number is de minimis.

⁶ The burden associated with information collected to obtain a CDL is accounted for in the Agency's "Commercial Driver Licensing Testing and Standards" ICR, OMB Control Number 2126-0011.

The requirement in § 391.31 that an individual obtain a road test prior to operating a CMV is subject to the exceptions in subpart G of part 391. Specifically, the requirement for a road test does not apply to a farm vehicle driver (as defined in § 390.5) who is 18 years of age or older and drives an articulated CMV (49 CFR § 391.67). Nor is a road test required for a driver for a private motor carrier of passengers (nonbusiness) (49 CFR § 391.68), or a driver who was a single-employer driver (as defined in § 390.5) of a private motor carrier of passengers (business) as of July 1, 1994, provided that the driver continues to be a single-employer driver of that motor carrier (49 CFR § 391.69).

Some motor carriers employ part-time drivers. Some drivers may undertake other part-time employment as a driver. In such instances, Agency rules permit abbreviation of the contents of driver qualification files to avoid unnecessary duplication and burdensome recordkeeping (49 CFR § 391.65). 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. The burden associated with information collected for motor carriers furnishing a “Qualification Certificate” to other motor carriers employing the same driver is accounted for in the Agency’s “Driver Qualifications Files” ICR, OMB Control Number 2126-0004.

As discussed in Item 4 above, the alternative to a road test provided in § 391.33 would not apply to § 391.31 road tests required by the proposed alternative vision standard in § 391.44. However, such a road test would be required only the first time an individual is medically certified under the proposed alternative vision standard in § 391.44. Thereafter, any otherwise applicable provisions of § 391.33 would apply to drivers medically certified under the proposed alternative vision standard.

6. Impact of less frequent collection of information.

Section 391.31 requires a motor carrier to conduct a road test only when the motor carrier hires a new driver. Motor carriers are allowed by § 391.33 to accept in the place of a road test a valid CDL or a copy of a valid certificate of driver’s road test issued to the driver within the preceding 3 years. Accordingly, drivers who have completed a skills test to obtain a CDL or had a road test conducted by a previous employer within the last 3 years are not required to have another road test under § 391.31. Although the alternatives to a road test in § 391.33 would not be available for individuals required to have a § 391.31 road test by the proposed alternative vision standard, such a road test would be required only the first time an individual is medically certified under the proposed alternative vision standard in § 391.44. FMCSA limits information collection to occasions when a motor carrier is conducting necessary tests to determine that a driver can operate a CMV safely. In addition, if this information were collected less frequently, the driver qualification file would not always provide current and accurate information regarding the driver’s ability to operate a CMV. In the interest of highway safety, less frequent collection of information is not an option.

7. Special circumstances.

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR § 1320.8.

On January 12, 2021, FMCSA published the *Qualifications of Drivers; Vision Standard* proposed rule in the Federal Register requesting public comment on the proposed information collection (86 FR 2344).

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 §§ 391.31 and 391.51, as well as proposed § 391.44, must be protected to the extent permitted by law. Agency regulations require motor carriers to obtain and retain in the driver qualification file several other documents when hiring a new driver, which may include sensitive information. In addition, each motor carrier must maintain records relating to the investigation into the safety performance history of a new driver from all past employers during the prior 3 years (49 CFR § 391.23(d)). Each motor carrier also must maintain records relating to the investigation of the driver's drug and alcohol history from DOT-regulated employers that employed the driver in the prior 3 years in a safety-sensitive function that required alcohol and controlled substance testing specified by 49 CFR part 40 (49 CFR § 391.23(e)). Motor carriers are required to ensure that the information obtained is maintained in a secure location with controlled and limited access (49 CFR § 391.53(a)(1)).

FMCSA believes as a practical matter most motor carriers control access to the entire driver qualification file, as if it all is sensitive. The driver qualification file is typically maintained at the motor carrier's principle place of business. The information collected is not available to the public. FMCSA would not routinely receive the information collected pursuant to this information collection. FMCSA would be provided the information collected only upon request as part of an investigation or audit.

11. Justification for collection of sensitive information.

As discussed above, FMCSA does not routinely collect information about individuals in connection with § 391.31 road tests or maintain it in a system of records. Similarly, FMCSA

would not routinely collect information about individuals obtaining an exception to the proposed § 391.31 road test requirement for individuals with a vision deficiency or maintain it in a system of records. Motor carriers only would provide the information they collect directly from drivers at the request of an FMCSA or State safety investigator as part of an investigation or audit.

Section 391.31(d) provides that, if the road test is successfully completed, the motor carrier must complete a certificate of driver's road test "substantially" in the form prescribed in the regulation, which lists, in part, the driver's social security number, driver's license number, and State of issuance of the driver's license (49 CFR § 391.31(e) and (f)). This information could be used by the motor carrier to identify the driver, verify the driver has a driver's license, and to identify the driver in the motor carrier's record system. However, because the road test is completed when hiring a driver, the motor carrier already would have collected this information on other employment documents. The motor carrier also would have verified the identity of the driver and that the driver has a driver's license. Accordingly, FMCSA proposes in the *Qualifications of Drivers; Vision Standard* rule to remove this information from the list in paragraph (f) because it is unnecessary and duplicative.

The information collected is not available to the public. The motor carrier must retain the information collected in the driver qualification file. The driver qualification file is typically maintained at the motor carrier's principal place of business. As explained in Item 10, FMCSA believes that most motor carriers control and limit access to the driver qualification file. The requirement to retain the information in the driver qualification file provides reasonable security safeguards to protect the information against risks, such as loss or unauthorized access, destruction, or use.

12. Estimate of burden hours for information requested.

This ICR estimates the information-collection burden incurred by motor carriers associated with the § 391.31 road test in two circumstances. The first is when the road test is required by § 391.31 (IC-1); the second is when the road test is required as part of the alternative vision standard in proposed § 391.44 (IC-2).

IC-1 Road Test Burden Hours and Costs under § 391.31

IC-1 consists of three reporting and recordkeeping tasks motor carriers perform regarding the road test required by § 391.31 when they hire a new driver. The three tasks are:

- IC-1.1: The motor carrier completes and signs the road test form while the driver performs a pre-trip inspection and the driving portion of the road test (49 CFR § 391.31(d)).
- IC-1.2: The motor carrier completes a certificate of driver's road test in substantially the form prescribed in § 391.31(f) (49 CFR § 391.31(e)) and gives the driver a copy (49 CFR § 391.31(g)).
- IC-1.3: The motor carrier retains in the driver qualification file the original signed road test form and the original, or a copy, of the signed certificate of driver's road test (49 CFR § 391.31(g)(1) and (2)).

IC-2 Road Test Burden Hours and Costs under § 391.44

IC-2 consists of the incremental burden associated with the requirement in the *Qualifications of Drivers; Vision Standard* proposed rule that individuals physically qualified under § 391.44 for the first time would be required to complete a road test in accordance with § 391.31 subsequent to physical qualification. Because § 391.44(d)(1) would require motor carriers to conduct the road test in accordance with § 391.31(b) through (g), IC-2 consists of the same three reporting and recordkeeping tasks motor carriers perform regarding the road test in IC-1. The three tasks are:

- IC-2.1: The motor carrier completes and signs the road test form while the driver performs a pre-trip inspection and the driving portion of the road test (49 CFR § 391.31(d)).
- IC-2.2: The motor carrier completes a certificate of driver's road test in substantially the form prescribed in §391.31(f) (49 CFR § 391.31(e)) and gives the driver a copy (49 CFR § 391.31(g)).
- IC-2.3: The motor carrier retains in the driver qualification file the original signed road test form and the original, or a copy, of the signed certificate of driver's road test (49 CFR § 391.31(g)(1) and (2)).

IC-1 Road Test Burden Hours and Costs under § 391.31

To estimate the annual burden hours and costs for IC-1, FMCSA makes the following assumptions.

To estimate the number of road tests performed per year and the number of certificates completed per year, FMCSA estimates the total number of new job openings per year in the light vehicle industry. FMCSA first determines the total driver population subject to the road test requirement. Because § 391.33 allows motor carriers to accept a valid CDL instead of the § 391.31 road test, the driver population is limited to non-CDL holders. Third-party requirements of this information collection are being considered. Accordingly, this information collection reflects both interstate drivers subject to the FMCSRs and intrastate drivers subject to compatible State regulations. FMCSA's *2019 Pocket Guide to Large Truck and Bus Statistics*

reports in 2018 there were 800,000 interstate and 1,500,000 intrastate drivers who operate light vehicles, or non-CDL drivers.⁷ To find the total driver populations in 2022, 2023, and 2024 (the 3 years projected to be reflected in this ICR based on when any final rule might be adopted), FMCSA multiplies the total driver population (800,000 + 1,500,000 = 2,300,000) by the growth rate for driver occupations typical in the light vehicle industry. According to the Department of Labor's Occupational Outlook Handbook for the transportation and material moving industry's delivery truck drivers and driver/sales workers category, the light vehicle industry employment indicates a growth rate of 5 percent from 2019 to 2029.⁸ FMCSA uses this rate to estimate the growth in the driver population.

Next, to estimate the total number of job openings per year, FMCSA takes the adjusted total driver population, multiplied by the industry turnover rate. According to the American Trucking Associations, turnover for light vehicles is 79.2 percent.⁹ Table 1 below shows that for the year 2021, the industry will fill an estimated 2,108,730 job openings. As motor carriers fill these positions, they must perform driver road tests or allow new drivers to present a certificate of driver's road test from a prior employer completed within the last 3 years.

Because drivers may present a certificate of driver's road test for up to 3 years from when it is completed, FMCSA finds it is reasonable to assume that each driver accepting a job opening will have a certificate that expires in the 3-year period covered by this ICR. FMCSA lacks data to determine how many certificates might expire in any given year. Thus, FMCSA averages 100 percent over 3 years and assumes that one-third of drivers will be required to have a road test each year of the ICR.

Table 1 shows the estimated number of road tests to be conducted for drivers hired for IC-1.1, IC-1.2, and IC-1.3. These three collections impact an annualized total of 2,326,720 job openings. Therefore, an annual average of 767,818 road tests would be conducted for drivers hired. The number of road tests conducted equals the number of responses for the three information collections.

⁷ Federal Motor Carrier Safety Administration, *The 2019 Pocket Guide*. Retrieved from <https://www.fmcsa.dot.gov/safety/data-and-statistics/2019-pocket-guide-large-truck-and-bus-statistics>. Accessed September 1, 2020.

⁸ Department of Labor, Occupational Outlook Handbook, Transportation and Material Moving Industry, Delivery Truck Drivers and Driver/Sales Workers. Retrieved from <https://www.bls.gov/ooh/transportation-and-material-moving/delivery-truck-drivers-and-driver-sales-workers.htm>. Accessed August 26, 2020.

⁹ Stephen v. Burks and Kristen Monaco, "Is the U.S. labor market for truck drivers broken?" *Monthly Labor Review*, U.S. Bureau of Labor Statistics, March 2019. Retrieved from <https://doi.org/10.21916/mlr.2019.5>. Accessed August 26, 2020.

Table 1. Annual New Job Openings and Road Tests for Drivers Hired by Year

Year	Total Driver Population	Job Openings	Responses, i.e., Road Tests for Drivers Hired
	$A = A_1 \times (1 + 0.5\%)$	$B = A \times 79.2\%$ <i>Turnover Rate</i>	$C = B \times 33\%$
2018	2,300,000	1,821,600	601,128
2019	2,415,000	1,912,680	631,184
2020	2,535,750	2,008,314	662,744
2021	2,662,538	2,108,730	695,881
2022	2,795,664	2,214,166	730,675
2023	2,935,448	2,324,874	767,209
2024	3,082,220	2,441,118	805,569
<i>3-Year Average 2022–2024</i>	<i>2,937,777</i>	<i>2,326,720</i>	<i>767,818</i>
Note: Annual and average values may not match due to rounding.			

FMCSA estimates a burden of 30 minutes for the motor carrier to complete the road test form while conducting the road test (IC-1.1). Should the driver successfully pass the road test, FMCSA assumes it will take the motor carrier 2 minutes to complete the certification of driver’s road test (IC-1.2), and an additional 1 minute for the motor carrier to store documents in the driver qualification file. The total time for the motor carrier to complete IC-1.1, IC-1.2, and IC-1.3 is 33 minutes.¹⁰

To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. To estimate burden costs, FMCSA assumes a compliance officer will be the person who will complete the road test form (IC-1.1) and associated certificate (IC-1.2), and a file clerk will be the person who will store the documents (IC-1.3).

The median salary for a compliance officer is \$33.20 per hour.¹¹ To arrive at a loaded wage, FMCSA divides the total cost of compensation for private workers in the transportation and warehousing industry (\$40.45) by the median cost of hourly wages and salaries in the transportation and warehousing industry (\$26.25) as reported by the Bureau of Labor Statistics in its Employer Costs for Employee Compensation for March 2020,¹² which results in a load factor of 1.54. Multiplying the median hourly wage by the load factor results in a loaded hourly wage of \$51.13 ($\$33.20 \times 1.54 = \51.13).

¹⁰ 30 minutes ÷ 60 = 0.50.
 2 minutes ÷ 60 = 0.033, this is rounded to 0.04.
 1 minutes ÷ 60 = 0.016, this is rounded to 0.02.
 Total = 33 minutes or 0.55 hours, this is rounded to 0.56.

¹¹ Bureau of Labor Statistics (2020). “Occupational Employment and Wages, May 2019, 13-1041 Compliance Officers.” Retrieved from <https://www.bls.gov/oes/current/oes131041.htm>. Accessed August 16, 2020.

¹² Bureau of Labor Statistics (2020). “Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group, March 2020.” Retrieved from <https://www.bls.gov/news.release/ecec.toc.htm>. Accessed August 16, 2020.

The median salary for a file clerk is \$16.64 per hour.¹³ For the loaded cost, FMCSA continues to use the industry load factor of 1.54, and multiplies the median salary wage cost per hour by the industry loaded rate. This results in a loaded hourly wage of \$25.63 ($\$16.64 \times 1.54 = \25.63).

Table 2 summarizes IC-1.1, which is the estimated burden hours and cost incurred by motor carriers to complete and sign the road test form. The estimated average annual burden is 383,909 hours with a cost of \$19,629,285.

Table 2. Total Burden Hours and Cost for IC-1.1

Year	Responses	Motor Carrier Burden Hours	Motor Carrier Burden Cost
	<i>A = From Table 1 Column C</i>	<i>B = A × (30 min ÷ 60 min = .5)</i>	<i>C = B × \$51.13</i>
2022	730,675	365,338	\$18,679,732
2023	767,209	383,605	\$19,613,724
2024	805,569	402,785	\$20,594,397
Total	2,303,453	1,151,728	\$58,887,853
<i>Average annual burden</i>	<i>767,818</i>	<i>383,909</i>	<i>\$19,629,285</i>
Note: Annual and average values may not match due to rounding.			

Table 3 summarizes IC-1.2, which is the estimated burden hours and cost incurred by motor carriers to complete the certificate of driver’s road test and give the driver a copy. The estimated annual burden is 30,713 hours with a cost of \$1,570,356.

Table 3. Total Burden Hours and Cost for IC-1.2

Year	Responses	Motor Carrier Burden Hours	Motor Carrier Burden Cost
	<i>A = From Table 1 Column C</i>	<i>B = A × (2 min ÷ 60 min = 0.04)</i>	<i>C = B × \$51.13</i>
2022	730,675	29,227	\$1,494,377
2023	767,209	30,689	\$1,569,129
2024	805,569	32,223	\$1,647,562
Total	2,303,453	92,139	\$4,711,068
<i>Average annual burden</i>	<i>767,818</i>	<i>30,713</i>	<i>\$1,570,356</i>
Note: Annual and average values may not match due to rounding.			

Table 4 summarizes IC-1.3, which is the estimated burden hours and cost incurred by motor carriers to retain the road test form and the certificate of driver’s road test in the driver qualification file. The estimated annual burden is 15,357 hours with a cost of \$393,592.

¹³ Bureau of Labor Statistics (2020). “Occupational Employment and Wages, May 2019, 43-4071 File Clerk. Retrieved from <https://www.bls.gov/oes/current/oes434071.htm>. Accessed September 2, 2020).

Table 4. Total Burden Hours and Cost for IC-1.3

Year	Responses	Motor Carrier Burden Hours	Motor Carrier Burden Cost
	<i>A = From Table 1 Column C</i>	<i>B = A × (1 min ÷ 60 min = 0.02)</i>	<i>C = B × \$25.63</i>
2022	730,675	14,614	\$374,557
2023	767,209	15,344	\$393,267
2024	805,569	16,112	\$412,951
Total	2,303,453	46,070	\$1,180,775
<i>Average annual burden</i>	<i>767,818</i>	<i>15,357</i>	<i>\$393,592</i>
Note: Annual and average values may not match due to rounding.			

In conclusion, Figure 1 provides a summary for IC-1.

Figure 1. IC-1 Summary

2,303,454	Total Annual Responses (767,818 × 3 = 2,303,454)
429,979	Total Annual Burden Hours for Motor Carriers (383,909 + 30,713 + 15,357 = 429,979)
\$21,593,233	Total Annual Burden Cost for Motor Carriers (\$19,629,285 + \$1,570,356 + \$393,592 = \$21,593,233)

IC-2: Road Test Burden Hours and Costs under § 391.44

IC-2 consists of the incremental burden associated with the requirement in the *Qualifications of Drivers; Vision Standard* proposed rule that individuals physically qualified under the alternative vision standard in § 391.44 for the first time would complete a road test in accordance with § 391.31 subsequent to physical qualification. FMCSA estimates the driver population using the number of new requests for a Federal vision exemption in 2017, 2018, and 2019 (1,151, 1,073, and 1,030, respectively). Accordingly, the estimated average number of annual requests is 1,085 ((1,151 + 1,073 + 1,030) ÷ 3 = 1,085).

FMCSA recognizes that using 1,085 as the driver population is a high estimation and overstates the burden associated with the proposed requirement in § 391.44 for a road test. Some of the individuals would already be required to obtain a road test under § 391.31, in the absence of the requirement in § 391.44(d). However, FMCSA lacks internal data to estimate how many individuals would already be required to obtain a § 391.31 road test. Therefore, FMCSA opted for a conservative approach of assuming all 1,085 individuals would require a road test.

Section 391.44(d)(3) would provide an exception to the road test requirement for some individuals. If the motor carrier determines an individual possessed a valid CDL or non-CDL license to operate, and did operate, a CMV in either intrastate commerce or in exempt interstate commerce with the vision deficiency for the 3-year period immediately preceding the date of physical qualification under § 391.44 for the first time, the individual would not be required to

complete a § 391.31 road test. There would be reporting and recordkeeping tasks associated with making that determination. The four tasks would be:

- The individual would certify in writing to the motor carrier the date the vision deficiency began.
- The motor carrier would review the individual’s employment history to verify the driver operated a CMV for the required 3-year period with the vision deficiency.
- If the motor carrier determines the individual is not required to have a road test, the motor carrier would prepare a written statement to that effect and provide a copy to the individual.
- The motor carrier would file in the driver qualification file the original statement and the original, or a copy, of the individual’s certification regarding when the vision deficiency began.

FMCSA lacks internal data to estimate how many individuals would be excepted from a road test by this provision, but expects only a small number of individuals would qualify for the exception. The burden to except an individual from the road test requirement would be less than the burden for the individual to take the road test. Therefore, FMCSA opted for a conservative approach of assuming all 1,085 individuals would require a road test.

As stated above, for the number of responses, FMCSA estimates that annually 1,085 individuals would be physically qualified under § 391.44 for the first time. Motor carriers would perform a road test to this universe should they wish to employ such individuals. To calculate the annual burden hours and costs for motor carriers, the same time estimates and labor costs are used from IC-1.

Table 5 summarizes IC-2.1, which is the estimated burden hours and cost incurred by motor carriers to complete and sign the road test form. The estimated annual burden is 543 hours with a cost of \$27,764.

Table 5. Total Burden Hours and Cost for IC-2.1.

Year	Responses	Motor Carrier Burden Hours	Motor Carrier Burden Cost
	<i>A</i>	$B = A \times (30 \text{ min} \div 60 \text{ min} = 0.5)$	$C = B \times \$51.13$
2022	1,085	543	\$27,764
2023	1,085	543	\$27,764
2024	1,085	543	\$27,764
Total	3,255	1,629	\$83,292
<i>Average annual burden</i>	<i>1,085</i>	<i>543</i>	<i>\$27,764</i>
Note: Annual and average values may not match due to rounding.			

Table 6 summarizes IC-2.2, which is the estimated burden hours and cost incurred by motor carriers to complete the certificate of driver’s road test and give the driver a copy. The estimated annual burden is 44 hours with a cost of \$2,250.

Table 6. Total Burden Hours and Cost for IC-2.2

Year	Responses	Motor Carrier Burden Hours	Motor Carrier Burden Cost
	A	$B = A \times (2 \text{ min} \div 60 \text{ min} = 0.04)$	$C = B \times \$51.13$
2022	1,085	44	\$2,250
2023	1,085	44	\$2,250
2024	1,085	44	\$2,250
Total	3,255	132	\$6,750
<i>Average annual burden</i>	<i>1,085</i>	<i>44</i>	<i>\$2,250</i>

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

Table 7 summarizes IC-2.3, which is the estimated burden hours and cost incurred by motor carriers to retain the road test form and the certificate of driver’s road test in the driver qualification file. The estimated annual burden is 22 hours with a cost of \$564.

Table 7. Total Burden Hours and Cost for IC-2.3

Year	Responses	Motor Carrier Burden Hours	Motor Carrier Burden Cost
	A	$B = A \times (1 \text{ min} \div 60 \text{ min} = 0.02)$	$C = B \times \$25.63$
2022	1,085	22	\$564
2023	1,085	22	\$564
2024	1,085	22	\$564
Total	3,255	66	\$1,692
<i>Average annual burden</i>	<i>1,085</i>	<i>22</i>	<i>\$564</i>

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

In conclusion, Figure 1 provides a summary for IC-2.

Figure 2. IC-2 Summary

3,255	Total Annual Responses ($1,085 \times 3 = 3,255$)
609	Total Annual Burden Hours for Motor Carriers ($543 + 44 + 22 = 609$)
\$30,578	Total Annual Burden Cost for Motor Carriers ($\$27,764 + \$2,250 + \$564 = \$30,578$)

Table 8. Total Burden Hours and Cost for IC-1 and IC-2

Information Collection	Number of Responses	Hours per Response	Burden Hours	Cost
IC-1: Road Test Burden Hours				

and Cost under § 391.31				
IC-1.1: The motor carrier completes and signs the road test form while the driver performs a pre-trip inspection and the driving portion of the road test (49 CFR § 391.31(d)).	767,818	0.50	383,909	\$19,629,285
IC-1.2: The motor carrier completes a certificate of driver's road test in substantially the form prescribed in §391.31(f) (49 CFR § 391.31(e)) and gives the driver a copy (49 CFR § 391.31(g)).	767,818	0.04	30,713	\$1,570,356
IC-1.3: The motor carrier retains in the driver qualification file the original signed road test form and the original, or a copy, of the signed certificate of driver's road test (49 CFR § 391.31(g)(1) and (2)).	767,818	0.02	15,357	\$393,592
Total IC-1	2,303,454	0.56	429,979	\$21,593,233
IC-2: Road Test Burden Hours and Cost under § 391.44				
IC-2.1: The motor carrier completes and signs the road test form while the driver performs a pre-trip inspection and the driving portion of the road test (49 CFR § 391.31(d)).	1,085	0.50	543	\$27,764
IC-2.2: The motor carrier completes a certificate of driver's road test in substantially the form prescribed in §391.31(f) (49 CFR § 391.31(e)) and gives the driver a copy (49 CFR § 391.31(g))	1,085	0.04	44	\$2,250
IC-2.3: The motor carrier retains in the driver qualification file the original signed road test form and the original, or a copy, of the signed certificate of driver's road test (49 CFR § 391.31(g)(1) and (2)).	1,085	0.02	22	\$564
Total IC-2	3,255	0.56	609	\$30,578
TOTAL IC-1 AND IC-2	2,306,709	--	430,588	\$21,623,811
Note: Annual and average values may not match due to rounding.				

In conclusion, the annual information collection burden for respondent motor carriers associated with the road test form and certificate of driver's road test is 430,588 hours with an associated cost of \$21,623,811. Regarding the number of respondents impacted by this information collection, the *2019 Pocket Guide to Large Truck and Bus Statistics* reports in 2018 that FMCSA

regulated 560,809 motor carriers.¹⁴ While the Agency acknowledges there may be motor carriers employing multiple drivers, FMCSA does not have data to estimate the exact number of motor carriers. Additionally, there may be some drivers who are motor carriers, in which case the test must be given by a person other than themselves (49 CFR § 391.31(b)). Therefore, to ensure the inclusion of all affected motor carriers, FMCSA opted for a conservative approach of including all regulated motor carriers as respondents, which is likely an overestimate. For this reason, FMCSA has not accounted for future growth in the motor carrier industry.

13. Estimates of total annual costs to respondents or recordkeepers.

See Item 12 for details on respondent costs. Total respondent cost for the road test form and certificate of driver's road test is \$21,623,811. There are no non-labor costs associated with this ICR.

14. Estimate of cost to the Federal government.

The Federal government incurs no costs associated with this information collection. Motor carriers collect and maintain the information, and FMCSA does not require that information to be routinely submitted to the Agency. A motor carrier must make the information available when requested by an FMCSA or State safety investigator in connection with an investigation or audit.

15. Explanation of program changes or adjustments.

This increase in the Agency's information collection burden is due to a new ICR, which includes the incremental burden for motor carriers due to FMCSA's development of the *Qualifications of Drivers; Vision Standard* proposed rule.

16. Publication of results of data collection.

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

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

Not applicable because FMCSA has no forms on which to display the expiration date.

18. Exceptions to certification statement.

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

¹⁴ Federal Motor Carrier Safety Administration, *The 2019 Pocket Guide*. Retrieved from <https://www.fmcsa.dot.gov/safety/data-and-statistics/2019-pocket-guide-large-truck-and-bus-statistics>. Accessed October 13, 2020.

Attachments

- A. 49 CFR § 391.31 titled, “Road test.”
- B. *Qualifications of Drivers; Vision Standard* proposed rule (86 FR 2344, January 12, 2021).
- C. *Part 391—Qualifications of Drivers; Part 392—Driving of Motor Vehicles; Miscellaneous Amendments* (35 FR 6458, April 22, 1970).
- D. 49 CFR § 391.51 titled, “General requirements for driver qualification files.”
- E. 49 U.S.C. § 31502 titled, “Requirements for qualifications, hours of service, safety, and equipment standards.”
- F. 49 U.S.C. § 31136 titled, “United States Government regulations.”
- G. 49 U.S.C. § 31133 titled, “General powers of the Secretary of Transportation.”
- H. 49 CFR § 1.87 titled, “Delegations to the Federal Motor Carrier Safety Administrator.”
- I. 49 CFR § 391.33 titled, “Equivalent of road test.”