

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

**SUPPORTING STATEMENT**

**Training Certification for Entry-Level Commercial Motor Vehicle Operators**

**INTRODUCTION**

This is to request Office of Management and Budget (OMB) approval of a revision of the existing currently approved collection of information with OMB Control Number 2126-0028 titled “Training Certification for Entry-Level Commercial Motor Vehicle Operators.”<sup>1</sup>

Federal Motor Carrier Safety Administration (FMCSA) entry-level driver training (ELDT) regulations in 49 CFR part 380, Special Training Requirements (Attachment A), are intended to enhance the safety of commercial motor vehicle (CMV) operations on our Nation’s highways by establishing minimum training standards for entry-level drivers. These ELDT regulations result in certain activities that constitute a collection of information under the Paperwork Reduction Act (PRA), and for which the Agency has in place a currently approved collection of information with OMB Control Number 2126-0028 titled “Training Certification for Entry-Level Commercial Motor Vehicle Operators” which was most recently approved on April 19, 2017, and which has an expiration date of April 30, 2020.

The requested revision of the currently approved collection of information is the result of a combination of recent actions by FMCSA. These actions include the December 8, 2016, final rule titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators,” often referred to as the ELDT final rule (81 FR 88732) (Attachment B), the March 6, 2019, final rule titled “Commercial Driver’s License Upgrade from Class B to Class A” (84 FR 8029) (Attachment C), and the February 4, 2020, interim final rule (IFR) titled “Extension of Compliance Date for Entry-Level Driver Training” (85 FR 6088) (Attachment D). Additional details regarding the nature and timing of these actions and the resulting changes to the information collection request (ICR) are provided below.

**Part A. Justification**

**1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY**

Section 4007(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, December 18, 1991) (Attachment E) directed FHWA (predecessor Agency to FMCSA) to “...commence a rulemaking proceeding on the need to require training of all entry level drivers of commercial motor vehicles.” FMCSA subsequently published the final rule titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (69 FR 29384) (Attachment F) on May 21, 2004, with an effective date of July

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<sup>1</sup> The currently approved collection is set to expire on April 30, 2020. If approved, this revision would move that expiration date out to three years after the revision’s approval date, which would eliminate the need to submit a separate renewal package.

20, 2004, implementing Section 4007(a)(2) of ISTEA. The rule mandated training for interstate CMV drivers on four topics: driver qualifications, hours-of-service of drivers, driver wellness, and whistle-blower protection. Under Subpart E of the existing ELDT requirements of 49 CFR part 380 (Attachment A), employers are prohibited from allowing an entry-level driver<sup>1</sup> to operate a CMV without ensuring that the driver has received this entry-level driver training as specified under 49 CFR 380.503. These entry-level interstate CDL drivers receive a certificate when they successfully complete the mandatory training, and must present a copy of it to their employer in order to be qualified to drive a CMV in interstate commerce. The employer keeps a copy of the training certificate in the driver qualification file. During a compliance review, the certificate serves as proof that the CDL driver completed the required training. The currently approved collection of information with OMB Control Number 2126-0028 titled “Training Certification for Entry-Level Commercial Motor Vehicle Operators” which was most recently approved on April 19, 2017, and which has an expiration date of April 30, 2020, reflects these existing ELDT requirements under Subpart E of 49 CFR part 380.

On July 6, 2012, President Obama signed legislation titled the “Moving Ahead for Progress in the 21st Century Act” (MAP-21) (Pub. L. 112–141, 126 Stat. 405, 791) (Attachment G). Section 32304 of MAP-21 directed FMCSA to develop and establish minimum driver training standards for applicants for a CDL and/or certain CDL endorsements. FMCSA subsequently published the final rule titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (81 FR 88732) (ELDT final rule) (Attachment B) on December 8, 2016, with a compliance date of February 7, 2020, implementing section 32304 of MAP-21. The currently approved collection of information does not reflect any burden impacts resulting from the December 2016 final rule, primarily because the ELDT final rule’s original compliance date of February 7, 2020 fell so close to the expiration date of the currently approved collection. In 2016, FMCSA submitted a request to OMB to revise the approved collection of information in effect at that time, in order to reflect the burden impacts resulting from the December 2016 final rule. However, the February 7, 2020, compliance date of the December 2016 final rule fell beyond the three-year period of 2017 through 2019 covered by the request, and therefore in practice no burden impacts from the December 2016 final rule could be reflected in that revision. OMB acknowledged this in a Notice of Action (NOA) dated January 6, 2017, and advised FMCSA to instead renew and extended the approved collection of information in effect at that time.<sup>2</sup> That renewal was approved by OMB on April 19, 2017, and is the currently approved collection of information that will expire on April 30, 2020. Previous projected estimates of the burden impacts from the December 2016 final rule were, however, published in the March 7, 2016, Notice of Proposed Rulemaking (NPRM) (81 FR 11944) (Attachment H) that preceded the final rule, providing the public the opportunity for review and comment. No comments concerning the projected burden impacts were received at that time. The same projected burden impacts were again published in the ELDT final rule in December of 2016. Those estimates are updated later in this Supporting Statement.

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<sup>1</sup> Under 49 CFR part 380, Subpart E, an “entry-level driver” is defined as “a driver with less than one year of experience operating a CMV with a CDL in interstate commerce.”

<sup>2</sup> Notice of Office of Management and Budget Action. ICR reference number 201603-2126-001 for OMB Control No. 2126-0028. Available at: <https://www.reginfo.gov/public/do/DownloadNOA?requestID=272831> (accessed May 6, 2019).

The Agency has also since published a separate final rule on March 6, 2019, titled “Commercial Driver’s License Upgrade from Class B to Class A” (84 FR 8029) (Attachment C), that amended the ELDT regulations that were published on December 8, 2016, by adopting a new Class A CDL theory instruction upgrade curriculum to reduce the training time and costs incurred by Class B CDL holders upgrading to a Class A CDL. However, this March 6, 2019, final rule does not substantively affect the burden associated with the ELDT regulations. It only adds a new category of training curricula to several existing categories that will appear in the new Training Provider Registry (TPR) and be used by training providers to indicate which categories of training curricula they provide to driver-trainees, and which categories of training curricula individual driver-trainees have completed.

Finally, the Agency has also now published the February 4, 2020, interim final rule titled “Extension of Compliance Date for Entry-Level Driver Training” (85 FR 6088) (Attachment D) that further amends the ELDT regulations that were published on December 8, 2016, by extending the compliance date for the rule from February 7, 2020, to February 7, 2022. This compliance date extension will provide FMCSA additional time to complete development of the TPR, and provides SDLAs with time to modify their information technology (IT) systems and procedures, as necessary, to accommodate their receipt of driver-specific ELDT data from the TPR. In the July 18, 2019, proposed rule titled “Partial Extension of Compliance Date for Entry-Level Driver Training” (84 FR 34324) (Attachment I), FMCSA had proposed extending the compliance date from February 7, 2020, to February 7, 2022, only for the requirement for training providers to submit training certification information to the TPR for each individual driver-trainee that completes training. The compliance date for the “Training Provider Registration” information collection activities was proposed to have remained February 7, 2020. Under the February 4, 2020, interim final rule, FMCSA is now delaying the entire ELDT final rule, as opposed to a partial delay as originally proposed, due to delays in implementation of the TPR that were not foreseen when the proposed rule was published.

These FMCSA minimum training requirements for ELDT are intended to enhance the safety of CMV operations on our Nation’s highways. Therefore, this ICR supports the DOT Strategic Goal of Safety.

The Agency hereby requests OMB approval of this revision of the existing currently approved collection of information with OMB Control Number 2126-0028 titled “Training Certification for Entry-Level Commercial Motor Vehicle Operators,” for a full three-year period.

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

FMCSA published the final rule titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (81 FR 88732) (Attachment B) on December 8, 2016, with a compliance date of February 7, 2020, implementing section 32304 of MAP-21 which directed FMCSA to develop and establish minimum driver training standards for applicants for a CDL and/or certain CDL endorsements. The February 4, 2020, interim final rule titled “Extension of Compliance Date for Entry-Level Driver Training” (85 FR 6088) (Attachment D) amends the December 8, 2016, final ELDT rule by extending the compliance date for the

rule from February 7, 2020, to February 7, 2022. The three-year period covered by this ICR is 2020 through 2022. Therefore, the existing ELDT requirements under Subpart E of part 380, and their associated burden, will be in force for the first two years, 2020 and 2021, of the three-year period covered by this ICR. Then, as of February 7, 2022, these existing ELDT requirements are eliminated, and new minimum training standards for entry-level drivers (in a new Subpart F and five new Appendices to part 380), and new requirements for training providers (in a new Subpart G), and the associated burden, will be in force for the last year, 2022, of the three-year period covered by this ICR. These new requirements impose an information collection burden on training providers, but do not impose an information collection burden on entry-level drivers. FMCSA has carefully considered how to gather the information that it requires to implement section 32304 of MAP-21 without unduly burdening training providers.

During the first two years, 2020 and 2021, of the three-year period covered by this ICR, employers are prohibited from allowing an entry-level driver to operate a CMV without ensuring that the driver has received entry-level driver training specified under 49 CFR 380.503. Under IC-1, “Training Certification for Entry-Level Drivers under Subpart E,” these entry-level interstate CDL drivers receive a certificate when they successfully complete this mandatory training, and must present a copy of it to their employer in order to be qualified to drive a CMV in interstate commerce. The employer keeps a copy of the training certificate in the driver qualification file. During a compliance review, the certificate must be made available to authorized representatives of FMCSA, and serves as proof that the CDL driver completed the required training.

During the third year, 2022, of the three-year period covered by this ICR, under IC-2, “Training Provider Registration” information will be collected by FMCSA from each training provider for each training location by means of the online TPR. The use of an electronic, online, web-based information system for this collection of information is expected to reduce burden on respondents. Although the TPR will be an online web-based system, the information and specific data fields required to be submitted by training providers in order to be listed on the TPR are presented with this Supporting Statement in the attached “Training Provider Registration” information collection which lists the data elements that will be submitted to the TPR by each training provider, for each training location, and each curricula, in order to register on the TPR. This information will be collected when a training provider is first registering in the TPR, on a biennial basis thereafter, or otherwise when key information changes (training provider name, address, phone number, type(s) of training offered, training provider status, and, if applicable, any change in State licensure, certification, or accreditation status). The “Training Provider Registration” information will be used by FMCSA to ensure that training providers meet the new training provider eligibility requirements established by the December 2016 final rule, and can therefore be listed on the TPR. Furthermore, from the “Training Provider Registration” information submitted by training providers, certain basic identifying information (e.g., company name, location, contact information, etc.) and descriptive attributes regarding the training offered (e.g., which types of CDL and/or endorsement training are offered, etc.) by each training provider and at each training location will be displayed and made available to the public on the TPR website (unless the training provider

chooses to not have this information displayed). This information will be used by entry-level drivers to identify training providers from which they can obtain the training that they require for the Class A or Class B CDL and/or endorsement that they seek to acquire.

Also during the third year, 2022, of the three-year period covered by this ICR, under IC-3, “Driver Training Certification” information will be collected by FMCSA from training providers by means of the new TPR. The use of an electronic, online, web-based information system for this collection of information is expected to reduce burden on respondents. Although the TPR will be an online web-based system, the information and specific data fields required to be submitted by training providers for each driver-trainee that completes training are presented with this Supporting Statement in the attached “Driver Training Certification” information collection which lists the data elements that will be submitted to the TPR by each training provider for each driver-trainee that completes training. After an individual driver-trainee completes training administered by a training provider listed on the TPR, that training provider must submit the training certification information regarding the driver-trainee to the TPR. This “Driver Training Certification” information will be used by SDLAs to verify that the required driver training has been completed by the driver-trainee prior to the SDLA administering CDL skills tests to applicants for the Class A and B CDL, and/or the P or S endorsements, or knowledge test for the H endorsement. The information collected from training providers will also be used by the Agency to improve its understanding of the number of training providers and the types of training they provide, and the number of entry-level drivers and the types of training, CDLs, and endorsements that they obtain. Retrospective review of the data and of the safety performance of drivers that complete ELDT will allow FMCSA to better assess the impact of ELDT on motor carrier safety, and to monitor the effectiveness of individual training providers and identify those that may not be conducting training in compliance with the regulations and that may therefore be candidates for an on-site review by FMCSA.

### **3. EXTENT OF AUTOMATED INFORMATION COLLECTION**

As noted earlier, until February 7, 2022, the existing ELDT requirements under Subpart E of 49 CFR part 380 remain in force, and employers are prohibited from allowing an entry-level driver to operate a CMV without ensuring that the driver has received entry-level driver training specified under 49 CFR 380.503. These entry-level interstate CDL drivers receive a certificate when they successfully complete the mandatory training, and must present a copy of it to their employer in order to be qualified to drive a CMV in interstate commerce. The employer keeps a copy of the training certificate in the driver qualification file. Training providers may automate completion of the certificate of training, however the extent to which this currently occurs is unknown.

As of February 7, 2022, the existing ELDT requirements under Subpart E of 49 CFR part 380 are eliminated, and new minimum training standards for entry-level drivers (in a new Subpart F and five new Appendices to part 380), and new requirements for training providers (in a new Subpart G), will be in force. Training providers must then be listed on a new TPR that is currently being developed by FMCSA. The TPR will be an online web-based information system that training providers must use to submit information to FMCSA to ensure that they

meet the new training provider eligibility requirements and can therefore be listed on the TPR. In addition, after an individual driver-trainee completes training administered by a training provider listed on the TPR, that training provider must submit training certification information regarding the driver-trainee to the TPR. The Agency will not have hardcopy “Training Provider Registration” forms, or hardcopy “Driver Training Certification” forms, available and will not accept any such hardcopy documents as part of this collection of information. Therefore, the percentage of respondents reporting electronically will be 100 percent.

The use of an electronic online web-based information system for this collection of information is expected to reduce burden on respondents. Potential burden savings for respondents as compared to collecting information using hardcopy paper methods are expected to include reductions in burden time, office and storage space, materials, and office equipment. For example, specific types of savings could include purchasing less paper and toner/ink, printing fewer documents, requiring fewer file cabinets or document boxes for storage of paper documents, using less space for storage of paper documents, expending less labor time in activities such as handling and filing of paperwork, expending less labor time in identifying and retrieving documents, and transmitting fewer paper documents by mail or courier services.

The use of an electronic online web-based information system for this collection of information is consistent with the Government Paperwork Elimination Act (GPEA) (Pub. L. 105-277, Title XVII) (Attachment J), which requires Federal agencies to allow the option of electronic filing and recordkeeping when practicable.

#### **4. EFFORTS TO IDENTIFY DUPLICATION**

FMCSA knows of no duplicative regulations or any similar information already available that could be used or modified for the purposes described in Section 2 above.

#### **5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES**

Under the existing ELDT requirements of Subpart E of 49 CFR part 380 that will remain in force until February 7, 2022, the motor carrier industry includes a substantial number of small business operators who are required to ensure that their interstate CDL drivers have received the appropriate training required by 49 CFR 380.503. All employers, regardless of size, must verify the eligibility of a driver before allowing him or her to operate a CMV, and must maintain a copy of the driver’s training certificate in the driver qualification file so that a safety investigator can verify that the requirements of the rule have been satisfied.

As of February 7, 2022, the existing ELDT requirements under Subpart E of 49 CFR part 380 are eliminated, and new minimum training standards for entry-level drivers (in a new Subpart F and five new Appendices to part 380), and new requirements for training providers (in a new Subpart G), will be in force. This collection of information will then impact certain training providers that are small entities. A comprehensive analysis of the effects of the December 2016 final rule on small entities was performed as part of the regulatory evaluation

for that rule.<sup>3</sup> The use of an electronic online web-based information system for this collection of information is expected to reduce burden on respondents including those that are small entities. Potential burden savings for respondents as compared to collecting information using hardcopy paper methods are expected to include reductions in burden time, office and storage space, materials, and office equipment. For example, specific types of savings could include purchasing less paper and toner/ink, printing fewer documents, requiring fewer file cabinets or document boxes for storage of paper documents, using less space for storage of paper documents, expending less labor time in activities such as handling and filing of paperwork, expending less labor time in identifying and retrieving documents, and transmitting fewer paper documents by mail or courier services.

## **6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION**

Under the existing ELDT requirements of Subpart E of 49 CFR part 380 that will remain in force until February 7, 2022, an entry-level interstate CDL driver must only complete the training specified under 49 CFR 380.503 once, when first becoming an interstate CDL driver. These drivers receive a training certificate as proof of having successfully completed the training, and must present a copy of it to their employer in order to be qualified to drive a CMV in interstate commerce. The employer keeps a copy of the training certificate in the driver qualification file. During a compliance review, the certificate serves as proof that the CDL driver completed the required training. The Agency sees no practical manner of eliminating or making these requirements less frequent, as the current training is only required once during the career of each driver, and the certificate is required as proof that the training has been completed.

Under the new minimum training standards for entry-level drivers and new requirements for training providers that will be in force as of February 7, 2022, “Training Provider Registration” information is collected from training providers to ensure that they meet the new training provider eligibility requirements and can therefore be listed on the TPR. This information is collected when a training provider is first registering in the TPR, on a biennial basis thereafter, or otherwise when key information changes (training provider name, address, phone number, type(s) of training offered, training provider status, and, if applicable, any change in State licensure, certification, or accreditation status). If this collection of information were not conducted, FMCSA would be unable to determine the eligibility of training providers to be able to provide training that is compliant with its regulations, and driver-trainees would be unable to identify eligible training providers. If this collection of information were conducted less frequently than biennially or when key information changes, there would be a greater likelihood of incorrect information being provided to driver-trainees regarding eligible training providers, resulting in inconvenience and delay to driver trainees. The Agency sees no practical manner of eliminating or making these requirements less frequent.

After an individual driver-trainee completes training administered by a training provider

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<sup>3</sup> *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 5: Regulatory Flexibility Analysis. Docket ID FMCSA-2007-27748-1291. Available at: <https://www.regulations.gov/contentStreamer?documentId=FMCSA-2007-27748-1291&attachmentNumber=1&contentType=pdf> (accessed May 6, 2019).

listed on the TPR, that training provider must submit training certification information regarding the driver-trainee to the TPR. This “Driver Training Certification” information is collected from training providers so that FMCSA can make that information available to SDLAs, who may only administer CDL skills tests to applicants for the Class A and B CDL, and/or the P or S endorsements, or knowledge test for the H endorsement, after verifying that the required driver training certification information is present in the driver’s record. If this collection of information were not conducted or were conducted less frequently, SDLAs would be unable to verify that the required driver training has been completed by a driver-trainee prior to administering the necessary skills test and/or knowledge test. The Agency sees no practical manner of eliminating or making these requirements less frequent.

## **7. SPECIAL CIRCUMSTANCES**

There are no special circumstances associated with this collection of information.

## **8. COMPLIANCE WITH 5 CFR 1320.8**

FMCSA published a notice in the Federal Register with a 60-day comment period to announce this proposed information collection on July 3, 2019 (84 FR 31982), and to inform the public of its intention to seek OMB review and approval to revise the existing currently approved collection of information. FMCSA received one comment to that notice, from the Commercial Vehicle Training Association (CVTA).<sup>1</sup>

In their comment, CVTA agreed that the ICR is necessary for the implementation of the ELDT rule, and that the estimated burdens as presented in the 60-day notice were accurate. CVTA did, however, seek clarification as to why there was a separate IC-1 and IC-2 presented in the 60-day notice (representing the “Training Provider Registration” function and the “Driver Training Certification Information” function, respectively, in the 60-day notice). The Agency presented two ICs in order to improve the clarity and transparency of the analysis. Guidance from the Office of Information and Regulatory Affairs (OIRA) at OMB regarding the preparation of ICRs and Supporting Statements recommends that each form or collection instrument have a separate IC within a given ICR, in order to provide a more meaningful and easily understood estimate of the burden associated with each form or collection. OIRA also recommends that agencies present separate ICs within an ICR if the Agency believes that doing so would be informative.<sup>1</sup> Although training providers were the respondent in each case, the nature of the information for each activity was substantively different, with the “Training Provider Registration” IC focused on information pertaining to training providers, and the “Driver Training Certification Information” IC focused on information pertaining to individual entry-level drivers. The number of responses and frequency of response were also very different for each IC. Furthermore, in the July 18,

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<sup>1</sup> U.S. Department of Transportation (DOT), FMCSA. *Commercial Vehicle Training Association – Comments*. Docket ID# FMCSA-2019-0157-0002. Available at: <https://www.regulations.gov/contentStreamer?documentId=FMCSA-2019-0157-0002&attachmentNumber=1&contentType=pdf> (accessed September 24, 2019).

<sup>1</sup> U.S. General Services Administration (GSA), Regulatory Information Service Center (RISC). “ROCIS How To Guide for Agency Users of the Information Collection Request (ICR) Module. September 1, 2017. Appendix A: Disaggregating Information Collection Requests (ICRs) into Information Collections (ICs). Pages 109-114. Available at: [https://www.rocis.gov/rocis/jsp3/common/ROCIS\\_HOW\\_TO\\_Guide\\_for\\_AGENCY\\_Users\\_of\\_ICR\\_Module-090117.pdf](https://www.rocis.gov/rocis/jsp3/common/ROCIS_HOW_TO_Guide_for_AGENCY_Users_of_ICR_Module-090117.pdf) (accessed September 25, 2019).

2019, proposed rule, FMCSA had proposed extending the compliance date from February 7, 2020, to February 7, 2022, but only for the requirement for training providers to submit training certification information to the TPR for each individual driver-trainee that completes training. The compliance date for the “Training Provider Registration” information collection activities was proposed to have remained February 7, 2020. Therefore, the timing of the impacts from each IC were also very different over the three-year period of 2020 to 2022 that is covered by this ICR.

Finally, CVTA suggested that training providers be allowed to upload trainee information to the TPR that a training provider may already have stored electronically, so that the TPR could pre-populate individual driver-specific information requested in the TPR for the “Driver Training Certification Information” function and information collection. The variation among different IT systems, software applications, and data structures used by training providers to collect and maintain trainee information during their enrollment, intake, or onboarding of trainees, would likely prevent making such a feature technically feasible.

On April 7, 2020, FMCSA published a second notice in the Federal Register (85 FR 19570) (Attachment L) with a 30-day comment period that announced that this request for review and approval to revise this ICR was being submitted to OMB.

In addition, the December 8, 2016, final rule reflected the recommendations of FMCSA’s Entry-Level Driver Training Advisory Committee (ELDTAC), comprised of 25 industry stakeholders and FMCSA, that was convened through a negotiated rulemaking process in 2015 and that held a series of meetings between February and May 2015 leading to the development of the proposed rule in March 2016. As part of the ELDTAC negotiated rulemaking process, extensive consultations occurred with representatives of the affected industry from whom information is to be obtained. These consultations included discussions regarding the development of the TPR and the information and specific data fields required to be submitted by training providers to the TPR. Furthermore, projected estimates of the burden impacts from the December 8, 2016, final rule titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (81 FR 88732) (Attachment B) were previously published in the March 7, 2016, NPRM (81 FR 11944) (Attachment H) that preceded the December 2016 final rule, providing the public the opportunity for review and comment. No comments concerning the projected burden impacts were received at that time, and the same projected burden impacts were again published in the December 2016 final rule. Those estimates are revised later in this Supporting Statement to reflect certain adjustments and refinements, and then further revised to reflect the extension of the compliance date for the rule by two years from February 7, 2020, to February 7, 2022.

## **9. PAYMENTS OR GIFTS TO RESPONDENTS**

Respondents are not provided with any payment or gift for this collection of information.

## 10. ASSURANCE OF CONFIDENTIALITY

Under the existing ELDT requirements of Subpart E of 49 CFR part 380 that will remain in force until February 7, 2022, the driver retains the original of the training certificate and provides a copy to motor carriers employing him or her. Motor carriers maintain the copy in the driver qualification file. FMCSA investigators may review this documentation during compliance reviews. FMCSA investigators protect the information that they review during compliance reviews in accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. § 552a, Pub. L. 93-579, 88 Stat. 1896 (December 31, 1974) (Attachment M).

As of February 7, 2022, the existing ELDT requirements under Subpart E of 49 CFR part 380 are eliminated, and new minimum training standards for entry-level drivers (in a new Subpart F and five new Appendices to part 380), and new requirements for training providers (in a new Subpart G), will be in force. As described earlier, under this ICR, “Training Provider Registration” information will be collected by FMCSA from each training provider for each training location by means of the online TPR. Contact information for the training providers and information of sole proprietor training providers is considered personally identifiable information, however because this information is provided in the context of the individual’s business relationship with the TPR and is not retrieved by unique identifier associated with the individual, that information is considered “business information” and is not protected under the Privacy Act of 1974, 5 U.S.C. § 552a, Pub. L. 93-579, 88 Stat. 1896 (December 31, 1974) (Attachment M). The Department will apply the Fair Information Practice Principles (FIPPs) to this data to ensure that it is used appropriately.

Also under this ICR, “Driver Training Certification” information will be collected by FMCSA from training providers by means of the TPR. After an individual driver-trainee completes training administered by a training provider listed on the TPR, that training provider must submit the training certification information regarding the driver-trainee to the TPR. Because this individual driver training certification information will be retrieved from the TPR by a unique identifier, the TPR is considered a System of Records under the Privacy Act. Therefore, in conjunction with the December 2016 final rule, FMCSA developed a Privacy Impact Assessment (PIA) that is available both in the public docket for the December 2016 final rule<sup>1</sup>, and on the Department’s privacy website.<sup>2</sup> As noted earlier, the February 4, 2020, interim final rule titled “Extension of Compliance Date for Entry-Level Driver Training” (85 FR 6088) (Attachment D) extends the compliance date for the ELDT rule from February 7, 2020, to February 7, 2022. As required by the Privacy Act, FMCSA and the Department will publish, with request for comment, a system of records notice (SORN) that will describe FMCSA’s maintenance and electronic transmission of the driver training certification information that is covered by the Privacy Act. This SORN will be developed to reflect the new storage and electronic transmission of information, and will be

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<sup>1</sup> U.S. Department of Transportation. *Privacy Impact Assessment. Federal Motor Carrier Safety Administration (FMCSA) Final Rule, Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators*. Docket ID FMCSA-2007-27748-1408. Available at: <https://www.regulations.gov/contentStreamer?documentId=FMCSA-2007-27748-1408&attachmentNumber=1&contentType=pdf> (accessed May 6, 2019).

<sup>2</sup> U.S. Department of Transportation. *Privacy Impact Assessment. Federal Motor Carrier Safety Administration (FMCSA) Final Rule, Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators*. Available at: <https://www.transportation.gov/sites/dot.gov/files/docs/Privacy%20-%20FMCSA%20-%20ELDT%20Rule%20-%20PIA%20-%202017.pdf> (accessed May 6, 2019).

published in the Federal Register prior to the February 7, 2022, extended compliance date, and not less than 30 days before the Agency is authorized to collect or use personally identifiable information (PII) retrieved by unique identifier.

## **11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION**

The information requested and collected is not of a sensitive nature (e.g., sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private).

## **12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED**

The three-year period covered by this ICR is 2020 through 2022. The December 8, 2016, ELDT final rule, as amended by the February 4, 2020, interim final rule, eliminates the existing ELDT requirements under Subpart E of part 380 and the associated burden as of February 7, 2022. Therefore, the existing ELDT requirements under Subpart E of part 380, and the associated burden, will continue to be in force for the first two years, 2020 and 2021, of the three-year period covered by this ICR. At the same time, new minimum training standards for entry-level drivers (in a new Subpart F and five new Appendices to part 380), and new requirements for training providers (in a new Subpart G) are established that result in new sources and types of burden. Therefore, these new minimum training standards and requirements, and the associated burden, will be in force for the last year, 2022, of the three-year period covered by this ICR.

For the purpose of developing and reporting the revised burden estimates for this ICR, the existing entry-level driver training requirements and information collection activities under Subpart E that will continue to be in force for the first two years, 2020 and 2021, of the three-year period covered by this ICR are treated as a separate information collection (IC), IC-1. The “Training Provider Registration” information collection activities under the new requirements that go into effect as of February 7, 2022, and the “Driver Training Certification Information” information collection activities under the new requirements, are also treated as separate information collections, IC-2 and IC-3, respectively. These three information collection activities are presented as separate ICs in order to improve the clarity and transparency of the analysis. As noted earlier in Section 8, guidance from OIRA regarding the preparation of ICRs and Supporting Statements recommends that each form or collection instrument have a separate IC within a given ICR, in order to provide a more meaningful and easily understood estimate of the burden associated with each form or collection. OIRA also recommends that agencies present separate ICs within an ICR if the Agency believes that doing so would be informative.<sup>3</sup> There are many qualitative and quantitative differences that dictate that these three activities are best addressed as three separate ICs. For example, the existing requirements under Subpart E apply only to entry-level CDL drivers operating interstate, whereas the new requirements apply to both interstate and intrastate entry-level CDL drivers. Furthermore, the respondents for the existing

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<sup>3</sup> U.S. General Services Administration (GSA), Regulatory Information Service Center (RISC). “ROCIS How To Guide for Agency Users of the Information Collection Request (ICR) Module. September 1, 2017. Appendix A: Disaggregating Information Collection Requests (ICRs) into Information Collections (ICs). Pages 109-114. Available at: [https://www.rocis.gov/rocis/jsp3/common/ROCIS\\_HOW\\_TO\\_Guide\\_for\\_AGENCY\\_Users\\_of\\_ICR\\_Module-090117.pdf](https://www.rocis.gov/rocis/jsp3/common/ROCIS_HOW_TO_Guide_for_AGENCY_Users_of_ICR_Module-090117.pdf) (accessed September 25, 2019).

requirements are the entry-level CDL drivers, whereas for the new requirements the respondents are the training providers. Also, although training providers are the respondents for both IC-2 and IC-3, the nature of the information for each activity is substantively different, with the “Training Provider Registration” IC focused on information pertaining to training providers, and the “Driver Training Certification Information” IC focused on information pertaining to individual entry-level drivers. The number of responses and frequency of response are also very different for these ICs.

### **IC-1: Training Certification for Entry-Level Drivers (under 49 CFR Part 380 Subpart E)**

During the first two years, 2020 and 2021, of the three-year period covered by this ICR, employers are prohibited from allowing an entry-level driver to operate a CMV without ensuring that the driver has received entry-level driver training specified under 49 CFR 380.503. Under IC-1, these entry-level interstate CDL drivers receive a certificate when they successfully complete this mandatory training, and must present a copy of it to their employer in order to be qualified to drive a CMV in interstate commerce. The employer keeps a copy of the training certificate in the driver qualification file. During a compliance review, the certificate must be made available to authorized representatives of FMCSA, and serves as proof that the CDL driver completed the required training.

Table 1 presents the number of entry-level CDL drivers operating interstate that are estimated to be subject to the existing ELDT requirements under Subpart E of part 380 during the first two years, 2020 and 2021, of the three-year period covered by this ICR. The estimates presented in Table 1 are consistent with those developed and used previously in the regulatory evaluation for the December 8, 2016, final rule<sup>4</sup>, and also used in part for the regulatory evaluations of the March 6, 2019, final rule, and the February 4, 2020, interim final rule.

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<sup>4</sup> *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 2.4.1 (Number of Entry-Level CDL Drivers Annually), pp. 16-30. Table 11, pg. 18. Docket ID FMCSA-2007-27748-1291. Available at: <https://www.regulations.gov/contentStreamer?documentId=FMCSA-2007-27748-1291&attachmentNumber=1&contentType=pdf> (accessed May 6, 2019). Note that the values shown here in Table 1 include Class A, B, and C entry-level drivers, whereas the December 8, 2016, ELDT final rule, as amended, is applicable to only Class A and Class B entry-level drivers.

**Table 1. Estimated Number of Entry-Level Drivers Operating Interstate (Subject to Subpart E)**

	2020	2021	2022
Total Number of Entry-Level Drivers (operating intrastate-only or interstate)	470,344	472,951	0
Subset of Entry-Level Drivers that Operate Interstate (75% of the above total)	352,758	354,713	0

**Source:** The total number of entry-level drivers operating either interstate or intrastate is adapted from *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 2.4.1 (Number of Entry-Level CDL Drivers Annually), pp. 16-30. Table 11, pg. 18. Docket ID FMCSA-2007-27748-1291. The values shown above in Table 1 include Class A, B, and C entry-level CDL drivers. The number of those entry-level drivers operating interstate is based on an estimated percentage of 75% of all entry-level drivers, which was the estimated percentage used in the currently approved ICR.

The estimated population of entry-level drivers that operate interstate that is presented in Table 1 forms the basis for estimating the number of respondents, the number of responses, and the hour burden each year for IC-1. Table 2 presents the estimated number of responses and respondents for IC-1. There is only one response per respondent annually, and therefore the number of respondents is equal to the number of responses.

**Table 2. Estimated Number of Responses for IC-1 (Training Certification for Entry-Level Drivers Subject to Subpart E)**

Type of Activity	2020	2021	2022	3-Year Average (2020-2022)
Entry-level interstate CDL driver training certificates created, presented to employer, and retained in the driver qualification file	352,758	354,713	0	235,824 <sup>5</sup>
<b>TOTAL NUMBER OF RESPONSES</b>	<b>352,758</b>	<b>354,713</b>	<b>0</b>	<b>235,824</b>
<b>NUMBER OF RESPONDENTS</b>	<b>352,758</b>	<b>354,713</b>	<b>0</b>	<b>235,824</b>

For each entry-level driver subject to the existing ELDT requirements under Subpart E of part 380, the creation of training certificates, their presentation to the employer, and their being retained in the driver qualification file, is estimated to required 10 minutes (0.167 hours). This estimate is consistent with that developed and used previously in the existing currently approved collection of information with OMB Control Number 2126-0028 titled “Training Certification for Entry-Level Commercial Motor Vehicle Operators.” Table 3 presents the resulting estimate of annualized hour burden for IC-1, based on the number of responses presented in Table 2, and the estimated hour burden per response of 10 minutes (0.167 hours).

<sup>5</sup> In 2020 and 2021, we estimated 352,758 and 354,713 total new entry-level CDLs, respectively. We then took a 3-year average of 2020-2022, with the number of entry-level CDLs in 2022 being equal to 0. This average is 235,824.

**Table 3. Estimated Annualized Hour Burden for IC-1 (Training Certification for Entry-Level Drivers under Subpart E)**

Type of Activity	2020	2021	2022	3-Year Average (2020-2022)
Hour burden for entry-level interstate CDL driver training certificates created, presented to employer, and retained in the driver qualification file	58,793	59,119	0	39,304

“Cost to respondents” (sometimes referred to as “burden hour cost”), as reported here in Section 12, represents the burden hours monetized at an appropriate hourly wage rate.<sup>6</sup> Note that “cost to respondents” is separate and distinct from “cost burden”, which is reported later in Section 13 and represents capital or start-up costs, operation or maintenance costs (such as those for supplies and equipment), or purchases of services resulting from the collection of information.

We assume that the occupation most representative of respondents for IC-1 corresponds to the “Heavy and Tractor-Trailer Truck Drivers” SOC Code 53-3032. The median hourly wage of Heavy and Tractor-Trailer Truck Drivers (SOC Code 53-3032) across all industry sectors as of May 2018 of \$21.00 is used here as the appropriate base wage rate for calculating the cost to respondents.<sup>7</sup> To arrive at a loaded wage, we first estimated a fringe benefits rate of 56.9 percent by dividing the total benefit costs (\$14.69 per hour) by the wages and salaries (\$25.80 per hour) for the transportation and warehousing industry.<sup>8</sup> We then estimated an overhead rate of 27.4 percent by dividing management and overhead costs (\$0.107 per mile) by labor costs (\$0.39 per mile) for the trucking industry.<sup>9</sup> Using these estimated fringe benefits and overhead rates, we calculated a fully loaded wage rate factor of 2.0 by multiplying the fringe benefits rate (1+0.569) by the overhead rate (1+0.274). Finally, multiplying the median hourly base wage of \$21.00 by this fully loaded wage rate factor results in a fully loaded hourly wage of \$42.00. The resulting average annual cost to respondents for IC-1 is \$1,650,728 (39,304 average annual burden hours × \$42.00 fully loaded hourly wage rate).

Table 4 presents a summary of the burden estimates for IC-1.

<sup>6</sup> U.S. General Services Administration (GSA), Regulatory Information Service Center (RISC). “ROCIS How To Guide for Agency Users of the Information Collection Request (ICR) Module. September 1, 2017. Page 106. Available at: [https://www.rocis.gov/rocis/jsp3/common/ROCIS\\_HOW\\_TO\\_Guide\\_for\\_AGENCY\\_Users\\_of\\_ICR\\_Module-090117.pdf](https://www.rocis.gov/rocis/jsp3/common/ROCIS_HOW_TO_Guide_for_AGENCY_Users_of_ICR_Module-090117.pdf) (accessed May 6, 2019).

<sup>7</sup> U.S. Department of Labor (DOL), Bureau of Labor Statistics (BLS). “Occupational Employment Statistics (OES). National Occupational Employment and Wage Estimates. Heavy and Tractor-Trailer Truck Drivers (SOC Code 53-3032). May 2018.” March 29, 2019. Available at: <https://www.bls.gov/oes/current/oes533032.htm> (accessed May 6, 2019).

<sup>8</sup> U.S. Department of Labor (DOL), Bureau of Labor Statistics (BLS). “Employer Costs for Employee Compensation (ECEC). June 2018.” Table 10, “Transportation and Warehousing.” September 18, 2018. Available at: [https://www.bls.gov/news.release/archives/ecec\\_09182018.pappdf](https://www.bls.gov/news.release/archives/ecec_09182018.pappdf) (accessed May 6, 2019).

<sup>9</sup> Mark Berwick and Mohammad Farooq of the Upper Great Plains Transportation Institute, North Dakota State University, August 2003. “Truck Costing Model for Transportation Managers”, pages 41, 43, and 45. Available at: <https://www.mountain-plains.org/pubs/pdf/MPC03-152.pdf> (accessed May 6, 2019).

**Table 4. Summary for IC-1 (Training Certification for Entry-Level Drivers under Subpart E)**

Summary Item	Value
Average Annual Number of Respondents	235,824
Average Annual Responses	235,824
Average Annual Number of Responses per Respondent	1.00
Average Annual Burden Hours	39,304
Average Hours per Response	0.167
Average Annual Cost to Respondents (burden hours monetized at loaded hourly wage rate)	\$1,650,728

**IC-2: Training Provider Registration (under 49 CFR Part 380 Subpart G)**

During the third year, 2022, of the three-year period covered by this ICR, under IC-2, “Training Provider Registration” information will be collected by FMCSA from each training provider for each training location by means of the online TPR. The TPR will be an online web-based information system that training providers must use to submit information to FMCSA to ensure that they meet the new training provider eligibility requirements and can therefore be listed on the TPR. The use of an electronic, online, web-based information system for this collection of information is expected to reduce burden on respondents. Although the TPR will be an online web-based system, the information and specific data fields required to be submitted by training providers in order to be listed on the TPR are presented with this Supporting Statement in the attached “Training Provider Registration” information collection which lists the data elements that will be submitted to the TPR by each training provider, for each training location, and each curricula, in order to register on the TPR.

This information will be collected when a training provider is first registering in the TPR, on a biennial basis thereafter, or otherwise when key information changes (training provider name, address, phone number, type(s) of training offered, training provider status, and, if applicable, any change in State licensure, certification, or accreditation status). The “Training Provider Registration” information will be used by FMCSA to ensure that training providers meet the new training provider eligibility requirements established by the December 2016 final rule, and can therefore be listed on the TPR. Furthermore, from the “Training Provider Registration” information submitted by training providers, certain basic identifying information (e.g., company name, location, contact information, etc.) and descriptive attributes regarding the training offered (e.g., which types of CDL and/or endorsement training are offered, etc.) by each training provider and at each training location will be displayed and made available to the public on the TPR website (unless the training provider chooses to not have this information displayed). This information will be used by entry-level drivers to identify training providers from which they can obtain the training that they require for the Class A or Class B CDL and/or endorsement that they seek to acquire.

Some training provider organizations provide training at only one location, while others may

provide training at more than one location. Training providers must register each training location in the TPR, and each training location will be assigned a unique TPR identification number by FMCSA. Under this ICR, “Training Provider Registration” information will be collected by FMCSA from each training provider, for each separate training location at which they provide training, by means of the online TPR.

Table 5 presents the estimated total population of training providers that are anticipated to meet the new training provider eligibility requirements and be listed on the TPR for the third year, 2022, of the three-year period covered by this ICR. Training providers must submit information for each individual location at which they provide training. Because some training provider organizations provide training at more than just one location, both the number of training provider organizations (as potential respondents), and the number of training provider locations (as potential responses), are presented.

The estimates presented in Table 5 are consistent with those developed and used previously in the regulatory evaluation for the December 8, 2016, final rule.<sup>10</sup> These estimates also in part form the basis for the analyses performed in the regulatory evaluation for the March 6, 2019, final rule titled “Commercial Driver’s License Upgrade from Class B to Class A” (84 FR 8029) (Attachment C), and the February 4, 2020, interim final rule (IFR) titled “Extension of Compliance Date for Entry-Level Driver Training” (85 FR 6088) (Attachment D). These estimates have previously been subject to review and comment as part of the December 2016 and March 2019 final rules and their related NPRMs. For the three-year period, it is assumed that the number of training providers and training locations will remain relatively stable, as presented in the table, as there is currently no information that would suggest otherwise. It is anticipated that in the future, after the TPR has been in operation, the Agency will be able to use information from actual training provider registrations performed on the TPR to refine these estimates of the population of training providers in conjunction with future renewals or revisions of this ICR.

**Table 5. Estimated Number of Providers of Entry-Level CDL and Endorsement Training**

	2020	2021	2022
Number of Training Provider Organizations	0	0	20,510
Number of Training Locations	0	0	22,260

**Source:** *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 2.4.5 (Training Providers), pp. 45-51. Table 15, pg. 52. Docket ID FMCSA-2007-27748-1291.

The estimated population of training provider organizations and training provider locations presented in Table 5 form the basis for estimating the number of respondents, the number of

<sup>10</sup> *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 2.4.5 (Training Providers), pp. 45-51. Table 15, pg. 52. Docket ID FMCSA-2007-27748-1291. Available at: <https://www.regulations.gov/contentStreamer?documentId=FMCSA-2007-27748-1291&attachmentNumber=1&contentType=pdf> (accessed May 6, 2019).

responses, and the hour burden each year. Training provider registration information will be collected when a training provider is first registering in the TPR, on a biennial basis thereafter, or otherwise when key information changes (training provider name, address, phone number, type(s) of training offered, training provider status, and, if applicable, any change in State licensure, certification, or accreditation status). Therefore, in any given year, training providers may be impacted by one or more of three different types of information collection activities under IC-2, for each separate training location at which they provide training. These three activities, and their estimated hour burden per response, are:

- New first-time registration on the TPR: 2 hours
- Biennial update of existing registration on the TPR: 0.75 hour (45 minutes)
- Update of existing registration due to change(s) to key information: 0.25 hour (15 minutes)

The estimates of the hour burden per response for new first-time registration on the TPR (2 hours), and for biennial update of an existing registration on the TPR (45 minutes), are consistent with those developed and used previously in the regulatory evaluation for the December 8, 2016, final rule<sup>11</sup>, and the February 4, 2020, interim final rule (IFR) titled “Extension of Compliance Date for Entry-Level Driver Training” (85 FR 6088) (Attachment D). These estimates have previously been subject to review and comment as part of the December 2016 and March 2019 final rules and their related NPRMs. No separate activity for “update of existing registration due to change(s) to key information” was estimated in the regulatory evaluation for the December 8, 2016, final rule, and therefore an estimate of 15 minutes is used here.

Table 6 presents the estimated number of responses, by type, for IC-2. It is assumed that the entire population of 20,510 training providers will submit a new first-time registration to the TPR in 2022 for the entire population of 22,260 training locations.

Next, regarding biennial updates of existing training provider registrations in the TPR, for 2022 it is assumed that there are no biennial updates of existing registrations, because no training providers would have yet been registered for two years during that time span (having only begun new registrations in 2022).

Finally, the number of updates of existing registrations due to changes in key information, as defined earlier (company name, address, phone number, types of training offered, etc.), is conservatively estimated to be 10 percent of the total population of training locations for each year. Therefore, for 2022, this yields an estimate of 2,226 updates of existing registrations due to changes in key information.

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<sup>11</sup> *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 3.3.1 (Training Provider Registry Recordkeeping Costs), pp. 79-80. Docket ID FMCSA-2007-27748-1291. Available at: <https://www.regulations.gov/contentStreamer?documentId=FMCSA-2007-27748-1291&attachmentNumber=1&contentType=pdf> (accessed May 6, 2019).

**Table 6. Estimated Number of Responses for IC-2 (Training Provider Registration)**

Type of Activity	2020	2021	2022	3-Year Average (2020-2022)
Number of New First-Time Registrations	0	0	22,260	7,420
Number of Biennial Updates of Existing Registrations	0	0	0	0
Number of Updates of Existing Registrations Due to Changes in Key Information	0	0	2,226	742
<b>TOTAL NUMBER OF RESPONSES</b>	<b>0</b>	<b>0</b>	<b>24,486</b>	<b>8,162</b>
<b>NUMBER OF RESPONDENTS</b>	<b>0</b>	<b>0</b>	<b>20,510</b>	<b>6,837<sup>12</sup></b>

Next, Table 7 presents the resulting estimates of annualized hour burden for IC-2, based on the number of responses by type presented in Table 6, and the estimated hour burden per each type of response, for each of the three types of responses, presented earlier.

**Table 7. Estimated Annualized Hour Burden for IC-2 (Training Provider Registration)**

Type of Activity	2020	2021	2022	3-Year Average (2020-2022)
Hour Burden for New First-Time Registrations	0	0	44,520	14,840
Hour Burden for Biennial Updates of Existing Registration	0	0	0	0
Hour Burden for Updates of Existing Registration Due to Change in Key Information	0	0	557	186
<b>HOUR BURDEN FOR ALL RESPONSE TYPES</b>	<b>0</b>	<b>0</b>	<b>45,077</b>	<b>15,026</b>

Under 49 CFR 380.725, training providers must retain the following documentation and records:

- Self-certifications from driver-trainees taking behind-the-wheel (BTW) training that the driver-trainees will comply with other U.S. DOT regulations related to alcohol and controlled substances testing, age, medical certification, licensing, and driver records (in 49 CFR parts 40, 382, 383, and 391).
- A copy of the driver-trainee’s commercial learner’s permit (CLP) or commercial driver’s license (CDL), as applicable.

<sup>12</sup> This figure pertains to individual respondents as opposed to responses. For this requirement, the respondent is the training provider. The number of drivers pertains to the number of responses. Accordingly, the estimated total annual burden (12,946) includes the number of entry-level drivers in its calculation.

- Instructor qualification documentation (copies of instructor CDL and endorsements, etc.).
- A copy of the current Training Provider Registration information that was submitted to the TPR.
- Lesson plans for theory and BTW training curricula.

These records must be retained by training providers for 3 years from the date each record is generated or received. FMCSA does not include a component for recordkeeping tasks in the Agency’s IC estimate because the training providers routinely keep records of their students and employees (instructors) today, such as copies of CLPs for driver-trainees, copies of instructor CDLs and endorsements, etc. FMCSA concludes that these recordkeeping tasks are “customary and usual business practices,” i.e., that they would be undertaken in the normal course of the providers’ businesses in the absence of the Agency’s training regulations. The time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g., in compiling and maintaining business records) is excluded from burden if those activities are usual and customary (5 CFR 1320.3(b)(2)).

As noted previously, “cost to respondents” (sometimes referred to as “burden hour cost”) is separate and distinct from “cost burden”, which is reported later in Section 13 and represents capital or start-up costs, operation or maintenance costs (such as those for supplies and equipment), or purchases of services resulting from the collection of information.

The Standard Occupational Classification (SOC) system used by the DOL, BLS, in producing occupational employment and wage estimates for their Occupational Employment Statistics (OES) program does not include an SOC code specific to the occupation of entry-level driver trainer or CMV operator trainer. We therefore assume that the occupation most representative of respondents for IC-2 corresponds to the “Vocational Education Teachers, Postsecondary” SOC Code 25-1194. According to BLS, this SOC code includes industrial, commercial, and government training instructors, and adult education teachers and instructors who prepare persons to operate industrial machinery and equipment and transportation and communications equipment.<sup>13</sup> Teaching may take place in public or private schools whose primary business is education (for example, a private for-hire CDL training school or a community college offering a CDL training programs), or in a school associated with an organization whose primary business is other than education (for example, a motor carrier that has its own in-house ELDT program). Given that there are several types of ELDT providers across multiple industries, including but not limited to CDL training schools, educational institutions such as community colleges, motor carriers, owner-operators, transit agencies, school districts with directly operated school bus service, State/local governments, utility companies and rural electric cooperatives, etc., the median hourly wage of Vocational Education Teachers, Postsecondary (SOC Code 25-1194) across all industry sectors as of May 2018 of \$25.54 is used here as the appropriate wage rate category for calculating the cost to respondents.<sup>14</sup>

<sup>13</sup> U.S. Department of Labor (DOL), Bureau of Labor Statistics (BLS). “May 2018 Occupation Profiles. Vocational Education Teachers, Postsecondary (SOC Code 25-1194).” Available at: <https://www.bls.gov/oes/current/oes251194.htm> (accessed May 6, 2019).

<sup>14</sup> U.S. Department of Labor (DOL), Bureau of Labor Statistics (BLS). “Occupational Employment Statistics (OES). National

To arrive at a loaded wage, we first estimated a fringe benefits rate of 56.9 percent by dividing the total benefit costs (\$14.69 per hour) by the wages and salaries (\$25.80 per hour) for the transportation and warehousing industry.<sup>15</sup> We then estimated an overhead rate of 27.4 percent by dividing management and overhead costs (\$0.107 per mile) by labor costs (\$0.39 per mile) for the trucking industry.<sup>16</sup> Using these estimated fringe benefits and overhead rates, we calculated a fully loaded wage rate factor of 2.0 by multiplying the fringe benefits rate (1+0.569) by the overhead rate (1+0.274). Finally, multiplying the median hourly base wage of \$25.54 by this fully loaded wage rate factor results in a fully loaded hourly wage of \$51.08. The resulting average annual cost to respondents for IC-2 is \$767,485 (15,026 average annual burden hours × \$51.08 fully loaded wage rate).

Table 8 presents a summary of the burden estimates for IC-2.

**Table 8. Summary for IC-2 (Training Provider Registration)**

Summary Item	Value
Average Annual Number of Respondents	6,837
Average Annual Responses	8,162
Average Annual Number of Responses per Respondent	1.19
Average Annual Burden Hours	15,026
Average Hours per Response	1.84
Average Annual Cost to Respondents (burden hours monetized at loaded hourly wage rate)	\$767,485

**IC-3: Driver Training Certification Information (under 49 CFR Part 380 Subpart G)**

During the third year, 2022, of the three-year period covered by this ICR, under IC-3, “Driver Training Certification” information will be collected by FMCSA from training providers by means of the new TPR. The use of an electronic, online, web-based information system for this collection of information is expected to reduce burden on respondents. Although the TPR will be an online web-based system, the information and specific data fields required to be submitted by training providers for each driver-trainee that completes training are presented with this Supporting Statement in the attached “Driver Training Certification” information collection which lists the data elements that will be submitted to the TPR by each training provider for each driver-trainee that completes training. After an individual driver-trainee completes training administered by a training provider listed on the TPR, that training provider must submit the training certification information regarding the driver-trainee to the TPR. This “Driver Training Certification” information will be used by

Occupational Employment and Wage Estimates. Vocational Education Teachers, Postsecondary (SOC Code 25-1194). May 2018.” March 29, 2019. Available at: <https://www.bls.gov/oes/current/oes251194.htm> (accessed May 6, 2019).

<sup>15</sup> U.S. Department of Labor (DOL), Bureau of Labor Statistics (BLS). “Employer Costs for Employee Compensation (ECEC). June 2018.” Table 10, “Transportation and Warehousing.” September 18, 2018. Available at: [https://www.bls.gov/news.release/archives/ecec\\_09182018.pappdf](https://www.bls.gov/news.release/archives/ecec_09182018.pappdf) (accessed May 6, 2019).

<sup>16</sup> Mark Berwick and Mohammad Farooq of the Upper Great Plains Transportation Institute, North Dakota State University, August 2003. “Truck Costing Model for Transportation Managers”, pages 41, 43, and 45. Available at: <https://www.mountain-plains.org/pubs/pdf/MPC03-152.pdf> (accessed May 6, 2019).

SDLAs to verify that the required driver training has been completed by the driver-trainee prior to the SDLA administering CDL skills tests to applicants for the Class A and B CDL, and/or the P or S endorsements, or knowledge test for the H endorsement. The information collected from training providers will also be used by the Agency to improve its understanding of the number of training providers and the types of training they provide, and the number of entry-level drivers and the types of training, CDLs, and endorsements that they obtain. Retrospective review of the data and of the safety performance of drivers that complete ELDT will allow FMCSA to better assess the impact of ELDT on motor carrier safety, and to monitor the effectiveness of individual training providers and identify those that may not be conducting training in compliance with the regulations and that may therefore be candidates for an on-site review by FMCSA.

Table 9 presents the number of entry-level CDL drivers that are estimated to be subject to the new ELDT requirements during the third year, 2022, of the three-year period covered by this ICR, under IC-3. The estimates presented in Table 9 are consistent with those developed and used previously in the regulatory evaluation for the December 8, 2016, final rule<sup>17</sup>, and the February 4, 2020, interim final rule (IFR) titled “Extension of Compliance Date for Entry-Level Driver Training” (85 FR 6088) (Attachment D). These estimates have previously been subject to review and comment as part of the December 2016 and March 2019 final rules and their related NPRMs. It is anticipated that in the future, the Agency will be able to use information from actual submissions of driver training certification information to the TPR to refine these estimates of the annual number of new entry-level drivers in conjunction with future renewals or revisions of this ICR.

**Table 9. Estimated Number of Entry-Level Drivers**

	2020	2021	2022
Number of Entry-Level Drivers	0	0	466,062

**Source:** *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 2.4.1 (Number of Entry-Level CDL Drivers Annually), pp. 16-30. Table 11, pg. 18. Docket ID FMCSA-2007-27748-1291.

For 2022, the first year in which IC-3 “Driver Training Certification Information” would occur, after an individual driver-trainee completes training administered by a training provider listed on the TPR, that training provider must submit training certification information regarding the driver-trainee to the TPR. This would occur for all 466,062 entry-level drivers estimated to take ELDT in 2022. Table 10 presents the resulting estimated number of responses and respondents for IC-3 over the three-year period of 2020 to 2022 that is covered by this ICR.

<sup>17</sup> *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 2.4.1 (Number of Entry-Level CDL Drivers Annually), pp. 16-30. Table 11, pg. 18. Docket ID FMCSA-2007-27748-1291. Available at: <https://www.regulations.gov/contentStreamer?documentId=FMCSA-2007-27748-1291&attachmentNumber=1&contentType=pdf> (accessed May 6, 2019).

**Table 10. Estimated Number of Responses for IC-3 (Driver Training Certification Information)**

Type of Activity	2020	2021	2022	3-Year Average (2020-2022)
Number of Submissions of Driver Training Certification Information	0	0	466,062	155,354
<b>TOTAL NUMBER OF RESPONSES</b>	<b>0</b>	<b>0</b>	<b>466,062</b>	<b>155,354</b>
<b>NUMBER OF RESPONDENTS</b>	<b>0</b>	<b>0</b>	<b>20,510</b>	<b>6,837</b>

Each submittal of driver training certification information by a training provider for each new entry-level driver is estimated to require 5 minutes. This estimate is consistent with that developed and used previously in the regulatory evaluation for the December 8, 2016, final rule<sup>18</sup>, and also used in part for the regulatory evaluations of the March 6, 2019, final rule, and the interim final rule (IFR). This estimate of 5 minutes has previously been subject to review and comment as part of the March 7, 2016, NPRM and December 8, 2016, final rule for the new ELDT regulations. Again, because under the interim final rule the requirement for training providers to submit training certification information to the TPR for each individual driver-trainee that completes training would not begin until February 7, 2022, responses occur only in 2022. Table 11 presents the resulting estimates of annualized hour burden for IC-3, based on the number of responses presented in Table 10, and the estimated hour burden per response of 5 minutes (0.083 hours).

**Table 11. Estimated Annualized Hour Burden for IC-3 (Driver Training Certification Information)**

Type of Activity	2020	2021	2022	3-Year Average (2020-2022)
Hour Burden for Submission of Driver Training Certification Information	0	0	38,839	12,946

“Cost to respondents” (sometimes referred to as “burden hour cost”) is calculated here for IC-3 in the same manner as it was for IC-2, and utilizes the same fully loaded wage rate of \$51.08 as described above for IC-2. As noted previously, “cost to respondents” is separate and distinct from “cost burden”, which is reported later in Section 13 and represents capital or start-up costs, operation or maintenance costs (such as those for supplies and equipment), or purchases of services resulting from the collection of information. The average annual cost to respondents for IC-3 is \$661,275 (12,946 average annual burden hours × \$51.08 fully loaded wage rate).

<sup>18</sup> *Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule*. Section 3.3.1 (Training Provider Registry Recordkeeping Costs), pg. 80. Docket ID FMCSA-2007-27748-1291. Available at: <https://www.regulations.gov/contentStreamer?documentId=FMCSA-2007-27748-1291&attachmentNumber=1&contentType=pdf> (accessed May 6, 2019).

Table 12 presents a summary of the burden estimates for IC-3.

**Table 12. Summary for IC-3 (Driver Training Certification)**

Summary Item	Value
Average Annual Number of Respondents	6,837
Average Annual Responses	155,354
Average Annual Number of Responses per Respondent	22.7
Average Annual Burden Hours	12,946
Average Hours per Response	0.083
Average Annual Cost to Respondents (burden hours monetized at loaded hourly wage rate)	\$661,275

Finally, Table 13 presents a summary of the total burden for IC-1, IC-2, and IC-3 combined.

**Table 13. Summary of Total Burden for IC-1, IC-2, and IC-3**

Summary Item	Value
Average Annual Responses	399,340
Average Annual Burden Hours	67,276
Average Annual Cost to Respondents (burden hours monetized at loaded hourly wage rate)	\$3,079,487

### 13. ESTIMATE OF TOTAL ANNUAL COST BURDEN

Under the existing ELDT requirements of Subpart E of 49 CFR part 380 that will remain in force until February 7, 2022, there is no cost burden to respondents resulting from these existing ELDT requirements beyond the hour burden already reflected in Section 12 for IC-1.

Under the new minimum training standards for entry-level drivers and new requirements for training providers that will be in force as of February 7, 2022, FMCSA also estimates that there is no cost burden to respondents resulting from these new requirements beyond the hour burden already reflected in Section 12 for IC-2 and IC-3. With regards to capital or start-up costs, FMCSA believes that virtually all training providers own or have access to computer technology such as a personal computer, tablet device, or smartphone, and that access to these types of devices is nearly ubiquitous among both individuals and businesses in the U.S. and would be available as part of customary and usual business or private practices, thus providing sufficient access to the TPR. Therefore, this collection of information would not impose any new cost burden upon respondents for capital or start-up costs associated with the purchase of computers or software. There is also no cost burden to respondents for operation and maintenance or purchase of services related to these new requirements.

Cost burden impacts to the Federal government are addressed separately in Section 14 below.

#### 14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

The Federal government will incur costs resulting from this ICR related to the development and maintenance of the TPR. The TPR will be an online, web-based information system that training providers must use to submit information to FMCSA to ensure that they meet the new training provider eligibility requirements and can therefore be listed on the TPR. In addition, after an individual driver-trainee completes training administered by a training provider listed on the TPR, that training provider must submit training certification information regarding the driver-trainee to the TPR.

Although the new minimum training standards for entry-level drivers (in a new Subpart F and five new Appendices to part 380), and new requirements for training providers (in a new Subpart G), will not be in force until 2022, the last year of the three-year period that is covered by this ICR, development, operations, and maintenance costs will be incurred by the Federal government throughout all three years so that the TPR can be fully developed and available for use some time prior to the February 7, 2022, compliance date for the new training requirements.

The most recently available cost estimates for the development and maintenance of the TPR indicate that these costs will total approximately \$2.5 million in 2020, followed by recurring costs of approximately \$250,000 annually in 2021 and 2022. Recurring costs include software licensing fees, security assessments, and help desk support. These estimates of development costs and recurring annual costs are based on experience with previous information system development efforts by FMCSA. Based on this analysis, the average annual cost to the Federal government of this ICR is estimated to be \$1.0 million over the three-year period of 2020 to 2022 that is covered by this ICR.

#### 15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS

Table 14 presents the burden for the currently approved information collection, the new burden estimates from this revision, and the resulting total change in burden from the currently approved information collection to this revision. Overall, there is very little change in the total burden.

**Table 14. Total Change in Burden from Currently Approved Collection of Information**

<b>Information Collection Version</b>	<b>Annual Number of Responses</b>	<b>Annual Burden Hours</b>	<b>Annual Cost Burden</b>
Currently Approved under OMB Control Number 2126-0028	397,500	66,250	\$0
Revised Estimates	399,340	67,276	\$0
<b>Total Change in Burden from the Currently Approved Collection of Information</b>	<b>1,840</b>	<b>1,026</b>	<b>\$0</b>

Next, the Agency differentiates the total change in burden that is presented in Table 14 into the program change portion, and the adjustment change portion. The program change portion

of the total change in burden is that which is the result of deliberate Agency action, in this case the December 8, 2016, ELDT final rule (81 FR 88732) (Attachment B), and the February 4, 2020, interim final rule (IFR) titled “Extension of Compliance Date for Entry-Level Driver Training” (85 FR 6088) (Attachment D). The adjustment portion of the total change in burden is the result of factors other than deliberate Agency action, and may include, for example, changes resulting from the availability of new or improved data, the use of enhanced analysis or estimation methodologies, or the correction of arithmetic or other errors made previously when calculating the burden for the currently approved information collection.

**Table 15. Changes Due to Agency Discretion and Adjustment in Agency Estimate**

<b>Component of Total Change</b>	<b>Change in Annual Number of Responses</b>	<b>Change in Annual Burden Hours</b>	<b>Change in Annual Cost Burden</b>
<b>Total Change in Burden from the Currently Approved Collection of Information</b>	<b>1,840</b>	<b>1,026</b>	<b>\$0</b>
Program Change due to Agency Discretion	45,604	8,320	\$0
Change due to Adjustment in Agency Estimate	-43,764	-7,294	\$0

As presented in Table 15, the program change due to Agency discretion reflects the elimination under IC-1 of the burden associated with the existing ELDT requirements under Subpart E of part 380, during the last year, 2022, of the three-year period covered by this ICR. At the same time, new minimum training standards for entry-level drivers (in a new Subpart F and five new Appendices to part 380), and new requirements for training providers (in a new Subpart G) are established as of 2022 that result in new sources and types of burden. The net result is a modest increase in burden as a result of program change due to Agency discretion. The change due to adjustment in Agency estimate presented in Table 15 reflects the use of improved and more up-to-date estimates of the number of entry-level drivers in the calculation of the burden associated with the existing ELDT requirements under Subpart E of part 380 for the years 2020 and 2021. These estimates are somewhat lower than those used previously, therefore resulting in a modest decrease in burden as a result of change due to adjustment in Agency estimate. Overall, the program change due to Agency discretion, and the change due to adjustment in Agency estimate, largely offset each other, resulting in very little change in the total burden.

**16. PUBLICATION OF RESULTS OF DATA COLLECTION**

The results of this ICR will not be published.

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

Not applicable.

## **18. EXCEPTIONS TO CERTIFICATION STATEMENT**

There are no exceptions to the certification statement.

## ATTACHMENTS

- A. 49 CFR Part 380. “Special Training Requirements.”
- B. U.S. DOT FMCSA. “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators.” Final Rule. 81 FR 88732. December 8, 2016.
- C. U.S. DOT FMCSA. “Commercial Driver’s License Upgrade from Class B to Class A.” Final Rule. 84 FR 8029. March 6, 2019.
- D. U.S. DOT FMCSA. “Extension of Compliance Date for Entry-Level Driver Training.” Interim Final Rule. (85 FR 6088), February 4, 2020.
- E. Section 4007(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Pub. L. 102-240. December 18, 1991.
- F. U.S. DOT FMCSA. “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators.” Final Rule. 69 FR 29384. May 21, 2004.
- G. Moving Ahead for Progress in the 21st Century Act (MAP-21). Pub. L. 112-141, 126 Stat. 405, 791. July 6, 2012.
- H. U.S. DOT FMCSA. “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators.” Notice of Proposed Rulemaking. 81 FR 11944. March 7, 2016.
- I. U.S. DOT FMCSA. “Partial Extension of Compliance Date for Entry-Level Driver Training.” Notice of Proposed Rulemaking. 84 FR 34324. July 18, 2019.
- J. Government Paperwork Elimination Act (GPEA). Pub. L. 105-277, Title XVII. October 21, 1998.
- K. 60-day Federal Register Notice.
- L. 30-day Federal Register Notice.
- M. Privacy Act of 1974. 5 U.S.C. § 552a, Pub. L. 93-579, 88 Stat. 1897. December 31, 1974.

## ACRONYMS LIST

BLS	Bureau of Labor Statistics
BTW	Behind-the-Wheel
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CLP	Commercial Learner's Permit
CMV	Commercial Motor Vehicle
CVTA	Commercial Vehicle Training Association
DOL	Department of Labor
DOT	Department of Transportation
ECEC	Employer Costs for Employee Compensation
ELDT	Entry-Level Driver Training
ELDTAC	Entry-Level Driver Training Advisory Committee
FHWA	Federal Highway Administration
FIPPs	Fair Information Practice Principles
FMCSA	Federal Motor Carrier Safety Administration
FR	Federal Register
GPEA	Government Paperwork Elimination Act
GSA	General Services Administration
IC	Information Collection
ICR	Information Collection Request
IFR	Interim Final Rule
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century Act
NOA	Notice of Action
NPRM	Notice of Proposed Rulemaking
OES	Occupational Employment Statistics
OIRA	Office of Information and Regulatory Affairs
OMB	Office of Management and Budget
PIA	Privacy Impact Assessment
PII	Personally Identifiable Information
PRA	Paperwork Reduction Act
RIN	Regulation Identifier Number
RISC	Regulatory Information Service Center
ROCIS	RISC and OIRA Consolidated Information System
SDLA	State Drivers Licensing Agency
SOC	Standard Occupational Classification
SORN	System of Records Notice
TPR	Training Provider Registry
U.S.C.	United States Code
U.S. DOT	United States Department of Transportation