

**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 information collection request (ICR) due to the *Qualifications of Drivers; Vision Standard* final rule.
- IC-1 consists of three reporting and recordkeeping tasks motor carriers perform regarding the road test required by 49 CFR § 391.31 when they hire a new driver. The burden associated with IC-1 is 273,411 hours with an associated cost of \$16,457,028.
- IC-2 consists of three reporting and recordkeeping tasks for the incremental burden associated with the requirement in the rule that individuals physically qualified under the new alternative vision standard in § 391.44 for the first time complete a road test in accordance with § 391.31 before operating in interstate commerce. The burden associated with IC-2 is 477 hours with an associated cost of \$28,736.
- The combined average annual burden of IC-1 and IC-2 for respondent motor carriers is 273,888 hours with an associated cost of \$16,485,764.

**Introduction**

The Federal Motor Carrier Safety Administration (FMCSA) submits to the Office of Management and Budget (OMB) for its approval this new ICR titled “391.31 Road Test Requirement,” OMB Control Number 2126-0072. 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 *Qualifications of Drivers; Vision Standard* final rule.

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 ICR titled “Commercial Driver Licensing and Testing Standards,” OMB Control Number 2126-0011.

As shown in Table 9, the annual burden hours for this ICR are estimated at 273,888. Motor carrier burden hours are monetized using the Department of Labor (DOL) Bureau of Labor Statistics (BLS) median hourly wage data. The annual labor cost for this ICR is estimated at \$16,485,764.

## **Part A. Justification**

### **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, Apr. 22, 1970) (Attachment B)). At that time, 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 C) 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 1935<sup>1</sup> (1935 Act) and the Motor Carrier Safety Act of 1984<sup>2</sup> (1984 Act), both as amended. The 1935 Act, as codified at 49 U.S.C. § 31502(b) (Attachment D), 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 E), 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 F). The Administrator of FMCSA is delegated authority under 49 CFR § 1.87 (Attachment G) 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* rule is to permit individuals who do not satisfy, with the worse eye, either FMCSA's existing distant visual acuity with corrective lenses or the field of vision standard, or both, to be physically qualified to operate a CMV in interstate commerce. Such individuals must meet the 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 are required to complete a road test in accordance with § 391.31 before operating a CMV in interstate commerce. The road test demonstrates that 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.

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<sup>1</sup> Pub. L. 74-255, 49 Stat. 543, Aug. 9, 1935.

<sup>2</sup> Pub. L. 98-554, 98 Stat. 2829, Oct. 30, 1984.

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

This information collection supports the Department of Transportation (DOT) strategic goal of safety. Public interest in highway safety dictates that employers hire drivers who can safely operate CMVs amid the various physical and mental demands of truck and bus 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* rule requires 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 are the same as those described in the previous paragraph. The alternative vision standard excepts an individual from the road test requirement if the individual operated a CMV in intrastate or excepted interstate commerce<sup>3</sup> 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 must 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 the specific excepted interstate commerce with the vision deficiency for the required 3 years, the motor carrier will 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 will be provided to the individual. The motor carrier will 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 can maintain the written statement and certification electronically or via paper copy. The information collected by the motor carrier is needed to document that 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.**

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

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<sup>3</sup> 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.

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 alternative vision standard, the motor carrier will 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 can maintain the written statement and certification electronically or via paper copy. Neither the written statement nor the certification will 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 CDL<sup>4</sup> or a copy of a valid certificate of driver's road test issued to the driver within the preceding 3 years (Attachment H). Accordingly, drivers who have completed a skills test to obtain a CDL<sup>5</sup> 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 the other provisions in part 391, subpart F) do not duplicate 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 do not apply to § 391.31 road tests required by the 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.

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 § 390.5T) who is 18 years of age or older

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<sup>4</sup> 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.

<sup>5</sup> 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.

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 § 390.5T) 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 duplication of recordkeeping requirements (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 ICR titled “Driver Qualifications Files,” OMB Control Number 2126-0004.

As discussed in section 4 above, the alternative to a road test provided in § 391.33 does not apply to § 391.31 road tests required by the alternative vision standard in § 391.44. However, such a road test is required only the first time an individual is medically certified under the alternative vision standard in § 391.44. Thereafter, any otherwise applicable provisions of § 391.33 apply to drivers medically certified under the 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 are not available for individuals required to have a § 391.31 road test by the alternative vision standard, such a road test is required only the first time an individual is medically certified under the 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) (Attachment I). The proposed rule served as the 60-day notice for the information collection.

On January 21, 2022, FMCSA published the *Qualifications of Drivers; Vision Standard* final rule that acted as the 30-day notice for the proposed information collection (87 FR 3390) (Attachment J). The final rule again requested public comment on the information collection and discussed the comments in response to the NPRM. FMCSA received no substantive comments regarding the burden associated with the information collection. However, the American Trucking Associations, Inc. referenced “a 30-minute road test,” which is consistent with FMCSA’s estimate for the road test. The American College of Occupational and Environmental Medicine expressed general concern that the number of employer-required road tests would significantly increase due to the alternative vision standard but provided no specific data or number. FMCSA finds no basis from these comments to change the analysis of the burden for the information collection. The information collection is discussed in detail in section X.F.1.b.

#### **9. Payments or gifts to respondents.**

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 § 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 principal place of business. The information collected is not available to the public. FMCSA will not routinely receive the information collected pursuant to this information collection. FMCSA will 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 will not routinely collect information about individuals obtaining an exception to the § 391.31 road test requirement for individuals with a vision deficiency or maintain it in a system of records.

Motor carriers only will 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.

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 section 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, 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 § 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* final rule that individuals physically qualified under § 391.44 for the first time are required to complete a road test in accordance with § 391.31 before operating in interstate commerce. Because § 391.44(d)(1) requires motor carriers to conduct the road test in accordance with § 391.31(b) thorough (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 *2020 Pocket Guide to Large Truck and Bus Statistics* reports in 2019 there were 600,000 interstate and 1,300,000 intrastate drivers who operated light vehicles, or non-CDL drivers.<sup>6</sup> To find the total driver populations in 2022, 2023, and 2024 (the 3 years projected to be reflected in this ICR based on when the final rule is adopted), FMCSA multiplies the total driver population (600,000 + 1,300,000 = 1,900,000) by a growth rate of 0.448 percent, which is a weighted average of the annual compound growth rates estimated using the BLS Employment Projections Program point projections for four categories<sup>7</sup> of commercial vehicle drivers for 2019 and 2029. FMCSA uses this rate to estimate the growth in the driver population. Next, to estimate the total number of job openings per year, FMCSA applies a 77.1 percent<sup>8</sup> average annual driver turnover rate to the annual driver population shown.<sup>9</sup>

<sup>6</sup> Federal Motor Carrier Safety Administration, *The 2020 Pocket Guide*. Retrieved from <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-10/FMCSA%20Pocket%20Guide%202020-v8-FINAL-10-29-2020.pdf> (last accessed Aug. 27, 2021).

<sup>7</sup> Heavy and tractor-trailer truck drivers, Light truck or delivery services drivers, Passenger vehicle drivers, except bus drivers, transit and intercity, and Bus drivers, transit and intercity.

<sup>8</sup> American Transportation Research Institute, *ATRI Analysis of the Operational Cost of Trucking: 2020 Update*. Available at [An Analysis of the Operational Costs of Trucking: 2020 Update – TruckingResearch.org](https://www.truckingresearch.org/ATRI-Operational-Costs-of-Trucking-2020.pdf) /ATRI-Operational-Costs-of-Trucking-2020.pdf (last accessed Aug. 12, 2021).

<sup>9</sup> The turnover rate is derived from turnover rates reported for three categories of motor carriers by the American Trucking Associations, which are over-the-road carriers (OTR) at 92 percent, truckload carriers (TL) at 74 percent, and less-than-truckload carriers (LTL) at 14 percent. The OTR category is made up predominantly of CMV drivers transporting general freight on behalf of for-hire motor carriers. The TL category is made up predominantly of CMV drivers transporting specialized freight on behalf of for-hire motor carriers. The LTL category is made up of CMV drivers transporting the property of their motor carrier and drivers engaged in specialized operations analogous to LTL operations. The individual turnover rates are weighted by the relative shares of the driver population distributed among the three categories of motor carriers, which are 67 percent for OTR drivers, 18 percent for TL drivers, and 15 percent for LTL drivers. The sum of the product of the turnover rates and percentage of drivers by category results in a 77.1 percent weighted average turnover rate.



Table 1 below shows that for the year 2022, the industry will fill an estimated 1,484,677 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 annual average of 1,491,338 job openings. Therefore, an annual average of 497,113 road tests would be conducted for drivers hired. The number of road tests conducted equals the number of responses for the three information collections.

**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 |
|--|--------------------------------------|---|---|
|  | $A = A_{-1} \times 0.448\% + A_{-1}$ | $B = A \times 77.1\%$<br><i>Turnover Rate</i> | $C = B \times \frac{1}{3}$                    |
| 2019   | 1,900,000                            | 1,464,900                                     | 488,300                                       |
| 2020   | 1,908,512                            | 1,471,463                                     | 490,488                                       |
| 2021   | 1,917,062                            | 1,478,055                                     | 492,685                                       |
| 2022   | 1,925,651                            | 1,484,677                                     | 494,892                                       |
| 2023   | 1,934,277                            | 1,491,328                                     | 497,109                                       |
| 2024   | 1,942,943                            | 1,498,009                                     | 499,336                                       |
| <i>3 Year Average 2022-2024</i>                                | <i>1,934,290</i>                     | <i>1,491,338</i>                              | <i>497,113</i>                                |
| Note: Annual and average values may not match due to rounding. |                                      |   |   |

As summarized below in Table 2, FMCSA estimates a burden of 30 minutes for the motor carrier’s compliance officer to complete the road test form while conducting the road test under IC-1.1. Should the driver successfully pass the road test, FMCSA assumes it will take the compliance officer 2 minutes to complete the certification of driver’s road test under IC-1.2, and an additional 1 minute for the motor carrier’s file clerk to store documents in the driver qualification file (IC-1.3). The total time for the motor carrier to complete IC-1.1, IC-1.2, and IC-1.3 is 33 minutes, or 0.55 hours.<sup>10</sup> To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response.

<sup>10</sup> 33 minutes ÷ 60 = 0.55.

The median salary for a compliance officer is \$34.18 per hour,<sup>11</sup> and the median salary for a file clerk is \$16.39 per hour.<sup>12</sup> The Agency applies an estimate of 52 percent in fringe benefits,<sup>13</sup> and 27 percent in overhead costs<sup>14</sup> to the wage rates, leading to a fully loaded wage of \$61.35 for a compliance officer<sup>15</sup> and \$29.42 for a file clerk.<sup>16</sup>

**Table 2. Summary of Wages and Hours**

| Information Collection | Wage Rate | Time in Minutes | Time in Hours |
|------------------------|-----------|-----------------|---------------|
| IC-1.1                 | \$61.35   | 30              | 0.5           |
| IC-1.2                 | \$61.35   | 2               | 0.03          |
| IC-1.3                 | \$29.42   | 1               | 0.02          |
| <b>Total</b>           |           | <b>33</b>       | <b>0.55</b>   |

Table 3 summarizes IC-1.1, which is the estimated burden hours and cost incurred by the motor carrier’s compliance officer to complete and sign the road test form. The estimated average annual burden is 248,556 hours with a cost of \$15,249,556.

<sup>11</sup> DOL, BLS. Occupational Employment and Wages, May 2020, 13-1041 Compliance Officers. Available at <https://www.bls.gov/oes/current/oes131041.htm> (last accessed Aug. 26, 2021).

<sup>12</sup> DOL, BLS. Occupational Employment and Wages, May 2020, 43-4071 File Clerks. Available at <https://www.bls.gov/oes/current/oes434071.htm> (last accessed Aug. 26, 2021).

<sup>13</sup> DOL, BLS. “Employer Cost of Employee Compensation December 2020 News Release,” Table 4: Employer Costs for Employee Compensation for private industry workers by occupational and industry group, available at <https://www.bls.gov/news.release/pdf/ecec.pdf> (accessed Nov. 2, 2020). The fringe benefit rate is the ratio of the hourly wage for average hourly wage for a private industry worker and the associated hourly benefit rate (52% = 13.78 ÷ \$26.45 (rounded to the nearest whole percent)).

<sup>14</sup> To estimate the overhead rates on wages, the Agency used industry data gathered for the Truck Costing Model developed by the Upper Great Plains Transportation Institute, North Dakota State University (Berwick, Farooq. Truck Costing Model for Transportation Managers. North Dakota State University. Upper Great Plains Transportation Institute. August 2003. Appendix A, pp. 42-47. Available at: <http://www.mountain-plains.org/pubs/pdf/MPC03-152.pdf> (last accessed Aug. 20, 2021)). Research conducted for this model found an average cost of \$0.107 per mile of CMV operation for management and overhead, and \$0.39 per mile for labor, indicating an overhead rate of 27 percent (27% = \$0.107 ÷ \$0.39 (rounded to the nearest whole percent)).

<sup>15</sup> \$34.18 + (\$34.18 × 52%) + (\$34.18 × 27%) = \$61.35. Values may not total due to rounding.

<sup>16</sup> \$16.39 + (\$16.39 × 52%) + (\$16.39 × 27%) = \$29.42. Values may not total due to rounding.

**Table 3. Total Burden Hours and Cost for IC-1.1**

| Year   | Responses                        | Motor Carrier Burden Hours | Motor Carrier Cost     |
|--|----------------------------------|----------------------------|------------------------|
|  | <i>A = From Table 1 Column C</i> | <i>B = A × 0.5 hours</i>   | <i>C = B × \$61.35</i> |
| 2022   | 494,892                          | 247,446                    | \$15,181,441           |
| 2023   | 497,109                          | 248,555                    | \$15,249,454           |
| 2024   | 499,336                          | 249,668                    | \$15,317,772           |
| <b>Total</b>   | <b>1,491,338</b>                 | <b>745,669</b>             | <b>\$45,748,667</b>    |
| <i>Average annual burden</i>                                   | <i>497,113</i>                   | <i>248,556</i>             | <i>\$15,249,556</i>    |
| Note: Annual and average values may not match due to rounding. |                                  |                            |                        |

Table 4 summarizes IC-1.2, which is the estimated burden hours and cost incurred by the motor carrier’s compliance officer to complete the certificate of driver’s road test and give the driver a copy. The estimated average annual burden is 14,913 hours with an average annual cost of \$914,973.

**Table 4. Total Burden Hours and Cost for IC-1.2**

| Year   | Responses                        | Motor Carrier Burden Hours | Motor Carrier Cost     |
|--|----------------------------------|----------------------------|------------------------|
|  | <i>A = From Table 1 Column C</i> | <i>B = A × 0.03 hours</i>  | <i>C = B × \$61.35</i> |
| 2022   | 494,892                          | 14,847                     | \$910,886              |
| 2023   | 497,109                          | 14,913                     | \$914,967              |
| 2024   | 499,336                          | 14,980                     | \$919,066              |
| <b>Total</b>   | <b>1,491,338</b>                 | <b>44,740</b>              | <b>\$2,744,920</b>     |
| <i>Average annual burden</i>                                   | <i>497,113</i>                   | <i>14,913</i>              | <i>\$914,973</i>       |
| Note: Annual and average values may not match due to rounding. |                                  |                            |                        |

Table 5 summarizes IC-1.3, which is the estimated burden hours and cost incurred by the motor carrier’s file clerk to retain the road test form and the certificate of driver’s road test in the driver qualification file. The estimated average annual burden is 9,942 hours with an average annual cost of \$292,499.

**Table 5. Total Burden Hours and Cost for IC-1.3**

| Year   | Responses                        | Motor Carrier Burden Hours | Motor Carrier Cost     |
|--|----------------------------------|----------------------------|------------------------|
|  | <i>A = From Table 1 Column C</i> | <i>B = A × 0.02 hours</i>  | <i>C = B × \$29.42</i> |
| 2022   | 494,892                          | 9,898                      | \$291,192              |
| 2023   | 497,109                          | 9,942                      | \$292,497              |
| 2024   | 499,336                          | 9,987                      | \$293,807              |
| <b>Total</b>   | <b>1,491,338</b>                 | <b>29,827</b>              | <b>\$877,496</b>       |
| <i>Average annual burden</i>                                   | 497,113                          | 9,942                      | \$292,499              |
| 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**

|  |  |
|--|--|
| 1,491,339  | Total Annual Responses ( $497,113 \times 3 = 1,491,339$ )                                      |
| 273,411  | Total Annual Burden Hours for Motor Carriers ( $248,556 + 14,913 + 9,942 = 273,411$ )          |
| \$16,457,028   | Total Annual Cost for Motor Carriers ( $\$15,249,556 + \$914,973 + \$292,499 = \$16,457,028$ ) |
| Note: Annual and average values may not match due to rounding. |  |

*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* rule that individuals physically qualified under the alternative vision standard in § 391.44 for the first time must complete a road test in accordance with § 391.31 before operating in interstate commerce. FMCSA estimates the driver population using the average number of new requests for a Federal vision exemption across 2018, 2019, and 2020 (1,073, 1,030, and 500, respectively). Accordingly, the estimated average number of annual requests is 868 ( $(1,073 + 1,030 + 500) \div 3 = 868$ ).

FMCSA recognizes that using 868 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 are already 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 are already required to obtain a § 391.31 road test. Therefore, FMCSA opted for a conservative approach of assuming all 868 individuals require a road test.

Section 391.44(d)(3) provides 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 specific 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 is not required to complete a

§ 391.31 road test. There are reporting and recordkeeping tasks associated with making that determination. The four tasks are:

- The individual must certify in writing to the motor carrier the date the vision deficiency began.
- The motor carrier will 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 prepares a written statement to that effect and provides a copy to the individual.
- The motor carrier must 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 are excepted from a road test by this provision but expects only a small number of individuals to qualify for the exception. The burden to except an individual from the road test requirement is less than the burden for the individual to take the road test. Therefore, FMCSA opted for a conservative approach of assuming all 868 individuals require a road test.

As stated above, for the number of responses, FMCSA estimates that annually 868 individuals are physically qualified under § 391.44 for the first time. The motor carrier’s compliance officer will perform a road test to this universe, should the motor carrier wish to employ such individuals. To calculate the annual burden hours and costs for motor carriers, the same hourly burden estimates and labor costs are used from IC-1.

Table 6 summarizes IC-2.1, which is the estimated burden hours and costs incurred by motor carriers to complete and sign the road test form. The estimated average annual burden is 434 hours with a cost of \$26,627.

**Table 6. Total Burden Hours and Cost for IC-2.1.**

| Year   | Responses    | Motor Carrier Burden Hours | Motor Carrier Cost     |
|--|--------------|----------------------------|------------------------|
|  | <i>A</i>     | <i>B = A × 0.5 hours</i>   | <i>C = B × \$61.35</i> |
| 2022   | 868          | 434                        | \$26,627               |
| 2023   | 868          | 434                        | \$26,627               |
| 2024   | 868          | 434                        | \$26,627               |
| <b>Total</b>   | <b>2,604</b> | <b>1,302</b>               | <b>\$79,881</b>        |
| <i>Average annual burden</i>                                   | <i>868</i>   | <i>434</i>                 | <i>\$26,627</i>        |
| Note: Annual and average values may not match due to rounding. |              |                            |                        |

Table 7 summarizes IC-2.2, which is the estimated burden hours and costs incurred by motor carriers to complete the certificate of driver’s road test and give the driver a copy. The estimated annual burden is 26 hours with a cost of \$1,598.

**Table 7. Total Burden Hours and Cost for IC-2.2**

| Year   | Responses    | Motor Carrier Burden Hours   | Motor Carrier Cost     |
|--|--------------|------------------------------|------------------------|
|  | A            | $B = A \times 0.03$<br>hours | $C = B \times \$61.35$ |
| 2022   | 868          | 26                           | \$1,598                |
| 2023   | 868          | 26                           | \$1,598                |
| 2024   | 868          | 26                           | \$1,598                |
| <b>Total</b>   | <b>2,604</b> | <b>78</b>                    | <b>\$4,793</b>         |
| <i>Average annual burden</i>                                   | 868          | 26                           | \$1,598                |
| Note: Annual and average values may not match due to rounding. |              |                              |                        |

Table 8 summarizes IC-2.3, which is the estimated burden hours and costs 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 17 hours with a cost of \$511.

**Table 8. Total Burden Hours and Cost for IC-2.3**

| Year   | Responses    | Motor Carrier Burden Hours   | Motor Carrier Cost     |
|--|--------------|------------------------------|------------------------|
|  | A            | $B = A \times 0.02$<br>hours | $C = B \times \$29.42$ |
| 2022   | 868          | 17                           | \$511                  |
| 2023   | 868          | 17                           | \$511                  |
| 2024   | 868          | 17                           | \$511                  |
| <b>Total</b>   | <b>2,604</b> | <b>52</b>                    | <b>\$1,532</b>         |
| <i>Average annual burden</i>                                   | 868          | 17                           | \$511                  |
| Note: Annual and average values may not match due to rounding. |              |                              |                        |

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

**Figure 2. IC-2 Summary**

|  |  |
|--|--|
| 2,604  | Total Annual Responses ( $868 \times 3 = 2,604$ )                                |
| 477  | Total Annual Burden Hours for Motor Carriers ( $434 + 26 + 17 = 477$ )           |
| \$28,736   | Total Annual Cost for Motor Carriers ( $\$26,627 + \$1,598 + \$511 = \$28,736$ ) |
| Note: Annual and average values may not match due to rounding. |  |

**Table 9. Total Average Burden Hours and Cost for IC-1 and IC-2**

| <b>Information Collection</b>   | <b>Number of Responses</b> | <b>Hours per Response</b> | <b>Average Annual Burden Hours</b> | <b>Average Annual Cost</b> |
|---|----------------------------|---------------------------|------------------------------------|----------------------------|
| <b>IC-1: Road Test Burden Hours and Cost under § 391.31</b>   |                            |                           |                                    |                            |
| 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)).                                     | 497,113                    | 0.5                       | 248,556                            | \$15,249,556               |
| 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)).                   | 497,113                    | 0.03                      | 14,913                             | \$914,973                  |
| 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)). | 497,113                    | 0.02                      | 9,942                              | \$292,499                  |
| <b>Total IC-1</b>   | <b>1,491,339</b>           | <b>0.55</b>               | <b>273,411</b>                     | <b>\$16,457,028</b>        |
| <b>IC-2: Road Test Burden Hours and Cost under § 391.44</b>   |                            |                           |                                    |                            |
| 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)).                                     | 868                        | 0.50                      | 434                                | \$26,627                   |
| 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)).                   | 868                        | 0.03                      | 26                                 | \$1,598                    |
| 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)). | 868                        | 0.02                      | 17                                 | \$511                      |
| <b>Total IC-2</b>   | <b>2,604</b>               | <b>0.55</b>               | <b>477</b>                         | <b>\$28,736</b>            |
| <b>TOTAL IC-1 AND IC-2</b>  | <b>1,493,943</b>           | <b>--</b>                 | <b>273,888</b>                     | <b>\$16,485,764</b>        |
| 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 273,888 hours with an associated cost of \$16,485,764. The estimated number of respondents impacted by this information collection is 497,981 motor carriers (497,113 respondents in IC-1 + 868 respondents in IC-2). 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 assuming a 1:1 ratio of drivers per motor carrier 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 section 12 for details on respondent costs. The total respondent cost for the road test form and certificate of driver's road test is \$16,485,764. 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 only when requested by an FMCSA or State safety investigator in connection with an investigation or audit.

### **15. Explanation of program changes or adjustments.**

This is a new ICR that 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. 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 *Qualifications of Drivers; Vision Standard* final 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.

### **Attachments**

- A. 49 CFR § 391.31 titled “Road test.”
- B. *Part 391—Qualifications of Drivers; Part 392—Driving of Motor Vehicles; Miscellaneous Amendments* (35 FR 6458, Apr. 22, 1970).
- C. 49 CFR § 391.51 titled “General requirements for driver qualification files.”
- D. 49 U.S.C. § 31502 titled “Requirements for qualifications, hours of service, safety, and equipment standards.”
- E. 49 U.S.C. § 31136 titled “United States Government regulations.”
- F. 49 U.S.C. § 31133 titled “General powers of the Secretary of Transportation.”
- G. 49 CFR § 1.87 titled “Delegations to the Federal Motor Carrier Safety Administrator.”
- H. 49 CFR § 391.33 titled “Equivalent of road test.”
- I. *Qualifications of Drivers; Vision Standard* proposed rule (86 FR 2344, Jan. 12, 2021).
- J. *Qualifications of Drivers; Vision Standard* final rule (87 FR 3390, Jan. 21, 2022).