

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

**SUPPORTING STATEMENT
Electronic Logging Device (ELD) Vendor Registration**

SUMMARY

- There is one information collection instrument in the ICR for an average of 75 respondents who will register an average of 2 devices. Respondents are expected to update registration for each device an average of 4 times per year, for a total of 600 responses per year.
- The estimated annual burden for this ICR is 150 hours. The program change decrease of 186 estimated annual burden hours (150 proposed – 336 approved) is due to the change in the number respondents and responses numbers from 2018-2020.

INTRODUCTION

This is to request the Office of Management and Budget’s (OMB) renewal of the Information Collection titled, “Electronic Logging Device (ELD) Vendor Registration” (OMB Control No. 2126-0062), which is due to expire on March 31, 2022.

Title 49 CFR part 395, subpart B (Attachment A), requires the use of ELDs within the motor carrier industry by drivers who are currently subject to records of duty status (RODS) preparation requirements. A motor carrier must use only an ELD that is registered with the Federal Motor Carrier Safety Administration (FMCSA). This ICR enables ELD vendors to register their ELDs with the Agency.

Part A. Justification

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The primary mission of FMCSA is to reduce crashes, injuries and fatalities involving large trucks and buses. The Secretary of Transportation has delegated to FMCSA its responsibility under 49 U.S.C. §§ 31136 and 31502 (Attachments B and C) to prescribe regulations that ensure that CMVs are operated safely.

The safe operation of a CMV requires alert drivers. The Federal Motor Carrier Safety Regulations (FMCSRs) state:

“No driver shall operate a commercial motor vehicle, and a commercial motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver’s ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue

to operate the commercial motor vehicle (49 CFR 392.3) (Attachment D).

49 CFR part 395, subpart B requires minimum performance and design standards for hours-of-service (HOS) ELDs; requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs.

To ensure consistency among ELD vendors and devices, each ELD vendor developing an ELD technology must register online at a secure FMCSA website where the ELD provider must certify that each ELD model and version has been sufficiently tested to meet the functional requirements in the rule under the conditions in which the ELD would be used.

A motor carrier required to use an ELD must use only an ELD that is listed on FMCSA's registered ELD list, accessible through the Agency's Web site in accordance with 49 CFR 395.22.

This IC supports the Department of Transportation's Strategic Goal of Safety because the information helps the Agency improve the safety of drivers operating CMVs on our Nation's highways.

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

As described in 49 CFR 395.22(a), motor carriers must only use ELDs that are listed on the FMCSA Web site. An ELD vendor must register with FMCSA and certify that each ELD model and version has been sufficiently tested to meet the functional specifications under the conditions in which the ELD will be used. ELD providers are required to self-certify and register their devices with FMCSA online via an application Form MCSA-5893, "Electronic Logging Device (ELD) Vendor Registration and Certification." Once completed, FMCSA will issue a unique identification number that the provider will embed in their device(s).

The registration and certification process requirements are provided in Section 5 of Appendix A to Subpart B of part 395 of the FMCSRs, "Functional Specifications for All Electronic Logging Devices (ELDs)." FMCSA makes the information in sections 5.1.1 and 5.2.1 of Appendix A publicly available on the FMCSA Web site for each self-certified ELD to allow motor carriers to determine which products have been properly registered and certified as ELDs compliant with Appendix A.

FMCSA maintains a list on their website of the current ELD vendors and devices that have been certified (by the vendors) to meet the technical specifications. The information is necessary for fleets and drivers to easily find a compliant ELD for their use in meeting the FMCSA regulation requiring the use of ELDs.

3. EXTENT OF AUTOMATED INFORMATION COLLECTION

FMCSA estimates that 100 percent of the vendors will submit the information electronically. Vendors that are presently selling ELDs are using state of the art technology. The FMCSA utilizes a computer system to store and retrieve the registration information.

4. EFFORTS TO IDENTIFY DUPLICATION

There is no duplication of information collected. There is no other registration system for vendors of ELDs.

5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES

There may be vendors that are small businesses but the information required to be input to the FMCSA website for registration is simple and would not pose a burden to a small business or individual that is able to develop an ELD.

6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION

This information must be collected so that the commercial motor carrier industry may have a resource to gain access to a list of certified ELD vendors and devices.

7. SPECIAL CIRCUMSTANCES

There are no special circumstances related to this information collection.

8. COMPLIANCE WITH 5 CFR 1320.8

To comply with 5 CFR 1320.8 FMCSA published a 60-day notice in the Federal Register on October 14, 2021. The Agency invited the public to comment on any aspect of the information collection, including:

- (1) Whether the proposed collection is necessary for FMCSA to perform its functions.
- (2) The accuracy of the estimated burden.
- (3) Ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and
- (4) Ways that the burden could be minimized without reducing the quality of the collected information.

The Agency received no comments in response to the notice. On March 3, 2022, FMCSA published a 30-day notice in the Federal Register (87 FR 12213).

9. PAYMENTS OR GIFTS TO RESPONDENTS

No payments or gifts will be provided to the respondents.

10. ASSURANCE OF CONFIDENTIALITY

The information to be collected is not confidential and is available to the public.

11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION

The information to be collected is not sensitive in nature.

12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED

Based on data from 2018 to 2020, FMCSA estimates that for each of the three years covered by this ICR, an average of 75 respondents will register an average of 2 devices. In addition, respondents are expected to update registration for each device an average of 4 times per year, for a total of 600 responses per year (75 respondents × 2 devices × 4 updates per year). Each response is expected to require a total of 15 minutes, including 7.5 minutes of preparation time and 7.5 minutes to complete Form MCSA-5893. As shown in Table 1, this results in a total annual burden of 150 hours.

Table 1. Estimated Annual Respondents, Responses, Burden Hour, and Burden Hour Costs for Form MCSA-5893.

Annual Respondents	Annual Average Number of Responses per Respondent (# of devices x # of updates per year)	Average Burden per Response (hours)	Total Annual Responses	Total Annual Burden (hours)
75	8	0.25	600	150

Estimated Number of Annual Respondents: 75.

Estimated Number of Annual Responses: 600 [75 respondents × 2 devices per respondent × 4 updates per device].

Estimated Total Annual Burden Hours: 150 hours [600 responses × 15 minutes per response].

Estimated Labor Costs: FMCSA assumes that an “Office and Administrative Support” worker (Standard Occupation Code 43-0000) in the “Navigational, Measuring, Electromedical, and Control Instruments Manufacturing” industry (North American Industry Classification System (NAICS) code 334500) will be tasked with registering ELDs. The median wage for these workers in this industry was \$23.58.¹ This figure is multiplied by 45 percent to account for employee benefits² and a further 27 percent to account for overhead.³ Consequently, total hourly labor costs are estimated to be \$43.42 per hour ($\$23.58 \times 1.45 \times 1.27$). Total annual labor costs are therefore estimated to be \$6,513 (150 hours × \$43.42 per hour).

13. ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS

There are no costs to respondents beyond those associated with the annual hourly burden (not to be included here).

14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

The respondent’s registrations will be processed by a Grade 13 Transportation Assistant.⁴

1 Bureau of Labor Statistics (BLS). May 2020 National Industry-Specific Occupational Employment and Wage Estimates: NAICS 334500 - Navigational, Measuring, Electromedical, and Control Instruments Manufacturing. Available at www.bls.gov/oes/current/naics4_334500.htm. Accessed April 28, 2021.

2 FMCSA estimates this 45 percent employee benefit rate by using the private industry average benefits (\$8.66 per hour) and average wage (\$19.11 per hour) for office and administrative support workers. Benefits thus amount to 45 percent of wages ($\$8.66 \div \19.11). Bureau of Labor Statistics (BLS). Employer Costs for Employee Compensation—June 2020. “Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group.” Available at www.bls.gov/news.release/archives/ecec_09172020.pdf. Accessed April 28, 2021.

3 FMCSA does not have overhead cost estimates specific to this industry, but assumes that they will be similar to those of the industry it serves, trucking. See Berwick, Farooq. “Truck Costing Model for Transportation Managers.” Upper Great Plains Transportation Institute, North Dakota State University (2003). Appendix A, pp. 42-47. Available at www.ugpti.org/resources/reports/downloads/mpc03-152.pdf. Accessed April 28, 2021.

4 U.S. Office of Personnel Management. 2020 General Schedule (GS) Locality Pay Tables for Washington-Baltimore-Arlington, DC-MD-VA-WV-PA. A GS-13 step 4 was used for the calculation of wages per hour. Available at http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf. Accessed April 28, 2021.

The labor cost of this activity is estimated to be \$69.26 per hour, comprising wages of \$54.11 per hour and 28% in benefits ($\$54.11 \times 1.28$). FMCSA estimates that processing each respondent registration takes approximately 15 minutes, or 0.25 hours. Additional revisions to registrations due to updates takes approximately 2 minutes, or 0.03 hours (Additional revisions are registrations that the respondent updated because FMCSA requested more information to comply with the ELD regulations). The estimated total annual operation and maintenance cost to Federal Government is \$2,696 ($\69.26 per hour \times 127 Registrations per year \times 0.25 hours per Registration) plus ($\$69.26$ per hour \times 239 additional revisions to registrations per year \times 0.03 hours per Registration).

15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS

Re-estimates of the number of respondents and responses based on actual respondent and response numbers from 2018-2020 has resulted in a program adjustment decrease of an estimated annual -149 respondents (75 proposed – 224 currently approved), -744 responses (600 proposed – 1,344 currently approved), and -186 burden hours (150 proposed – 336 currently approved).

16. PUBLICATION OF RESULTS OF DATA COLLECTION

FMCSA maintains a list on their website of the current ELD vendors and devices that have been certified (by the vendors) to meet the technical specifications. The information will be updated as each new vendor registers ELDs. The collection of information will be ongoing as vendors upgrade existing ELD devices or produce new products that are compliant with the technical specifications of the regulation.

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

No such approval is requested.

18. EXCEPTIONS TO CERTIFICATION STATEMENT

No exceptions to the certification statement are requested.

Attachments

- A. 49 CFR 395, subpart B
- B. D. 49 U.S.C. § 31136 titled, “United States Government regulations.”
- C. E. 49 U.S.C. § 31502 titled, “Requirements for qualification, hours of service, safety, and equipment standards.”
- D. 49 CFR 392.3.