

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

SUPPORTING STATEMENT – Part A

**Effectiveness of Third-Party Testing and Minimum Standards for Commercial Driver’s
License (CDL) Knowledge and Skills Tests**

SUMMARY

The Federal Motor Carrier Safety Administration (FMCSA) is seeking Office of Management and Budget (OMB) approval of a new information collection titled “Effectiveness of Third-Party Testing and Minimum Standards for CDL Knowledge and Skills Tests.” The total number of respondents is 51 respondents (one per each State and the District of Columbia). This is a one-time information collection to support a research study. The estimated burden for all respondents is 72.42 hours at a total cost of \$5,469.24.

INTRODUCTION

This is to request OMB approval of a new information collection titled, *Effectiveness of Third-Party Testing and Minimum Standards for CDL Knowledge and Skills Tests*.

Part A. Justification

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The CDL program was enacted through the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Pub. L. 99-570, 100 Stat. 3207-170) in response to jurisdiction concerns about avoidable commercial motor vehicle (CMV) crashes and commercial driver qualifications. The CMVSA required the Secretary of Transportation (the Secretary) to promulgate regulations establishing minimum Federal requirements for CMV driver licensing, testing, qualifications, and driver classifications depending on the vehicle configuration. CMVSA further established the “one driver, one license” requirement, prohibiting any person who does not hold a valid CDL or learner's permit issued by their jurisdiction of domicile from operating a CMV that requires a driver with a CDL and established additional requirements for drivers who transport hazardous materials. The prohibition further affected driver training activities by requiring trainees to receive the training and behind-the-wheel experience necessary to acquire their CDL in their jurisdiction of domicile. CMVSA’s requirements became effective in 1992 and the requirements of the Act are implemented in Title 49, Code of Federal Regulations (CFR), parts 383 and 384, with section 383.51 establishing disqualifications and penalties for drivers convicted of traffic violations.

In 2005, the American Association of Motor Vehicle Administrators (AAMVA) developed a model testing system that the Federal Motor Carrier Safety Administration (FMCSA) approved, thus ensuring that jurisdictions using the Test Model maintain compliance with Federal Motor Carrier Safety Regulations governing CDL program training and licensing standards. In 2011, FMCSA established by regulation a requirement that all jurisdictions utilize a testing system that substantially conforms with the 2005 AAMVA CDL Test Model.

The Test Model (76 FR 26854), which was upgraded in 2010 and 2014, is currently being used to some degree in all 51 jurisdictions; however, the safety benefits and other potential benefits of utilizing the 2005 AAMVA CDL Test Model have not been fully evaluated.

In the Moving Ahead for Progress in the 21st Century Act legislation signed into law on July 6, 2012, Congress passed a requirement for FMCSA to establish an Entry Level Driver Training (ELDT) program that both enhanced existing training standards and established minimum level CDL requirements consistent across all jurisdictions (Pub. L. 112-141, 126 Stat. 405). FMCSA's goal was to raise the standard of training, improve the quality of training, and reduce commercial vehicle accidents in every jurisdiction. Implemented in Title 49 part 380, subpart F, the ELDT rule revised the mandatory training requirements for entry-level CMV operators who are required to possess a Class A or B CDL; seek to upgrade their CDL; or wish to obtain a hazardous material, school bus, or passenger endorsement (86 FR 34631). The ELDT program was implemented beginning February 7, 2022.

An additional benefit of implementing ELDT is that the training standards and minimum-level CDL requirements will apply to both jurisdiction and third-party examiners. Many jurisdictions rely extensively on third-party entities to provide training and conduct knowledge and skills tests. FMCSA currently prohibits the same third-party entity from serving as both trainer and examiner. Current prohibitions limit the ability jurisdictions have to increase training capacity. This has resulted in the more frequent use of third-party entities to make up shortfalls between the demand for CDLs and a jurisdiction's ability to provide training and examinations. There is a well-documented driver shortfall in the trucking industry and the use of third-party entities to conduct training and examinations helps with increasing examiner capacity and reducing delays in drivers being issued CDLs. However, a challenge for FMCSA and jurisdictions is that to date, there is limited research available correlating driver performance with the type of training received (jurisdiction or third party).

An additional challenge that has faced the CDL program since its inception has been fraud associated with the current AAMVA CDL Test Model. The provisions of 49 CFR 384.228 and 384.229 are intended to provide States with a mechanism for detecting potential fraud and ensuring that all requirements are being addressed. Maintaining proper oversight and auditing third-party training providers remains a challenge. The Training Provider Registry requirement of self-certification of compliance with ELDT and State CMV instruction requirements adds to this challenge and will require FMCSA and the State Driver Licensing Agencies (SDLAs) to ensure third-party training provider self-certifications are accurate and meet all requirements, in accordance with 49 CFR part 380 and 49 CFR 383.73(p).

To address this knowledge gap, FMCSA is conducting a research study titled "Effectiveness of Third-Party Testing and Minimum Standards for CDL Knowledge and Skills Tests," which will assess the effectiveness of the ELDT program, assess third-party training provider performance, and verify/validate compliance with ELDT minimum standards. There are two main objectives for this project:

1. To determine the effectiveness of third-party testing programs for CDL skills tests; and
2. To determine the effectiveness of minimum training and minimum testing standards for CDL knowledge and skills tests.

This project is intended to address the following research questions:

1. Is there evidence of increasing or decreasing fraud among third-party examiners based on the pass rates and subsequent safety history of CDL holders who were tested by third-party testers?
2. Are there significant differences in the outcomes of third-party testing on CDL testing?
3. Would it be feasible to conduct a future study on the safety impacts of delegating CDL knowledge testing to third-party testers based on available data?
4. How do the driving histories of drivers who received behind-the-wheel training (pre-ELDT requirements) compare to drivers who completed the new ELDT requirements?
5. How do the driving histories of drivers who received theory instruction (pre-ELDT requirements) compare to drivers who completed the new ELDT requirements?
6. How do skills test pass rates of drivers pre-ELDT compliance compare to pass rates of drivers after the ELDT compliance date?
7. Are there identifiable safety benefits that have been realized by the adoption of the 2005 AAMVA CDL Test Model?
8. Are there external factors preventing State Driver’s Licensing Agencies (SDLAs) and the CDL community from achieving the full potential of safety benefits of the 2005 AAMVA CDL Test Model?

FMCSA is requesting approval to conduct a one-time survey which will be distributed to the 51 SDLA jurisdictions (all 50 States and Washington, D.C).

Thoroughly addressing all eight research questions will require a combination of both qualitative and quantitative data. The proposed survey will comprise the first stage of the three-stage data collection process, and the survey results will be used to identify issues and guide follow-on data collection (second stage of the data collection process), and State interviews and site visits (third stage of the data collection process). Table 1 links each stage of the proposed data collection process that will be used to address the project research questions.

Table 1. Description of data collection activities and how they will inform the research effort.

Data Collection Activity	Sample Size	Description/Purpose	Research Questions Addressed
SDLA Survey	51 sites (one representative from each SDLA in all 50 States and Washington, D.C.)	Survey of all SDLAs to determine which version of AAMVA CDL Test Model or equivalent is being utilized. More details are provided in the narrative below.	Survey results will be used to identify issues that will guide data analysis, interviews and site visits, which will be used to address all research questions.
Database Data Collection	8 States will be systematically selected for participation	Quantitative data analysis compiled from various databases and focused on drivers. The database data collection will be incurred by a representative from each of the eight SDLAs that agree to participate. Once a State agrees to participate, and State data access requirements are identified, the project team will establish a memorandum of understanding and data use agreement with	1, 2, 4, 5 and 6

Data Collection Activity	Sample Size	Description/Purpose	Research Questions Addressed
		detailed data collection procedures for each State. These documents will govern data access and how PII will be protected.	
Interviews / Site Visits	Interviews with 8 participating States. Site visits with 4 of the participating States.	Interviews and site visits serve to gather qualitative data from participating jurisdictions to supplement the quantitative data analysis from databases. Interviews will be conducted virtually with eight participating States and are expected to last approximately 1 hour per State. Site visits will be conducted with four of the eight participating States. Site visits are expected to span 3 days for each State. The site visits will include informal conversations with examiners and SDLA personnel and observations of CDL tests conducted by third-party and State examiners. Observing training will not require time from State personnel or examiners, since the informal discussions will be conducted after the training is completed.	1, 3, 7, 8

It is necessary to conduct a survey of the jurisdictions to determine which version of the AAMVA CDL Test Model or equivalent is being utilized as required by 49 CFR 383.131-133. The survey results will provide insight into each jurisdiction’s compliance with applicable State and Federal regulations. Jurisdictions are currently required to use the July 2010 or newer version of the AAMVA CDL Test Model, or its equivalent. Two additional versions of the AAMVA CDL Test Model have been developed since the original. As such, it is imperative that the team ascertains which version is in use at each jurisdiction. Data gathered from this survey will identify any impediments to jurisdictions’ ability to comply with and conduct reliable and valid evaluations of CDL applicants’ knowledge and skill levels. Findings may also shed light on any fraudulent activities or opportunities.

The survey results are also necessary in providing background information on SDLA testing programs that will help inform and guide the separate data collection efforts (see Table 1) used to accomplish the project objectives and answer the research questions. These separate efforts include the analysis of quantitative data gathered from SDLAs and follow-on interviews with selected jurisdictions. The quantitative data collection and follow-on interviews will each be conducted with eight or fewer respondents and are therefore not included as part of this ICR. The project team will systematically select eight participating States for the subsequent quantitative analysis. They will be selected to represent different AAMVA regions (two States from each AAMVA region), different size States (small and large), and will be based on the effectiveness of States’ third-party testing monitoring and oversight programs. This approach of using a smaller number of States for quantitative data analysis is intended to reduce the overall burden on SDLAs. Similarly, although interviews will be conducted with one representative from each of the eight participating States, site visits will only be conducted with four of those States to further reduce the burden. This tiered approach will enable the project team to gather all necessary information to thoroughly address the project research questions, while limiting the burden placed on SDLAs.

Appendix A-1 provides the SDLA survey questions. Appendix A-2 provides the email correspondence to introduce the survey, and Appendix A-3 provides the text for the body of the email used to distribute the survey.

This information collection supports the DOT Strategic Goal of Safety. The SDLA questionnaire is necessary in determining institutional and programmatic issues and thus in assessing the effectiveness of the ELDT programs and where improvements should be made; this will ultimately contribute to the safety of our transportation system. Additionally, the subsequent data collection activities (i.e., database data collection and interviews/site visits) are necessary in fully addressing the projects' eight research questions.

Title 23, United States Code (U. S. C.), Chapter 4, Section 403 authorizes the Secretary to use funds appropriated to carry out that section to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information with respect to all aspects of highway and traffic safety systems and conditions relating to vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics; accident causation and investigations; human behavioral factors and their effect on highway and traffic safety, including driver education, impaired driving and distracted driving; research on, evaluations of, and identification of best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration, and delivery mechanisms) and recommendations for harmonizing driver education and multistage graduated licensing systems; and the effect of State laws on any aspects, activities, or programs described above (see 23 U.S.C. 403(b)(1)(A)(i)-(ii), 23 U.S.C. 403(b)(1)(B)(i)-(iii), 23 U.S.C. 403(b)(1)(E), 23 U.S.C. 403(b)(1)(F)).

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

This is a new collection of information involving SDLAs from all 50 States and Washington, D.C. No similar studies have focused on gathering this specific information from these populations using these methodologies.

FMCSA will use the information gathered to determine which version of the AAMVA CDL Test Model or equivalent is being utilized, as required by 49 CFR parts 383.131-133. The survey will provide insight into each jurisdiction's compliance with applicable State and Federal regulations. Additionally, the survey results will inform the follow-on data collection efforts including interviews with a few selected jurisdictions as well as any third-party examiners and programs, and analysis of quantitative data from selected jurisdictions.

FMCSA will produce two technical reports addressing each of the two project objectives. One report will present the results of the research on the effectiveness of third-party testing programs and one report will present the results of the research on the effectiveness of minimum training and minimum testing standards. The survey results will be presented in these technical reports along with the overall project results. The survey results will be presented in summary form including summary statistics and tables; the reports will not include any personally identifying information (PII). The technical reports will be available to anyone in the public and private sectors through FMCSA's website. The study results will be used by FMCSA to (1) determine the effectiveness of third-party testing programs for

CDL skills tests; and (2) determine the effectiveness of minimum training and minimum testing standards for CDL knowledge and skills tests.

3. EXTENT OF AUTOMATED INFORMATION COLLECTION

The survey will be administered via a web-based survey. A link to the survey will be distributed to the SDLA jurisdiction representatives via email. A web-based survey was selected for ease of distribution and to maximize response rate. The web-based survey will also enable data to be analyzed more quickly and accurately and thus reduce cost.

4. EFFORTS TO IDENTIFY DUPLICATION

The FMCSA has not identified any previous effort to obtain widespread feedback on compliance with ELDT standards and effectiveness of the ELDT program. Additionally, the safety benefits and potential benefits of utilizing the 2005 AAMVA CDL Test Model have not been fully evaluated.

5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES

Survey respondents are part of State-run CDL licensing agencies (SDLAs), and therefore this information collection, including the subsequent data collection tasks (i.e., database data collection and interviews/site visits) will not impact small businesses or small entities.

6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION

This information collection will be a one-time survey conducted as part of the associated research study. The information collection will not occur on a regular or recurring basis. The results of the SDLA survey are necessary to provide critical information to support the quantitative data analysis of already existing data. Additionally, the qualitative data gathered from jurisdictions through the SDLA surveys are vital in answering research questions 3, 7 and 8 which include:

- Would it be feasible to conduct a future study on the safety impacts of delegating CDL knowledge testing to third-party testers based on available data?
- Are there identifiable safety benefits that have been realized by the adoption of the 2005 AAMVA CDL Test Model?
- Are there external factors preventing SDLAs and the CDL community from achieving the full potential of safety benefits of the 2005 AAMVA CDL Test Model?

The follow-on data collection activities (i.e., database data collection and interviews/site visits) are also intended to be one-time collection efforts that will not occur on a regular or recurring basis. Although the site visits with four of the participating States are expected to span up to 3 consecutive days, this amount of time is necessary for conducting informal conversations with examiners and SDLA personnel and observing CDL tests conducted by third-party and State examiners.

If this information collection is not conducted, the research team will not be able to sufficiently address these research questions and therefore the overall project objectives

would not be met.

7. SPECIAL CIRCUMSTANCES

There are no special circumstances that would cause this collection to be conducted in a manner inconsistent with OMB guidelines.

8. COMPLIANCE WITH 5 CFR 1320.8:

FMCSA published a notice to the *Federal Register* with a 60-day public comment period to announce this proposed information collection on September 21, 2022 (Volume 87, FR, pages 57748-57750). It is attached as Appendix B-1. FMCSA received five comments on the 60-day notice. Below are summaries of the comments received, along with FMCSA's responses.

Iowa Department of Transportation (DOT)

Comments: Overall, the Iowa DOT was supportive of the study. They raised concerns over a reference in the 60-day notice to SDLA challenges associated with maintaining proper oversight of third-party training providers and allocating resources to ensure third-party training providers' self-certifications are accurate and meet all requirements (87 FR 57748, 57749-50). The Iowa DOT stated that it is not a requirement for SDLAs to audit or oversee the training provided by ELDT providers. Separately, the Iowa DOT raised questions about the objectives of the planned research effort, the availability of necessary data to assess the effectiveness of ELDT and the 2005 AAMVA CDL Test Model, and the ability of States to provide specific data fields from driving history records. The Iowa DOT also recommended future ELDT-related research topics.

Agency Response: FMCSA or its authorized representative will audit ELDT providers' training operations in accordance with 49 CFR part 380, to ensure providers are meeting the criteria set forth in the regulation. Separately, 49 CFR 383.73(p) states that after February 7, 2022, States must notify FMCSA that a training provider in the State does not meet applicable State requirements for CMV instruction. While States are not required to actively investigate training providers, when a State does become aware that a training provider conducting training in their State does not meet applicable State requirements for CMV instruction, the State is required to notify FMCSA. Thus, if a State has requirements for CMV instruction (for example, if a State requires training providers to provide a minimum number of hours of behind-the-wheel training), the State is responsible for ensuring ELDT providers in the State are meeting those requirements. If an ELDT provider is not meeting the State's CMV instruction requirements, the State must notify FMCSA. FMCSA has adjusted the wording in [the 30-day] notice to improve clarity around this issue.

The Iowa DOT raised concerns about the objectives of the study and the availability of necessary data to evaluate the effectiveness of ELDT. FMCSA has developed specific research questions for the current study, outlined in [the 30-day] notice. A broad objective of the study is to evaluate the effectiveness of the ELDT program; however, the research questions narrow that objective to focus on the effect of the ELDT program on driver histories and Safety Measurement System (SMS) scores. The Agency will use data from the

Training Provider Registry (TPR), the Commercial Driver's License Information System (CDLIS), the Commercial Skills Test Information Management System (CSTIMS), AAMVA's Report Out-of-State Test Results (ROOSTR) web application, the Motor Carrier Management Information System (MCMIS), and driver history records to answer the ELDT-related research questions. The Iowa DOT noted that it may be difficult for States to provide specific data fields from driver history records to accommodate this study. FMCSA does not anticipate requesting data fields that SDLAs are not already providing through the systems listed above. For example, FMCSA does not expect SDLAs to provide data regarding the training received by their drivers prior to the implementation of ELDT, nor does FMCSA expect SDLAs to perform comparisons of training data. FMCSA welcomes the State's suggestion to provide bulk driver history data so that FMCSA may perform its own analysis of the data.

Regarding FMCSA's plans to assess the benefits of the 2005 AAMVA CDL Test Model, the Iowa DOT questioned whether FMCSA would be able to draw comparisons between the 2005 AAMVA CDL Test Model and former models, as many States have been using the 2005 AAMVA Test Model for many years, and some States (like Iowa) will be implementing a modernized version in 2023. FMCSA is not drawing comparisons between the 2005 AAMVA CDL Test Model and former test models that States may have used prior to adopting the 2005 AAMVA CDL Test Model. Instead, FMCSA is interested in assessing the benefits of the AAMVA CDL Test Model in general. The Agency will attempt to identify the version of the AAMVA CDL Test Model that each State is using by examining the road skills test score sheets being used by the State. Each variant of the road skills test sheet represents updates to the testing model (e.g., 2010 score sheet or later) and the way that the skills test was conducted. FMCSA plans to look at data related to skills tests from various States, including in States that have historically implemented each version of the AAMVA CDL Test Model as it was released (including, if possible, the modernized version released in 2022).

Finally, the Iowa DOT recommended several research topics to fully assess the effectiveness of the ELDT program. FMCSA acknowledges the Iowa DOT's suggested research topics and will consider them in future research planning cycles.

Montana Department of Justice (DOJ) Motor Vehicle Division

Comments: The Montana DOJ Motor Vehicle Division was supportive of the study; however, they raised concerns about some of the language in the 60-day notice pertaining to the role of SDLAs in the oversight of third-party ELDT providers.

Agency Response: The Iowa DOT identified similar concerns in its comments. See FMCSA's response to the Iowa DOT, above.

New York State Department of Motor Vehicles (DMV)

Comments: The New York State DMV provided responses to the eight research questions listed in the 60-day Federal Register notice.

Agency Response: FMCSA thanks the New York State DMV for its responses to the study

research questions. The Agency will reach out to gather more information once data collection begins.

National School Transportation Association (NSTA)

Comments: NSTA did not comment on the proposed information collection; however, the organization did state that it supports third-party testing implementation for CDL licensing, due to its potential to streamline the CDL process and address the nationwide bus driver shortage. Conversely, NSTA raised concerns that ELDT requirements negatively affect the ability of school bus contractors to recruit drivers, as “applicants have to learn and be tested in areas not germane to their role as a school bus driver.” NSTA also stated that ELDT requirements can be duplicative of State programs already in place, which can impede the licensing process for school bus drivers. NSTA stated that “removal of redundancies is paramount” to alleviate the national school bus driver shortage.

Agency Response: FMCSA invites NSTA to work with the Agency to identify redundancies in ELDT and State bus driver licensing requirements.

Alexandria Technical and Community College

Comments: Alexandria Technical and Community College, a learning institution that provides professional truck driver training, indicated support for third-party testing and advocated for “broad sweeping” annual audits of ELDT providers, more stringent requirements for ELDT providers and third-party CDL examiners, and minimum timeframe requirements for theory, behind-the-wheel range, and road training.

Agency Response: FMCSA is developing plans for an ELDT audit program. The Agency will continue to conduct research to support decision-making around the CDL and ELDT programs.

9. PAYMENTS OR GIFTS TO RESPONDENTS

Respondents will not be compensated for their time or the effort they give to the study. Participation is voluntary.

10. ASSURANCE OF CONFIDENTIALITY

This section outlines how the privacy of survey participants will be protected throughout the project.

As soon as respondents click the link to take the survey, they will be taken to an Informed Consent page which describes the purpose of the survey, how the information will be used, and the measures that will be taken to ensure participant confidentiality. Respondents will then be informed that proceeding with the survey indicates that they have thoroughly read this information and agree to participate.

Though survey respondents will be asked to indicate their SDLA jurisdiction, they will not be required to provide their name or contact information. Respondents will be asked to

indicate their SDLA jurisdiction so that the project team can determine which version of the 2005 AAMVA CDL Test Model or equivalent is being used. It is also necessary for respondents to indicate their SDLA jurisdiction so the project team can use the survey results to inform decisions regarding follow-up interviews or quantitative data collection and analysis. FMCSA may choose to highlight general differences in types of responses based on testing models. However, this type of information will be presented in aggregate form and will not identify responses by specific SDLAs. If there is a need to mention a specific SDLA by name (e.g., if the team sees a benefit in highlighting a best practice), the research team will not do so without getting permission from the SDLA.

The online SDLA survey results will be password protected and access will only be given to the project team statistician, as authorized by the project manager. The survey data will be exported to a comma-separated values (CSV) file and downloaded to the local workstation hard disk to which only the project statistician has access. The statistician will check the data file as soon as it is exported to ensure that no PII (e.g., respondent name or email address) is included other than the SDLA of the respondent. Access to the data will be restricted to authorized users (i.e., the statistician) and will require login to the local workstation using a unique user ID and password.

The following subsections discuss the assurance of confidentiality for the follow-on data collection activities.

Database Data Collection

There are no primary research participants in this collection effort. The databases from the eight participating States will be queried for data on examiners, examinees, and commercial drivers. It is necessary to collect personally identifiable data for the database data analysis because the project team is collecting data from several databases and will need to link the records of drivers across those databases to conduct insightful analysis. Connections between databases will be made using CDL numbers.

When data is transmitted between the database owners and the research team, access to the data shall be controlled by the data owner, which shall use authentication credentials. If data needs to be stored on portable devices, encryption will be required and access to devices shall be controlled with a user ID (when possible) and a complex password. Devices shall be locked whenever left unattended. Once the project team receives the data, it will be saved to the local workstation hard disk (requiring unique user ID and password protection) for which only the project statistician has access.

Two final datasets will be produced: one with PII and a public-release version without PII. The dataset including PII will be securely transferred to FMCSA's Data Repository and will not be made available for public use. The dataset excluding PII will be made available for public use. PII can include names, social security numbers, license numbers, addresses and other contact information, photos, handwriting, place and date of birth, medical information, educational attainment, employment information, location, and other data elements. The dataset provided for public use will have all PII removed. To further protect identities in the public-use dataset, arbitrary identification numbers will be used to replace names and CDL/examiner numbers to maintain anonymity without impeding linkage among files.

Interviews / Site Visits

Each State will be asked to appoint a point of contact to coordinate the scheduling of the interviews and identify participants. The only PII that will be collected during the interviews will be the name, contact telephone number, and email address for each State's point of contact and email addresses for participants. As State employees, email and telephone numbers are already public information.

The interview responses will be transcribed in a Word document and saved to the local workstation hard disk for which only the project statistician has access. Only the SDLA name will be saved with the interview data; individual names or contact information will not be saved in the same file as the interview responses. The team statistician will check the data file as soon as it is exported to ensure that no PII (e.g., respondent name or email address) is included.

All information collected from the surveys, database data collection, and interviews will only be published in aggregate form that preserves the anonymity of respondents. The final reports developed as a part of this project will not identify any individuals by name or include any PII.

FMCSA's contractor (Toxcel) has established a Federal-Wide Assurance (FWA00022882) and designated Institutional Review Board (IRB) for the protection and well-being of human subjects, registered with the Department of Health and Human Services (HHS) under number IRB00008523. All data collection procedures, including procedures for assuring confidentiality, have received IRB approval in compliance with the requirements of 45 CFR part 46, Protection of Human Subjects. No changes will be made to these procedures unless an additional IRB review is conducted, and the IRB approves the changes.

11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION

No information of a sensitive nature will be collected in the SDLA survey.

12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED

Estimated Total Burden Hours for Completing the SDLA Survey

The burden hours associated with the SDLA survey will be incurred by State Government employees (management, professional, and related). The surveys will be sent to all 50 States and the District of Columbia and will be answered by one recipient per State. The recipient is expected to be the supervisor or manager who oversees CDL testing for the State. The data collection duration will be approximately one year.

For the purposes of estimating burden, the SDLA survey (IC-1) was broken down into four subtasks: identifying the appropriate point of contact within the SDLA to take the survey (IC-1a), reviewing the survey invitation and instructions (IC-1b), and completing the survey, which will consist of background research and information gathering (IC-1c) and entering responses into the survey form (IC-1d).

The total estimated burden to States for identifying the appropriate point of contact is expected to be no more than 25.5 hours, or approximately 30 minutes per State. Once the appropriate point of contact has been identified for each State, the survey respondent is

expected to need up to 10 minutes to review the survey invitations and instructions, up to 30 minutes to conduct any needed background research, and up to 15 minutes to complete the survey. The total burden for all 51 respondents is estimated to be a maximum of 72.42 hours. The burden hours associated with each IC subtask are shown in Table 2.

Table 2. Burden hours associated with each IC item.

IC Item	Burden Hours per Response (a)	Total Number of Respondents (b)	Total Burden Hours (a*b = c)
IC-1a: Identify Point of Contact	0.5 hours	51	25.5 hours
IC-1b: Review Invitation and Instructions	0.17 hours	51	8.67 hours
IC-1c: Complete Survey - Research	0.5 hours	51	25.5 hours
IC-1d: Complete Survey – Survey Input	0.25 hours	51	12.75 hours
Total	1.42 hours	51	72.42 hours

Estimated Total Labor Costs for Participating States:

For the purposes of estimating costs associated with annual burden, we assume that respondent occupations correspond to Bureau of Labor Statistics (BLS) Occupation Code 11-0000, Management Occupations. The median hourly wage of “Management Occupations” in the State Government, excluding schools and hospitals industry (NAICS code 999200) is \$48.41.¹ To arrive at a loaded hourly wage, FMCSA calculates a load factor, using BLS Employer Costs for Employee Compensation (ECEC) data, and multiplies that by the respondent occupation median hourly wage. To calculate the load factor for State Government management, professional, and related occupations, FMCSA divided the cost of total compensation per hour (\$65.73) by the cost of only wages and salary per hour (\$42.13) in Table 3 of the ECEC December 2021 data release, which resulted in a load factor of 1.56 ($\$65.73 / 42.13 = 1.56$).² Table 3 shows the loaded hourly wage calculations for respondents, while Table 4 shows the costs per IC subtask.

Table 3. Estimated loaded hourly wage of participating SDLA representatives.

Respondent Category	Median Hourly Wage (a)	Load Factor (b)	Loaded Hourly Wage (a*b = c)
Management Occupations (BLS Occupation Code 11-0000), State Government (NAICS Code 999200)	\$48.41	1.56	\$75.52

¹ U.S. Department of Labor (DOL), Bureau of Labor Statistics (BLS). “Occupational Employment Statistics (OES). National. May 2021. National Industry-Specific Occupational Employment and Wage Estimates. NAICS 999200 (State Government, excluding schools and hospitals industry).” Available at https://www.bls.gov/oes/current/naics4_999200.htm (accessed February 1, 2023).

² DOL, BLS. Employer Costs for Employee Compensation (ECEC), December 2021. Table 3. Employer Costs for Employee Compensation for State and local government workers by occupational and industry group, https://www.bls.gov/news.release/archives/ecec_03182022.htm (accessed 01/31/2023).

Table 4. Costs to respondents for each IC subtask.

IC Item	Burden Hours per Response (a)	Loaded Hourly Wage (b)	Cost per Response (a*b = c)	Number of Respondents (d)	Total Cost (c*d = e)
IC-1a: Identify Point of Contact	0.5 hours	\$75.52	\$37.76	51	\$1,925.76
IC-1b: Review Invitation and Instructions	0.17 hours	\$75.52	\$12.84	51	\$654.84
IC-1c: Complete Survey - Research	0.5 hours	\$75.52	\$37.76	51	\$1,925.76
IC-1d: Complete Survey – Survey Input	0.25 hours	\$75.52	\$18.88	51	\$962.88
Total	1.42 hours	-	\$107.24	51	\$5,469.24

The total burden for all respondents is 72.42 hours, or 1.42 hours per respondent. The cost for all respondents is \$5,469.24, or \$107.24 per respondent.

13. ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS

There is no additional cost to respondents other than the burden associated with responding to the survey.

14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

Staff costs to the Government will include 10 percent of full-time hours for one mid-level GS-14 at the Washington, D.C. (DC) locality pay rate, to conduct contracting officer’s representative duties for the 3-year duration of this project. We used the 2023 DC locality GS salary table³ to estimate an average DC-based mid-level GS-14 salary of \$152,221.80, plus 28 percent fringe (estimated at \$42,622.10), for a total annual salary of \$194,843.90. A 10 percent time commitment from this GS-14 will cost the Government \$19,484.39 per year. Multiplied by 3 years, this results in a total cost of \$58,453.17 (\$19,484.39 * 3 years = \$58,453.17).

This is a one-time data collection and there will be no recurrence. FMCSA has selected a contractor to conduct this data collection. The total cost to the Federal Government for the contractor is \$799,770.56 over 36 months, which amounts to an annual cost of approximately \$266,590.19 per year for 3 years. In addition to administering the surveys, this cost includes other information gathering efforts such as interviews, data analysis, the development of final project reports, and other project planning and administrative costs.

There are no additional costs to the Government, as all employees working on this program are within their normal position duties and there is no anticipated travel or overtime associated with this program.

³ Office of Personnel Management, 2023 General Schedule (Base), Salary Table 2023-GS, accessed 2/3/2023 at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB.pdf>

Based on the estimates presented above, total costs to the Government for the ICs described in this statement will be \$858,223.73 (\$58,453.17 + \$799,770.56 = \$858,223.73).

15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS

N/A. This is a new information collection.

16. PUBLICATION OF RESULTS OF DATA COLLECTION

FMCSA plans to issue two final technical reports on the study. Data collection is expected to begin upon OMB approval and be completed no later than May 29, 2024. The final project report(s) will be completed by September 29, 2024. One or more journal articles may also be submitted to peer-reviewed journals depending on the nature of the findings.

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

FMCSA is not seeking an exemption from displaying the expiration date on the information collection.

18. EXCEPTIONS TO CERTIFICATION STATEMENT

None.

ATTACHMENTS:

Appendix A-1: Draft SDLA Survey Text

Appendix A-2: SDLA Survey Introductory Email Text

Appendix A-3: SDLA Survey Cover Email Text

Appendix B-1: 60-day Federal Register notice for the “Effectiveness of Third-Party Testing and CDL Minimum Standards