



U.S. Department  
of Transportation

Federal Motor Carrier  
Safety Administration

Office of the Administrator

1200 New Jersey Ave, SE  
Washington, DC 20590

March 30, 2024

## **ACTION MEMORANDUM TO THE OFFICE OF MANAGEMENT AND BUDGET**

**To:** Ricky Revesz  
Administrator, Office of Information and Regulatory Affairs

**From:** Tom Keane  
Associate Administrator for Research and Registration  
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**Subject:** Requesting Emergency Clearance from OMB for a Revision to an Existing, Approved Collection 2126-0075 “Safe Driver Apprenticeship Pilot Program”

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### **ACTION REQUESTED**

I request the Office of Management and Budget (OMB) to provide an emergency clearance for a revision to an existing, approved Information Collection, 2126-0075, titled “Safe Driver Apprenticeship Pilot Program.” The revised information collection instruments include IC-1, IC-2, and IC-5(a). FMCSA does not seek an extension of the current October 31, 2025, expiration date.

### **SUMMARY**

The Federal Motor Carrier Safety Administration (FMCSA) is requesting emergency clearance for a revision to the collection referenced above, to respond to the Consolidated Appropriations Act of 2024 (Public Law 118-42, March 8, 2024), which limited FMCSA’s authority with regard to specific provisions of the Safe Driver Apprenticeship Pilot (SDAP) program. FMCSA must make these revisions immediately, as the Consolidated Appropriations Act did not provide any leeway or discretion with the agency.

FMCSA is prohibited from expending funds to collect certain pieces of data, described in the Background section of this memo, and must work expeditiously to revise the information collection and avoid having to pause the data collection of the study.

FMCSA has accordingly revised the following documents under this information collection:

- IC-1 – Motor Carrier Application.
  - FMCSA has revised the motor carrier application to remove “in-cab camera monitoring” as a required technology.

- FMCSA has added the following language to the screen asking whether a motor carrier has a registered apprenticeship with the Department of Labor (DOL): “(A registered apprenticeship is **not** required for participation in the SDAP program.)”.
- FMCSA has deleted the notification that motor carriers will need to apply for a Registered Apprenticeship program with the DOL.
- IC-2 – Apprentice Driver Application.
  - FMCSA has removed language regarding “in-cab video event capture system” being a required technology.
- IC-5(a) – Monthly Safety Data.
  - For selecting which technologies were in use during the reporting period, the question has been revised from “on-board monitoring system” to specifying whether it was an onboard monitoring system with forward-facing cameras or whether it also included inward facing cameras, so that data can be properly analyzed.
  - Under reporting of OBMS events, distracted driving, drowsy/fatigued driving, seatbelt usage, and cellphone usage have been noted as “*optional*”.

The pilot program is required in Section 23022 of the Infrastructure Investment and Jobs Act (IIJA), which passed into law on November 15, 2021.

## **BACKGROUND**

Current regulations on driver qualifications (49 CFR part 391.11(b)(1)) state that a driver must be 21 years of age or older to operate a CMV in interstate commerce. Currently, drivers under the age of 21 may operate CMVs only in intrastate commerce subject to State laws and regulations.

Section 23022 of IIJA requires the Secretary of Transportation to conduct a commercial driver “Apprenticeship Pilot Program.” An “apprentice” is defined as a person under the age of 21 who holds a commercial driver’s license (CDL). Under this program, these apprentices will complete two probationary periods, during which they may operate in interstate commerce only under the supervision of an experienced driver in the passenger seat. An experienced driver is defined in section 23022 as a driver who is not younger than 26 years old, who has held a CDL and been employed for at least the past 2 years, and who has at least 5 years of interstate CMV experience, and meets the other safety criteria defined in the IIJA.

FMCSA announced the establishment of the SDAP program in January of 2022, and began accepting applications from motor carriers, experienced drivers, and apprentice drivers later that year. Motor carriers accepted into the program are required to install and use a variety of safety features and systems, which currently includes inward facing video cameras. Motor carriers are also currently required to apply to, and gain acceptance into, the DOL’s Registered Apprenticeship program under 29 CFR part 29. Accepted motor carriers are also required to submit monthly reports to FMCSA, which would include (among other data), summary data from any safety incidents recorded by inward facing cameras.

On March 8, 2024, the Consolidated Appropriations Act of 2024 became law. That Act includes a provision prohibiting FMCSA from requiring that motor carriers install/use inward facing cameras, or from requiring that motor carriers receive DOL approval as registered apprenticeships.

FMCSA is seeking to revise, on an emergency basis, its approved collection to remove the requirement that motor carriers gain acceptance into the DOL Registered Apprenticeship program, and to remove the requirement for motor carriers to install and/or use inward facing cameras. Motor carriers that are already participating in the SDAP program may continue to use inward facing cameras on a voluntary basis. FMCSA is also removing the requirement that approved motor carriers include summary data from inward facing cameras in their monthly reports, even if they choose to continue using them in commercial motor vehicles being operated by apprentice drivers. The next set of monthly data collection is due April 10, 2024.

In accordance with the Paperwork Reduction Act (PRA) and OMB's implementing regulations at 5 C.F.R. § 1320.13, this information is necessary to the mission of the agency and is needed prior to the ordinary time periods established for revision of an approved collection of information (found within 5 C.F.R. part 1320). The agency cannot reasonably comply with the normal clearance procedures under this part because the use of normal clearance procedures is reasonably likely to cause a statutory ordered deadline to be missed (5 C.F.R. § 1320.13(2)(iii)).

As noted above, the statutory mandate for this pilot program is contained in section 23022 of the IJA and the limitations on what may be required of participating motor carriers is contained in the Consolidated Appropriations Act of 2024. FMCSA's regulatory authority for initiation of a pilot program is 49 CFR 381.400. The Safe Driver Apprenticeship Pilot Program supports the DOT strategic goal of economic strength while maintaining DOT's and FMCSA's commitment to safety.

## **RECOMMENDATION**

I recommend that OMB review and approve the revisions to approved collection 2126-0075, "Safe Driver Apprenticeship Pilot Program." Due to FMCSA's urgent need to conform its program to the restrictions included in the Consolidated Appropriations Act of 2024, and the impending deadline for the next set of monthly reports from approved motor carriers, FMCSA requests that OMB approve this request by April 15, 2024.

Attachments:

Supporting Statements A & B

Draft Federal Register Notice on Agency Information Collection Activity

The Office of Management and Budget

APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_