

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

**SUPPORTING STATEMENT
DRIVER QUALIFICATION FILES**

Introduction.

The Federal Motor Carrier Safety Administration (FMCSA) submits this supporting statement to the Office of Management and Budget for its review and approval, with plans to revise a currently-approved information collection (IC) request titled, “*Driver Qualification Files*,” OMB Control Number 2126-0004. Currently, OMB approval of this IC expires on February 28, 2011. This request to revise the ICR is based upon new FMCSA program requirements contained in a final rule entitled, “*Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used In Interstate Commerce*” (“the 9-15 passenger van rule”) (75 FR 4996) dated February 1, 2010 (Attachment A). The final rule requires for-hire motor carriers operating commercial motor vehicles (CMVs) that are designed or used to transport between 9 and 15 passengers in interstate commerce to comply with driver qualification requirements of the Federal Motor Carrier Safety Regulations (FMCSRs).

Part A. Justification.

1. Circumstances that make collection of information necessary.

The Motor Carrier Safety Act of 1984 (Public Law 98-554, Title II, 98 Stat 2834 (October 30, 1984)) (Attachment B) requires the Secretary of Transportation (Secretary) to issue regulations pertaining to commercial motor vehicle safety. A motor carrier is required to maintain specified information in a driver qualification (DQ) file for each commercial motor vehicle driver it employs. The driver qualification file contains the minimum information necessary to document the qualifications of a driver to operate a CMV in interstate commerce. The authority to require carriers to maintain driver qualification files is 49 U.S.C. §§ 504 (Attachment C), 31133 (Attachment D), 31136 (Attachment E), and 31502 (Attachment F), and 49 CFR § 1.73 (Attachment G).

This information collection supports the DOT strategic goal of safety. The information substantiates the driver’s qualifications to operate a CMV in interstate commerce safely, and in intrastate commerce under compatible State laws and regulations, prior to the driver operating a CMV.

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

The public interest in highway safety demands the hiring of drivers whose records demonstrate their ability to operate CMVs safely, and to withstand the physical and mental demands of their occupation. Motor carriers use the driver qualification file to document their analysis that a driver: (1) is physically qualified to operate a CMV, (2) has the experience and/or training to safely operate the type(s) of CMV he or she is

assigned to drive, (3) has the appropriate driver's license, (4) is not disqualified from operating a CMV, and (5) does not have a history of high risk behavior. The driver qualification files assist the motor carrier in assessing safety risk. Without the driver qualification files, it would be very difficult for the motor carrier to make this assessment.

3. Extent of automated information collection.

Because these rules frequently involve the transmission and maintenance of records, a significant percentage are susceptible to electronic communication and capture. However, the agency lacks data to support what actually may be occurring in the industry as to whether these DQ records are susceptible to electronic communication and capture. FMCSA estimates conservatively that 20% of these activities are in fact performed electronically, but the percentage is increasing over time.

4. Efforts to identify duplication.

The FMCSA is the only Federal agency given the authority to regulate the qualification of CMV drivers operating in interstate commerce. The driver qualification file is not duplicative of any other requirement.

5. Efforts to minimize the burden on small businesses.

Small motor carriers often employ part-time drivers. These drivers may undertake other part-time employment as a driver. Agency rules permit abbreviation of the contents of driver qualification files to avoid unnecessary duplication and burdensome recordkeeping (40 CFR §§ 391.63 and 391.65) (Attachment H). In some instances the motor carrier regularly employing the driver may simply furnish a "Qualification Certificate" to other carriers who also employ that driver. The certificate serves in lieu of all the data that would normally be required for the driver qualification file, so that the second carrier is freed from most of the recordkeeping obligations encompassed by the driver qualification file.

The following motor carrier operations are exempt from all recordkeeping requirements related to driver qualification files: (1) farm custom-harvesting operations (§ 391.2(a)); (2) beekeepers (§ 391.2(b)); (3) farmers using non-articulated CMVs to transport farm machinery, farm supplies, and/or agricultural products within 150 air-miles (§ 391.2(c) and § 390.5); and (4) non-business private motor carriers of passengers (§ 391.68). Farmers using articulated CMVs to transport farm machinery, farm supplies, and/or agricultural products within a radius of 150 air-miles are exempt from some recordkeeping requirements (§ 391.67).

On March 14, 1996, the Federal Highway Administration (FHWA) (predecessor agency of FMCSA) published a notice of proposed rulemaking (NPRM) titled, "*Safety Performance History of New Drivers*" (61 FR 10548 at Attachment I), related to this information collection. The Small Business Administration (SBA) requested greater detail on the calculation of the estimated paperwork burden. Several commenters,

including the SBA, J.B. Hunt and Mobil Corporation, were also concerned about limits on the ability of a motor carrier to investigate those hours-of-service violations that lead to out-of-service orders. FMCSA answered both of these concerns on July 17, 2003, in a supplemental notice of proposed rulemaking (SNPRM) titled, “*Safety Performance History of New Drivers*” (68 FR 42339 at Attachment J). The agency provided the details sought by the SBA, and eliminated its proposal pertaining to out-of-service orders. Finally, in the preamble of the final rule titled, “*Safety Performance History of New Drivers and Minimum Training Requirements for Longer Combination Vehicles (LCV) Operators and LCV Driver-Instructor Requirements*” (69 FR 16684 at Attachment K), dated March 30, 2004, FMCSA recognized that while previous employers can charge a fee for the safety performance history of their former drivers, they may not condition release of this information upon payment of a fee.

6. Impact of less frequent collection of information.

Some documents in the driver qualification file are never revised or reviewed after they are collected. Some must be completed before a driver begins driving for a motor carrier; others are required within 30 days of starting employment as a driver. Others are required annually, such as the driver’s current State driving record.

7. Special circumstances.

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR § 1320.8.

On July 17, 2003, FMCSA published an SNPRM titled, “*Safety Performance History of New Drivers*” (Attachment J) and requested public comment. In 2004, following further analysis and review of the comments by FMCSA, the agency adjusted several reporting burdens.

On May 23, 2007, FMCSA published a notice entitled, “*Agency Information Collection Activities; Request for Comment; Revision of an Information Collection; Driver Qualification Files,*” in the Federal Register (72 FR 29031) with a 60-day public comment period to announce this proposed information collection (see Attachment L). No comments were received in response to this notice.

On September 11, 2007, FMCSA published a notice entitled, “*Agency Information Collection Activities; Request for Comment; Revision of an Information Collection; Driver Qualification Files,*” in the Federal Register (72 FR 51891) with a 30-day public comment period that announced this information would be sent to OMB for review and approval (Attachment M).

9. Payments or gifts to respondents.

The FMCSA does not provide respondents with any payment or gift for providing this information.

10. Assurance of confidentiality.

This collection will be kept private to the extent possible under law.

11. Justification for collection of sensitive information.

This information collection involves some data of a sensitive nature. The agency has taken all reasonable steps to limit access to this data (see # 10)

12. Estimate of burden hours for information requested.

The OMB-approved estimate of the current total annual hour burden of this “Driver Qualification” information collection is **3,254,580 hours**. The additional burden due to the 9-15 passenger van rule is estimated to be 24,125 hours in the first year for carriers to create driver qualification files for their current drivers, and 26,921 hours in each subsequent year for activities associated with hiring new drivers and maintaining and reviewing these files. Thus, the revised annual hour burden is estimated to be 3,278,705 hours in the first year and 3,281,501 hours in subsequent years.

FMCSA estimates that there are currently 7,000,000 CMV drivers, and that the 9-15 passenger van rule will dictate that an additional 57,900 drivers comply with the driver qualification information collection requirements as set forth in this IC. The driver-qualification rules apply to drivers and motor carriers whether they operate in interstate commerce or intrastate commerce. FMCSA includes both groups in its calculations of the paperwork burden because the States receive grants under the Motor Carrier Safety Assistance Program (MCSAP) that require them to adopt laws and regulations that are compatible with the FMCSRs.

FMCSA regulates the safety of a broad spectrum of motor carrier operations. It does so with a set of rules for all motor carriers and drivers and a set of rules for motor carriers and drivers of heavy trucks (generally, in excess of 26,001 pounds gross vehicle weight rating). The latter set of rules is known as the “Commercial Driver’s License (CDL) rules.” Every operator of a heavy truck must have a CDL, as well as operators of large coaches, and operators of trucks of any size that contain placardable hazardous materials. Only CDL drivers are subject to drug and alcohol testing; operators of lighter trucks are not subject to those rules. The requirement for a driver qualification file is applicable to all of these groups; CDL drivers and their motor carriers must include several additional items, such as drug test results, in the file.

The Paperwork Reduction Act burden of these additional requirements for heavy truck operations are accounted for separately in the information collection titled, “*CDL Testing*”

and Standards,” OMB 2126-0011. Those burdens applicable to all CMV operators are accounted for in this collection, “*Driver Qualification Files,*” OMB 2126-0004. Both CDL and non-CDL drivers are required to provide their safety employment history for the most recent 3 years, but holders of CDLs are required to provide a total of 10 years of safety employment history. Therefore, the burden associated with the first 3 years of safety history is included in this information collection, and the burden associated with providing safety history for years 4 through 10 is included in the OMB Control Number 2126-0011 information collection. Similarly, applicants for a CDL must furnish information on their application beyond that required from applicants for a CMV license. The burden associated with providing the additional CDL information is also accounted for in OMB Control Number 2126-0011.

On March 30, 2004, the agency added to its rules a requirement for motor carriers to investigate the DOT-related truck driving experience of all applicants for driver positions (“*Safety Performance History of New Drivers,*” 69 FedReg 16721). Due to the sensitive nature of these records, the agency also required that all records related to this safety history investigation “be maintained in a secure location with controlled access.” See 49 CFR 391.53(a)(1)), “Driver Investigation History File.” The motor carrier therefore has a special duty with regard to these files; there is no similar duty with regard to the balance of the records discussed in this document. However, for purposes of this supporting statement, FMCSA is treating the Driver Employment History file and the Driver Qualification file as if they were one; the agency believes that the vast majority of motor carriers have chosen to co-locate both of these files, and simply control access to all in accordance with the standard set forth in section 391.53(a)(1).

SUMMARY

The following is a summary of the nine elements of the additional 24,125 hours of burden in year 1 and the additional 26,921 hours of burden in each subsequent year. Greater detail follows this Summary under the heading “Greater Detail.”

Hiring

1. The Application for Employment
Current: 1,213,333 hours
Additional burden in year 1: 0 hours
Additional burden in subsequent years: 10,036 hours
2. The Applicant’s Driving Record
Current: 227,500 hours
Additional burden in year 1: 4,825 hours
Additional burden in subsequent years: 1,882 hours
3. Investigation and Review of Safety Performance History
Current: 728,000 hours
Additional burden in year 1: 19,300 hours
Additional burden in subsequent years: 6,022 hours
4. Driver review of his/her Safety History
Current: 48,533 hours

Additional burden in year 1: 0 hours
Additional burden in subsequent years: 401 hours

Sub Total of Information Collection Burden Activities 1-4:
Current: 2,217,366 hours.
Additional burden in year 1: 24,125 hours.
Additional burden in subsequent years: 18,341 hours.

Annual Review

5. Certificate of Violations
Current: 203,000 hours
Additional burden in year 1: 0 hours
Additional burden in subsequent years: 1,679 hours
6. Annual Review of Driving Record
Current: 507,500 hours
Additional burden in year 1: 0 hours
Additional burden in subsequent years: 4,198 hours
7. Drivers for More Than One Motor Carrier
Current: 128,334 hours
Additional burden in year 1: 0 hours
Additional burden in subsequent years: 1,062 hours

Sub Total of Information Collection Burden Activities 5-7

Current: 838,834 hours.
Additional burden in year 1: 0 hours.
Additional burden in subsequent years: 6,939 hours.

Safety History

8. Provide 3 years of Employment History of Drivers Upon Request
Current: 182,000 hours
Additional burden in year 1: 0 hours
Additional burden in subsequent years: 1,506 hours
9. Duties Associated with Drivers Who Rebut Employment History
Current: 16,380 hours
Additional burden in year 1: 0 hours:
Additional burden in subsequent years: 135 hours

Sub Total of Information Collection Burden Activities 8-9

Current: 198,380 hours.
Additional burden in year 1: 0 hours.
Additional burden in subsequent years: 1,641 hours.

Total Information Collection Burden (Activities 1 - 9):

Current: 3,254,580 hours.

Additional burden in year 1: 24,125 hours.

Additional burden in subsequent years: 26,921 hours.

GREATER DETAIL

A more detailed description of the nine (9) items above follows.

Introduction

- FMCSA estimates that there are **7,000,000** truck drivers and 57,900 drivers for 9-15 passenger van carriers. Background and safety history investigations will need to be completed for all 57,900 drivers during the first year 9-15 passenger van carriers become subject to the driver qualification regulations.
- In subsequent years, the Agency estimates that 13 percent of these driver positions, or 7,527 openings ($0.13 \times 57,900$), will need to be filled each year.
- FMCSA also estimates that, on average, hiring motor carriers seek background information on **three (3) driver-applicants** for each job opening.
- Thus, motor carriers conduct investigations of the background of **22,581** applicants each year ($7,527 \text{ job openings} \times 3 \text{ driver-applicants}$).

	Average Number of Background Investigations Conducted Per Job Opening	TOTAL Background Investigations
Job Openings	3	22,581

The Driver Process

Hiring

1. The Application for Employment (§ 391.21). Applications: FMCSA estimates that 5 drivers apply for each driver job opening (7,527), for a total of 37,635 applications ($7,527 \text{ job openings} \times 5 \text{ drivers}$). Current drivers will not need to re-apply for their positions, so the burden associated with the application process is incurred only in subsequent years.

DRIVER:

Driver Burden to Complete 1 Application: 15 minutes

Total Burden on all Drivers: **9,409 hours**

($37,635 \text{ applications} \times 15 \text{ minutes per application} \div 60 \text{ minutes per hour}$).

MOTOR CARRIER:

Motor Carrier Burden to Receive and File 1 Application: 1 minute

Total Burden on all Motor Carriers: **627 hours**

($37,635 \text{ applications} \times 1 \text{ minute per application} \div 60 \text{ minutes per hour}$).

FMCSA estimates that the annual burden related to the completing an application for employment is:

Year 1: 0 hours

Subsequent years: 10,036 hours (9,049 hours burden for drivers + 627 hours burden for motor carriers).

2. The Applicant's Driving Record (§ 391.23). The safety director or another appropriate motor carrier official must request the driving record of its successful driver-applicants for the preceding 3 years. Carriers operating 9-15 passenger vans must request driving records for all drivers they currently employ. The Agency estimates that **57,900** requests for driving records will be made in the first year. For applicants applying for positions in subsequent years, FMCSA believes that motor carriers will request the driving record of an average of 3 applicants per position offered. Therefore, the agency estimates that approximately **22,581** requests for driving records will be made in each subsequent year (3 background investigations × 7,527 job openings).

FMCSA estimates that it takes approximately 5 minutes to complete all activities associated with this requirement, including requesting the record, receiving the record, and filing the record. In the first year, the Agency estimates that the requirements related to the annual request for official driving records impose an annual burden of **4,825 hours** (57,900 current driver requests × 5 minutes per request ÷ 60 minutes per hour). In subsequent years, the Agency estimates that the requirements related to the annual request for official driving records impose an annual burden of **1,882 hours** (22,581 driver applicant requests × 5 minutes per request ÷ 60 minutes per hour).

FMCSA estimates that the annual burden related to applicants driving records is:

Year 1: 4,825 hours.

Subsequent years: 1,882 hours.

3. Investigation and Review of Safety Performance History (§ 391.23). All motor carriers must investigate the safety performance history of all successful applicants as contained in certain records of the motor carriers who employed the applicant over the preceding 3 years. Carriers operating 9-15 passenger vans must request driving records for all drivers they currently employ, and the Agency estimates that **57,900** requests for driving records will be made in the first year. Though there will be 7,527 driver job openings at 9-15 passenger van carriers in each subsequent year, no safety performance check is possible for entry-level drivers because they have no prior DOT-regulated truck-driving experience. FMCSA believes that on average 20 percent of the driver positions offered each year are entry-level positions, and that an investigation and review of safety performance can be performed for the remaining 80 percent, or 6,022 positions (0.80 × 7,527 positions). The Agency assumes that the hiring motor carrier will, on average, investigate the safety performance history of 3 driver-applicants for each position, so that **18,066** safety history investigations (6,022 driver positions x 3 applicant investigations per position) will be conducted in each subsequent year .

FMCSA estimates that the hiring motor carrier can complete all aspects of this investigation in 20 minutes. In the first year, the Agency estimates that the requirements related to investigation and review of safety performance history impose an annual burden of **19,300 hours** (57,900 current driver requests × 20 minutes per request ÷ 60 minutes per hour). In subsequent years, the Agency estimates that the requirements related to investigation and review of safety performance history impose an annual burden of **6,022 hours** (18,066 driver applicant requests × 20 minutes per request ÷ 60 minutes per hour).

FMCSA estimates that the annual burden related to investigation and review of applicant safety performance histories is:

Year 1: 19,300 hours.

Subsequent years: 6,022 hours

4. Driver Review of His or Her Safety Performance History (§ 391.23). The information collection burden under this category is associated with the driver application process and will not be incurred in the first year for drivers currently employed by 9-15 passenger van carriers. It will, however, be incurred in all subsequent years.

DRIVER:

Drivers who exercise this right direct their requests to review their safety performance histories to their prospective employer. FMCSA believes that those job applicants who are hired will not exercise this right of review, and that of the remaining 12,043 applicants (18,066 non-entry-level applicants – 6,022 non-entry-level positions), 10 percent, or 1,204 (0.10 × 12,044) applicants, will exercise this right. FMCSA estimates that it takes 5 minutes for prospective employers to provide the driver-applicant with a copy of the information it received from the driver's previous employer(s). Thus, the total annual information burden for this element of the Driver Qualification file is **100 hours** (1,204 requests × 5 minutes ÷ 60 minutes per hour).

MOTOR CARRIER:

Motor carriers must notify driver-applicants in writing of their right to review the data received from previous employers. This activity takes 1 minute, so that the total burden is **301 hours** (18,066 applicants × 1 minute ÷ 60 minutes).

FMCSA estimates that the annual burden related to applicant review of safety performance histories is:

Year 1: 0 hours

Subsequent years: 401 hours (100 hours for driver applicant reviews + 301 hours for carriers to notify driver applicants of their right to review)

Annual Review

The initial investigation and review of driving records and safety performance history must be completed for all 57,900 drivers employed by 9-15 passenger van carriers in the first year because these carriers are now subject to the driver qualification requirements. The annual review requirements will impose burden hours only in subsequent years.

5. Certificate of Violations (§ 391.27). Each year, CMV drivers are required to provide motor carriers with a list of all violations of traffic laws and ordinances, other than parking violations. Those drivers who change jobs during the year do not have to provide this certificate (because they have provided the information as part of the hiring process). With 7,527 positions filled each year, the remaining **50,373** drivers who do not change jobs (57,900 drivers – 7,527 positions) are subject to this requirement each year.

FMCSA estimates that this activity takes approximately 2 minutes. The total annual burden is **1,679 hours** (50,373 drivers × 2 minutes ÷ 60 minutes per hour).

Year 1: 0 hours.

Subsequent years: 1,679 hours.

6. Driving Record (§ 391.25). The Agency requires motor carriers to review the official driving records of their drivers each year. Those drivers who change jobs during the year are not subject to this requirement (because the motor carrier obtained this information as part of the hiring process). The remaining **50,373** drivers who do not change jobs (see above) are subject to this requirement each year.

FMCSA estimates that it takes a total of approximately 5 minutes to complete all activities associated with this requirement, including requesting the record, receiving the record, and filing the record. The total annual burden is **4,198 hours** (50,373 drivers × 5 minutes ÷ 60 minutes per hour).

Year 1: 0 hours.

Subsequent years: 4,198 hours.

7. Drivers For More Than One Motor Carrier.

a) Multiple-employer Driver - § 391.63. A “multiple-employer driver” is a CMV driver who is employed by more than one motor carrier in any period of 7 consecutive days (§ 390.5). The FMCSA estimates that approximately 10 percent of drivers, or **5,790** (0.10 × 57,900 drivers) fall into this category.

A motor carrier who employs a multi-employer driver is not required to make any inquiries or investigations into the driver's driving or employment record. However, it must obtain and maintain the driver's name, social security number, and driver's license identification number, type, and State of issuance for any such drivers. FMCSA estimates that it takes a motor carrier approximately 1 minute to record and file this information. The FMCSA estimates the annual burden of this information collection activity to be **97 hours** (5,790 drivers × 1 minute ÷ 60 minutes per hour).

b) Driver Furnished By Another Motor Carrier - § 391.65. A motor carrier using a driver who is not regularly employed by it does not have to maintain a complete driver qualification file for that driver. However, it must obtain and maintain a "Qualification Certificate" from the motor carrier who regularly employs the driver. FMCSA estimates that 20 percent of drivers, or **11,580** (0.20 × 57,900 drivers) fall into this category each year.

It takes the regularly-employing motor carrier approximately 2 minutes to complete the qualification certificate. The other motor carrier receives and files the certificate, and must contact the regularly-employing motor carrier to validate the certificate. FMCSA estimates that the total time on task for the recipient motor carrier is 3 minutes. The total burden for both carriers is 5 minutes per driver. The Agency estimates that the total annual burden is **965 hours** (11,580 drivers × 5 minutes ÷ 60 minutes per hour).

FMCSA estimates that annual burden related to drivers for more than one employer is:

Year 1: 0 hours.

Subsequent years: 1,062 hours (97 hours for drivers employed by more than one carrier + 965 hours for drivers furnished by another carrier)

Safety Performance History

8. Provide Safety Performance History To the Hiring Motor Carrier (§ 391.23). All DOT and FMCSA-regulated employers must respond to the request from the hiring motor carrier by providing appropriate safety performance data for the 3-year period preceding the request. FMCSA estimates there will be **18,066** requests for safety performance history made annually (see # 3 above, "Investigation and Review of Safety Performance History"). Because these requests are made as part of the driver hiring process, burden will not be incurred in the first year but will be incurred in all subsequent years.

FMCSA estimates motor carriers will require, on average, 5 minutes per request to report the driver's safety performance data to prospective employers. The annual burden for this requirement is **1,506 hours** (18,066 requests × 5 minutes ÷ 60 minutes per hour).

Year 1: 0 hours

Subsequent years: 1,506 hours

9. Rebuttal of Safety Performance History (§ 391.23).

Applicant drivers may request from the hiring motor carrier a copy of the safety performance history that their previous employer provided to the motor carrier. The hiring motor carrier must honor the request and provide a copy of the history to the driver. Then the applicant driver may rebut some, or all, of the history in writing, directed to the previous employer. Because these actions are associated with the driver hiring process, the burden will not be incurred in the first year but will be incurred in all subsequent years.

The elements of the Rebuttal burden are:

- (a) Hiring motor carrier** – Create and forward a copy of the safety performance history, as received from the previous employer, to the driver applicant,
- (b) Applicant Driver’s Request for a Copy of Safety Performance History** – Write to the hiring motor carrier asking for a copy of the safety performance history as provided to it by the previous employer, and
- (c) Applicant Driver’s Request to Correct or Modify History**– Write to the previous employer seeking correction or modification of the safety performance history provided to the hiring motor carrier by the previous employer.

If an applicant driver remains dissatisfied with his or her safety performance history as amended, the FMCSRs provide procedures for drivers seeking resolution. However, the Agency believes that such proceedings are very rare. When the dispute reaches this point, a large percentage of prospective employers will have accumulated sufficient collateral information to allow them to make the hiring decision, thereby rendering further analysis by FMCSA meaningless in light of the total overall burden of this information collection.

The burden associated with the three elements of the Rebuttal burden (a - c noted above) is:

- (a) Hiring Motor Carrier:** Motor carriers must request the safety performance history of any driver it hires, from certain previous employers of that driver. The hiring motor carrier also must respond to a request from any driver whose safety performance history it has received in this manner. The response is limited to providing the driver with a copy of what the hiring motor carrier received from the previous employer.

FMCSA estimates there will be **18,066** safety history requests made by hiring motor carriers each year (see # 3 above, “Investigation and Review of Safety Performance History”). FMCSA also estimates that in 5 percent of the 18,066 histories, or 903 investigations ($0.05 \times 18,066$), a driver will request a copy of the safety performance history.

FMCSA estimates that it takes 3 minutes for the hiring motor carrier to provide a copy of the safety performance history to the driver-applicant. The burden for this element of this information collection is **45 hours** ($903 \text{ requests} \times 3 \text{ minutes} \div 60 \text{ minutes per hour}$).

(b) Driver Applicant’s Request for a Copy of Safety Performance History: FMCSA estimates that it takes the driver 3 minutes to write the request. Therefore, the burden for this element of the information collection is **45 hours** (903 requests × 3 minutes ÷ 60 minutes per hour).

c) Driver Applicant’s Request to Correct or Modify History: FMCSA estimates that 10 percent of the 903 drivers, or 90 drivers (0.10 × 903), who request and receive the safety performance history will develop and forward a rebuttal to the former employer requesting correction of their records. FMCSA estimates that it takes 30 minutes to create and forward a rebuttal to a past employer. The burden for this element is **45 hours** (90 requests × 30 minutes ÷ 60 minutes per hour).

FMCSA estimates that annual information collection burden related to driver review and rebuttal of their safety performance histories is:

Year 1: 0 hours.

Subsequent years: 135 hours (45 hours for employers to fulfill requests for safety histories + 45 hours for drivers to request safety histories + 45 hours for drivers to request correction of safety histories)

SUMMARY: Total Additional Burden from 9-15 Passenger Van Rule

Element		Current Burden Hours	Additional Burden Hours in Year 1	Total Revised Burden Hours in Year 1	Additional Burden Hours in Subsequent Years	Total Revised Burden Hours in Subsequent Years
Hiring	1	1,213,333	0	1,213,333	10,036	1,223,369
	2	227,500	4,825	232,325	1,882	229,382
	3	728,000	19,300	747,300	6,022	734,022
	4	48,533	0	48,533	401	48,934
Subtotal		2,217,366	24,125	2,241,491	18,341	2,235,707
Annual Review	5	203,000	0	203,000	1,679	204,679
	6	507,500	0	507,500	4,198	511,698
	7	128,334	0	128,334	1,062	129,396
Subtotal		838,834	0	838,834	6,939	845,773
Safety History	8	182,000	0	182,000	1,506	183,506
	9	16,380	0	16,380	135	16,515
Subtotal		198,380	0	198,380	1,641	200,021
TOTAL		3,254,580	24,125	3,278,705	26,921	3,281,501

Estimated Annual Burden Hours: 3,278,705.

Estimated Annual Number of Respondents: 7,000,000.

Estimated Annual Number of Responses: 7,000,000.

13. Estimate of total annual costs to respondents or record keepers.

Known Non-Salary Costs

The known non-salary costs associated with this information collection are for motor carriers to purchase driver records, called “motor vehicle records” (MVRs). Obtaining these records is required as part of the hiring decision and is done annually. The agency has estimated the maximum cost to the industry as follows:

Hiring Process

Each State incurs an estimated cost per MVR of \$4.00. There is also the added cost of \$1.00 for fees to be paid to third-party providers to obtain this information on behalf of the motor carrier. Therefore, we assume an average estimated cost per record of \$5.00.

The FMCSA estimates that an additional 57,900 requests will be made in year 1 for current drivers, and an additional 22,581 requests will be made in subsequent years as part of the driver hiring process (see Item 12, # 2 above). Total costs are:

Year 1: \$289,500 (57,900 requests × \$5.00),
Subsequent years: \$112,905 (22,581 requests × \$5.00).

Annual Review

FMCSA estimates that motor carriers must obtain an additional 50,373 driving records for the annual review process (see Item 12, # 6 above) at \$5.00 each. Total costs are:

Year 1: \$0.
Subsequent years: \$251,865 (50,373 requests × \$5.00).

Total Non-Salary Costs

	Current Burden Cost	Additional Cost in First Year	Total Revised Cost in First Year	Additional Cost in Subsequent Years	Total Revised Cost in Subsequent Years
	(A)	(B)	(A+B)	(C)	(A+C)
Hiring Process	\$13,650,000	\$289,500	\$13,939,500	\$112,905	\$13,762,905
Annual Review	\$30,450,000	\$0	\$30,450,000	\$251,865	\$30,701,865
Total	\$44,100,000	\$289,500	\$44,389,500	\$364,770	\$44,464,770

14. Estimate of cost to the Federal government.

This information collection imposes no cost to the Federal government.

15. Explanation of program changes or adjustments.

The new estimated burden of this IC in year 1 is **3,278,705** hours, and in subsequent years is **3,281,501**. These represent increases in the currently approved burden by **24,125** hours in year 1 and **26,921** hours in subsequent years. These revisions are the result of an additional 57,900 drivers subject to driver qualification regulations due to the 9-15 passenger van rule.

16. Publication of results of data collection:

This information collection is recordkeeping in nature. As such, there will be no related publication.

17. Approval for not displaying the expiration date for OMB approval:

The FMCSA is not seeking this approval.

18. Exceptions to certification statement:

The FMCSA is claiming no exception to any element of the certification statement identified in Item 19 of OMB Form 83-I.

Part B. Collection of Information Employing Statistical Methods.

This collection does not employ statistical methods.

Attachments

- A. Final rule entitled, “Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce,” (75 FR 4996), February 1, 2010.
- B. The Motor Carrier Safety Act of 1984, Public Law 98-554, Title II, 98 Stat. 2834, October 30, 1984.
- C. Title 49 U.S.C. § 504 titled, “*Reports and records.*”
- D. Title 49 U.S.C. § 31133 titled, “*General powers of the Secretary of Transportation.*”
- E. Title 49 U.S.C. § 31136 titled, “*United States Government regulations.*”
- F. Title 49 U.S.C. § 31502 titled, “*Requirements for qualification, hours of service, safety, and equipment standards.*”
- G. Title 49 CFR § 1.73 titled, “*Delegation to the Administrator of the Federal Motor Carrier Safety Administration.*”
- H. Title 49 CFR § 391 titled, “*Qualification of Drivers and Longer Combination Vehicle (LCV).*”
- I. An NPRM titled, “*Safety Performance History of New Drivers*” (at 61 FR 10548), March 14, 1996.
- J. A SNPRM titled, “*Safety Performance History of New Drivers*” (at 68 FR 422339), July 17, 2003.
- K. A final rule titled, “*Safety Performance History of New Drivers and Minimum Training Requirements for Longer Combination Vehicles (LCV) Operators and LCV Driver-Instructor Requirements*” (at 69 FR 16684), March 30, 2004.
- L. A Sixty-day Comment Request Federal Register Notice (at 72 FR 29031), dated May 23, 2007.
- M. A Thirty-day Comment Request Federal Register notice (at 72 FR 51891), dated September 11, 2007.