

TABLE 7.—SUMMARY OF NET BENEFITS AND BENEFIT-COST RATIOS, 2003–2012
[In millions of dollars]

Benefits scenario	Total discounted net benefits ¹	Benefit-cost ratio ²
Direct Benefits Only	\$12	1.16
With 10% Deterrence Effect	21	1.27
With 25% Deterrence Effect	34	1.45
With 50% Deterrence Effect	56	1.74

¹ Total Discounted Net Benefits were derived by subtracting the Total Discounted Cost estimate of \$76 million in Table 3 from each of the Total Discounted Benefits estimates in Column 3 of Table 4. For example, subtracting the \$76 million in total discounted costs from Table 2 by the \$88 million in Total Discounted Benefits under the "Direct Benefits Only" scenario of Table 4 yields Total Net Discounted Benefits of \$12 million over the 10-year analysis period (2003–2012) examined here.

² Benefit-Cost Ratios were derived by dividing the Total Discounted Cost estimate of \$76 million in Table 3 from each of the Total Discounted Benefits estimates for each of the Benefits Scenarios located in Column 3 of Table 4. For example, dividing the \$88 million in Total Discounted Benefits under the "Direct Benefits Only" scenario of Table 4 by the \$76 million in total discounted costs from Table 3 yields a Benefit-Cost Ratio of 1.16 over the 10-year analysis period (2003–2012) examined here. A benefit-cost ratio of greater than one implies that the rule is cost effective to implement when comparing costs to benefits within the 10-year analysis period.

Total net discounted benefits associated with this rule over the 10-year analysis period range from a low of \$12 million when we assume no deterrence effect benefits, to a high of \$56 million when we assume the magnitude of the deterrence effect is equal to 50 percent of the direct accident reduction benefits associated with the rule. Correspondingly, benefit-cost ratios range from a low of 1.16 when we assume no deterrence effect benefits to a high of 1.74 when deterrence effect benefits are assumed to equal 50 percent of direct accident reduction benefits.

List of Subjects

49 CFR Part 390

Highway safety, Intermodal transportation, Motor carriers, Reporting and recordkeeping requirements, Safety.

49 CFR Part 391

Alcohol abuse, Drug abuse, Drug testing, Highway safety, Motor carriers, Reporting and recordkeeping requirements, Safety.

In consideration of the foregoing, the FMCSA proposes to amend title 49 CFR chapter III, parts 390, and 391 as set forth below:

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL [AMENDED]

1. The authority citation for 49 CFR part 390 is revised to read as follows:

Authority: 49 U.S.C. 508, 13301, 13902, 31133, 31136, 31502, 31504, and sec. 204, Pub. L. 104–88, 109 Stat. 803, 941 (49 U.S.C. 701 note); sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; sec. 217, Pub. L. 106–159, 113 Stat. 1748, 1767; and 49 CFR 1.73.

2. Section 390.15 is amended by revising paragraphs (a), (b), introductory text and by adding paragraph (c) to read as follows:

§ 390.15 Assistance in investigations and special studies.

(a) A motor carrier must make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration upon request or as part of any investigation within such time as the request or investigation may specify. A motor carrier shall give an authorized representative of the Federal Motor Carrier Safety Administration all reasonable assistance in the investigation of any accident including providing a full, true and correct response to any question of the inquiry.

(b) For accidents that occur after [Insert date one year prior to the effective date of the final rule.], motor carriers must maintain an accident register containing at least the information required by paragraphs (b)(1) and (b)(2) of this section and retain that information for three years after the date of each accident. For accidents that occurred on or prior to [Insert date one year prior to the effective date of the final rule.], motor carriers must retain the record containing at least the information required by paragraphs (b)(1) and (b)(2) of this section in the accident register for a period of one year after an accident occurred.

* * * * *

(c) Within 30 days after receiving a request for information about a former driver's accident record from his/her new or prospective employer, a motor carrier must transmit the information listed in paragraph (b)(1) of this section for all accidents contained in the accident register involving that driver that occurred after [Insert date one year prior to the effective date of the final rule.] .

PART 391—QUALIFICATIONS OF DRIVERS [AMENDED]

3. The authority citation for 49 CFR part 391 is revised to read as follows:

Authority: 49 U.S.C. 322, 504, 508, 31133, 31136, and 31502; Sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; and 49 CFR 1.73.

4. In § 391.21, paragraphs (b)(10) and (d) are revised to read as follows:

§ 391.21 Application for employment.

* * * * *

(b) * * *

(10)(i) A list of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted,

(ii) The dates he or she was employed by that employer,

(iii) Whether the job was a safety-sensitive function as defined under § 382.107, and thus subject to alcohol and controlled substances testing under 49 CFR part 382, and

(iv) The reason for leaving the employ of that employer;

* * * * *

(d) Before an application is submitted, the motor carrier must inform the applicant that the information he/she provides in accordance with paragraph (b)(10) of this section may be used, and the applicant's previous employers will be contacted, for the purpose of investigating the applicant's background as required by § 391.23(c). The prospective employer must also notify the driver in writing of due process rights as specified in § 391.23(i) regarding information received as a result of the investigations required by § 391.23(c).

5. In § 391.23, revise paragraph (c) and add new paragraphs (d) through (m) to read as follows:

§ 391.23 Investigations and inquiries.

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