

overstate the population of affected carriers since some of the licensed carriers may be exclusively operating equipment carrying less than 9 passengers.

With regard to the number of drivers and vehicles that would be covered by the safety regulations, FMCSA does not have a definitive source for this information at this time because for-hire small passenger motor carriers were only recently required to complete the Form MCS-150, Motor Carrier Identification Report, which is used to gather information about motor carriers subject to the FMCSRs. However, the agency is now gathering data to better estimate the number of affected carriers, drivers, and vehicles.

In the absence of other sources of information, the agency believes certain estimates provided by the Taxicab, Limousine & Paratransit Association (TLPA) is useful in helping to estimate the number of drivers and vehicles that will be covered by this final rule. In comments submitted in response to the August 5, 1998, ANPRM (63 FR 41766) on the subject of safety requirements for the operators of small passenger-carrying CMVs, the TLPA estimated that there are 74,000 vans nationwide being operated for compensation. The TLPA estimated that van fleets average less than 10 vans. In addition, the TLPA estimated that if the agency made the FMCSRs applicable to the operation of small passenger-carrying vehicles, approximately 14,000 companies, 125,000 vehicles, and 165,000 drivers would be covered.

FMCSA believes most of the estimates provided by the TLPA appear to be representative of businesses that would not be covered by this rule, because this rulemaking applies to long-haul van operations, not for-hire operations that are local in nature. However, the agency will use the TLPA's previous estimate of the number of vehicles per fleet (10 vans) as a baseline estimate for the number of vehicles that would be covered. This means that approximately 18,430 small passenger-carrying vehicles (10 vans per fleet \times 1,843 for-hire operations) would be covered under the FMCSRs.

The use of the estimates above is not intended to serve as a determination whether the passenger-carrying operations are small businesses. The estimates are used solely for the purpose of estimating the potential costs of this rulemaking action. TLPA's comments concerning the agency's estimate of the number of small businesses that could be affected by this rulemaking are addressed in the rulemaking analysis portion of this notice.

The agency estimates that the number of drivers affected will be a fraction of the 165,000 drivers in the TLPA estimate since the proposal is targeted at drivers in the long-haul segment of the small passenger carrier industry. The agency believes the total number of drivers will be approximately 22,000 (165,000 divided by 7.5) since the number of motor carriers currently operating as for-hire motor carriers of passengers with small passenger-carrying vehicles is approximately one-seventh of the TLPA's estimate of all for-hire motor carriers.

Earnings of Commercial Van Drivers, Mechanics, and Supervisors

In order to evaluate accurately the cost implications of the proposed rule, FMCSA reviewed earnings information from the "Occupational Outlook Handbook," 2000-01 Edition, Bulletin 2520, published by the U.S. Department of Labor. We are using the earnings information to determine the costs of requiring motor carrier employees and individuals who perform services for motor carriers to complete certain records that would not otherwise be completed in the normal course of business, and to perform certain tasks associated with complying with the requirements.

The agency is using the earnings figures for taxi-drivers and chauffeurs because the drivers in question generally do not meet the qualifications requirements for intercity bus drivers. The median hourly earnings of taxi drivers and chauffeurs, excluding tips, were \$7.48 in 1998. The middle 50 percent earned between \$6.02 and \$9.79 an hour. The lowest 10 percent earned less than \$5.55 and the highest 10 percent earned more than \$12.44 an hour. For the purpose of preparing cost estimates for imposing safety-related operational rules, the agency will use \$12.44 an hour to decrease the likelihood of underestimating the impact of this rulemaking.

The "Occupational Outlook Handbook" shows the estimated median hourly earnings for automotive mechanics and service technicians, including commission, were \$13.16 in 1998. The middle 50 percent earned between \$10.02 and \$17.14 an hour. The lowest 10 percent earned less than \$7.44 and the highest 10 percent earned more than \$21.25 an hour. For the purpose of preparing cost estimates for this rulemaking the agency is using \$21.25 an hour.

FMCSA is using \$22 an hour as the estimated earnings for supervisors and managers of transportation. The "Occupational Outlook Handbook" did

not include a specific category for transportation supervisors so the agency is operating under the assumption that these supervisors are paid more than the individuals they supervise. The agency estimated that the supervisors are paid \$ 0.75 an hour more than the service technicians, or \$22.

Medical Examination and Certification

Drivers subject to the rule are required to obtain a medical examiner's certificate. FMCSA estimates that the average cost of a comprehensive medical examination is \$300. This cost includes an estimate of the driver's out-of-pocket expenses or co-payment and an estimate of the amount the driver's health insurance company would pay the medical examiner. Since a medical examiner's certificate is usually valid for 24 months, the FMCSA estimates the prorated annual cost of CMV driver medical certifications to be approximately \$3,300,000 $[(\$300 \text{ per exam per driver}) \times (22,000 \text{ drivers}) = \$6,600,000 \text{ every two years}]$ based on an estimated 22,000 drivers who would be subject to the rule.

Generally, it takes a medical examiner, such as a physician, doctor of osteopathy, physician assistant, advance practice nurse, or doctor of chiropractic, about 20 minutes to complete a medical examination form and one minute to fill out the medical certificate. Based on the \$132,000 median annual earning of a general/family practice physician listed in the Department of Labor's "Occupational Outlook Handbook" and an estimated 2,080 hours of work per year, the earnings are equal to approximately \$63 an hour. The estimated costs to the industry for having medical examiners complete the required paperwork would be \$485,100 $(\$63 \text{ an hour} \times (21 \text{ minutes} \times 1 \text{ hour per } 60 \text{ minutes}) \times 22,000 \text{ medical exams performed for drivers})$. This is the cost every two years. The cost each year would be \$242,550.

Therefore, the total annual costs for the physical exam would be approximately \$3,542,550.

Driver Qualification Files

FMCSA estimates that the operators of small passenger-carrying CMVs will have to create 22,000 driver qualifications files during the first year and create approximately 2,860 new files (13 percent of 22,000) each year thereafter as a result of driver turnover, retirement, etc. The estimate of driver turnover is the same used for previous information collection burden estimates for driver qualifications files. This means that motor carriers will be responsible for maintaining