

research to specify the size of the small motor carrier population. Presently we consider motor carriers with 6 or fewer drivers to be small entities. Using this number of drivers as a proxy for size, the majority of carriers can reasonably be described as small. As of April of 2002, there were 610,000 motor carriers on the FMCSA's Motor Carrier Management Information System (MCMIS) census file. Among the 500,000 of these motor carriers for which the agency has driver data, 435,000 (87 percent) have 6 or fewer drivers. Assuming that 87 percent of the 110,000 motor carriers with no driver information are also small, the total number of motor carriers with six or fewer drivers would exceed half a million.

*Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule*

This action would impose a very modest burden on small entities, since it largely proscribes the actions of drivers rather than motor carriers. Nonetheless, this action does impose some reporting and recordkeeping requirements on motor carriers. The primary motor carrier requirement would be to verify drivers' eligibility before allowing them to operate a CMV. In addition, motor carriers must maintain a copy of the required driver's training certificate in each personnel file. Motor carriers are currently required to maintain a driver qualification file for each driver, as outlined in Part 391 of the FMCSRs. No special skill is required to verify eligibility to operate a CMV or to place a driver's training certificate in a personnel file.

*Duplicative, Overlapping, or Conflicting Federal Rules*

The FMCSA is not aware of any other rules that duplicate State, local, or tribal governments, in the aggregate, or overlap, or conflict with the proposed action.

Accordingly, the FMCSA hereby certifies that the proposed action discussed in this document will not have a significant economic impact on a substantial number of small entities.

**Unfunded Mandates Reform Act of 1995**

The Unfunded Mandates Reform Act of 1995 (the Act) requires each agency to assess the effects of its regulatory actions on State, local, tribal governments, and the private sector. This proposed rule does not impose an unfunded Federal mandate resulting in the expenditure by State, local, or tribal

governments, in the aggregate, or the private sector, of \$100 million, adjusted for inflation, or more in any one year. (2 U.S.C. 1531 et. seq.).

**Executive Order 13132 (Federalism)**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132. It has been determined that this rulemaking does not have a substantial direct effect on States, nor would it limit the policy-making discretion of the States. Nothing in this document preempts any State law or regulation.

**Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 et seq.), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. An analysis of this proposal was made by the FMCSA, and it has been determined that the final rule, when promulgated, would create a new collection of information requiring OMB's approval. This PRA section addresses the information collection burden for activities associated with training certification forms and grandfathering eligible drivers.

The FMCSA estimates that operators of heavy trucks, operators of motor coaches, and operators of school buses will require additional training due to requirements contained in this proposed rule. The agency further estimates 58,600 new drivers will be needed annually in the heavy truck industry, 2,100 new drivers in the motor coach industry, and 17,800 new drivers in the school bus industry. However, it is estimated that for the heavy truck industry 30 percent of the entry level drivers already receive training through an accredited program and will not require additional training. The remaining 70 percent, or 41,020 drivers, would require additional training.

There would be an annual burden to the motor carrier or other training entity to complete, photocopy, and file the certification form. FMCSA estimates this will take 10 minutes, resulting in an additional annual burden of 10,153 hours  $[60,920 (41,020 + 2,100 + 17,800) \text{ drivers} \times 10 \text{ minutes per motor carrier/training entity, divided by } 60 \text{ minutes} = 10,153]$ .

For the first year after the rule becomes effective, there would also be burdens associated with the estimated 121,840 drivers currently employed with less than 2 years experience who have not already received accredited training  $[41,020 (\text{heavy truck}) + 2,100$

$(\text{motor coach}) + 17,800 (\text{school bus}) = 60,920 \times 2 \text{ years} = 121,840 \text{ drivers}]$ . Based on eligibility criteria previously described in this proposed rule, the FMCSA estimates that 75 percent of these 121,840 drivers would be eligible to be grandfathered and 25 percent would not be eligible.

Using these estimates, there would be an additional 21,560 drivers in the heavy truck and motor coach industries  $[(41,020 \times 2 = 82,040) + (2,100 \times 2 = 4,200) = 86,240 \times 25 \text{ percent} = 21,560]$  that would need additional training, because they would be ineligible to be grandfathered. Using the same percentage as above (25 percent), the school bus industry would have 8,900 drivers  $(17,800 \times 2 \text{ years} \times 25 \text{ percent})$  who would be ineligible for grandfathering and would thus require additional training. Each of these 30,460  $(21,560 + 8,900)$  drivers would need to be issued certificates following their training. At 10 minutes per certificate, that burden is estimated to be 5,077 hours  $(30,460 \text{ drivers} \times 10 \text{ minutes, divided by } 60 \text{ minutes})$ .

For grandfathering the estimated 91,380 remaining drivers (75 percent of 121,840 drivers eligible for grandfathering during the first year), there would be a one-time burden, since drivers could only be grandfathered during the first year after the rule becomes effective. There are two parts to the burden for these 91,380 drivers: (1) the burden for the driver to collect and provide the information to the motor carrier, and (2) the burden for the motor carrier to review the documents, complete, duplicate, and file the certification form. FMCSA estimates that it would take approximately 10 minutes for a driver to collect the necessary information and provide the document to the motor carrier, and 10 minutes for the motor carrier to review the information, complete the certification, and duplicate and file the document. Therefore, the one time burden associated with grandfathering the 91,380 drivers would be 30,460 hours  $[(91,380 \times 10 \text{ minutes per driver} / 60 \text{ minutes} = 15,230) + (91,380 \times 10 \text{ minutes per motor carrier} / 60 \text{ minutes} = 15,230) = 30,460]$ . This 30,460-hour estimate represents the first-year only burden associated with certifying drivers who are grandfathered.

Accordingly, the burden associated with the 121,840 current drivers is 35,537 burden hours  $[5,077 \text{ hours (for current entry level drivers not eligible for grandfathering)} + 30,460 \text{ hours (for certifying drivers who are eligible to be grandfathered)}]$ .

Thus, the total first-year burden is estimated to be 45,690 hours  $[10,153$