

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION  
DOCKET # FMCSA-2015-0508**

**Agency Information Collection Activities; Extension of a Currently Approved Collection: Driver  
Qualification Files**

**SUBMITTED BY:  
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**I. INTRODUCTION**

American Trucking Associations, Inc., (ATA) submits these comments to the Federal Motor Carrier Safety Administration (FMCSA) in response to their December 16, 2015 notice and request for comment entitled “Agency Information Collection Activities; Extension of a Currently Approved Collection: Driver Qualification Files.”<sup>1</sup> ATA is the national trade association representing the American trucking industry.<sup>2</sup> As a representative of motor carriers whose drivers must be medically qualified, ATA is vitally interested in matters affecting how driver medical qualification information will be accessed and stored and the burden it may place on motor carriers and drivers.

**II. SUMMARY OF ATA’S POSITION**

ATA supports the proper medical qualification of commercial motor vehicle drivers and believes ensuring drivers are medically fit is an important component of ensuring highway

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<sup>1</sup> Information Collection Activities; Extension of Currently Approved Collection: Driver Qualification Files,” 81 Fed. Reg. 31, 8122 (February 17, 2016) (hereinafter “the notice”).

<sup>2</sup> ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Directly and through its affiliated organizations, ATA encompasses over 34,000 motor carriers and suppliers of every type and class of operation in the United States, Canada, and Mexico.

safety. ATA is concerned however, that FMCSA may be underestimating its calculated burden pertaining to motor carrier collection activities required under 49 C.F.R. §391.51(7).<sup>3</sup>

### **III. FMCSA MAY BE UNDERESTIMATING THE BURDEN OF OBTAINING AND RETAINING DRIVER MEDICAL CERTIFICATION INFORMATION**

ATA is pleased that FMCSA is revising its estimated DQ file burden for drivers and motor carriers. The upward revision more accurately represents the number of drivers and motor carriers subject to this burden. Unfortunately, ATA is concerned that FMCSA's estimate may be predicated on a misunderstanding of motor carrier recordkeeping protocols and how frequently they must be followed in order to fully comply with 49 C.F.R. §391.51(7).

The requirements found in 49 C.F.R. §391.51(7) were codified as part of the Medical Certification Requirements in the CDL final rule published in December of 2008.<sup>4</sup> Beginning in January 2015, motor carriers were required to prove their drivers are medically certified by obtaining CDLIS motor vehicle records (MVR). These MVRs must be placed in drivers' DQ files and retained until their medical certifications are renewed, at which time the motor carrier must obtain new MVRs.

When FMCSA initially estimated the recordkeeping burden for the med card rule, it assumed that motor carriers would eventually be able to synchronize the timing of MVR record checks required by 49 C.F.R. §391.25 and the medical certification verifications required by the newly revised 49 C.F.R. §391.51(7). Though they acknowledged that the medical certification expiration date may not correspond to the date on which the MVR check would need to be conducted, they nevertheless assumed that this synchronization would eventually occur.<sup>5</sup>

Unfortunately, the efficiency demands of motor carrier operations prevented this from happening because doing so would necessitate reinvention of standard operating procedures. As a result, the predicted synchronization never materialized. Instead, motor carriers opted to track their drivers' medical certification expiration dates independent of annual record check requirements.

In calculating the burden of the DQ file requirements, it is also important to understand the hiring practices of motor carriers. When hiring an applicant, many motor carriers first verify the medical certification status by obtaining the CDLIS MVR. They then require the driver to submit to a new medical exam performed by a trusted doctor listed on the National Registry of Certified Medical Examiners to ensure the driver is being held to the highest medical standards. Once the driver is recertified, the motor carrier must again run a CDLIS MVR to verify the latest medical certification information is on file. This constitutes another potentially overlooked burden.

Finally, when calculating the burden on motor carriers and drivers of obtaining medical certification information from the SDLA and retaining it in the DQ file, the duration of the medical certificate must also be considered. Motor carriers who employ drivers with medical certificates with terms shorter than 2 years will incur additional costs to remain compliant

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<sup>3</sup> Requires motor carriers to obtain a CDLIS motor vehicle record indicating a driver is medically certified and to retain it in the Driver Qualification File (DQ file).

<sup>4</sup> Medical Certification Requirements as Part of the CDL, 81 Fed. Reg. 231, 73096 (December 1, 2008). (hereinafter "med card rule.")

<sup>5</sup> Ibid, 73115

because they will have to obtain CDLIS MVRs more often. Statistics generated through FMCSA's National Registry for Certified Medical Examiners are broadening our understanding of how many drivers are receiving medical certificates that expire in less than two years. Below is a breakdown of the duration of medical certificates issued between May 21, 2014 and February 1, 2016.

- 8,282,711 medical certificates issued
  - 5,043,107 (60.9%) 2-year medical cards issued
  - 2,654,873 (32.0%) 1-year medical cards issued
  - 454,614 (5.5%) 3-month medical cards issued
  - 130,117 (1.6% less than 3 month medical card issued<sup>6</sup>)

As these numbers indicate, nearly 40% of the more than 8 million medical certificates issued since May 21, 2014 expire in one year or less. Maintaining DQ files for these drivers requires additional resources in terms of lost opportunity costs and expenses related to obtaining the necessary documentation.

#### **IV. CONCLUSION**

ATA thanks FMCSA for the opportunity to comment on this information collection activity. ATA strongly supports ensuring drivers are medically qualified to drive. In calculating the estimated burden required to comply with recordkeeping requirements, ATA encourages FMCSA to be sure it has considered the operational protocols of the trucking industry as well as data emerging from the National Registry of Certified Medical Examiners.

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<sup>6</sup> Statistics presented by FMCSA at ATA's Safety Management Council Policy Meeting, Holiday Inn Ballston, Arlington, VA, April 7, 2016.