

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 383

(FHWA Docket No. MC-93-12)

RIN 2125-AD05

Training for All Entry Level Drivers of Commercial Motor Vehicles (CMVs)

AGENCY: Federal Highway Administration (FHWA). DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: The FHWA is requesting comments from interested parties concerning the need to require training of all entry level drivers of commercial motor vehicles (CMVs). This action is in response to section 4007 of the Motor Carrier Act of 1991. If the FHWA determines that it is not in the public interest to issue a rule that requires training of all entry level drivers, section 4007 requires the agency to submit a report to Congress on the matter for the decision, together with the results of a cost-benefit analysis conducted as part of the rulemaking proceedings.

DATES: Comments must be received on or before August 20, 1993.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC-93-12, room 4232, HCC-10. Office of Chief Counsel, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except legal Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry L. Robin, Driver Standards Division, Office of Motor Carrier Standards (202) 366-2985. or Mr. Charles Medalen, Office of Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: Section 4007(a)(2) of the Motor Carrier Act of 1991 directs the FHWA to issue a rulemaking on the need to require training of all entry level drivers of CMVs. Intermoclal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240, Section 4007,105 Stat. 1914, 2151. This

rulemaking proceeding must be completed by December 18, 1993. If the FHWA determines that it is not in the public interest to issue a rule that requires training for all entry level drivers, the FHWA must submit to Congress a report explaining that decision by January 18, 1994, together with the results of a cost-benefit analysis of a training requirement. Section 4007(a)(1) requires an additional report to Congress on the effectiveness of private sector efforts to ensure adequate training of entry level drivers of CMVs. The FHWA will consider the information developed for the latter report in this rulemaking and will consider any information submitted to the docket on this rulemaking in preparation of the required report.

The FHWA is responsible for promulgating Federal regulations designed to ensure the safe operation of CMVs. To date, the FHWA has not mandated minimum training standards for operators of CMVs because of the substantial progress being made by the motor carrier industry in voluntarily implementing the FHWA's "Model Curriculum for Training Tractor-Trailer Drivers" (1985, GPO Stock No. 050-001-00293-1), as more fully discussed below. However, the FHWA has initiated an ANPRM related to training standards of longer combination vehicle (LCV) operators as directed by section 4007(b) of the Motor Carrier Act of 1991. This ANPRM was published at 58 FR 4638011 January 15, 1993.

All LCVs, defined in sections 1023(b) and 4007(f) of the ISTEA as "any combination of a truck tractor and two or more trailers or semitrailers which operate on the Interstate System at a gross vehicle weight greater than 80,000 pounds," are necessarily CMVs. However, because of the separate LCV training requirements rulemaking, LCV drivers will not be considered here. Although transit buses (designed to transport 16 or more passengers) also meet the definition of a CMV, they will not be considered either because these vehicles are almost all operated by municipalities or other public agencies. Since the ISTEA specifies that the FHWA report on the effectiveness of "private sector efforts" to ensure adequate training of CMV drivers, we believe Congress intended to exclude training of transit bus drivers from this rulemaking. We have also decided not to study the specific training requirements for drivers of vehicles transporting placardable quantities of hazardous materials. The Department of Transportation's Research and Special Programs Administration adopted training requirements for these drivers

in 1992 (57 FR 20944, May 15, 1992) which are codified at 49 CFR 177.800, 177.816 and 177.825.

Applicability

As defined in 49 CFR 383.5, a CMV is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle-

(a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

(b) Has a gross vehicle weight rating of 26,001 or more pounds; or

(c) is designed to transport 16 or more passengers, including the driver; or

(d) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Although the definition of a CMV in the Motor Carrier Safety Act of 1984 included a weight threshold of 10,001 pounds or more (49 CFR 390.51, the FHWA believes any potential CMV training standard should be considered an additional CDL requirement and thus subject to the higher jurisdictional threshold of that program.

Background

In the early 1980's the FHWA determined that a need existed for technical guidance in the area of truck driver training. Research at that time showed that many driver training schools offered little or no structured curricula or uniform training plans.

To help address this situation, the FHWA developed, and in 1985 issued, the "Model Curriculum for Training Tractor-Trailer Drivers" which is based on FHWA's "Proposed Minimum Standards for Training Tractor-Trailer Drivers" (1984). The Model Curriculum, as it is known in the industry, is a broad set of recommendations which incorporates standardized minimum core curriculum requirements and training materials, as well as standards pertaining to vehicles, facilities, instructor hiring practices, graduation requirements, and student placement. The Curriculum content includes the following: basic operation, safe operating practices, advanced operating practices, vehicle maintenance, and nonvehicle activities. In essence, the Model Curriculum addresses all the critical aspects of entry level truck driver training. It is designed so students who successfully complete it

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can be expected to perform actual tractor-trailer driving skills competently and safely.

In 1986, the Professional Truck Driver Institute of America (PTDIA) was created by the motor carrier industry to certify acceptable training programs offered by the truck driver training schools. The Model Curriculum, although modified to meet the administrative needs of the PTDIA, is the basis for the PTDIA's certification criteria. The FHWA research report (Dec. 1989) entitled "Survey of Tractor-Trailer Driver Training Courses" indicates on page 8:

The influence and acceptability of the FHWA/Office of Motor Carriers (OMC) truck driver training guidelines and materials among the schools and training programs surveyed in this project is obvious. Organizations have revised their courses, rebuilt or remodeled their programs and implemented curriculum changes, many of them major, in their attempt to follow and meet the FHWA/OMC "recommended practices". The FHWA/OMC influence is spread across all the courses surveyed. Progress in meeting the salient point of the FHWA/OMC model is obviously being made. The most significant aspect of this influenced progress is that it is being achieved through voluntary rather than mandatory action.

A copy of the report will be included in the docket for review.

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA), although not directly targeted at driver training, was intended to improve highway safety. 49 U.S.C. app. 2301-2316. Its goal is to ensure that drivers of large trucks and buses possess the knowledge and skills to safely operate those vehicles on public highways. The CMVSA established the CDL program and directed the FHWA to establish minimum national standards which States must meet when licensing CMV drivers. The CMVSA applies to anyone who operates a CMV in intrastate, interstate, or foreign commerce, including most employees of Federal, State, and local governments.

In accordance with the CMVSA, all drivers of CMVs were required to obtain a valid CDL by April 1, 1992, in order to be properly qualified to operate the vehicle(s) they drive. In addition to passing the CDL knowledge and skills tests required for the basic vehicle group, all persons who operate or expect to operate the following vehicles, which have special handling characteristics, must obtain endorsements under 49 CFR 383.93: double/triple trailers, tank vehicles, passenger vehicles, or CMVs required to be placarded for hazardous materials. For the passenger vehicle endorsement, the driver must pass knowledge and skills tests. For all other

vehicle endorsements, the driver is required to pass only a knowledge test.

The CDL standards, however, do not require the comprehensive training proposed in the Model Curriculum since the CDL is a "licensing standard" as opposed to a "training standard."* Although there are no prerequisite Federal or State training requirements to obtain a CDL the driver must demonstrate the required minimum knowledge and/or skills necessary to operate a CMV. To date, the States and the District of Columbia have issued over 6 million CDLs.

In an effort to meet the requirements of section 4007(a) of the ISTEA, the FHWA recently contracted with Applied Science Associates, Incorporated (ASA), in part to assess the effectiveness of private sector efforts to ensure adequate training of entry level drivers of CMVs. The objectives of this phase of the project focused on entry level driver training are to determine (1) the scope and content of entry level CMV driver training in the private sector and (2) the effectiveness of private sector efforts to ensure adequate training of entry level drivers of CMVs. The FHWA will use the information generated by this research project, which is expected to be completed by the Fall of 1994, to formulate the report required by section 4007(a)(1) of the ISTEA. In addition, the FHWA will make the information submitted to the rulemaking docket on this ANPRM available to ASA for appropriate analysis and use in the research effort.

Rulemaking and Questions for Comment

To fully understand the various issues related to training for all entry level CMV drivers and in conjunction with the ASA study, the FHWA is soliciting comments on the following areas. Respondents are encouraged to submit additional information they believe relevant to this rulemaking.

On the Adequacy of Entry Level Training Provided

1. How can the adequacy of training be defined? What mechanisms exist to measure adequacy?
2. What standards exist to ensure that training provided by schools and employers is adequate for entry level truck driver training?
3. What should an adequate truck driver training program include (for example night driving, behind-the-wheel training, and classroom instruction)? What is the minimum amount of time (or number of hours) that should be devoted to each of these components?

4. CM governmental or private standards that guide the training of entry level drivers be used to determine the adequacy of entry level driver training? Why are these standards appropriate?

5. To obtain a CDL, a CMV driver must demonstrate knowledge and skills needed to operate a CMV. Are these tests sufficiently comprehensive to accurately measure a driver's performance? Please explain why or why not. Provide information on specific deficiencies.

6. Should training requirements for entry level CMV drivers be federally-mandated?

Number of Drivers Trained

7. What is an "entry level CMV driver?"

8. What industry-wide initiatives or policies, if any, reasonably assure that the majority of all entry level drivers are trained?

9. How many truck driver training schools and motor carrier programs train entry level drivers? What percentage of those enrolled successfully completes such training?

10. Is the successful completion of an entry level CMV driver training program (either before or after hiring) a requirement for the drivers employed by your company?

11. Describe the training opportunities available for drivers of smaller trucking companies/owner-operators. What percentage of those enrolled successfully completes such training?

Entry Level Driver Training Cost/Benefits

12. Describe the expected benefits and estimated dollar costs for the following types of training:

- a. Resident training at public and private truck driver training schools, including trade, vocational and community college programs;
- b. Home study or correspondence courses in combination with hands-on behind-the-wheel training;
- c. Training by motor carriers through:
 - Formal school setting
 - On-the-job training (i.e., learning by working with an experienced driver as a trainer); and
 - d. Externships (i.e., combination truck driver training schools and motor carrier operations).

Other Than Entry Level Driver Training

13. Although the primary purpose of this ANPRM is to gather information on entry level truck driver training, the FHWA would like to collect some information on the training experienced

drivers receive. Please describe the type and frequency of training, if any, that you offer or financially support for the more experienced CMV drivers of your company. Is this training required at certain specific intervals or provided only on an "as needed" basis?

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The FHWA is unable to determine whether this action is major within the meaning of Executive Order 12291 due to the preliminary nature of this rulemaking. However, because of the public interest in commercial motor vehicle safety, this notice is considered significant within the meaning of Department of Transportation regulatory policies and procedures.

Given the lack of necessary information on costs to the motor carrier industry, the FHWA is unable to evaluate the economic impact of regulatory requirement for mandatory training for entry level CMV drivers. The information received in response to this notice will be used to evaluate the costs and benefits associated with various alternative requirements. Comments, information, and data are solicited on the economic impact of this rulemaking.

Regulatory Flexibility Act

A rule requiring training for entry level drivers could have a significant economic effect on a substantial number of small entities. The information solicited in this ANPRM will be used to evaluate that effect, and a more detailed statement as required by the Regulatory Flexibility Act (5 U.S.C. 601-612) will be included in the next rulemaking document on this subject. Specific comments, information and data are solicited on the economic impact of this rulemaking on small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the FHWA certifies that the policies contained herein do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement

for purposes of the Paperwork Reduction Act of 1960. (44 U.S.C. 3501-3520).

National Environmental Policy Act:

This agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 383

Commercial driver's license testing and licensing standards, Highways and roads. Motor vehicle safety.

[Section 4007, Pub. L. 102-240, 105 Stat. 1914, 2151; 23 U.S.C. 315; 49 CFR 1.48]

Issued on: June 15, 1993.

Rodney E. Slater,
Administrator.

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