



U.S. Department  
of Transportation

Federal Motor Carrier  
Safety Administration

Office of the Administrator

1200 New Jersey Ave, SE  
Washington, DC 20590

January 3, 2022

## **ACTION MEMORANDUM TO THE OFFICE OF MANAGEMENT AND BUDGET**

**From:** Thomas P. Keane  
Associate Administrator  
Office of Research and Registration  
202-366-3055

**Prepared by:** Kathryn Sinniger  
Attorney-Advisor, Office of Regulations and  
Legislation  
202-493-0908

**Subject:** Requesting Emergency Clearance from OMB for a New Collection  
2126-0002 “Safe Driver Apprenticeship Pilot Program”

---

### **ACTION REQUESTED**

I request the Office of Management and Budget (OMB) to provide an emergency clearance for a new Collection 2126-0002, “Safe Driver Apprenticeship Pilot Program.”

### **SUMMARY**

The Federal Motor Carrier Safety Administration (FMCSA) is requesting emergency clearance for the new collection referenced above, to allow the establishment of the pilot program required in section 23022 of the Infrastructure Investment and Jobs Act (IIJA), which passed into law on November 15, 2021. Under that section, FMCSA must establish the pilot program no later than 60 days after the enactment of the IIJA, or by January 14, 2022.

### **BACKGROUND**

Current regulations on driver qualifications (49 CFR part 391.11(b)(1)) state that a driver must be 21 years of age or older to operate a CMV in interstate commerce. Currently, drivers under the age of 21 may operate CMVs only in intrastate commerce subject to State laws and regulations.

Section 23022 of IIJA requires the Secretary of Transportation to conduct a commercial driver “Apprenticeship Pilot Program.” An “apprentice” is defined as a person under the age of 21 who holds a commercial driver’s license (CDL). Under this program, these apprentices will complete two probationary periods, during which they may operate in interstate commerce only under the supervision of an experienced driver in the passenger seat. An experienced driver is defined in Section 23022 as a driver who is not younger than 26 years old, who has held a CDL and been employed for at least the past 2 years, and who has at least 5 years of interstate CMV experience, and meets the other safety criteria defined in the IIJA.

The first probationary period must include at least 120 hours of on-duty time, of which at least 80 hours are driving time in a CMV. To complete this probationary period, the employer must determine competency in:

1. Interstate, city traffic, rural 2-lane, and evening driving;
2. Safety awareness;
3. Speed and space management;
4. Lane control;
5. Mirror Scanning;
6. Right and left turns; and
7. Logging and complying with rules relating to hours of service.

The second probationary period must include at least 280 hours of on-duty time, including not less than 160 hours driving time in a CMV. To complete this probationary period, the employer must determine competency in:

1. Backing and maneuvering in close quarters;
2. Pre-trip inspections;
3. Fueling procedures;
4. Weighing loads, weight distribution, and sliding tandems;
5. Coupling and uncoupling procedures; and
6. Trip planning, truck routes, map reading, navigation, and permits.

After completion of the second probationary period the apprentice may begin operating CMVs in interstate commerce unaccompanied by an experienced driver.

In addition to data regarding successful completion of the probationary periods, the IJA requires the collection of data relating to any incident in which a participating apprentice is involved, as well as other data relating to the safety of apprentices. Additional data will include crash data (incident reports, police reports, insurance reports), inspection data, citation data, safety event data (as recorded by all safety systems installed on vehicles, to include advanced driver assistance systems, automatic emergency braking systems, onboard monitoring systems, and forward-facing and in-cab video systems) as well as exposure data (record of duty status logs, on-duty time, driving time, and time spent away from home terminal). This data will be submitted monthly through participating motor carriers.

The data collected will be used to report on the following items, as required by Section 23022:

1. The findings and conclusions on the ability of technologies or training provided to apprentices as part of the pilot program to successfully improve safety;
2. An analysis of the safety record of participating apprentices as compared to other CMV drivers;
3. The number of drivers that discontinued participation in the apprenticeship program before completion;
4. A comparison of the safety records of participating drivers before, during, and after each probationary period; and
5. A comparison of each participating driver's average on-duty time, driving time, and time spent away from home terminal before, during, and after each probationary period.

FMCSA will monitor the monthly data being reported by the motor carriers and will identify drivers or carriers that may pose a risk to public safety. While removing unsafe drivers or carriers may bias the dataset, it is a necessary feature for FMCSA to comply with 49 CFR 381.505, which requires development of a monitoring plan to ensure adequate safeguards to protect the health and safety of pilot program participants and the general public. Knowing that a driver or carrier was removed from the pilot program for safety reasons will help FMCSA minimize bias in the final data analysis.

FMCSA and the Department of Labor's Employment and Training Agency (DOL/ETA) will be partnering in the implementation of the Safe Driver Apprenticeship Pilot Program. All motor carriers who are approved for the program by FMCSA will also be required to become Registered Apprenticeships (RAs) under 29 CFR Part 29 before they can submit information on their experienced drivers and apprentices. The information collection burden for the DOL/ETA RA program can be found in approved ICR 1205-0223.

As noted above, the statutory mandate for this pilot program is contained in section 23022 of the IIJA. FMCSA's regulatory authority for initiation of a pilot program is 49 CFR 381.400. The Safe Driver Apprenticeship Pilot Program supports the USDOT strategic goal of economic strength while maintaining USDOT and FMCSA's commitment to safety.

**RECOMMENDATION**

I recommend that OMB review and approve a new collection 2126-0002, “Safe Driver Apprenticeship Pilot Program.” Due to FMCSA’s urgent need to establish the pilot program by January 14, 2022, we request OMB take action on this request by January 13, 2022.

Attachments:

- Supporting Statements A & B
- Draft Federal Register Notice on Agency Information Collection Activity

The Office of Management and Budget

APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_