

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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QA-17552*

March 4, 1993

Federal Highway Administration
Office of the Chief Counsel
400 Seventh Street S.W.
Room 4232, HCC-10
Washington, D.C. 20590

LEGIS. RECS.
DIVISION
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FEDERAL HIGHWAY ADMINISTRATION

Dear Chief Counsel:

Please find enclosed the Colorado Department of Transportation's comments regarding the Federal Highway Administration's advance notice of proposed rulemaking concerning Mandatory Minimum Training Requirements for Operators of Longer Combination Vehicles (LCVs), FHWA Docket No. MC-92-10.

If you have any questions, please contact me at (303) 757-9261.

Very truly yours,

Gregory D. Fulton
Division of Transportation Development

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Mandatory Minimum Training Requirements for Operators
of Longer Combination Vehicles (LCVs)

Scope:

1. Revise the definition to apply only to vehicles that operate at greater lengths than the minimum requirements that are imposed upon the States by FHWA in 23 CFR 658.13, irrespective of weight. However, the definition should not include vehicles and their loads that operate at greater lengths than the minimum requirements stated in 23 CFR 658.13 if they cannot be dismantled or divided (non-divisible loads) and are permitted by the State in accordance with 23 CFR 658.17(g).

Title 23 CFR 658.13(b)(2) and (5) require that States cannot impose length limitations of less than 28 feet or 28 feet 6 inches on any semitrailer or trailer when operating in a truck tractor-semitrailer-trailer combination, commonly referred to as a "western double". Therefore, if a State exercised its "grandfather" authority pursuant to 23 CFR 658.17(h), and allows the vehicle to operate at greater than 80,000 pounds on the Interstate highways, the combination would be considered a LCV. However, other combinations, such as triples, turnpike doubles and rocky mountain doubles, although considerably longer than the western doubles, would not be considered to be a LCV unless they operate at greater than 80,000 pounds.

It seems that the current definition places more emphasis on weight than length. Length, in combination with multiple trailers, is the primary factor that affects vehicle handling and maneuverability while weight has a much smaller impact. It could be possible that a State allows LCV combinations and does not or cannot allow them to operate at greater than 80,000 pounds, therefore they would not meet the FHWA definition of a LCV. Since States must allow western doubles it does not seem equitable that they should be considered LCVs under the FHWA definition, only because a State exercised its "grandfather" authority and allows the vehicles to operate at greater than 80,000 pounds.

In summary, vehicles, other than non-divisible loads that are permitted by the State in accordance with 23 CFR 658.17(g), that operate at greater lengths than the minimum length limitations that are imposed by FHWA upon the States should not be excluded only because a State does not or cannot allow the combination to operate at greater than 80,000 pounds. Likewise, vehicles that must be allowed to operate due to FHWA minimum length limitations should not be included only because a State has authority to allow the vehicles to operate at greater than 80,000 pounds.

2. If the definition is not revised it will be impossible for enforcement personnel, by merely viewing the combinations, to distinguish which vehicles are operating at greater than 80,000 pounds, and therefore which drivers should have the LCV training requirements and which should not. This could significantly impact enforcement activities, reducing them in most cases to a matter of guesswork at best. It could also increase frustration and tensions between enforcement personnel and the trucking industry. By simplifying the definition criteria it would eliminate confusion and provide an element of consistency throughout the nation. It would not only assist law enforcement personnel but also the trucking industry.

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Program Administration:

3. Include the LCV training requirements as part of the Size and Weight Certification reporting requirement pursuant to 23 CFR 657.13, and require certain relevant statistical data regarding the LCV training program as is required regarding size and weight and permits pursuant to 23 CFR **657.15(3)**, Certification content. The LCV training requirements could be codified in 23 CFR 658.13, Length, or in a new section within Part 658 under LCV Training Requirements.

4. Ideally the instructor(s) should have prior experience operating **LCVs**. In addition, all instructors should be required to complete, pass and be proficient regarding all areas, such as knowledge of **LCVs**, driving skills and pertinent Federal and State laws and rules and regulations that are developed as part of the LCV training requirement. After the instructor(s) has completed all training requirements they would be licensed by the State. It could function much in the same manner as the CDL third-party tester program, or even better should be combined as part of the existing CDL program.

5. The licensing of the instructor(s) should be the responsibility of the State agency that has State regulatory authority concerning **LCVs**. In **all** probability the State agency will be already or should be involved in the Size and Weight Certification to FHWA. The instructor(s) should have the authority to certify the drivers. After the driver(s) has been certified they would be able to obtain all necessary permits. All LCV training requirements that are developed should be consistent throughout the nation, much in the same manner as is the CDL, and should be incorporated into each State's rules and regulations regarding LCV operations.

6. The State agency that licenses the instructor(s) should be responsible to ensure, by conducting periodic reviews every two years, that the instructor(s) administers the LCV training program properly and in accordance with the standards that are part of the licensing requirements. An endorsement on the driver's CDL should be the documentation that exist to prove to a prospective employer that a driver(s) has successfully completed the LCV training program. If a carrier hires or contracts a driver to operate a LCV, and the driver does not possess an LCV endorsement on their CDL, both the carrier and the driver should be subject penalties and sanctions as are stated in State laws and/or rules and regulations.

7. Only the State agency that is responsible for administration of the LCV training program and the subsequent licensing of the instructor(s) should have authority to certify the third-party testing programs. Nonprofit private organizations, such as Professional Truck Driver Institute of America (PTDIA) should be invited and extended the opportunity to work with Federal and State agencies to develop the LCV training requirements. Other industry **groups**, such as the American Trucking Association and State trucking associations should also be invited to participate.

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Training and Licensing:

8. In Colorado all carriers that operate **LCVs** are required as part of the rules and regulations to establish a safety program for their drivers. The State allows each carrier flexibility to develop their own safety program, however, at a minimum each program must contain: that the driver(s) is familiar and in compliance with the LCV rules and regulations and all other State agencies' rules and regulations that affect LCV operations, that the carrier certifies that the driver has completed a company approved road test for each combination that they intend to operate and that all equipment is in compliance with the LCV rules and regulations.

9. After the minimum LCV training requirements have been established and are codified in CFR 658, a phase-in period of one year to 18 months should be allowed to provide drivers adequate time to comply with the training requirements and obtain their LCV endorsement. This should be an adequate phase-in period as only a relatively small segment of the trucking industry operate **LCVs**.

10. The LCV training requirement should be required in order to operate any LCV that meets the definition that is established as part of **the training** program. It would therefore by definition be a prerequisite to the CDL program if it were a separate program, or administered in conjunction with the CDL program if it were part of the CDL program and the CDL instructors performed the training.

11. One requirement of the CDL is that the driver be at least 21 **years** old in order to obtain a CDL. Some carriers require that their drivers be 25 years old to operate **LCVs**, and most carriers due to the nature of LCV operations require that drivers have prior driving experience. We believe that it is necessary that drivers have at least 2 years experience driving non LCV vehicles, such as single trailer or western doubles combinations.

12. Third-party instructors' training licenses should be reviewed by the State licensing authority every two years to ensure that the programs are functioning properly and meeting the training standards. Drivers should be retested each time that they renew their **CDLs**, and should be reviewed once at the middle of the license period to verify the driver's understanding and comprehension of the LCV training requirements.

13. The LCV training requirements should be developed encompassing all areas of LCV operation, and should be applicable to all **LCVs** that meet the definition for which the training requirements are developed. There may be unique characteristics associated with certain configurations and cargos, however, specific training standards can be developed that address each particular characteristic, but **administered** as part of entire LCV training program.