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March 16, 1993

FHWA-97-2176-10

DELIVERY BY HAND

Office of the Chief Counsel  
Federal Highway Administration  
Room 4223  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Re: FHWA Docket No. MC-92-10

Dear Sir or Madam:

Please find enclosed for filing the original comments submitted on behalf of the Owner-Operator Independent Drivers Assn., Inc. in the above-referenced proceeding.

Thank you for your assistance in this matter.

Sincerely,

*Daniel J. Harrold*

Daniel J. Harrold

LEADS/REGS  
DIVISION

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JEC/kl  
Enclosure

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BEFORE THE  
FEDERAL HIGHWAY ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION

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COMMENTS OF THE  
OWNER-OPERATOR INDEPENDENT DRIVERS ASSN., INC.

IN RESPONSE TO  
ADVANCE NOTICE OF PROPOSED RULEMAKING

Docket No. MC-92-10  
Mandatory Minimum Training Requirements for Operators  
of Longer Combination Vehicles ("LCVs")

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COLLIER, SHANNON, RILL & SCOTT  
MAY 16 1993  
WASHINGTON, D.C.

**BEFORE THE  
FEDERAL HIGHWAY ADMINISTRATION**

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**I. INTRODUCTION**

**A. Procedural Statement**

These comments are submitted in response to the Advance Notice of Proposed Rulemaking published by the Federal Highway Administration ("FHWA" or "Agency"), Docket No. MC-92-10, 58 Fed. Reg. 4,638 (January 15, 1993), requesting comments concerning the establishment of mandatory minimum training requirements for the operators of longer combination vehicles ("LCVs"). This action is in response to Section 4007 of the Motor Carrier Act of 1991 (Title IV of the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. No. 102-240, 150 Stat. 1914, 2151), which requires the Secretary of Transportation to initiate a rulemaking proceeding to establish minimum training requirements for operators of LCVs. The Congress also directed that this training include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.

**B. Interest of the Owner-Operator Independent Drivers Assn., Inc.**

The Owner-Operator Independent Drivers Assn., Inc. ("OOIDA" or "Association") is a non-profit corporation incorporated in 1973 under the laws of the State of Missouri, with its principal place of business in Grain Valley, Missouri. The more than 20,000 members of OOIDA are small business men and women in all 50 states and Canada who collectively own and operate approximately 32,000 individual heavy duty trucks and small

truck fleets. Small business truckers represent nearly half of the total number of Class 7 and 8 trucks operated in the United States. The mailing address of the Association is:

Owner-Operator Independent Drivers Assn., Inc.  
P.O. Box L  
Grain Valley, Missouri 64029

OOIDA is the national trade association representing the interests of independent truck owner-operators, motor carriers and professional drivers at both the federal and state levels.

The Association represents the views of owner-operators in a number of issues that affect owner-operators and small business truckers involving all aspects of highway safety. Its representatives serve on various committees of the National Governors' Association, the Commercial Vehicle Safety Alliance, the Professional Truck Driver Institute of America, Inc., the American Association of State Highway and Transportation Officials, and other groups involved in highway safety.

The Association was an active participant in the development of the Commercial Motor Vehicle Safety Act of 1986 and the Intermodal Surface Transportation Efficiency Act of 1991 ("ISTEA") and has been a strong proponent of mandatory minimum driver training requirements, not only for drivers of longer combination vehicles, but for all entry-level commercial vehicle operators. The Association has a long history of cooperation with the Federal Highway Administration in the development of Agency's driver training model curricula. In addition, it is a founding member of the Professional Truck Driver Institute of America, Inc. ("PTDIA").

**C. Summary**

OOIDA believes that the establishment of minimum driver training standards for the operators of longer combination vehicles is an important first step in improving highway safety for all motorists, both private and commercial. The Association has been a long-time and strong supporter of the certification efforts of the PTDIA, and has pushed for the adoption of minimum driver training standards for all entry-level commercial vehicle operators. OOIDA believes that motor carriers are not doing enough to ensure that their operators are adequately trained and prepared to handle the equipment that they drive,

When inadequately trained drivers are operating on the nation's highways, the safety of all motorists is endangered. The public welfare is further endangered by the operation of longer combination vehicles, which Congress obviously determined to be less safe than conventional commercial vehicles. The combination of longer, larger, less safe vehicles and inadequately trained operators is a potentially lethal one. It is also avoidable. Therefore, the Association urges the FHWA to adopt stringent guidelines for the training of operators of longer combination vehicles ("LCV") and LCV instructors, and it cautions the Agency not to stop with this proceeding. The Agency should fully investigate the necessity for mandatory training of all entry-level drivers and to begin a rulemaking on this issue as soon as possible.

## II. GENERAL COMMENTS OF THE ASSOCIATION

OOIDA offers the following general comments in response to the Notice.

OOIDA is concerned that FHWA not overlook a pressing training issue and safety concern, namely, the lack of adequate training of entry-level drivers. The Notice implies that this problem is being dealt with by PTDIA's adoption of FHWA's model training curriculum for entry-level training. OOIDA is a strong supporter of PTDIA's efforts. However, a majority of motor carriers do not require their entry-level drivers to graduate from schools whose training is certified by PTDIA. In fact, there is no current requirement for entry-level driver training. Were there to be one, then the PTDIA training standard would likely be universally applied. In these circumstances, the adequate training of entry-level drivers is not now ensured and safety is compromised. OOIDA therefore urges the FHWA to move forward as soon as possible with a rulemaking to establish mandatory training standards and certification procedures to ensure that all entry-level drivers graduate from schools which meet PTDIA standards.

## III. SPECIFIC COMMENTS OF THE ASSOCIATION

In response to the Department's request, the Association submits the following specific comments:

**A. Scope**

1. As used by the motor carrier industry for many years, the term LCV means any CMV with 2 trailers (either of which is over 28% feet long) or CMV combinations with more than 2 trailers, irrespective of length. Vehicle weight plays no part in the industry use of the term. Should the definition of LCV that will be used to develop a training requirement be expanded to include vehicles not covered by the ISTEA such as multiple-trailer combinations operating with a gross weight of less than 80,000 pounds, i.e. "twin trailers" or "western doubles"? In addition, the FHWA wishes to determine whether vehicles operating under special permit at weights over 80,000 pounds and/or straight trucks pulling single or multiple trailers with overall lengths in excess of 72 feet should be included in those vehicles used to establish a LCV training requirement.

Defining what configuration should be defined as an LCV is sometimes difficult because of the variables involved. The Association believes generally that the training requirement should be expanded to include vehicles not covered by the ISTEA definition. However, gross operating weight should not be given so much prominence in the definition of an LCV. This is because the number and size of the cargo carrying units primarily determine the handling characteristics and overall safety aspect of the vehicle. Further, training in proper weight distribution in multiple trailer operations is of much more concern than is the gross operating weight of the vehicle. Similarly, length alone is not necessarily the only factor to be considered for LCV definitions. Again, the number and the size of the cargo carrying units has to be taken into account. Specifically, as the number of cargo units increase and trailer lengths expand to over 48 feet in even a tractor/single-trailer combination, specialized training becomes a necessity.

OOIDA also believes that vehicles hauling non-divisible loads in excess of 80,000 pounds under special permit, i.e., heavy haulers, should not necessarily be defined as an LCV when establishing training requirements. Gross weight should not be the paramount factor. It is, however, obvious that straight trucks pulling multiple trailers clearly fall under

the definition of an LCV which would require special training. By contrast, so long as neither cargo carrying unit exceeds 28% feet, a straight truck pulling one trailer should not be defined as an LCV. Overall length should not be a controlling factor.

**2. What difficulties would the ISTEA definition create from an enforcement standpoint, in distinguishing which vehicles meet the definition and in determining which drivers must comply with any LCV training requirements?.**

The definition creates difficulty because it refers to an LCV combination vehicle ‘with a gross vehicle weight greater than 80,000 pounds’. 58 Fed. Reg. at 4,638. To the extent training is desired for operators of LCVs weighing less than 80,000 pounds, OOIDA believes the agency has sufficient statutory authority independent of ISTEA to address any definition or implementation problems for that category of LCV. In fact, the agency has always had authority to require commercial driver training regardless of ISTEA’s passage, as exemplified by FHWA’s development of guidelines for entry-level training that were later adopted and implemented by PTDA.

**B. Program Administration**

**3. Once the training requirements for LCV drivers are established, what should the FHWA’s role be in assuring that the training is actually carried out according to the minimum standards?**

FHWA should ensure that training is actually carried out as mandated. It has several options. For example, FHWA should use appropriate compliance checks, such as through carrier terminal safety audits. Further, state licensing under CDL requirements could be used to assure drivers meet training requirements. The CDL endorsement would not issue if the training was not proven to have been undertaken.

**4. What standards are necessary to ensure that instructors, who will be the key to the efficiency and effectiveness of the LCV training, have been adequately and properly trained and are carrying out their training responsibilities in an acceptable manner?**

Standards should be adopted to ensure that instructors are qualified by their experience in driving vehicles of the type for which they provide training. In addition, any instructor must demonstrate an understanding of any course curriculum that is developed. Knowledge of vocational training methods would also be useful. A national certification program should be developed to certify that instructors are qualified. Instructors could be certified by FHWA and/or by other organizations authorized by FHWA such as PTDIA. A model for certifying instructors may be the pilot instructor certification program of the Federal Aviation Administration.

**5. Since LCV operations are allowed only under special state oversize/overweight permits, should the initial licensing of LCV instructors and certification of LCV drivers be accomplished by a federal (FHWA or other) or state agency? How should this be accomplished?**

The Association believes that licensing and certification must be accomplished by a Federal agency as the only way to ensure uniformity of standards. Historically, when the various states have been left to establish their own industry standards, a hodgepodge of regulatory requirements, often contradictory and burdensome, has been the result.

**6. From an enforcement perspective, what specific federal, state or local agency should have the responsibility for assuring that the requirements of LCV training are met and what form of documentation should be established to prove to prospective employers that adequate LCV training has been successfully completed by a driver? Who should be held accountable if the training requirements are not met, the individual and/or motor carrier employer?**

OOIDA believes that FHWA should be primarily responsible for enforcement of LCV training requirements except to the extent that various state agencies involved with

CDL issuance may assist in such enforcement. Further, a common form of certificate that a driver could present to employers to show LCV training has been completed should be established under FHWA auspices.

OOIDA believes the motor carrier employer should primarily be held accountable to ensure its drivers meet training requirements. Also, drivers seeking an LCV endorsement must be able to demonstrate they successfully completed training under the prescribed standards, something a standard certificate would help accomplish.

Any schools providing LCV training should be held accountable for meeting the FHWA standards established for LCV training. Finally, state licensing agencies should be required to make certain a driver presents the proper certificate showing LCV training is satisfactorily completed before an LCV endorsement to the CDL is made.

**7. Should nonprofit, private organizations, such as PTDIA, be authorized to evaluate and certify the adequacy of LCV training programs?**

OOIDA strongly supports PTDIA as the entity which should be authorized to evaluate and certify the adequacy of LCV driver training programs. PTDIA's role should also include examination of the compliance of LCV instructors with training and certification requirements. Given its experience and special expertise, PTDIA will be the most cost effective method to implement an LCV training program in a timely manner.

**C. Training and Licensing**

**8. What types of LCV driver training programs exist?**

There may be some carriers with "programs" which provide LCV training. OOIDA believes that any such programs, however, may differ widely. For example, OOIDA is aware that one such program teaches "power braking," while others do not because of their safety

concerns about such braking. Power braking is the act of continuing to accelerate while applying the brakes to compensate for air brake lag. OOIDA also understands that **PTDIA** has recently initiated (under FHWA contract) the development of a LCV driver training curriculum.

**9. Should the implementation of minimum training requirements for LCV operators be “phased in” over a certain period of time? If so, what scenario is proposed and why?**

Generally, OOIDA does not believe a phase-in will be necessary. However, a phase-in might be necessary depending on the standards and certification procedures that arise out of a rulemaking.

**10. Should LCV training be a prerequisite for a double/triple trailer endorsement on a CDL?**

Yes.

**11. Should all LCV drivers be required to have previous experience with single trailer vehicles? If so, how much?**

OOIDA believes experience with a single trailer combination is essential because such experience is a basic building block in the skills necessary to drive an LCV. OOIDA believes approximately 5 years would be a reasonable requirement in most cases.

**12. How often should LCV training be offered/repeated for both instructors and drivers?**

OOIDA believes LCV driver training should be required for first time LCV drivers and that LCV instructors should also be trained before beginning LCV instruction. An appropriate level of refresher training and ongoing evaluation should also exist for LCV

drivers. It appears the standards and certification requirements to be developed will be important in determining the answer to these questions.

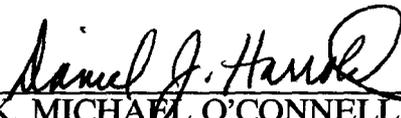
**13. Do specialized vehicle combinations such as triples or those handling special cargo require different training standards?**

OOIDA does not believe that specialized vehicle combinations require different overall standards, although different vehicle combinations may require some tailored course instruction on differences in handling, performance, etc.

**IV. CONCLUSION**

OOIDA supports the adoption and implementation of training standards for LCV instructors and drivers. A certification process should be established for both instructors and drivers. However, OOIDA believes the FHWA should address through a rulemaking the larger problem of ensuring entry-level drivers are properly trained. While PTDIA has made much progress in this area, mandatory training requirements for entry-level drivers would ensure that all entry level drivers meet PTDIA standards.

Respectfully submitted,

  
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