



THE STATE

OF WYOMING

Mike Sullivan, Governor
Don Diller, P.E. Director

QA-18005

Department of Transportation

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FHEA Docket No. MC-93-12
Room 4232, HCC-10
Office of Chief Counsel
Federal Highway Administration
400 Seventh Street S.W.
Washington, D.C. 20590

FHWA-97-2199-40

August 11, 1993

Dear Chief Counsel:

As the manager of the Driver Services Program for the Department of Transportation, I offer the following comments and concerns on the proposed rule-making requiring training for all entry level drivers of Commercial motor vehicles:

1. Even though the title of this proposed rule making states that this training is to be for **ALL** drivers of **CMVs**, there is already an exception proposed in the rule making for LCV operators, transit buses, and **hazemat** operators. These drivers are operating types of vehicles that require greater skills and are potentially exposed to more liability in the event of a serious accident than most other types of CMV drivers. To make the assumption that companies will always only hire and use experienced drivers when operating these vehicles is a faulty assumption.
2. To start out with the statement that all CMV drivers are to be trained and then provide exemptions right up front only opens the door for other exemptions. For example: schools bus operators, agri-business operators, municipal operators such as garbage trucks, firefighters, etc. If any exemptions are to be allowed, they should be allowed for the later group. This is the group of CMV drivers that will be adversely impacted by this rule making.

3. Question number five (5) asks **"are** these tests sufficiently comprehensive to accurately measure a driver's **performance"**. These tests DO NOT sufficiently measure or determine a driver's skills to safely operate **CMVs** because: (a) too much emphasis and time is expended on the pre-trip test and not enough emphasis and time allocated to the evaluation of actual driving skills, Pre-trip should be confined to the tractor/truck only. In addition, the basic control skills tests should be shortened to two (2) backing maneuvers. (b) scoring standards for the on the road test are too liberal. The scoring criteria should be changed from the current 25 points before failure to 15 points before failure. Additionally, test items need to be modified to more realistic standards. For example: eliminate "shifting in **intersections"**.

Rather than addressing each of the questions included in the proposed rule-making, I will point out other issues that must be addressed in the final rule-making process on this issue.

This rule-making will have a great impact on the states driver licensing and/or enforcement agencies. This will be a political, budgetary and staffing impact.

1. The political impact will be in the form of resistance to pass enabling legislation to allow the training requirement be required as long as the agri-business, small private businesses, firefighters, municipal workers and etc. are included in the required training.
2. This rule-making will cause a definite proliferation of private driving schools. There will need to be a process of auditing and enforcing the established standards and methods of acceptable testing if the states are going to be required to accept **"graduates"** from these schools.

Wyoming does not and will not currently allow a **"professional"** driving school to be a third party tester for a CDL because a number of these "graduates" fail the liberal skills test conducted by our trained CDL examiners. Therefore, in order for the states to monitor and/or control the quality of the training these schools will provide, if they can be controlled at all, will require additional staffing by the states.

The states will be required to establish a records and licensing system, if not already in place, maintain a record of audits showing compliance and associated records and monitoring requirements. A system and procedure for hearings or a grievance process will have to be in place in the event that a driving school is sanctioned or no longer allowed to conduct training.

This program will have a significant impact on a state's budget. In these times of reduced budgets and funding sources it is going to be very difficult for the states to implement this process let alone adequately monitor or enforce the program to ensure the desired results.

Respectfully submitted,


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CC: AAMVA