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U.S. Department of Transportation  
Office of Dockets and Media Management  
Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590-0001

Re: Docket FMCSA-97-2176 - 52

Dear Sir or Madam:

UPS is filing these comments in response to the Federal Motor Carrier Safety Administration (FMCSA) proposed rule for "Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver-Instructor Requirements." The notice of proposed rulemaking (NPRM) requesting comments was published in the Federal Register on August 12, 2003 (Volume 68, Number 155), pages 47890-47904.

UPS is the world's largest package delivery and supply chain services company, offering the most extensive range of options for synchronizing the movement of goods, information and funds. UPS serves more than 200 countries and territories, and employs approximately 360,000 people worldwide. We deliver approximately 3.4 billion packages and documents annually, made up of 13.3 million daily global deliveries, two million daily U.S. domestic air packages and documents, and 1.2 million daily international packages and documents. The UPS domestic commercial vehicle fleet is comprised of approximately 80,000 package cars (small package delivery vehicles), vans, and tractors.

UPS has operated various combinations of longer combination vehicles (LCVs) for more than 35 years. In 2002, UPS operated more than 578,909,540 miles with LCVs and experienced only 205 U.S. DOT reportable accidents. UPS Doubles experienced 1 accident per every 2.75 million miles traveled while UPS Triples experienced 1 accident per every 6.5 million miles traveled. These configurations have proven to be the safest units in the UPS fleet for decades.

Several factors can be attributed to UPS attaining this phenomenal safety record. UPS allows only its safest and most senior drivers to operate LCVs, operating only on approved roads, during optimum weather conditions, and after extensive driver training specifically for LCV configurations. In addition, these vehicles are subject to rigorous preventive maintenance inspections that further ensure their safe operation. In 2002, the UPS accident rates of .364 for Twin Trailer LCVs and .153 for LCV Triples were both significantly lower than the industry standard of .88 for all LCV configurations.

UPS commends the FMCSA for their efforts to promote commercial vehicle safety, particularly driver training standards. Founded in 1907, UPS has a long history and tradition of commercial vehicle safety and extensive commercial driver training standards. The company



issued its first driver handbook in 1917 and began recognizing its safest drivers in 1923. Just last week, UPS announced the induction of 181 drivers into its “Circle of Honor,” the elite group of commercial vehicle drivers who have operated accident-free for 25 years or more. The new members bring the group’s total to 3,372, a number that has been growing steadily since the first Circle of Honor inductee in 1955, and is unmatched in the motor carrier industry. Today, new UPS tractor-trailer drivers receive 80 hours of class room computer-based and behind the wheel road training before operating all tractor-trailer equipment.

UPS remains dedicated to rigorous LCV driver training and the operation of a safe and efficient commercial vehicle fleet. UPS however suggests the following revisions to the proposed rule:

### **Subpart A – General**

380.105 Definitions. In subsection (b), the definition of “training institution” is unclear. The process by which an employer’s internal training school (such as the UPS Driver Training School or DTS) becomes accredited requires additional explanation.

380.107 – General Requirements. Currently, the UPS DTS qualifies our drivers for Twin Trailers only. We do not have a separate school for LCV training but provide this special training to the driver at his or her work location dependent on the local state-by-state regulatory conditions that exist for LCV operations. A revised U.S. DOT road test form is then prepared which indicates that the driver is now qualified to drive LCVs. The proposed rule would require UPS to substantially modify its current training curriculum to include the requirements contained in the Appendix to Part 380 or create a separate school specifically for LCV training away from the driver’s work location. UPS is not convinced that generic training and testing will accommodate the unique aspects of different regional operations (i.e. – mountainous terrain versus turnpikes, eastern U.S. versus western U.S.).

380.109 – Driver Testing. The training and certification program proposed by FMCSA assumes that a driver exclusively operates either one or another type of LCV combination. In reality, UPS drivers may operate one or more of the LCV combinations in any given day, week or month. UPS experience dictates that operating different LCV configurations keeps our drivers sharp, focused, and cognizant of the unique operating characteristics of the particular configuration they are operating.

UPS seeks additional guidance and clarification from the FMCSA on Subsections (a) Testing Methods, (b) Proficiency determinations, and (c) Automatic test failure. UPS is confident its Driver Training School meets or exceeds any and all standards contemplated by FMCSA regarding these driver testing provisions.

### **Subpart B – LCV Driver Training Program**

380.203 - LCV Doubles. Subsection (a) (2) requires “Evidence of driving experience shall be an employer’s statement that the driver has for at least 6 months immediately preceding application operated a Group A vehicle while under his/her employ.” UPS strongly believes that further clarification is needed regarding the obligations and responsibilities of an employer to seek, or conversely provide, this information to another employer.

### **Subpart C - LCV Driver-Instructor Requirements**

380.301 – General Requirements. This section of the NPRM is perhaps the most problematic portion of the entire proposed rule. UPS believes amplification is needed to outline the process for driver-instructors to become certified. In addition, it would be most practical to allow UPS Driver Training School instructors the ability to, in turn, train other UPS management personnel.

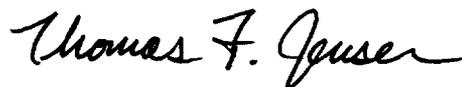
Subsection (d) presents a major concern for UPS, and represents an unfeasible proposal on the part of FMCSA. The subsection states that driver-instructors “Have at least 2 years CMV driving experience in a vehicle representative of the type of Driver-Training to be provided (LCV Doubles or LCV Triples). While UPS operates one of the nation’s safest commercial vehicle fleets, some of our LCV training personnel have not had at least 2 years of LCV driving experience. UPS does not believe that 2 years experience operating an LCV is the most relevant prerequisite for becoming a highly skilled LCV driver-trainer. All UPS LCV driver-trainer personnel have successfully completed the rigors of UPS DTS but have not necessarily driven Twin Trailers or LCV Triples for 2 years. The enactment of this provision would result in significant financial and administrative hardship to UPS. UPS finds it unproductive to punish commercial vehicle fleets that have been “part of the safety solution” with no guarantee of improved safety results.

380.305 - Employer responsibilities. Subsection (a)(2)(iii) references accreditation of driver training institutions. In accordance with this subsection, UPS seeks further elaboration on how our Driver Training School can become an accredited institution recognized by the U.S. Department of Education.

In conclusion, UPS supports the objectives of the Federal Motor Carrier Safety Administration in promoting more uniform LCV operator and driver-instructor safety. UPS does however, have concerns with the proposed rule on “Minimum Training Requirements for Longer Combination (LCV) Operators and LCV Driver-Instructor Requirements” as outlined above. In the name of fostering cooperation between the motor carrier industry and the FMCSA, and in an effort to promote safety on America’s highways, UPS welcomes the opportunity to continue dialogue with the FMCSA as this rule is finalized and implemented.

UPS applauds the department for addressing the need for commercial driver training standards and appreciates your consideration of these comments. Should the FMCSA have any questions or comments regarding UPS’s views on the matter, please do not hesitate to contact me at 202.675.3356.

Sincerely,



Thomas F. Jensen  
Public Affairs Manager