



November 02, 2021

DOT Docket No. FMCSA-2021-0081

U.S. Department of Transportation
West Building, Ground Floor
Room W12-140
1200 New Jersey Avenue, SE,
Washington, D.C. 20590-0001
Filed via www.regulations.gov

**Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Commercial Driver Licensing and Test Standards
Docket # FMCSA-2021-0081**

These comments are filed jointly by the Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways (CRASH), Parents Against Tired Truckers (PATT) and our volunteers, who are the family and friends of truck crash victims and survivors seeking truck safety advances, in response to the Federal Motor Carrier Safety Administration's (FMCSA) Notice and request for public comment on its Information Collection Request (ICR) to revise and renew "Commercial Driver Licensing and Test Standards."

Truck crash deaths have increased 45 percent since 2009. In 2020, 4,894 people were killed in crashes involving large trucks and 150,000 more were injured at a cost to society of nearly \$150 billion. In fatal two-vehicle crashes involving a large truck and a car, 97% of the deaths were the occupants of the passenger vehicle. Commercial Driver Licensing consistent with federal standards as well as the ensuing oversight is a matter of life and death when extending permits for people to drive 80,000+ lb. vehicles on the same roads alongside the motoring public.

FMCSA requests public comment regarding whether proposed collection is necessary for the performance of its oversight and compliance functions. In short, the proposed elements of the ICR represents the minimum that is required for FCMSA to adequately deliver its mission to reduce crashes, injuries and fatalities involving large trucks and buses. In July 2015 the Government Accountability Office (GAO) in its Report, "Commercial Drivers Licensing" stated: Without a clear policy on oversight of CDL programs *and a mechanism to accurately track these activities*, consistent with federal standards for internal control, FMCSA cannot provide reasonable assurance that state CDL programs comply with applicable federal regulations, the

primary objective of FMCSA oversight (emphasis added).¹ FMCSA has since self-reported they have resolved the issues identified in the GAO report and **it is critical FMCSA continue to have timely and regular access to the information listed in the ICR** to continue to provide reasonable assurances and internal controls necessary to ensure CDL programs comply with federal regulations. The time burden estimated represents time well-spent in the name of public safety.

It is unclear if simply having access to the information requested by FMCSA indicates the agency will be able to share it in a timely manner to ensure the interests of public safety are met. In the Boston Globe's "Blind Spot" series of high-profile investigatory articles concerning the trucking industry and federal oversight, they identified remarkable lapses in record-keeping and reporting of CDL holders with serious offenses—an issue they called “massive in scope.”² The infamous Zhukovsky crash is but one example of the life or death stakes involved in ensuring FMCSA has the information needed as well as the ability to quickly share relevant findings with stakeholders as required that adequately protects roadway users. The “Blind Spot” series suggests much more attention is needed beyond the issues resolved in the 2015 GAO Report.

As stated earlier, *the licensed drivers in the United States deserve reasonable assurances that their fellow motorists are properly qualified to drive the vehicles they operate*. Beyond the scope of this Registrar Request, but still relevant, TSC recommends that FMCSA a) strengthen entry level driver training requirements and b) implement the Moving Ahead for Progress in the 21st Century (P.L. 112-141, MAP-21) mandate to establish a New Entrant Assurance Process Proficiency Exam. Both of which would result in new ICR data collection elements.

Amending the final rule for entry level driver training for all CDL candidates to include a minimum number of behind-the-wheel training hours is critical component of driver training. Novice drivers need adequate training before operating a large truck on public roads. At one point in the rulemaking process, a behind-the-wheel hours component was included. The 2017 Congressional Research Service (CRS) Report, “Commercial Truck Safety: Overview” explains: “FMCSA's final rule omitted a provision in its earlier proposed rule that would have required new drivers to complete at least 30 hours of behind-the-wheel training in order to be eligible for a commercial driver's license. FMCSA later dropped this requirement stating: ***there is no evidence that a certain amount of behind-the-wheel training has an impact on the safety performance of new drivers*** (emphasis added).”³

The problem with this approach is that both industry and safety advocates recognize the need for behind the wheel hours training for novice drivers. Even the American Trucking Association (ATA) has publicly endorsed and encouraged the adoption of behind the wheel training hours as part of new driver training programs for novice drivers. In May of 2021, the ATA provided strong public support for S. 659, DRIVE Safe Act, exclaiming its potential to be a “safety

¹ Government Accountability Office. (2015). *Commercial Driver's Licensing: Federal Oversight of State Programs Could Be Improved*. (GAO Publication No. 15-607). Washington, D.C.: U.S. Government Printing Office. Retrieved from <https://www.gao.gov/assets/gao-15-607.pdf>

² Rocheleau, M. et al. (2020, August 25). Nine key takeaways from the Globe's 'Blind Spot' investigation. *Boston Globe*, Retrieved from: <https://www.bostonglobe.com/2020/08/25/metro/nine-key-takeaways-globes-blind-spot-investigation/>

³ Peterman, David. R. (2017). *Commercial Truck Safety: Overview* (CRS Report No. R44792). Retrieved from Congressional Research Service website: <https://crsreports.congress.gov/product/pdf/R/R44792>

enhancement bill.⁴ That bill's text established an apprentice program for CDL licensure for prospective drivers aged 18-21 and notably required **no less than 80 hours of behind wheel hours** for this class of novice. **While TSC adamantly opposes the teen trucking apprentice program**, it does endorse the common-sense idea that behind the wheel hours are an essential component of driver training. **It is surprising that when Congress, industry and safety advocates agree, an amended final rule incorporating this consensus for behind the wheel hours as part of all driver training remains outstanding.**

In addition, Congress mandated a proficiency exam with the passage of MAP-21 as part of a new entrant process that remains long overdue (April 1, 2014). TSC, other safety advocates, and notably Senator Markey, remain bewildered why this remains unresolved and not an FMCSA priority.⁵ It is critical that this process be standardized and replicable in every State and Territory to ensure new prospective commercial motor vehicle companies exhibit the knowledge necessary to maintain safe and FMCSR compliant operations on our nation's highways. TSC calls on FMCSA to complete the New Entrant Assurance Process Proficiency Exam. This is particularly important considering FMCSA's stated challenge in providing the oversight necessary for thousands of new entrants that join the commercial motor vehicle industry year over year, despite acknowledging their significantly higher crash rates⁶. New entrant exam results would constitute yet another data point for ICR.

The Truck Safety Coalition appreciates FMCSA's thoughtful and deliberate review of these comments.

Sincerely,



Zach Cahalan
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⁴ Freight Mobility: Strengthening America's Supply Chains and Competitiveness, 117th Congress. P. 19 (2021) (testimony of Chris Spear, President and Executive Officer of American Trucking Association) from <https://www.commerce.senate.gov/services/files/1D3608DB-2D86-455F-A45F-D893252A394F>

⁵ Markey, Ed., Letter to FMCSA dated 10/29/2020, Retrieved from <https://www.markey.senate.gov/imo/media/doc/Letter%20-%20Globe%20Spotlight%20Trucking%20Oversight%2010-29-20.pdf>

⁶ Rocheleau, M. et al. (2020, August 25). Nine key takeaways from the Globe's 'Blind Spot' investigation. *Boston Globe*, Retrieved from: <https://www.bostonglobe.com/2020/08/25/metro/nine-key-takeaways-globes-blind-spot-investigation/>

⁶ Peterman, David. R. (2017). *Commercial Truck Safety: Overview* (CRS Report No. R44792). Retrieved from Congressional Research Service website: <https://crsreports.congress.gov/product/pdf/R/R44792>