



May 23, 2008

Docket #FMCSA-2007-27748
Docket Management Facility
U.S. Department of Transportation
Room W12-140
1200 New Jersey Avenue, S.E.
Washington, DC 20590-0001

Re: Notice of Proposed Rulemaking: *Minimum Training Requirements for Entry-Level Commercial Vehicle Operators*

Dear Sir/Madam:

Career Path Training Corp is writing to express a number of serious concerns with the Federal Motor Carrier Administration's notice of proposed rulemaking (NPRM): "Minimum Training Requirements for Entry-Level Commercial Vehicle Operators." Although our company supports an enhanced driver training rule, the provisions of this proposed rule are flawed and would seriously hamper the trucking industry's ability to recruit new drivers out of private or public Commercial Motor Vehicle (CMV) training schools. .

Career Path Training Corp is the parent company of Roadmaster Drivers School. Roadmaster Drivers School owns and operates nine (9) Commercial Truck Driver Schools in seven (7) states. We are a non-accredited; State licensed and approved national private training school. Roadmaster's programs of study in the commercial trucking field consist of class A & B CDL training and Diesel Service Technician Training, as well as testing for licensure and retraining for experienced drivers. Our schools offer the following: 1) certificate programs in the field of commercial truck driver education and related services such as computer-based training for truck driver trainees, 2) existing driver continuing education units, 3) Commercial Drivers License (CDL) testing, and 4) driver placement services. Roadmaster schools currently train and place approximately 5,000 new drivers per year into the transportation industry.

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The accreditation and the hours-based training requirements in the proposed rule are arbitrary and capricious. The accreditation requirements, as proposed, are onerous, costly and would undermine the ability of the trucking industry to recruit entry-level drivers. Further, the proposed rule fails to link any safety benefit to its 120 hours-based training standard. The appropriate amount of time necessary for driver training cannot be determined unless or until truck driver training hours have been properly validated. FMCSA has not done this. The rule requires that all institutional and motor carrier training programs be accredited by a DOE recognized national or regional accrediting agency. To date, there are no accrediting agencies that only accredit truck driving courses. Accrediting agencies are not programmatic by nature but institutional only. Taking nine (9) independent schools through the accrediting process would take more than the 3 years proposed and cost over \$100,000 in accrediting fees not to mention the cost of additional employees at each location to prepare and maintain the school's accredited status. These expenses would be added to the current tuition for prospective drivers who can barely find the financial resource to pay today's cost of training.

Requiring that truck driver training be offered only through accredited training programs will not ensure the quality or oversight of training the agency is seeking; however it will reduce the number of schools offering CMV training resulting in profoundly increasing the current driver shortage.

Accreditation is a voluntary process for educational institutions with a strong emphasis of establishing and monitoring standards for institutional participation in federal financial aid programs. The proposed rule would, for the first time, mandate accreditation for an industry. The ramifications of that mandate will be profound and harmful. Further, the proposed 120 hour course standard established by the agency would not qualify for federal financial aid programs for attending students.

Mandating Motor Carrier, Public, and Private school accreditation will eventually lessen the number of schools that will be able to produce future CMV drivers. All accrediting bodies we contacted have a 2 year continuous operation provision before an institution is eligible to apply for accreditation. Since FMCSA proposes to have the school provide the State CDL agency a driver training certificate from an accredited school, no new school can ever open or no carrier can ever implement a training course for new drivers after this rule goes into affect.

The only obvious benefit from reading the proposed rule goes to the established 130 accredited CDL training schools. New schools and schools in business for less than two years will be restricted by regulation to apply for accreditation. They can't apply for accreditation until they have been in continuous operation for two years but can't exist in business for two years because their graduates will not be qualified to be tested to obtain

their CDL. There is a built-in "Catch 22" that will benefit established training organizations and eliminate their competition of the remaining 470 non accredited schools currently providing the industry with more than two thirds of the current school trained drivers. Only existing accredited schools could ever offer the program after the rule goes into affect. This will be extremely harmful to the industry in meeting future hiring projections during an existing driver shortage. The most effective way to accomplish oversight is to have schools self-certify the student was trained on the proposed regulated curriculum as well as being licensed and approved through the appropriate State approving agency for commercial truck driver schools and programs. In today's education sectors, school self review and certification is traditional with most accredited, non-accredited and State approved schools.

Roadmaster Drivers School has been training drivers for the industry since 1992. During that time we have learned that students don't all train at the same pace. While some may be able to develop safe driving skills at the proposed 120 hours, others will take much longer to become proficient in mastering the schools performance standards to operate safely on our highways with mixed traffic. Requiring a specific number of total training hours is arbitrary and erratic. Performance standards should be substituted for specific hours to produce safer drivers. This can be accomplished through a validated testing process.

Many of the students coming into our programs today have not been trained on a manually operated multi-gear vehicle. They have only operated automatic transmissions. Most need additional hours to learn and develop the skills of shifting in different terrains and driving conditions. Once they have developed those skills in a school environment with instructor supervision, they can be a much safer driver. Specifying subjects and a specific number of hours will accomplish nothing as the hours, once they are set as a standard, will tend to become the maximum rather than the minimum.

A more logical approach would be to specify curriculum subject to specific areas and test the knowledge and skills acquired during the training experience. Failing to state the specific number of hours does not mean that hours will not be received, it means that students will be permitted to learn at their own pace to reach established performance standards. To our knowledge, no specific hours have ever been validated to be the correct amount including the twenty two year old Model Curriculum that was developed 6 years prior to the CDL Requirements. Since the Model Curriculum was developed, it has been severely modified by the industry's Professional Truck Driver Training Institute (PTDI) from 320 hours to 148 hours with no validation that it is the magic number.

Now that we are in 2008, there are additional technical advances such as on-line Computer Based Training Modules, Shifting and Driving Scenario Simulators, Power Point presentations, and up to date videos and CDs. There is no mention of those training aids and teaching techniques in the NPRM curriculum as being a valid alternative to

classroom or behind-the-wheel training. We feel that is an oversight that must be addressed in establishing a standard curriculum. The proposed curriculum in the rule does not recognize the role of observation time in the training process. It is characterized in the NPRM as unproductive and waiting time. This statement could not be further from the truth. FMCSA regulations require commercial drivers operating in interstate commerce be 21 years of age or more. Most carriers have a minimum 23 year age requirement due to insurance mandates. The average ages of students attending our schools are in the range of 28 to 35. They are adult learners who come to us with different levels of knowledge and experience. They process new information in various ways. They primarily use their senses such as watching, listening, conversing, and hands on operation. Observing other student drivers operate the vehicle safely or while making mistakes that the instructor orally corrects is valuable learning for new drivers and should be recognized in the curriculum as classroom or behind-the-wheel at some ratio such as 1 hour BTW for every 5 hours of student driver observation.

We are concerned by the Agency's lack of specificity in regards to the proposed rules CDL licensing process for new-entrants. The integrity of the "driver's training certificate" (DTC), under the NPRM, is vulnerable to fraud due to the proposed rules lack of recommendations for standardized and tamper-proof driver training certificates. Further, the proposed rule makes no provisions for the carrier hiring our graduates and others to view/obtain a copy of the DTC of a prospective new driver candidate. They have no way of verifying whether or not an individual has been properly trained.

Career Path Training Corp believes that the proposed entry-level driver training rule is fundamentally flawed and needs to be reconsidered. At a minimum, FMCSA should: develop a performance-based rule for training and testing of entry-level drivers; allow motor carriers and training schools to self-certify in place of accreditation; and, revise the curriculum to allow for valuable observation time and updated training processes.

Thank you for the opportunity to comment on this important issue.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "John E. Kearney". The signature is fluid and cursive, with a large initial "J" and "K".

John E Kearney, President/CEO
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