

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION  
DOCKET # FMCSA-2017-0196**

**60 Day-Notice of Proposed Information Collection: Pilot Program to Allow 18-to-21-Year-Old  
Persons with Military Driving Experience to Operate Commercial Motor Vehicles (CMVs) in  
Interstate Commerce**

**SUBMITTED BY:  
American Trucking Associations, Inc.  
950 North Glebe Road  
Suite 210  
Arlington, VA 22203**

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***Primary Contact:***

**Jay Lim  
Vice President  
Workforce Development Policy  
(703) 838-1908**

**Abigail S. Potter  
Manager  
Safety and Occupation Health Policy  
(703) 838-1847**

**I. Introduction**

American Trucking Associations, Inc., (ATA)<sup>1</sup> submits these comments in response to the Federal Motor Carrier Safety Administration's (FMCSA) Notice of proposed information collection request titled "Pilot Program to Allow 18-to-21- Year-Old Persons with Military Driving Experience to Operate CMVs in Interstate Commerce."<sup>2</sup> ATA is the national trade association representing the American trucking industry. As such, ATA is vitally interested in research initiatives that look for new ways to safety and reliably expand the number of professional drivers.

**II. Summary of ATA's Position**

ATA strongly supports FMCSA's notice to implement a pilot program that will study drivers between the ages of 18 to 21 with military experience operating in interstate commerce<sup>3</sup> and the proposed collection of information to support implementation.<sup>4</sup> For several years, ATA has advocated for research designed to determine whether well-trained drivers under 21 can safely operate in interstate commerce. Most ATA members consistently struggle to find the number of qualified, safe drivers needed to meet growing freight demands in an ever-growing trucking economy. In 2017, the industry

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<sup>1</sup> ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Directly and through its affiliated organizations, ATA represents more than 30,000 motor carriers in the United States encompassing every type and class of motor carrier operation.

<sup>2</sup> 83 Fed. Reg. 31631 (July 6, 2018).

<sup>3</sup> *Id.* at 31633.

<sup>4</sup> 83 *Id.* at 31631.

was short 50,000 drivers.<sup>5</sup> If trends hold, 890,000 new drivers will need to be hired over the next decade, taking into account retirement.<sup>6</sup>

As such, ATA appreciates the opportunity to comment on the proposed information collection request. While ATA strongly supports the pilot program, we have provided the following improvements that would help to strengthen the participation and goal of the information being collected. These points are described in greater detail later in these comments.

- FMCSA should be cautious when using CSA scores to determine motor carriers eligibility.
- FMCSA should consider collecting vehicle data from motor carriers on advanced vehicle safety technologies and type of vehicle being used by participating drivers.
- FMCSA should consider collecting additional information on participants' driver training.
- Motor carriers should be required to notify FMCSA ***within one business day of having actual knowledge*** of DOT recordable crashes, DOT drug and alcohol violations, drivers choosing to leave the pilot program, and/or drivers leaving the carrier.
- FMCSA should be timely in approving covered driver applications.
- FMCSA should ensure that motor carriers will be able to electronically submit participant applications, motor carrier applications and monthly driver data submissions.
- FMCSA should allow letters confirming motor carriers and driver acceptance to the pilot program to be available and maintained electronically.
- FMCSA should allow as many motor carriers to participate in the pilot program as are eligible, and participation should not be tied to identifying potential participants prior to FMCSA approval of a motor carrier's application.
- FMCSA should consider adding a formal review process for motor carriers that find themselves temporarily out of compliance with the pilot program.

### **III. ATA Responses to the Request for Public Comments**

#### **1. Whether there are specific criteria that should make a driver ineligible to participate in the program.**

ATA believes that this pilot program, along with motor carriers ensuring all federal and state qualifications are maintained, meets FMCSA's obligations in §381.400(e) to ensure the health and safety of study participants and the general public. While the qualifications for the control group and 18 to 21 year-old intrastate drivers are minimal, they reflect the current level of safety that will help create an accurate comparison to the covered group drivers for analysis.

#### **2. Whether there are specific criteria that should make a carrier ineligible to participate in the program.**

ATA supports FMCSA's efforts to ensure that strict qualification safety standards for participating motor carriers are met. However, ATA is concerned with FMCSA's reliance on

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<sup>5</sup> American Trucking Associations, *Truck Drivers Shortage Analysis 2017*, October 2017, <http://progressive2.sef.playstream.com/truckline/progressive/ATAs%20Driver%20Shortage%20Report%202017.pdf>.

<sup>6</sup> *Id.*

CSA scores to determine carrier eligibility for this pilot program, and would recommend against this approach. ATA has strong and widely-held concerns about the reliability and consistency of CSA scores. These concerns were independently corroborated by the Government Accountability Office (GAO) in 2014 and by the National Academy of Sciences, Engineering, and Medicine (NAS) in 2017.<sup>7</sup>

Additionally, FMCSA has recently released its corrective action plan in response to the NAS report, and has requested input from stakeholders as the agency pursues changes to the system. As of August 29, 2018, FMCSA continues to solicit feedback regarding the data that powers the CSA system. Because the system is currently undergoing changes, ATA encourages FMCSA to limit the scope in which CSA scores are used, and to make an individualized assessment of a carrier's eligibility, rather than relying solely on CSA.

### **3. Whether the proposed collection is necessary for the performance of FMCSA's functions.**

In ATA's view, the proposed collection is necessary for the performance of FMCSA's functions for the purposes of this pilot program. However, ATA would like to recommend that FMCSA consider collecting motor carrier vehicle data on advanced vehicle safety technologies and type of vehicle used by participating drivers, along with any additional driver training provided to pilot participants. This additional information could provide significant insights into how advanced safety technologies, vehicle type, and driver training can affect the safety of younger driver performance.

### **4. Whether additional items should be reported to FMCSA within 24 hours other than a driver being involved in a crash with injury or fatality, a driver receiving an alcohol-related citation, a driver choosing to leave the study, a driver leaving a carrier, or a driver failing a random or post-crash drug/alcohol test.**

Yes. In addition to motor carriers reporting a driver choosing to leave the study and a driver leaving a carrier, ATA recommends that FMCSA require all DOT recordable crashes and DOT drug and alcohol violations be reported, in a timely fashion, to FMCSA for pilot participants. Mirroring the current DOT reporting requirements for the pilot program has several benefits. First, inclusion of these two DOT categories will allow the agency a greater level of oversight of the pilot program. This oversight will give FMCSA the ability to take swift action in removing drivers who become ineligible to operate in interstate commerce. Second, DOT recordable crashes and DOT drug and alcohol violations is information that should be very familiar to motor carriers to report.

### **5. The accuracy of the estimated burdens.**

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<sup>7</sup> Government Accountability Office, GAO-14-114, *Federal Motor Carrier Safety: Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers* (2014), <https://www.gao.gov/assets/670/660610.pdf>; The National Academies of Sciences, Engineering, and Medicine, *New Report Finds FMCSA's Safety Measurement System to Be Conceptually Sound, Recommends Implementation Improvements*, June 27, 2017, <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=24818>.

ATA trusts FMCSA's accuracy of the estimated burdens in relation to time and participation of motor carriers that plan to participate in the pilot program. However, to reduce potential burdens ATA recommends that FMCSA adopt the following improvements:

- **FMCSA should ensure timeliness in approving covered driver applications.** – Timing is everything in the trucking industry. Currently, the amount of time needed during the pre-employment screening process continues to be a significant hindrance to obtaining well-qualified drivers. With the unemployment rate under 4%,<sup>8</sup> motor carriers have to act quickly during the hiring process or they may lose out on potential employees to other sectors or professions that do not require such a time-consuming background check.

Because of the limited scope of what is considered a covered driver, ATA anticipates challenges in finding qualified covered drivers for this pilot program. Eliminating unnecessary delays during the hiring process is necessary to ensure potential qualified covered drivers can be hired in a timely fashion and help ensure that the minimum number of covered drivers needed for the pilot program is achieved.

- **FMCSA should ensure that motor carriers will be able to electronically submit participant applications, motor carrier applications and monthly driver data submissions** – While ATA expects that FMCSA plans to develop a process to electronically submit documents, we want to reiterate the importance of having a process in place. Electronic submission of pilot program applications and data will help reduce burdens to motor carriers and drivers, while also improving FMCSA's ability to monitor the safety of all participants more efficiently.
- **FMCSA should allow letters confirming motor carrier and driver acceptance to the pilot program be available and maintained electronically.** – Once the pilot program team has approved a motor carrier's and/or a driver's application, FMCSA should electronically notify the applicants immediately with the letter confirming participation in the pilot program. An electronic acceptance letter, shown on an electronic device, should act as proof of valid participation in the pilot program and be used as verification during roadside inspections. ATA believes the use of a hard copy does nothing to improve safety or the efficacy of the pilot program, over the use of an electronic version of an acceptance letter.

## **6. Ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information.**

ATA recommends the following improvements intended to help ensure meaningful comparison of similarly situated drivers.

- For each driver participant, FMCSA should collect data on the equipment and safety technologies being used. FMCSA should request the type of truck (e.g. flatbed, log carrier, tractor-trailer) that each participating driver is operating. Additionally, since trucks equipped with certain technologies may improve the safety performance of drivers tracking these technologies could better enable FMCSA to determine the extent to which these technologies have on the safety performance and outcomes of participating drivers. This

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<sup>8</sup> U.S. Department of Labor, Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey*, September 2018, <https://data.bls.gov/timeseries/LNS14000000>.

data could enable FMCSA to determine whether 18-21 year old interstate drivers can achieve a sufficient level of safety performance with the proper equipment and safety technologies, as well as identify what type of technologies correlate most with the desired safety outcomes. Specifically, and at a minimum, the equipment and safety technologies that FMCSA could consider tracking includes:

- Automatic (or automatic manual) transmission versus manual transmission;
- Front-facing video event recorders;
- Active braking collision mitigation systems; and
- Governed speeds of 65 miles per hour at the pedal and 65 miles per hour under adaptive cruise control.

- Second, for each participating driver, participating carriers should submit specific information about the nature and duration of training that the driver has received, including both pre-CDL and post-CDL training. As with safety technologies, the level and nature of driver training could correlate more closely than driver age with safety outcomes of drivers in all three group of this study. Accordingly, tracking training in this manner would allow FMCSA to determine whether 18-21 year old interstate drivers can achieve a sufficient level of safety performance with the proper training, as well as identify what type of training is best suited toward that goal.

Some relevant data points that could be collected include:

- Whether the driver was paired with a mentor or more experienced driver, and for how many hours, weeks, or vehicle miles travelled;
  - How many hours or vehicle miles travelled the total training consisted of;
  - Whether the training was military training, an entry-level driver training program meeting the requirements established by the agency,<sup>9</sup> or the carrier's own finishing program; and
  - Whether the driver trained on trucks equipped with any of the equipment and safety technologies enumerated above, and if so, which technologies and for how long or how many miles.
- Third, FMCSA should allow as many motor carriers to participate in the pilot program as are eligible, and participation should not be tied to identifying potential participants prior to FMCSA approval of a motor carrier's application. In the notice, FMCSA stated its intention to establish a public website listing motor carriers and drivers approved to participate in the pilot program. The website could work as a good marketing tool to recruit potential covered drivers to participate in the pilot program. Military recruiting centers and veteran employment offices could use the website to encourage new recruits to seek out trucking as a viable option after military training and service.

Additionally, allowing all eligible motor carriers to participate in the pilot program would significantly expand the number of motor carriers available for potential covered drivers to choose from. This process would eliminate potential covered drivers from becoming discouraged from participating in the pilot programs because they are unable to find motor carriers that are willing, qualified, and/or able to participate in the pilot program. With a strong economy, young talented individuals with military experience will have many options

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<sup>9</sup> 81 Fed. Reg. 88732 (December 6, 2016).

available professionally and they will not just include the trucking industry. Reducing the hurdle of having to identify an eligible motor carrier to participate in the pilot could help bring more talented military men and women into the pilot program and the trucking industry.

**7. Ways that the burden could be minimized without reducing the quality of the collected information.**

ATA suggests three ways to minimize the burden of the pilot program without reducing the quality of the collected information. First, as proposed, motor carriers will be required to notify FMCSA within 24 hours of certain crashes, certain drug and alcohol violations, a participating driver choosing to leave the pilot program, and a participating driver leaving the carrier. ATA recommends that the notification requirements be revised from 24 hours to within one business day of having actual knowledge of the required reported information. ATA expects that reporting to FMCSA within 24 hours of an event occurring could be impossible in certain situations, where there is significant delay before a carrier learns of a reportable violation. ATA wants to ensure that motor carriers will not be disqualified from the pilot program for failing to report information to FMCSA during the 24 hours notification period in such situations.

The second way to minimize burden is for FMCSA to allow motor carriers the option to have a designated service agent or third party submit all or portions of the required monthly data submissions and required notification information on behalf of the motor carrier. This added flexibility would help to ensure information was submitted to FMCSA in a timely manner and reduce reporting burdens on motor carriers.

Finally, FMCSA should consider adding a formal review process for motor carriers that find themselves temporarily out of compliance with the pilot program. While ATA believes that the number of motor carriers that are placed out of compliance will be small, we believe there could be situations where unseen circumstances may place a motor carrier out of compliance. Having a formal review processes would help avoid a carrier being removed from the program for inadvertent noncompliance issues that can be fully rectified in a timely fashion.

**8. Whether the data collection efforts proposed for carriers and drivers are burdensome enough to discourage their participation.**

No. ATA does not believe the data collection efforts proposed for carriers and drivers are overly burdensome. However, as stated in previous responses, FMCSA could make improvements to ease some of the burdens by allowing motor carriers to submit, maintain, and receive all documentation electronically during the duration of the pilot program. Also, ATA strongly recommends that motor carriers should only be required to notify FMCSA **within one business day of having actual knowledge** of DOT recordable crashes, DOT drug and alcohol violations, drivers choosing to leave the pilot program, and/or drivers leaving the carrier.

**9. Whether a comparison of the control group, intrastate driver group, and covered driver group is likely to produce valid conclusions.**

Yes. ATA believes that FMCSA can produce valid conclusions by comparing the control driver group, intrastate driver group, and covered driver group. However, obtaining enough

driver data in each category, analyzing each driver's background, and understanding the motor carrier's operation (*e.g.*, vehicle type, use of vehicle safety technologies, and driver training) can help to ensure additional variables likely to be relevant to the study results are identified.

#### IV. Other comments:

The following data from the National Highway Traffic Safety Administration's (NHTSA) Traffic Safety Facts Annual Report Tables<sup>10</sup> may be highly relevant to the pilot program. Specifically, according to this data (which includes drivers of both passenger and commercial vehicles):

- In 2016, 16-20 year old male drivers were *less* likely than 21-24 year old male drivers to be involved in fatal crashes.
- This has been true for the past 5 years, in every year from 2012 to 2016 (the latest year for which NHTSA has displayed data on its website).
- It is true that 16-20 year old *female* drivers were slightly more likely than 21-24 year old female drivers to be involved in fatal crashes over this period. However, in light of significant advances in partially-automated safety technologies such as the ones listed above, ATA members are confident in our ability to train young men and women—the latter of which makes up 6 percent of truck drivers according to the Bureau of Labor Statistics—to become qualified, professional drivers who can operate trucks in interstate commerce at a level of safety equal to or greater than their older counterparts.<sup>11</sup>

#### V. Conclusion

In conclusion, ATA strongly supports the pilot program to understand the safety aspects of 18 to 21 year old drivers operating in interstate and intrastate commerce. ATA believes that this study is the first step towards understanding the safety of well-trained younger CMV drivers compared to their older counterparts but encourages FMCSA to evaluate how equipment, vehicle safety technologies and driver training could potentially aid less experienced drivers. Also, ATA hopes that FMCSA limits the reliance on CSA data in motor carrier applications, encourages as many motor carriers to participate in the pilot program as are eligible, makes use of paperless technologies to electronic transfer documents to the pilot program team, and provides an appeal process for participating motor carriers and drivers. ATA encourages FMCSA to carefully consider these recommendations and would be happy to answer any further questions regarding this pilot program.

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<sup>10</sup>U.S. Department of Transportation, National Highway Traffic Safety Administration, *Traffic Safety Facts Annual Report Tables: Table 62 Driver Involvement Rates per 100,000 Licensed Drivers by Age, Sex, and Crash Severity*, <https://cdan.nhtsa.gov/tsftables/tsfar.htm>.

<sup>11</sup> U.S. Department of Labor, Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey: Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity*, <https://www.bls.gov/cps/cpsaat11.htm>.