



October 18, 2016

The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: Docket No. FMCSA-2007-27748 – Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators – Updated Findings

Thank you for taking the opportunity to discuss Docket No. FMCSA-2007-27748 via conference call on the morning of October 13, 2016. We sincerely appreciate the opportunity to discuss our study findings with your office. As promised during the call, please find the updated figures in the study conducted by C.R. England which show that the theoretical benefits of the rule (improved efficiency and safety) are not supported by real-world outcomes.

C.R. England previously provided a comment to the Proposed Rule (PR). In its comment, C.R. England outlined the PR and Regulatory Impact Analysis (RIA) identified two major categories of benefits that justify the MTR Rule: 1) non-safety benefits, and 2) safety benefits. C.R. England noted that both categories relied heavily on assumptions and predictions regarding the impact of the two main components of the MTR Rule, its curriculum and hours-based requirements. C.R. England generally agreed that curriculum regarding efficiency and safety likely results in corresponding benefits and supports the proposed core curriculum in the PR. However, C.R. England found that such benefits are not correlated to an hours-based or mandatory behind-the-wheel (BTW) requirement. In fact, as described in its comment, C.R. England conducted a study that determined that a performance-based program of less than 30 BTW hours returns as good or better results as training programs that require more than 30 hours BTW. C.R. England's comment to the PR is attached hereto.

After the PR was reissued as a final rule and the rule was transmitted to the Office of Management and Budget (OMB) for review, C.R. England conducted a renewed study to confirm whether the results would vary with a different set of driver data points. Below are some updated figures from C.R. England's most recently completed study:

- The updated study involved 2,645 drivers from C.R. England's own fleet that had attended either a driver performance-based training program requiring less than 30 hours or greater than 30 hours BTW and hired with C.R. England during 2015.

- The drivers in the study attended 16 different training programs, including C.R. England's training program.
- All of the training programs involved in the study include curriculum regarding efficient shifting techniques, speed control, preventative maintenance (including pre- and post-trip inspections), and other similar instruction.
- The study focused on performance metrics regarding fuel efficiency (measured by mile-per-gallon), maintenance costs (measured by total repair order costs), and safety costs (measured by the preventable crash rate per million miles and the preventable crash incurred cost per mile).
- The study reviewed these performance metrics for the first 6 months of each driver's career following pre-CDL training and only included drivers that were with the company for the entire 6-month period.

The summary results of the updated study are as follows:

- Fuel Efficiency – The drivers that attended the performance-based less than 30 BTW hour programs performed slightly better than the drivers that attended the greater than 30 BTW hour programs. Drivers in the shorter programs were 0.24% more fuel efficient than the drivers in the longer programs.
- Maintenance Costs – The drivers that attended the less than 30 BTW hour programs performed slightly better than the drivers that attended the greater than 30 BTW hour programs. Drivers in the shorter programs were 3% better on maintenance costs than drivers in the longer programs.
- Safety Related Costs – The drivers that attended the less than 30 BTW hour programs performed substantially better than the drivers that attended the greater than 30 BTW hour programs. Drivers in the shorter programs were 16.88% better on the rate of preventable crashes and 22.28% better on the preventable crash incurred cost per mile than drivers in the longer programs.

	<i>Less than 30 BTW Hours</i>	<i>Greater than 30 BTW Hours</i>	<i>% Difference</i>
<i>Fuel Efficiency (MPG)</i>	7.364	7.346	0.24%
<i>Maintenance Costs</i>	\$3829	\$3,944	-3.00%
<i>Preventable Crash Rate Per Million Miles</i>	7.978	9.324	-16.88%
<i>Preventable Crash Incurred Cost per Mile</i>	\$0.013	\$0.016	-22.28%

As the results of the updated study demonstrate, the fuel efficiency and maintenance cost results cast significant doubt as to the causal relationship between the number of required hours behind the wheel. Fuel efficiency and maintenance costs are slightly better for drivers of the shorter programs. Further, the updated results relating to safety – particularly the relative severity of crashes as represented by the preventable crash incurred cost per mile – show substantially better performance by those drivers that were in performance-based, less than 30 BTW programs. In other words, drivers from the shorter programs have fewer crashes and less severe crashes.

While there are many factors that impact efficiency and safety, C.R. England believes that a reliance on a

performance-based system that focuses on each individual's talents and needs produces the best results. C.R. England does not suggest nor believe that BTW hours are not important or necessary, but more required hours do not necessarily correlate with better performance.

In conclusion, the two pervasive arguments against an hours-based mandate are: 1) it doesn't allow for sufficient flexibility based on the needs and skills of each individual student, and 2) without sufficient evidence, the number of required hours is completely arbitrary. This is the main point of C.R. England's comment on the MTR Rule. C.R. England's own experience highlights the fact that additional BTW training hours do not correlate to better safety on the road. C.R. England vigorously opposes a naked BTW mandate that is unsupported by any empirical evidence. However, C.R. England supports the adoption of a uniform core curriculum and standards for a performance-based model for entry-level drivers and applauds FMCSA's efforts in improving safety and efficiency in transportation.

Should you have any questions regarding the study or C.R. England's experience as a motor carrier, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "TJ England", with a stylized, cursive script.

TJ England
Chief Legal Officer



April 6, 2016

Docket Services (M-30)
U.S. Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE.
Washington, DC 20590-0001

Re: Docket No. FMCSA-2007-27748 – Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators

C.R. England, Inc.¹ writes to comment on the Federal Motor Carrier Safety Administration's (FMCSA) proposed rule (PR) entitled Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators (MTR Rule). In addition to providing comments, C.R. England supports and incorporates herein the comments provided by the American Trucking Associations, of which C.R. England is a member.

C.R. England has been involved in entry-level driver training for nearly 30 years and takes great pride in providing effective and efficient training to people in search of a career as a professional driver. C.R. England estimates it is one of the top two commercial driver's license (CDL) training providers in the U.S. We have spent a great deal of time and effort tailoring our program and curriculum to provide the best training possible. Additionally, we have spent a great deal of time studying the effectiveness of our training by evaluating the performance of our drivers, both in terms of efficiency and crash frequency.

C.R. England supports the overall effort to obtain a uniform training standard in order to provide consistent and safety focused education to prospective CDL holders. Furthermore, C.R. England supports the proposed core curriculum and registration requirements to further ensure uniformity and quality. However, like ATA and many other stakeholders, C.R. England supports a performance-based training methodology. Therefore, C.R. England opposes the hours-based standard in the PR.

In addition to a variety of other concerns, C.R. England's opposition to the hours-based behind-the-wheel (BTW) requirement, found in the PR at section 380.613(a), can largely be summarized into four main issues: 1) the theoretical benefits of the rule – improved efficiency and safety – are not supported by real-world outcomes; 2) even if the cost and benefit assumptions were correct, developing equipment technology will achieve the desired benefits without the MTR Rule; 3) the BTW requirement is arbitrary and lacks flexibility; and 4) the purported costs for BTW requirements are underestimated and disproportionate

¹ C.R. England, Inc., based in Salt Lake City, Utah, was founded in 1920. It is ranked number 23 on the Transport Topics Top 100 listing of U.S. and Canadian for-hire motor carriers and is among the largest refrigerated carriers in the nation. The company currently employs nearly 8,000 employees, including over 6,300 drivers.



I. The Theoretical Benefits of the Rule – Improved Efficiency and Safety – Are Not Supported by Real-World Outcomes

The PR and Regulatory Impact Analysis (RIA) identify two major categories of benefits that justify the MTR Rule: 1) non-safety benefits, and 2) safety benefits. Both categories rely heavily on assumptions and predictions regarding the impact of the two main components of the MTR Rule, its curriculum and hours-based requirements. C.R. England generally agrees that curriculum regarding efficiency and safety likely results in corresponding benefits and supports the proposed core curriculum in the PR. However, C.R. England has found that such benefits **are not correlated** to an hours-based or mandatory behind-the-wheel (BTW) requirement. In fact, as described immediately below, C.R. England has determined that a performance-based program of less than 30 BTW hours returns **as good or better** results as training programs that require more than 30 hours BTW.

In preparation for these comments, C.R. England conducted a study in order to test whether an hours-based program that requires 30 BTW hours or more, results in better performance than a performance-based program that requires fewer than 30 BTW hours. Here are some of the particulars of the study:

- The study involved 2,929 drivers from C.R. England's own fleet that had attended either a driver performance-based training program requiring less than 30 hours or greater than 30 hours BTW.
- The drivers in the study attended 16 different training programs, including C.R. England's training program.
- All of the training programs involved in the study include curriculum regarding efficient shifting techniques, speed control, preventative maintenance (including pre- and post-trip inspections), and other similar instruction.
- The study focused on performance metrics regarding fuel efficiency (measured by mile-per-gallon), maintenance costs (measured by total repair order costs), and safety costs (measured by the preventable crash rate per million miles and the preventable crash incurred cost per mile).
- The study reviewed these performance metrics for the first 6 months of each driver's career following pre-CDL training and only included drivers that were with the company for the entire 6-month period.

The summary results of the study are as follows:

- **Fuel Efficiency** – The drivers that attended the performance-based less than 30 BTW hour programs performed slightly worse than the drivers that attended the greater than 30 BTW hour programs. Drivers in the shorter programs were 1.3% less fuel efficient than the drivers in the longer programs.
- **Maintenance Costs** – The drivers that attended the less than 30 BTW hour programs performed slightly better than the drivers that attended the greater than 30 BTW hour programs. Drivers in the shorter programs were 1.3% better on maintenance costs than drivers in the longer programs.



- Safety Related Costs – The drivers that attended the less than 30 BTW hour programs **performed substantially better** than the drivers that attended the greater than 30 BTW hour programs. **Drivers in the shorter programs were 16.4% better on the rate of preventable crashes and 22.2% better on the preventable crash incurred cost per mile than drivers in the longer programs.**

	<i>Less than 30 BTW Hours</i>	<i>Greater than 30 BTW Hours</i>	<i>% Difference</i>
<i>Fuel Efficiency (MPG)</i>	7.266	7.363	-1.3%
<i>Maintenance Costs</i>	\$5,119	\$5,185	-1.3%
<i>Preventable Crash Rate Per Million Miles²</i>	8.741	10.175	-16.4%
<i>Preventable Crash Incurred Cost per Mile</i>	\$0.018	\$0.022	-22.2%

As the results of the study demonstrate, the fuel efficiency and maintenance cost results cast significant doubt as to the causal relationship between the number of required hours behind the wheel. Fuel efficiency is slightly better for drivers of the longer programs but maintenance is slightly better for drivers of the shorter programs. Further, the results relating to safety – particularly the relative severity of crashes as represented by the preventable crash incurred cost per mile – show substantially better performance by those drivers that were in performance-based, less than 30 BTW programs. **In other words, drivers from the shorter programs have fewer crashes and less severe crashes.**

While there are many factors that impact efficiency and safety, C.R. England believes that a reliance on a performance-based system that focuses on each individual's talents and needs produces the best results. C.R. England does not suggest nor believe that BTW hours are not important or necessary, but more required hours does not necessarily correlate with better performance.

A. Non-Safety Benefits Do Not Correlate with BTW Hours

The RIA identifies three categories of non-safety factors that result in estimated benefits as a result of the PR. The categories are improved fuel efficiency, decreased emissions, and reduced repair and maintenance costs. As the RIA notes, decreased emissions are simply a consequence of improved fuel efficiency. Therefore, for the purposes of this comment, discussions of the accuracy of RIA estimates regarding efficiency will necessarily include emissions.

As the RIA concedes, the assumed benefit of 5% improvement in fuel efficiency is essentially an educated guess that is not supported by hard evidence. In fact, the RIA cited many studies with regard to improved efficiency, but did not rely on any of them because every study

² Includes DOT reportable crashes and non-reportable crashes, including property damage only incidents.



included factors other than specific curriculum or training time requirements. In the end, the RIA relied upon the assertion that “experts in fleet operations widely maintained that a 5% improvement in fuel economy resulting from the training proposed in this rulemaking is a reasonable expectation.” RIA at 81.

Likewise, the RIA concedes there is little to rely upon in order to estimate projected savings for repair and maintenance costs. The RIA cited various anecdotal references and one study that found some connection between elements of the proposed curriculum and a potential reduction in repair or maintenance costs. Further, the RIA cites the general consensus of the Entry-Level Driver Training Advisory Committee (ELDTAC) that a connection between safety and maintenance related curriculum and repair and maintenance costs likely exists, but did not provide any estimates.

Ultimately, however, the RIA bases its entire repair and maintenance benefit estimation on the 2005 article provided by SafetyFirst Systems, attached hereto as Appendix A,³ which is far better described as an advertisement for their aggressive driving hotline. The entire six page document contains literally no support for its assertion that “[m]aintenance studies have validated that aggressive and unsafe driving habits can add as much as \$.01 to \$0.015 per mile.” In an attempt to locate the study supporting its assertion, C.R. England contacted SafetyFirst Systems, which is a small business located in Parsippany, New Jersey. They were unable to provide any copies of or support for the maintenance studies they reference in their article. The RIA did not provide an estimate in terms of an anticipated percentage improvement in costs, however the RIA ultimately estimated – relying entirely on the unfounded rates provided by SafetyFirst Systems – that repair and maintenance costs could be reduced by an undiscounted amount of \$879.9 million.

In sum, the RIA estimates 5% improvement in fuel efficiency and some amount of improvement in repair and maintenance costs (resulting in as much as \$879.9 million in savings) as a result of the proposed MTR Rule. In fact, all \$2.6 billion in proposed non-safety benefits are based on a 5% estimate by those involved in ELDTAC, without any support for their estimate, and the advertisement of a small business, similarly without any support or study to corroborate its claims. However, as noted above, the results of our study of real-world outcomes belies such an estimate so long as it is tied to a BTW mandate.

C.R. England vigorously objects to the conclusions drawn in the RIA in terms of non-safety derived benefits. The benefit estimates amount to no more than conjecture. However, the costs of the rule are significant and could impact the entirety of the U.S. economy if the rule further impacts the already growing driver shortage or transportation pricing. The contrast between the estimated benefits and the C.R. England study highlight the arbitrary nature of the BTW requirement in the MTR Rule. As noted above, C.R. England supports the curriculum requirement in the MTR Rule and finds such curriculum valuable, but the associated BTW mandate does not have a causal relationship to the benefits used to justify the MTR Rule.

³ The advertisement is also available at its original link: <http://my.safetyfirst.com/newsfart/maintenancecostsr1.pdf> (accessed April 5, 2016).



B. Safety Benefits Do Not Correlate with BTW Hours

C.R. England agrees with the proposition that a uniform curriculum pertaining to various aspects of CMV operation would be generally beneficial to safety. However, as C.R. England's study indicates, any correlation to a BTW mandate is either questionable or even contradictory to the assumptions of the PR and the RIA.

After extensive analysis, the RIA concludes that in order for the MTR Rule to be cost-justified, there would need to be somewhere between an 8.15% to 15.67% reduction of applicable crashes. The study conducted by C.R. England indicates that dramatically opposite results could be the realistic outcome.

The C.R. England study concludes, with all else being equal (including curriculum that would already comply with the pertinent aspects of the MTR Rule), drivers that attend a performance-based training program utilizing less than 30 BTW hours average 16.4% fewer preventable crashes per million miles and 22.2% lower preventable crash cost per mile when compared to drivers that attend a program requiring longer than 30 BTW hours. Therefore, C.R. England actually experienced an inverse correlation between safety performance and training programs of 30 hours or greater. C.R. England credits this distinction to performance-based standards that allow the training and curriculum to be tailored to individual talents and needs.

The results regarding safety benefits are even more glaring than the non-safety benefits. While C.R. England supports a well-tailored MTR Rule that is limited to training provider registration and uniform curriculum criteria, the arbitrary requirement of 30 BTW hours does not appear to positively affect safety outcomes and is not justified by the findings of the RIA.

II. Even If the Cost and Benefit Assumptions Were Correct, Developing Equipment Technology Will Achieve Much of the Desired Benefits without the MTR Rule

Notwithstanding the foregoing, even if all of the assumptions and conclusions of the RIA are correct, the MTR Rule will not independently provide the stated benefits of the rule. Technology is already being adopted by large and small fleets that replaces many of the behaviors identified by the RIA as behavior that will result in benefits that will justify the MTR Rule.

On page 82 of the RIA, the regulatory evaluation division acknowledged the potential for declining benefits of the MTR Rule due to "emerging" technology when it stated the following:

The Agency anticipates that emerging technologies will increasingly saturate the motor carrier fleet in the next decade such that the degree to which driver behavior has the potential to further improve fuel economy may decline. However, human factors are expected to continue to play an important role throughout the period analyzed, a point on which experts involved in the negotiated rulemaking agreed.



While the RIA does acknowledge the role that technology can play in this rule, it dramatically underestimated the breadth and pace of the impact.

A. Developing Technology Will Impact More than Fuel Economy

The RIA only seems to acknowledge that current and developing technology will impact fuel economy. That sentiment underestimates the breadth of technology available in modern CMV equipment.

All major manufacturers or third-party suppliers currently offer automatic shifting, GPS-optimized fuel-efficient cruise control, adaptive cruise control, active collision avoidance systems, speed limiters, lane departure warning technology, roll stability technology, ABS braking technology, and hard-braking tracking technology for CMVs. Further, technology already in development by major manufacturers (and available already in consumer vehicles) includes steering control and eventually full automation.

C.R. England and many other large and small motor carriers are presently deploying all of the currently available technology noted above. These technologies are attractive to motor carriers because they improve truck fuel efficiency, decrease emissions, decrease driver distraction, decrease driver fatigue, decrease the volume and severity of crashes, and improve overall fleet productivity.

B. Developing Technology Will Be Broadly Adopted within 3 - 5 Years

The RIA also appears to underestimate the speed with which this technology will have an impact on driver safety and performance. In preparation for this comment, C.R. England contacted three major class 8 truck manufacturers. Two of these major manufacturers plan to include some or all of the currently available technology, including automatic shifting technology, in 85% of all new builds within the next 5 years. Further, one of these manufacturers already provides some or all of these technologies in 85% of their current truck builds.

Because of the cost-effectiveness of these technologies, large fleets – which are most likely to train new entrants to the industry – will be switching to these technologies as quickly as possible. C.R. England anticipates that its entire fleet of trucks will have the currently available technologies listed above prior to 2018. Further, new technology that improves safety and efficiency may be available and become adopted in a portion of our fleet prior to 2018.

These technologies already achieve many of the stated benefits of the MTR Rule independent of the requirements of the MTR Rule. Adoption of these technologies will only increase. As a result, the stated benefits of the MTR Rule are not sufficient to justify the significant costs required by the BTW mandate.



III. The BTW Requirement is Arbitrary and Lacks Flexibility

A. The BTW Requirement is Arbitrary

In its discussion of the benefits of the MTR Rule, neither the PR nor the RIA identifies how a BTW mandate would aid in achieving any of the stated benefits. Most of the discussion revolves around a general consensus that a uniform curriculum based on fuel efficiency, speed management, maintenance and inspection, and safe driving would provide the desired benefit. Furthermore, neither the PR nor RIA provides any support for the arbitrary number of required BTW hours or why there is a distinction between Class A required hours and Class B required hours.

After rejecting ATA's cited American Transportation Research Institute (ATRI) report finding no correlation between training program length and safety outcomes, FMCSA itself acknowledged that it "does not have scientific evidence that would suggest that an hours-based requirement improves safety." Federal Register Vol. 81 No. 44 at 11956. In fact, FMCSA has not provided ANY evidence, scientific or otherwise, that a BTW requirement of 30 hours would improve safety more than a performance-based system. ATRI and C.R. England have both utilized real-world data to demonstrate that there is no positive correlation to mandated hours (particularly over 30 BTW hours) and safety outcomes. In C.R. England's case, the data actually showed a negative correlation between increased required hours and safety outcomes.

Given the gaping lack of evidence to support the BTW requirement and the arbitrary selection of the number of required hours, it should be stripped from this rule. The BTW mandate should be stricken **particularly because the vast majority of the added costs of the rule are associated with the BTW mandate and not the other aspects of the rule.**

B. The Arbitrary BTW Requirement Lacks Flexibility Because It Does Not Allow Reduced Training Hours for Restricted Licenses

49 CFR section 383.135(b)(3)-(6) provides a number of ways in which a driver applicant may receive a restricted Class A license based upon the type of vehicle used by the driver applicant in training and/or the skills test. For instance, if a driver is trained exclusively in an automatic transmission vehicle and performs the skills test in such a vehicle, the driver's Class A CDL will have a manual transmission restriction. Class B CDLs have similar restrictions.

A CDL with a manual transmission restriction would require less training than a non-restricted CDL. A great deal of time in training is spent, particularly BTW, on shifting mechanisms and techniques. In fact, the MTR Rule relies, in large part, on the efficiency techniques learned during such training. However, if a driver intends to drive an automatic transmission vehicle and receive a restricted license, less training is required. Therefore, the BTW requirement should be flexible enough to adjust for such a situation.



C.R. England opposes the BTW requirement in its entirety and proposes a strictly performance-based standard with uniform required curriculum. However, if a BTW requirement remains a part of the MTR Rule, the rule should be modified to allow for a reduced BTW requirement for restricted Class A licenses, particularly a license with a manual transmission restriction. C.R. England proposes that the required BTW time for a Class A or Class B license with a manual transmission restriction be reduced by 1/3.

IV. The Purported Costs Are Underestimated and Disproportionate

In its RIA, FMCSA outlines its estimates regarding the costs of the MTR Rule. However, the cost estimates contain critical flaws. First, the RIA incorrectly assumes that the tuition cost increase associated with the PR is a proportional increase to current costs, therefore underestimating the amount of increased costs for each affected entity. Second, the RIA fails to estimate the impact of the decreased number of drivers that will choose to not enter the industry based on increased training requirements, therefore underestimating the opportunity cost to motor carriers. Finally, the RIA is fundamentally inequitable, as the majority of the cost burden is borne by the entry-level driver, while the benefit (if any exists) is derived by the training providers and motor carriers.

A. The RIA Underestimates the Increased Costs Associated with the MTR Rule

The RIA underestimates the tuition costs associated with the MTR Rule in two fundamental ways: 1) the RIA fails to include any increased training hours resulting from the BTW mandate; and 2) the BTW hours that the RIA failed to consider would be disproportionately expensive to the other hours.

In its cost estimates, the RIA only appears to consider the added tuition expenses for additional endorsement training required by the MTR Rule. The RIA does not include additional tuition expenses associated with the BTW mandate. The RIA notes that the average length of CDL schools is 190 hours for Class A CDLs, but seems to take for granted that the minimum number of required BTW hours are accounted for. Just because a CDL course is 190 hours does not mean that the course undertakes the required number of BTW hours. Under the current rules, that could potentially include 0 BTW hours. In fact, C.R. England is aware of several major schools that do not currently provide the mandated 30 BTW hours for Class A training. Therefore, the RIA failed to consider any increased tuition due to the necessary increase in BTW hours.

Further, those tuition hours would be disproportionately expensive when compared to average school hours. Where the average class time has some overhead, including meeting space, desks, chairs, study materials, etc., BTW time requires trucks, paved practice areas, diesel fuel, mechanics, and certified instructors. Increased BTW hour requirements are far more expensive than increased theory time. Therefore, the RIA failed to properly consider the disproportionately expensive incremental BTW hours.

These increases would drive up the costs to the entry-level driver even higher than the projected \$5.5 billion.



B. The RIA Fails to Consider the Cost of Fewer Drivers Due to Increased Training Requirements

The RIA does consider the opportunity cost to motor carriers due to the delay in driver training resulting from the increased requirements. However, the RIA completely fails to consider any decrease in the number of new driver entrants into the industry and its associated costs.

It is well established that added barriers to entry generally decrease new entrants in a given field or market. The same principal would apply to entry-level driver training. As the cost and the duration of entry-level training increases, there will be an attendant decrease in those that choose to pursue such training. The RIA, and therefore the MTR Rule, completely fails to consider this cost. In an environment that is already struggling with a shortage of drivers, the cost to the industry and to the overall economy must be considered.

The RIA assumes that the only opportunity cost to the industry as a result of this rule is the opportunity cost of delay for drivers to complete the elongated training regiment. The RIA must consider the impact of decreased entrants to the industry resulting from the added requirements.

V. Responses to Specific Questions in the PR and Other Issues

A. Is There Any Additional Data on the Safety Benefits of Requiring ELDT Training that You Can Provide (e.g. Demonstrated Crash Reduction as a Result of Training)?

The strongest and most reliable data currently available is the [2008 ATRI Report A Technical Analysis of Driver Training Impacts on Safety](#).⁴ This study included over 16,000 drivers and found that “No relationship is evident between total training program contact hours and driver safety events when other factors such as age and length of employment are held constant.” *Id.* at 15.

Further, as described extensively above, C.R. England’s own study and experience challenges any theoretical positive correlation between the benefits stated in the RIA and increased BTW hours. C.R. England’s study actually found a negative correlation between BTW hours of 30 or more and safety outcomes.

B. As Proposed, Would the Training be Effective in Improving Safety? If So, What Aspects of the Proposal Would be Effective in Improving Safety? If Not, How Could the Training be Delivered More Effectively than Proposed?

⁴ American Transportation Research Institute “A Technical Analysis of DRIVER TRAINING IMPACTS ON SAFETY” May 2008 Web. http://www.atri-online.org/research/results/driver_training_impacts_on_safety2.pdf (accessed April 5, 2016).



C.R. England agrees that detailed course curriculum will improve driver understanding of the many hazards of truck driving. However, the BTW minimum hours requirement does little to improve safety.

C.R. England recommends that FMCSA adopt a pure performance based standard which includes a requirement that trainers record the successful consistent demonstration of applicable skills. This necessarily includes a number of BTW hours, but those hours can be tailored to the specific needs of the student. In the end, it is the successful performance of necessary skills that determines the readiness of driver applicants.

C. Is There Any Duplication in the Commercial Learner's Permit Exam and ELDT theory Training? If Yes, Should it be Eliminated or Minimized?

It would appear that there is some duplication. Duplication, to the extent practical, should be minimized so as to effectively and efficiently use the time and resources of all parties involved.

D. FMCSA Proposed a Specific Number of Required Hours for the BTW Training for Class A and B. First, Should There be a Required Number of BTW Hours for These Two Programs? If So, is FMCSA's Proposal for 30 Hours (Class A) and 15 Hours (Class B) Appropriate?

There should not be a minimum number of required BTW hours for any training program based on the complete lack of empirical support for the hours mandate in the rule and the studies finding a lack of positive correlation. Without any empirical support, the hours mandate is entirely arbitrary.

If, however, there is a minimum number of required hours, it should allow additional flexibility for Class A or Class B CDLs that are issue with restrictions. For instance, a manual transmission restriction (meaning the driver was trained and tested on an automatic transmission vehicle) should necessarily mandate fewer BTW hours because extensive training regarding manual transmissions is not needed.

E. If There is Not a Required Number of Behind the Wheel Hours, What Alternative Would be Appropriate to Ensure Adequate BTW Training for Class A and B? Would a Requirement that is Expressed in Terms of Outcomes Rather than Specifying the Means to Those Ends be More Appropriate?

A requirement expressed in terms of outcomes is most appropriate. President Clinton's Executive Order 12866 affirmed the government's commitment to specifying performance objectives over requiring a specific behavior or manner of compliance, where feasible. This allows the regulated entity to create the most efficient programs thereby reducing costs while achieving the desired objective.



A trip sheet, as suggested by ELDTAC, which would track successful demonstration of required techniques is an acceptable alternative to minimum BTW hours.

F. The Agency Did Not Propose that the Theory, BTW Range, and BTW Public Road Training Occur in a Specific Sequence in Order to Allow Training Providers the Flexibility to Determine How They Would Structure Their Programs. FMCSA Requests Comment on Whether There Should be a Particular Order.

C.R. England supports maintaining flexibility in the proposed rule to allow training providers to determine when is the most appropriate time to train on various elements.

Furthermore, the agency should consider what impact CDL skills test scheduling delays may have on the scheduling of training programs. Specifically, state-by-state requirements for skills test scheduling vary and often have significant wait times to schedule a test. Some states may have 2 to 3 week wait times. Therefore, if a driver must complete the entire training program prior to scheduling – as states may likely require – it may result in days or weeks waiting before a test can be administered. Further, many states require 48 to 72 hours to reschedule a test. These delays create major problems for drivers and carriers. Potential drivers will often not wait that long and look for other job options, perhaps outside of the trucking industry.

C.R. England requests that skills tests may be scheduled and performed prior to the completion of all required BTW hours. Obviously, a CDL could not be issued until the requirements are all completed, but this would give much needed flexibility to a system that is highly individualized. Clearly it would be in the best interest of the training providers and motor carrier trainers to ensure that the driver applicants are proficient enough to successfully complete the skills test prior to taking the exam.

G. Should Drivers Who Intend to Operate Only Automatic Transmission Vehicles be Able to Forego the Instruction on Manual Shift Transmissions?

C.R. England supports the flexibility for driver applicants to forego the instruction on manual transmission shifting if the driver intends to obtain a CDL with a manual transmission restriction. C.R. England also believes that if a BTW mandate remains in the MTR Rule, that it should be reduced in cases of restricted CDLs.

VI. Conclusion

The two pervasive arguments against an hours-based mandate are: 1) it doesn't allow for sufficient flexibility based on the needs and skills of each individual student, and 2) without sufficient evidence, the number of required hours is completely arbitrary. This is the main point of C.R. England's comment on the MTR Rule. C.R. England's own experience highlights the fact that additional BTW training hours do not correlate to better safety on the road. C.R. England vigorously opposes a naked BTW mandate that is unsupported by any empirical



evidence. However, C.R. England supports the adoption of a uniform core curriculum and standards for a performance-based model for entry-level drivers and applauds FMCSA's efforts in improving safety and efficiency in transportation.

Sincerely,

TJ England
Vice President & General Counsel

APPENDIX A



Aggressive, Unsafe Driving & Its Impact On Maintenance Costs

Did you know?

- EXCESSIVE SPEED -- Will reduce fuel economy, accelerate tire wear and reduce engine life:
 - ✓ On a large bore diesel engine, every 5 MPH above 55 MPH will waste an additional gallon of fuel per hour.
 - ✓ One gallon of fuel per hour during a standard 10 hour work day equals 10 additional gallons a day -- at \$2.00 per gallon this is \$20.00 a day, \$400 per month and \$4800 per year (times the number of trucks being driven in this manner).
- TAILGATING -- This driving behavior impacts both tire and brake wear. Consistent tailgating and speeding (i.e. "Aggressive Driving") will reduce tire life & brake life by about 20%. Depending on the types of tires and brakes this can translate into very substantial costs.
- Maintenance studies have validated that aggressive and unsafe driving habits can add as much as \$.01 to \$.015 per mile in accelerated tire, brake and engine wear on a large bore diesel tractor.
 - ✓ If a tractor operates 100,000 miles a year that could be as much as \$1,500 in additional maintenance costs.
 - ✓ This heavy "wear and tear" could also prematurely age the unit, reducing resale values and/or lease termination fees.
- There is also the possibility that aggressive and unsafe behavior may be a factor in costly breakdown of vehicles on the road. There is no empirical on data that validates this situation, only a logical conclusion.

Attached to this coversheet is an "in depth" support document that more fully explores these concepts and how our program can help you identify these costly behaviors and help you maintain your company's profitability!

Aggressive Driving and Maintenance Costs: Why SafetyFirst Makes Sense

In the attached case study, a company with 50 vans and 15% turnover can save thousands of dollars in maintenance costs and fuel savings.

Measuring the Costs of Aggressive Drivers

Unsafe driving behaviors lead to accidents. Lost productivity, repair costs, and higher insurance rates are only three of many expenses resulting from collisions. Many management teams fail to factor the cost of aggressive driving in their measurably higher **fuel, tire and maintenance costs**. Underestimating the impact of these increased costs can devastate profits.

Aggressive drivers push their vehicles hard. Typically, they:

- **accelerate hard -- adding stress to the engine and transmission, and wasting fuel**
- **speed -- driving up fuel consumption and increasing tire wear from tire heating**
- **tailgate -- which leads to a greater frequency of heavy brake applications & wears out brake system parts and tires more quickly**

This aggressive behavior costs companies a significant amount over drivers who follow the speed limit, maintain proper distance between vehicles and slow down more gradually.

Studies?

There have been a few studies done on fuel economy; tire wear and resale value of vehicles that have been driven "hard" by their operators. One study looked specifically at aggressive driving and its effect on maintenance costs. Some of these studies are summarized below.

- A. In 2002, a supplier in the redi-mix concrete industry developed a program of early detection of unsafe driving habits. Why? Inherent in the redi-mix industry are driver safety and truck rollover issues, which have a critical impact on equipment operating costs and profits.

The program looked at the accelerations exerted on the truck during various driving maneuvers (turns, starts, stops, etc.) and compared these measurements to the average for the study group fleet or to the industry as a whole. Scores were calculated for several categories of maneuvers, and the individual scores plus a composite score was reported.

The findings? The sheer weight of the loaded truck, if not handled properly, creates tremendous stress on all operating components and prematurely ages a truck. Maintenance costs and reduced truck life span are significant costs to consider. Higher fuel, tire and maintenance costs were also cited as primary opportunities to recapture lost profits.

- B. As a District Manager at Ryder, Dan Lessnau had Profit and Loss (P&L) responsibility and he feels that their "...biggest expense area was maintenance costs. Therefore, we spent a lot of time examining how we could reduce the operational expenses of a vehicle." Since his location leased predominately heavy class 6, 7 and 8 vehicles (heavy and extra heavy duty trucks) most of the analysis was directed to those types.

1. For instance on a tractor with a 350 Cummins engine for every 5 miles of speed over 55 MPH you would burn an extra gallon of fuel an hour. This equates to 8 to 10 gallons a day and at today's cost of fuel (\$1.90 per gallon) that would mean from \$15.20 to \$19.00 per day. Let's just say the \$15.20 per day X 245 days of operation a year = \$3,724 per year in just fuel expense. This type of analysis would hold true (with slightly different numbers) for smaller engines in smaller vehicles like vans, pickups and sedans.

2. Speed also reduces engine life. There is a correlation between the number of pounds of fuel put through an engine and overall engine life.
3. Speed and hard braking (tailgating) also have an effect on tire and brake wear. Again, on a large bore diesel tractor a vehicle operated safely will get about 200,000 miles on a set of tires located on drive axles. However, excessive speed generates additional heat, which reduces tire life. We did studies that showed unsafe drivers got only about 165,000 miles on a set of tires located on drive axles. This is about 17.5% less tread life. At that time, a new drive tire cost about \$300, therefore, an unsafe driver cost an additional \$52.50/tire from reduced tread life. If we took a tandem tractor with 8 drive tires, an unsafe driver would cost us $\$52.50 \times 8 = \420 in excessive tire cost every 165,000 miles.
4. Moreover, drivers that exhibit excessive speed also have harder braking (because of tailgating) which also has an effect not only on tire wear but also on brake wear. The same principles outlined for measuring the cost of tire wear held true for brake wear, about a 20% in their life cycle.

Also fleets that permit aggressive drivers to wear out their vehicles need to maintain a greater number of "spares" – spare vehicles to use while the main vehicle is out for repairs and maintenance. Spares waste capital on a truck that might otherwise be productive. The ratio of spares is highest among fleets with aggressive scheduling, salesmen as drivers and operations that earn revenue based on the number of service calls crammed into a single day. These hectic operations give the appearance of high productivity, but often at very low efficiency and high hidden costs such as brake, tire and fuel costs.

C. The US Government has created a web site – www.fueleconomy.gov - to educate the public of the waste of fuel from improper driving. Here are some of their statements:

1. You can improve your gas mileage by around 3.3 percent by keeping your tires inflated to the proper pressure. Under-inflated tires can lower gas mileage by 0.4 percent for every 1 psi drop in pressure of all four tires. Properly inflated tires are safer and last longer.

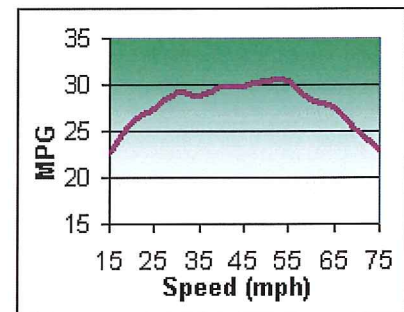
Fuel Economy Benefit:	up to 3%
Equivalent Gasoline Savings:	up to \$0.05/gallon
2. Aggressive driving (speeding, rapid acceleration and braking) wastes gas. It can lower your gas mileage by 33 percent at highway speeds and by 5 percent around town. Sensible driving is also safer for you and others, so you may save more than gas money.

Fuel Economy Benefit:	5-33%
Equivalent Gasoline Savings:	\$0.07-\$0.49/gallon
3. Gas mileage decreases rapidly at speeds above 60 mph. Each 5 mph you drive over 60 mph is like paying an additional \$0.10 per gallon for gas. Observing the speed limit is also safer.

Fuel Economy Benefit:	7-23%
Equivalent Gasoline Savings:	\$0.10-\$0.34/gallon

D. The California Energy commission lists the following information at their web site:

1. All vehicles lose fuel economy at speeds above 65 mph. Driving 65 instead of 75 mph reduces fuel cost 13%.
2. Some overlooked maintenance items, such as a dirty air filter and under inflated tires, can increase your fuel cost up to 13%.



Tying Costs to Specific Drivers

Over time, fuel, tire and maintenance costs become very significant. Some fleets may be tempted to look at these costs as “uncontrollable” or simply part of “the cost of doing business”. Why?

It can be difficult to track these costs back to specific drivers since many fleets do not assign particular vehicles to specific drivers.

The Safety Hotline program identifies drivers who are aggressive behind the wheel. The system spots tailgating, excessive speeding, weaving in traffic and pushes reports directly to the supervisor as it happens. The reports are focused on specific behaviors, offer training materials to help coach the driver, and give managers the clues to discover how aggressive drivers are pushing up maintenance costs within their operation.

If you look at the maintenance records for vehicles that are normally operated by the drivers highlighted by our safety hotline program, you will see higher than average maintenance costs.

Additionally, fuel costs for these drivers will typically be much higher than the average when auditing credit card or fuel card bills.

Sample Scenarios to Illustrate the Concept

Scenario 1: Joe’s HVAC (Heating Ventilation & Air Conditioning) company with 50 vans and a 15% turnover rate runs **all** drivers through a comprehensive driver-training program every two years (based on anniversary date alone), and trains all new hires within the first 15 days on the job. They publish a safety policy, but drivers are actively encouraged to get as many service calls done as possible in any given day. “Rushing is rewarded” is how one supervisor characterized their approach to motivating drivers.

This company has an in-house maintenance program. The mechanics complain that their efforts to maintain the scheduled maintenance program are hindered because of unpredictable breakdowns that need to be fixed immediately and placed back into service.

The parts inventory is growing in order to be able to keep the rapidly aging vehicles on the road – this parts inventory represents a hidden drain on profitability and represents greater overhead costs to the business.

Fuel costs are alarmingly high for their operation. Several managers see the cash crunch, but celebrate that they are busy and productive; therefore, the costs are justified. In reality, the aggressive driving is wasting fuel from “jack rabbit starts” and excessive speeding on highways to “make up time”. Additionally, the wear and tear of the rough handling is also decreasing the fuel efficiency as engine parts wear out.

If they only knew who was “at-risk” of becoming involved the next crash that might happen, they could intervene and actually help those drivers who are “at-risk” prior to crashes.

Scenario 2: Jane’s HVAC Company with the same number of drivers and same turnover rate installs the SafetyFirst safety hotline service on all vehicles. This costs \$17 per vehicle per year; therefore, the total cost is \$850/yr.

Jane’s HVAC receives Motorist Observation Reports about aggressive risk taking of some drivers (those who are “at-risk” of becoming involved in the “next crash”). In fact, 80% of all drivers never receive a complaint about their driving. **Of the 20% that do get complaints, only half ever receive a second or repeat complaint about an ongoing habit or behavior that needs attention. In this company, that equates to about 14 drivers identified in 12 months.**

Jane’s HVAC, trains all new hires, and any driver who gets more than one Motorist Observation Report about their driving behaviors. This company invests in the same, top-line training program as Joe’s HVAC. However, the costs for training are four times less since training is more focused.

Any driver who receives a Motorist Observation Report has their maintenance records and fuel records audited for excessive fuel consumption or wear and tear. If they are above the average for the fleet, additional coaching and counseling is provided with a follow up audit of records in 45 days.

The management team monitors fuel efficiency throughout the fleet and sets and publishes goals to all drivers. By focusing drivers on the costs of fuel, they also encourage safer driving and more route planning. Efficiency reduces rushing, missed appointments and helps satisfy customers.

Bottom Line?

If Joe's and Jane's companies were directly compared, we'd see a difference in maintenance and fuel costs of at least 20% - a distinct competitive advantage.

Aggressive driving pushes operating costs up. These costs can be tied back to specific drivers and management policies.

Incorporating a safety hotline service to "target" the "aggressive driving" of those who are truly "at-risk" can maximize your efforts and help preserve your overall expense resource.

Safety Hotline Programs and Aggressive Driving - Summary

The SafetyFirst program helps companies to:

1. Spot new hires and existing employees who demonstrate behaviors that place them "at-risk" of becoming involved in a collision. Reducing collisions by 20% or more will yield an immediate payback on the cost of the program and help moderate insurance costs over time.
2. **Relate aggressive driving to issues beyond crash rates and crash costs – aggressive driving takes a measurable toll on equipment life, maintenance costs and reliability. By properly coaching aggressive drivers, equipment maintenance and replacement costs will improve.**
3. Identify whether systems such as driver screening programs, new hire orientation and dispatch of new drivers are working properly or are in need of management's attention
4. Increase the effectiveness of safety training by tying it to a demonstrated, documented need for additional assistance based on behavioral inputs and observation reports
5. Cut overall training costs by refocusing efforts on those drivers who need help regardless of hire date or anniversary alone. (Eliminate training for drivers who would not likely improve their performance based on the training alone.)
6. Improve communications and coaching practices by discussing Motorist Observation Reports as a behavioral safety input. This demonstrates management's commitment to safety results and to offering help to drivers who may be "at-risk" of becoming involved in a collision.

To learn more about SafetyFirst's "Best In Class" safety hotline program, please see our web site at www.safetyfirst.com, or call us toll free at 888-603-6987

Details	Joe's HVAC Company	Jane's HVAC Company
Number of Vans/Pickups	50	50
Uses Safety Hotline To Screen for Aggressive Driving?	NO	YES
Cost of Safety Hotline (one year)	0	\$850
Turnover is same rate for both companies – 15%	58 drivers cycle through the company Total Number of Drivers each year – 50 base + 8 from turnover	58 drivers cycle through the company, of which 6 are identified as "aggressive drivers" who are coached on their behaviors. (10% of total)
Trains all drivers?	New hires and all drivers once every other year (58 students, cost of workbooks, videos, <u>lost production time</u> , <u>lost supervisory time</u>) At total cost of training = \$1000 per student, \$58,000	New Hires and only those drivers who get behavior safety reports from safety hotline service (14 students, cost of workbooks, etc.) At total cost of training = \$1000 per student, \$14,000
Maintenance Program?	In house mechanics, but: <ul style="list-style-type: none"> • unpredictable break downs interrupt planned maintenance • sends surplus work out to shops at higher cost • spending money on a growing parts inventory needed to keep the vehicles roadworthy • steeply increasing costs as fleet grows 	In house mechanics, featuring: <ul style="list-style-type: none"> • minimal breakdowns • limited parts inventory costs • cost of program in line with expectations as fleet grows
Cost of wasted fuel from speeding, sudden accelerations, etc.	25% more fuel consumed by those aggressive drivers (about 10-15% of the drivers) 7.5 gallons/week wasted for each aggressive drivers @ \$2.00/gal = \$780/truck/year extra cost over those who drive normally. If there are seven aggressive drivers in the fleet – this costs the company \$5,460 in wasted fuel costs alone.	Assume both companies' drivers use an average of two tanks of fuel per week. If the vans are equipped with 15 galloon tanks, this is 1500 gallons per week for the fleet of 50 vehicles. @ \$2.00/gal = \$156,000/yr.
Cost of brakes, tires and ongoing maintenance	20% higher costs from tire wear and early brake replacements	