

candidate drivers, train them extensively at approved truck-driving schools, and provide an apprenticeship with an approved motor carrier until age 21. The FMCSA is denying the petition because the agency does not have sufficient information at this time to make a determination that the safety measures in the pilot program are designed to achieve a level of safety equivalent to, or greater than, the level of safety provided by complying with the minimum 21-year age requirement to operate a CMV.

DATES: The denial of this petition is effective June 9, 2003.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schultz, Jr., Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, MC-PSD, (202) 366-4001, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all notices and comments submitted to the Docket Clerk concerning this subject by using the universal resource locator (URL): <http://dms.dot.gov>. The FMCSA docket number is FMCSA-2000-8410. It is available 24 hours a day, year round. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users can reach the Office of the Federal Register's home page at http://www.archives.gov/federal_register and the Government Printing Office's Web site at <http://www.access.gpo.gov/nara>.

Background

A pilot program is a study in which a person or class of persons subject to the Federal Motor Carrier Safety Regulations (FMCSRs) may receive temporary relief from one or more of the regulations. A person, or class of persons, that intend to engage in a regulated activity may also receive temporary relief during the activity. The FMCSA's regulations governing pilot programs are set forth in title 49, Code of Federal Regulations (CFR) part 381, subpart D. During the program, participants are given an exemption from one or more of the following parts of title 49: 382, 383, 391, 392, 393, 395, 396 (except § 396.25, Qualifications of Brake Inspectors), and 399.

Pilot programs can be initiated by the agency in several ways. The FMCSA may initiate a pilot program when it determines that there may be an effective alternative to one or more of the FMCSRs, but is lacking sufficient research data or information to support a change in its rules. Or, an individual or class of persons may submit a written petition asking the agency to initiate the pilot program. (49 CFR 381.405)

A pilot program must include a program plan outlining oversight procedures designed to protect the health and safety of study participants and the general public. The plan must explain how the agency will ensure that participants comply with the terms and conditions of the pilot. In addition, the number of the participants in the pilot program must be large enough to ensure statistically valid findings. When the FMCSA has determined that the program plan is sound, there is one additional requirement that must be satisfied before the agency can grant an exemption from the FMCSRs and initiate a pilot program. The agency must ensure that the safety measures in the pilot program are "designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved by compliance with the regulations." 49 CFR 381.505(a).

TCA Petition

On October 2, 2000, the TCA petitioned the FMCSA to allow the association to conduct a pilot program that would permit drivers between the ages of 18 and 21 to operate CMVs in interstate commerce. FMCSA regulations require drivers of CMVs to be at least 21 years of age (49 CFR 391.11(b)(1)). The petitioner asked the FMCSA to grant an exemption from the minimum 21-year age requirement for drivers admitted to the three-year pilot program. No driver under the age of 18 would be eligible to participate in the pilot. A copy of the TCA petition is located in the FMCSA docket (Docket No. FMCSA-2000-8410; see "Electronic Access" above).

The goal of the TCA pilot program is to explore a performance-based alternative to the blanket prohibition against the operation of CMVs in interstate commerce by drivers under the age of 21. The TCA petition states, "the right student with the right training, and working for the right employer [could] * * * be a safe driver" (TCA Petition, page 9). In addition, the petitioner feels that lowering of the 21-year minimum age of drivers would address the shortage of drivers in the trucking industry, and

allow the industry to appeal more readily to individuals as they leave high school and select a career.

The petition calls for careful screening of candidate drivers. Applicants would be required to be between 18 and 21 years of age, have at least a year of prior driving experience, and be able to demonstrate an exemplary driving record. A qualified third party expert would determine that the applicant-driver possesses the attitude and aptitude for successfully operating a CMV. Applicants would also have to convince a motor carrier to "sponsor" their participation in the pilot; a written contract of employment between the applicant and a sponsoring motor carrier for the full term of the pilot would be required. The sponsoring motor carrier would also have to obtain liability insurance on the pilot driver. Once selected, pilot drivers would be granted an exemption from the current FMCSA rule requiring drivers to be at least 21 years of age to operate a CMV in interstate commerce. The pilot drivers would be required to undertake 22 weeks of classroom and hands-on driving instruction at a certified truck-driving school. An 8-week "finishing program" and an additional 18 weeks of "team driving" with an experienced licensed driver would follow this. This would be followed by full-time employment as an interstate CMV driver, but in a structured environment provided by the sponsoring motor carrier in accordance with the terms of the pilot. In addition, the sponsoring motor carrier would provide a current licensed driver to serve as mentor to the pilot driver and to be responsible for closely monitoring the safety performance of the pilot driver. Also, the CMV operated by the pilot driver would be equipped with a governor to limit the speed of the vehicle. These conditions would apply until the pilot driver turned 21 years of age.

On February 20, 2001, the FMCSA published a notice advising the public of the TCA petition and requesting public comment on it (66 FR 10935). This notice was titled, "Younger Commercial Driver Pilot Training Program." The notice included six "Questions for Comment" designed to elicit input from the public to assist the agency in deciding whether to initiate the proposed pilot program for younger drivers of CMVs.

Discussion of Comments

The agency received 1,634 comments in response to the proposal. Over 90 percent of the commenters were opposed to the pilot program. The following table provides a summary of