

Six (6) States discussed their safety experience with intrastate CMV drivers under the age of 21. The data was conflicting: Agencies from the States of Montana, Illinois, Vermont, and Virginia indicated that their statistics show that CMV drivers under age 21 pose no greater crash risk than other age groups; agencies from the States of California and Iowa stated that their statistics show that CMV drivers under age 21 have a higher crash rate than that of older truck drivers.

#### **FMCSA Response**

The FMCSA believes that the commenters have presented compelling arguments both in support of, and in opposition to, the TCA petition to initiate a pilot program. However, for reasons set forth below, the agency believes there is insufficient information at this time to make a preliminary determination as to whether the terms and conditions of the pilot program that TCA requested would achieve a level of safety equivalent to, or greater than, that provided by the current prohibition against drivers under the age of 21.

The agency does not believe that all drivers between the ages of 18 and 21 should be viewed as a safety risk while at the controls of a CMV, regardless of the requirements that would be imposed upon them. However, there is little information currently available to support the contention that young CMV drivers selected through a rigorous screening process, and groomed through an intensive training and mentoring program, would have safety performance records comparable to CMV drivers 21 years of age or older. The comments to the docket provide a clear indication to the agency that the potential safety impacts of a pilot program cannot be determined with any degree of certainty at this time. Therefore, we believe that it would be inappropriate to pursue a pilot program until there is additional information and data on which to base a preliminary determination about the potential safety impacts of allowing younger drivers to operate in interstate commerce.

While commenters offered ample evidence that individuals aged 18 to 21, as a group, are more prone to risk-taking behavior, we do not believe that this information, in and of itself, suggests that this universe of drivers are all unfit to operate a CMV in interstate commerce. Highway safety statistics concerning the over-representation of younger drivers in accidents of all types of motor vehicles provides a vivid, but indiscriminate, picture of safety problems with these drivers. This information represents the cumulative

safety performance record of all young adults operating all types of motor vehicles on the Nation's highways, most of whom may never have expressed an interest in becoming a professional CMV driver. We do not believe, however, that such information should be considered as the determining factor in deciding whether young adults committed to exploring a career driving commercial motor vehicles could do so safely.

With regard to the terms and conditions spelled out in TCA's proposal, the FMCSA believes that a program comprised of screening, training, and mentoring is likely to bring about a higher level of safety performance for a given group of drivers than they would otherwise have experienced. Yet, because of the limited information and data about young CMV drivers (between the ages of 18 and 21), the agency is unable to conclude that the baseline safety performance of these younger drivers is sufficiently close to that of older drivers of CMVs, such that screening, training, and mentoring would improve their performance and enable them to achieve safety performance levels equivalent to or greater than older drivers. Denial of the TCA petition should not be construed as a rejection of the argument that screening, training, and mentoring could improve the safety performance of younger CMV drivers. But, the TCA petition, as submitted, does not demonstrate that a pilot program for younger CMV drivers is warranted at this time.

#### **FMCSA's Decision**

For the reasons given above, the FMCSA is denying the petition of the Truckload Carriers Association to establish a pilot program for CMV drivers between the ages of 18 and 21. We believe that proper screening, training, and mentoring are likely to improve the safety performance of any given group of drivers. However, based on the information provided by the petitioner and commenters, the agency is unable to determine that the safety measures in this proposed pilot project are designed to achieve a level of safety equivalent to, or greater than, the level obtained by complying with the safety regulations.

**Authority:** 49 U.S.C. 31136 and 31315; and 49 CFR 1.73.

Issued on: June 4, 2003.

**Annette M. Sandberg,**  
*Acting Administrator.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Research and Special Programs Administration**

#### **Federal Railroad Administration**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Transportation Security Administration**

[Docket No. RSPA-2003-14982, Notice No. 03-7]

### **Hazardous Materials: Transportation of Explosives by Rail**

**AGENCY:** Research and Special Programs Administration and Federal Railroad Administration, Department of Transportation; and Transportation Security Administration, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** The Research and Special Programs Administration, the Federal Railroad Administration, and the Transportation Security Administration are publishing this document to describe the application of Federal laws to the transportation of explosives by rail. In particular, this document explains that, in light of the extensive regulation of the rail transportation of hazardous materials, including explosives, by the Department of Transportation, the protections inherent in railroad operations against improper use of those materials by railroad employees, and the security safeguards taken by the railroads, the transportation of explosives via rail by certain persons described under the Safe Explosives Act does not pose a sufficient security risk warranting further regulation at this time. Based on the determinations made by the Transportation Security Administration and the Department of Transportation that are detailed in this document, certain federal criminal provisions described below do not apply to persons while they are engaged in the commercial transportation of explosives by rail.

**DATES:** Effective Date: June 4, 2003.

**ADDRESSES:** You may review the public docket containing this document in person at the Department of Transportation Dockets Management System office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Management System office is on the plaza level of the NASSIF Building at the Department of Transportation, Room PL 401, 400 Seventh Street, SW., Washington, DC 20590-0001. Also, you