

populations that have an interest in the safety of commercial vehicles: commercial drivers (holders of CDLs), police officers who deal at least in part with traffic enforcement, and the general public. As described in the "Focus Group Report," all three groups reported that driver error is the most important cause of safety problems. All groups said that there is a need to upgrade the CDL through longer training, certification of instructors, higher performance standards and periodic re-testing. This document is available for review in the public docket.

The second project occurred in March 1995 when the FHWA sponsored the first National Truck and Bus Safety Summit. More than 200 experts attended it from all facets of the motor carrier community including Federal, State and local enforcement and legal communities, carriers, drivers, heavy vehicle manufacturers and suppliers, shippers, highway safety researchers, insurers, and other professional organizations. These truck and bus safety experts met for three days to share their views on significant truck and bus safety issues. As described in the "1995 Truck and Bus Safety Summit, Report of Proceedings", overall driver training and continuing education (for commercial drivers and the general motoring public) ranked number three out of seventeen safety issues identified by the participants. This document is available for review in the public docket.

The agency has utilized these projects, the research conducted over the past several years and the comments to the 1993 advance notice of proposed rulemaking (ANPRM) on training of LCV drivers to develop the proposals in this notice of proposed rulemaking.

Comments to the ANPRM

On January 15, 1993, the FHWA published an ANPRM in the **Federal Register** (58 FR 4638) seeking comments and responses to 13 specific questions. The FMCSA received 24 comments which are discussed below.

Question 1: Should the definition of LCV that will be used to develop a training requirement be expanded to include vehicles not covered by the ISTE A, such as multiple-trailer combinations operating with a gross weight of less than 36,288 kilograms (80,000 pounds), i.e., "twin trailers" or "western doubles"?

Comments: Of the 13 commenters that provided a response to this question, 6 were in favor of expanding the definition of an LCV to include multiple-trailer combination vehicles

with a GCWR of less than 36,288 kilograms (80,000 pounds). They believed that the number and size of the trailers are more important than weight and that LCVs should be easily identifiable for enforcement purposes.

The Advocates for Highway and Auto Safety (AHAS) and the Owner-Operators Independent Drivers Association (OOIDA) supported a training requirement that is expanded to include vehicles not covered by the ISTE A definition of LCV. OOIDA believes that the number and size of the cargo carrying units primarily determine the handling characteristics and overall operational safety of the vehicle as opposed to the gross operating weight and length.

Those commenters opposing the expansion of the definition, including the American Trucking Associations (ATA), the Specialized Carriers and Rigging Association (SCRA), the National Private Truck Council (NPTC), Yellow Freight Systems, Inc. (Yellow Freight), and United Parcel Service (UPS), generally emphasized the importance of a consistent LCV definition and the possibility of expanding the definition at a later date. The ATA and Yellow Freight each submitted a second comment to the docket to reaffirm their opposition to any possible plans to include twins in the definition of LCV. Definition consistency and possible cost considerations, respectively, were the reasons cited.

Question 2: What difficulties would the ISTE A definition create, from an enforcement standpoint, in distinguishing which vehicles meet the definition and in determining which drivers must comply with any LCV training requirements?

Comments: Ten commenters responded to this question. Seven respondents indicated that the ISTE A definition of an LCV would create enforcement difficulties primarily because the weight aspect of the definition would make LCVs difficult to distinguish from a similar vehicle which does not meet the weight requirement. The Colorado DOT was concerned that it may be impossible for enforcement personnel, by merely viewing the combinations, to distinguish which vehicles are operating at greater than 36,288 kilograms (80,000 pounds) and therefore which drivers should have the LCV driving requirements and which should not. Pennzoil went further by recommending that a definition of LCV should "not require the measuring and weighing of LCVs."

Three commenters stated that the ISTE A definition would not cause

enforcement difficulties. The SCRA reflected the general view of the commenters by stating that "[if] the LCV definition in the ISTE A of 1991 is adopted by FMCSA we believe that enforcement people will have very little difficulty identifying longer combination vehicles * * *. They should be able to determine gross vehicle weight from shipping papers, manifest and/or weight tickets."

Question 3: Once the training requirements for LCV drivers are established, what should the FHWA's role be in assuring that the training is actually carried out according to the minimum standards?

Comments: Thirteen respondents commented on this question. Responses were diverse. Some argued that the agency should use the Safety Review/ Compliance Review (SR/CR) process to assure programmatic compliance (ATA, OOIDA, PTDI, UPS, Yellow Freight); others said the agency should make those State agencies that receive Motor Carrier Safety Assistance Program (MCSAP) funding responsible for monitoring the LCV training requirements. The NPTC suggested that the "FHWA should enhance CDL tests by including skills testing for LCV operators." Pennzoil recommended that once the FHWA defines the LCV training requirements, it should require LCV driver applicants to provide proof of training when applying for and renewing their CDLs. In addition, Pennzoil recommended that the FHWA and State agencies establish an instructor file record.

Question 4: What standards are necessary to ensure that instructors have been adequately and properly trained and are carrying out their training responsibilities in an acceptable manner?

Comments: Thirteen respondents provided comments to this question. Their underlying theme was that instructors should be fully experienced LCV drivers and be held to a higher standard than the LCV drivers they will train. In addition, comments emphasized that the LCV instructors should be qualified and capable vocational instructors who are thoroughly familiar with course content. Pennzoil recommended that instructors be recertified every one to three years. The Maine DOT recommended instructor certification.

Question 5: Should the initial licensing of LCV instructors and certification of LCV drivers be accomplished by a Federal (FMCSA or other) or State agency? How should this be accomplished?