

Vehicle Driver-Training Guide,” and the “Multiple-Trailer Combination Vehicle Driver-Training Instructor Guide” was the result of the efforts of the PTDI, and experts from the trucking industry, labor, and government. This group reached consensus on how to best identify and refer to the various combination vehicles. Accordingly, FMCSA has incorporated many of those terms into this proposed rule. In some instances, the agency proposes a different term than the PTDI-recommended one (i.e., longer double trailers would be called an LCV double; a triple trailer would be called an LCV triple.). The agency recognizes that the dynamic nature of the trucking industry may result in the development and operation of combinations that qualify as LCVs but may not be described here. We invite comment on the question of whether additional clarifying information should be added to the final rule.

Section 380.109 Driver testing

This section proposes general requirements pertaining to LCV driver-training tests—comprised of both a knowledge and skills assessment—for all students wishing to obtain an LCV Driver-Training Certificate. It would require the tests to reflect solely the information contained in the LCV driver-training programs offered and that the tests be valid and reliable student assessment tools. This section would also establish 80 percent as the minimum passing score for the knowledge tests, as is the current standard for the CDL knowledge tests offered by the States. If, during the skills portion of the test, the student fails to obey traffic laws or is involved in a preventable accident, he/she would automatically fail the LCV driver-training test.

Section 380.111 Substitute for driver training

FMCSA believes that for many current LCV drivers, the combination of a good driving record and experience with a representative vehicle of the specific LCV category is an appropriate indication that the individual has the minimum knowledge and driving skills to operate such a vehicle. Accordingly, the FMCSA would allow certain drivers to substitute a good driving record and experience for the completion of the LCV driver-training requirements. FMCSA believes grandfathering such drivers would not diminish public safety or overall safe operation of CMVs. The driver would have to provide the employing motor carrier evidence of safely operating those vehicles for a

period of at least 2 years prior to application.

The FMCSA is proposing that a motor carrier issue a Certificate of Grandfathering to those drivers who meet the knowledge and experience requirements established in this section. A copy of the certificate would be filed in the Driver Qualification file. Grandfathered drivers would be excluded from the training requirements of this part. This action is consistent with that taken when the agency grandfathered certain drivers from the CDL skills tests contained in part 383. Current drivers could only be grandfathered for a one-year period immediately after the effective date of the final rule. After the one-year period, only those drivers who present an employer with a Certificate of Grandfathering would be exempted from LCV driver-training requirements.

Section 380.113 Employer responsibilities

This section would expressly prohibit a motor carrier from using an individual to operate an LCV unless he/she has first met the requirements under part 380. Section 380.113(b) would address ANPRM Question 2 regarding roadside enforcement challenges and Question 3 regarding the FMCSA role in enforcement. Under the current proposal, FMCSA or MCSAP State enforcement officials would verify compliance with the LCV driver-training and driver-instructor requirements at the carrier's place of business during the compliance review, rather than at the roadside. The enforcement official would not be burdened with trying to determine at roadside whether or not a CMV driver is subject to the LCV training requirement. This enforcement approach would also emphasize that both the motor carrier and the driver have a responsibility for the LCV training requirement. The driver would have to obtain the necessary LCV training and the carrier would have to prohibit a driver from operating an LCV without it.

Subpart B—LCV Driver-Training Program

Sections 380.203 and 380.205 set forth the specific conditions that one would have to meet to qualify for LCV driver training. The individual seeking LCV training would have to possess a valid CDL with a double/triple trailer endorsement, have only one driver's license, have a good driving record, and provide evidence of experience in operating the prerequisite type of vehicle to qualify for the desired LCV

training. Evidence of driving experience would consist of a statement from an employer(s) stating the type and amount of driving experience while employed by that motor carrier.

Subpart C—LCV Driver-Instructor Requirements

Section 380.301 General requirements

The FMCSA believes that, initially, persons who are currently conducting double/triple trailer combination vehicle training would become the qualified LCV instructors under the proposed grandfather requirements. Subsequently, when the need arises for new instructors, those qualified (grandfathered) LCV instructors would train new instructors, who would then be qualified to train drivers.

Each instructor that is employed by a training institution offering LCV training would have to meet all State requirements for a vocational education instructor. While the States assume varying degrees of control over education, institutions of post-secondary education are permitted to operate with considerable independence and autonomy. As a consequence, educational institutions can vary widely in the quality and adequacy of their programs. In order to ensure a basic level of quality and adequacy, the Department of Education established accreditation requirements. The FMCSA, therefore, proposes that any entity, for-profit or not-for-profit, private or public, that meets the accreditation requirements of the Department of Education would be allowed to offer the training.

Section 380.303 Substitute for instructor requirements

As is the case for LCV drivers, certain current driver-instructors would be grandfathered from the instructional skills requirements. Those instructors desiring to be grandfathered would provide evidence of eligibility to the motor carrier. The motor carrier would file the proof of eligibility in the LCV instructor qualification file proposed under § 391.53.

Subpart D—Driver-Training Certification

Section 380.401 Certification document

The FMCSA proposes to require a certifying official of the training entity to issue a certificate to each driver who successfully completes LCV driver-training. The driver would provide the motor carrier a copy of the LCV Driver-Training Certificate as proof of eligibility to operate an LCV. The certificate would indicate the type(s) of