

Transportation (DOT). The agency is striving to meet all of the statutory and executive branch requirements on rulemaking. The FMCSA is currently developing an agency order that will comply with all statutory and regulatory policies under the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 *et seq.*). The agency expects the draft FMCSA Order to appear in the **Federal Register** for public comment in the near future. The framework of the FMCSA Order is consistent with and reflects the procedures for considering environmental impacts under DOT Order 5610.1C. The FMCSA analyzed this NPRM under the NEPA and DOT Order 5610.1C. Since this action relates only to driver-training and instructor-qualification standards, the agency believes that it would be among the type of regulations that would be categorically excluded from any environmental assessment.

Executive Order 13211 (Energy Supply, Distribution, or Use)

We have analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. This action is not a significant energy action within the meaning of Section 4(b) of the Executive Order because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This proposed rule establishes training requirements for operators of LCVs and sets forth requirements for trainers of such operators. This action has no effect on the supply or use of energy, nor do we believe it will cause a shortage of drivers qualified to distribute energy (e.g., gasoline, fuel oil, etc.).

Unfunded Mandates Reform Act of 1995

This proposed rule would not impose a Federal mandate resulting in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. (2 U.S.C. 1531 *et seq.*) Under this proposal, there are no costs to States, and costs to the private sector should be minimal. This action proposes minimum training standards for operators of LCVs. Although not required to do so under the FMCSRs, motor carriers routinely provide similar training to their drivers who operate LCVs. The proposal would not stipulate that motor carriers must provide such training, but requires them to use only those drivers and driver-instructors who have met the proposed standards. LCV drivers and driver-instructors would be

responsible for the cost of meeting the requirements.

Executive Order 12630 (Taking of Private Property)

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutional Protected Property Rights.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

We have analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule sets forth training requirements for LCV drivers and sets standards for instructors of such drivers. Therefore, the FMCSA certifies that this action is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

List of Subjects

49 CFR part 380

Driver training, instructor requirements.

49 CFR part 391

Highways and roads, Motor vehicle safety.

In consideration of the foregoing, the FMCSA hereby proposes to amend title 49, Code of Federal Regulations, chapter III, subchapter B, as set forth below.

1. Chapter III is amended by adding part 380 to read as follows:

PART 380—SPECIAL TRAINING REQUIREMENTS

Subpart A—Longer Combination Vehicle (LCV) Driver-Training and Driver-Instructor Requirements—General

Sec.

- 380.101 Purpose and scope.
- 380.103 Applicability.
- 380.105 Definitions.
- 380.107 General requirements.
- 380.109 Driver testing.
- 380.111 Substitute for driver training.
- 380.113 Employer responsibilities.

Subpart B—LCV Driver-Training Program

- 380.201 General requirements.
- 380.203 LCV Doubles.
- 380.205 LCV Triples.

Subpart C—LCV Driver-Instructor Requirements

- 380.301 General requirements.
- 380.303 Substitute for instructor requirements.
- 380.305 Employer responsibilities.

Subpart D—Driver-Training Certification

- 380.401 Certification document.
- Appendix to Part 380—LCV Driver Training Programs, Required Knowledge and Skills

Authority: 49 U.S.C. 31136, 31307, and 31502; Sec. 4007(b) of Pub. L. 102-240 (105 Stat. 2152); 49 CFR 1.73.

Subpart A—General

§ 380.101 Purpose and scope.

(a) *Purpose.* The purpose of this part is to establish minimum requirements for operators of longer combination vehicles (LCVs) and LCV driver-instructors.

- (b) *Scope.* This part establishes:
- (1) Minimum training requirements for operators of LCVs;
 - (2) Minimum qualification requirements for LCV driver-instructors; and
 - (3) Procedures for determining compliance with this part by operators, instructors, training institutions, and employers.

§ 380.103 Applicability.

The rules in this part apply to all operators of LCVs in interstate commerce, employers of such persons, and LCV driver-instructors.

§ 380.105 Definitions.

(a) The definitions in part 383 of this subchapter apply to this part, except where otherwise specifically noted.

(b) As used in this part:

Longer combination vehicle (LCV) means any combination of a truck-tractor and two or more trailers or semi-trailers, which operate on the National System of Interstate and Defense Highways with a gross vehicle weight (GVW) greater than 36,288 kilograms (80,000 pounds).

LCV Double means a Rocky Mountain double or a turnpike double.

LCV Triple means an LCV consisting of a truck-tractor in combination with three trailers and/or semi-trailers.

Qualified LCV driver-instructor means an instructor meeting the requirements contained in subpart B of this part.

Rocky Mountain double means an LCV consisting of a truck-tractor in combination with a longer semi-trailer, usually 13.716 to 16.154 meters (45 to 53 feet) long, and a shorter trailer usually 8.230 to 8.687 meters (27 to 28.5 feet) long.

Training institution means any technical or vocational school