

107–56, October 26, 2001, 115 Stat. 272]. The definition of the term “hazardous of materials” was changed to include any material listed as a select agent or toxin by the Centers for Disease Control and Prevention (CDC) in 42 CFR part 73.

In accordance with the CMVSA, all drivers of CMVs must possess a valid CDL in order to be properly qualified to operate the vehicle(s) they drive. In addition to passing the CDL knowledge and skill tests required for the basic vehicle group, all persons who operate or anticipate operating the following vehicles, which have special handling characteristics, must obtain endorsements under § 383.93:

- (a) Double/triple trailers;
- (b) Passenger vehicles;
- (c) Tank vehicles; or
- (d) Vehicles required to be placarded for hazardous materials.

The driver is required to pass a knowledge test for all endorsements. The driver must also pass a skill test to obtain a passenger vehicle endorsement.

The CDL requirements address driver testing and licensing. The CMVSA does not contain any provisions specifically addressing driver training. Accordingly, there are no prerequisite Federal training requirements to obtain a CDL. Generally, drivers individually prepare for the CDL tests by studying such areas as vehicle inspection procedures, off-road vehicle maneuvers and operating a CMV in traffic.

The agency here is proposing required training in the following four additional areas: driver qualifications, hours of service of drivers, driver wellness, and whistle blower protection. The CDL tests do not cover these subject areas and the agency believes that a driver's knowledge of these areas is vital to large truck and bus safety.

This proposal is part of an overall FMCSA effort to improve the CDL program, which also involves improvements to the CDL tests, and a graduated licensing study. Section 4019 of the Transportation Equity Act for the 21st Century (Pub.L. 105–178; June 9, 1998) required the agency to determine if the current system of CDL testing is an accurate measure of an applicant's knowledge and skill needed to operate a CMV. As a result, the questions used in the CDL knowledge tests are currently being revised to insure that test questions and answers adequately cover the required knowledge the driver needs to operate a CMV.

The agency is examining the various skill test components to determine whether testing modifications are necessary. If testing modifications are needed, the agency may develop a

future rulemaking, which modifies the testing procedures. Section 4019 also required the agency to identify the costs and benefits of a graduated licensing system. The agency published a notice in the **Federal Register** on February 25, 2003, asking for public comment on whether a graduated licensing system for CMV operators is a workable concept (68 FR 8798). The agency plans to use this information to help determine the costs and benefits of the graduated CDL.

Advance Notice of Proposed Rulemaking

Pursuant to Section 4007(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the agency began a rulemaking proceeding on the need to require training of all entry-level CMV drivers. On June 21, 1993, the agency published in the **Federal Register** an advance notice of proposed rulemaking (ANPRM) entitled “Commercial Motor Vehicles: Training for All Entry Level Drivers” (58 FR 33874). The agency asked 13 questions, which addressed training adequacy standards, curriculum requirements, the CDL, the definition of “entry-level driver;” and training, pass rates and costs. There was no consensus on the issue of mandated entry-level driver training. The heavy truck and bus industries were against mandated training; the International Brotherhood of Teamsters was in favor.

The agency received a total of 104 comments. When the agency published a notice on April 25, 1996, reopening the docket (61 FR 18355), it received 48 additional comments on an adequacy study, and cost-benefit analysis, both of which are discussed below. On November 13, 1996, the agency held a public meeting at the Department of Transportation headquarters in Washington, DC, to discuss mandatory training for entry-level CMV drivers. There were 26 persons who participated at the public meeting.

A detailed analysis of the questions and comments appears later in this document under the heading, “Information from the ANPRM and the Public Meeting.”

Training Adequacy Study

Concurrent with the development of the ANPRM, the agency conducted a study, as required by Section 4007(a)(1) of the ISTEA, on the effectiveness of private sector efforts to train entry-level drivers in the heavy truck, motorcoach, and school bus industries. The first step of the study involved development of a baseline training standard for both the cargo and passenger-transporting segments of the CMV industry. The next

step involved collecting information on training currently being offered by the cargo and passenger-transporting segments of the CMV industry. A comparison of current training to the baseline standards was then made to determine if employer-provided training was adequate. In the final step of the study, driver and employer surveys were performed to determine what percentage of drivers were adequately trained by employers. Drivers were also asked what percentage of drivers were adequately trained by training schools.

The agency assembled two groups of experts: one from the trucking sector and the other from the motorcoach and school bus sectors. The experts identified driver training baselines. The truck experts selected the Model Curriculum as a baseline. The bus experts selected a combination of the Model Curriculum and the National Highway Traffic Safety Administration (NHTSA) “School Bus Driver Instructional Program,” developed in 1974 and currently being updated. The experts reached a consensus on minimum requirements for the numbers of class and practice driving hours, student/teacher ratios, and course topics. They then developed an algorithm to quantitatively compare existing driver training with the baselines. An overall negative score demonstrated that the program was judged to be less effective than the baseline. An overall positive score showed that the program was judged to be more effective. Based on this analysis, the percentage of employers that provide entry-level drivers with adequate training was: heavy truck employers (8 percent), motorcoach employers (19 percent), and school bus operators (24 percent).

One-hundred ninety-two (192) drivers were surveyed to determine the adequacy of training provided by training schools in the opinion of the drivers. Based on this survey, the percentage of drivers adequately trained by heavy truck training schools was 31 percent. The survey found that no heavy truck training school adequately trained drivers to operate school buses, and that the motor coach industry had no training school for motor coach drivers. According to the survey, the percentage of heavy truck training schools providing adequate training was 50 percent.

The agency also surveyed a total of 641 employers. The percentage of employers who train drivers, according to the employer survey, was as follows: heavy truck 39 percent, motor coach 37.4 percent, and school bus 93.5 percent.