

exposure of the entry-level driver to a professionally prepared video covering the required topics. In all cases, the motor carrier would have to maintain some evidence of the content of the instruction for a Safety Investigator seeking to verify that the requirements of the training have been met. Informal, unverifiable, or undocumented communication between the entry-level driver and his or her employer would not be acceptable. Evidence that a driver has received the training would be maintained in the driver's personnel file. An entry-level driver would be one with less than two years of experience operating a CMV with a CDL. However, drivers with one year of experience operating a CMV with a CDL, who have a good driving record, would be grandfathered and therefore would not have to take the proposed training.

The FMCSA believes that for many entry-level drivers, the combination of a good driving record and at least one year of experience operating a CMV with a CDL 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 proposed driver-training requirements. The FMCSA believes grandfathering such drivers would not diminish public safety or overall safe operation of CMVs.

The FMCSA is proposing that a motor carrier issue a Certificate of Grandfathering to those drivers whose experience and driving record qualify them to be grandfathered under this proposal. A copy of the certificate would be filed in the driver's personnel file. Grandfathered drivers would not be subject to the training requirements of this new subpart. This action is consistent with that taken when the agency grandfathered certain drivers from the CDL skills tests contained in part 383. Qualified drivers, who want to obtain a Certificate of Grandfathering, must do so within one year of 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 entry-level driver training requirements.

The agency recognizes that, in order to develop the training curriculum required by this proposal, a phase-in period would be necessary. The agency believes that a 2-month phase-in period is adequate and would provide sufficient time for motor carriers and training schools to develop the required training material. The effective date of

the rule would be 2 months after its publication in the **Federal Register**.

The FMCSA solicits comments on all aspects of this proposal.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FMCSA has determined that this action is a significant regulatory action within the meaning of E.O. 12866, and is significant within the meaning of the Department of Transportation's regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, February 26, 1979) because of significant public interest in the issues relating to CMV safety and training of certain CMV drivers. This proposed rule has been reviewed by the Office of Management and Budget under E.O. 12866.

Summary of Benefit-Cost Analysis for this Proposal

Background

This proposed rule is required by the Intermodal Surface Transportation Efficiency Act of 1991. The FMCSA is proposing that entry-level commercial drivers receive mandatory training in the following content areas: driver qualifications, hours of service of drivers, driver wellness, and whistle blower rights. This NPRM would require an applicant to complete entry-level driver training that includes these four content areas and furnish a copy of the training certificate to the employer in cases where someone other than the employer provides the training. An employer could not allow a new entry-level driver to operate a CMV on the public road unless the driver has received the required training and documentation of training is in the employer's possession.

The agency seeks to ensure high standards of safety among more experienced drivers without imposing an undue burden on these drivers by imposing an immediate training requirement. Such a requirement could mean an interruption of the driver's work schedule and a substantial loss in wages. In order to eliminate an overly burdensome approach to training, the NPRM proposes that drivers with up to one year of driving experience would have 90 days to complete the training. Drivers having between one to two years of experience who do not qualify for grandfathering would also have 90 days to complete the required training. The agency solicits comments on the economic impact of requiring training within the 90-day time period for these

two groups of experienced drivers as well as the costs associated with a lesser period of time. Commenters are requested to provide supporting rationale.

The FMCSA has conducted a regulatory evaluation of this proposed rule in accordance with Executive Order 12866, "Regulatory Planning and Review." This rule is estimated to cost \$25.1 million in the first year of implementation and \$22.7 million annually thereafter (undiscounted). The higher costs in the first year are the result of this rule's effect on some existing drivers (*i.e.*, those with less than two years of experience), where a certain percentage would be required to undertake the required training within the first 90 days of the rule's implementation. Total discounted costs of this rule are \$173.3 million over the 10-year period.

Our analysis of this proposed rule indicates that it would have to prevent 315 truck-related crashes (*i.e.*, combined fatal, injury-related, and property-damage-only crashes) in the first year to be cost-beneficial (*i.e.*, to offset the \$25.1 million in first-year costs). The rule would have to prevent 285 crashes in each year thereafter to be cost-beneficial. The 285–315 truck-related crashes to be avoided represent less than seven one-hundredths of one percent (or 0.07 percent) of the average total number of truck-related crashes reported annually (estimated at 445,000 in 1999 and 2000). This 0.07-percent reduction in truck-related crashes is obviously much less than the size of crash reductions experienced in studies cited earlier in this NPRM, where case studies revealed crash reductions of 2 and 40 percent from implementation of new driver training programs and is also well below the 15-percent reduction in crashes used in the regulatory evaluation prepared in 1995 for the ANPRM (which involved a more comprehensive training program than proposed here). A summary of costs is provided in the next section. For a complete discussion of the assumptions made, data used, and analysis performed in this regulatory evaluation, the reader is referred to the docket, where a copy of the full regulatory evaluation is contained.

Costs

The largest cost component of this rule is the cost of providing training to entry-level operators of heavy trucks, school buses, and motor coaches. Training costs include both the direct cost to train drivers and the (opportunity) cost of drivers' time. The two key factors in estimating the