



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Administrator

DEPARTMENT OF
TRANSPORTATION
1200 New Jersey Ave
SE

2017 JAN 25 P 2: 00

DOCKET OPERATIONS

Refer to: MC-P

January 19, 2017

Mr. Ron Wood
Volunteer Coordinator
Citizens for Reliable and Safe Highways
2020 14th Street North
Suite 710
Arlington, VA 22201

Dear Mr. Wood:

This letter is in response to your December 21, 2016 Petition for Reconsideration (Petition) of the Federal Motor Carrier Safety Administration's (FMCSA) final rule, "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators," 81 FR 88732 (Dec. 8, 2016). For the reasons explained below, FMCSA denies the Petition.

The final rule implements section 32304 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), which requires FMCSA to issue regulations establishing minimum entry-level driver training (ELDT) requirements addressing the knowledge and skills necessary for an individual to safely operate a commercial motor vehicle (CMV). In accordance with that mandate, the rule establishes minimum training standards for certain individuals applying for their commercial driver's license (CDL) for the first time; an upgrade of their CDL; or a hazardous materials (H), passenger (P), or school bus (S) endorsement for the first time.

Your Petition asserts that "major aspects" of the final rule are not in the public interest and requests a stay of the effective date of the final rule "until the [FMCSA] Administrator can render a decision on the Petition for Reconsideration." Although your Petition does not request that FMCSA take any specific remedial action, the Agency infers that you are asking for reconsideration of the decision not to include a mandatory minimum number of behind-the-wheel (BTW) training hours, as proposed in the March 2016 NPRM.

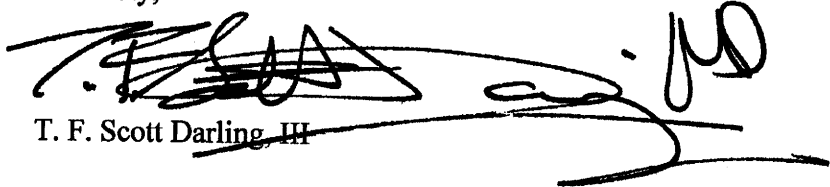
In support of your position that a minimum BTW hours requirement should be included in the final rule, you largely repeat points previously raised in your comments to the NPRM and in other public statements. You provide no new information or quantitative data in support of your claim that CDL applicants' completion of a required minimum number of BTW hours "will improve safety and reduce crash statistics among novice CMV drivers." Although you cite recent increases in the number of large truck crashes involving injuries and fatalities, you neither assert nor offer any evidence that a lack of driver training was the cause of – or even a factor in – any of those crashes. You also point out that younger CMV drivers are more likely to be involved in injury and fatality crashes than drivers age 21 and older. But again you neither allege nor provide data indicating that inadequate training was a factor in CMV crashes

involving younger drivers, much less that a minimum number of BTW training hours would have cured the inadequacy.

The basis for FMCSA's decision not to include the minimum BTW hours requirements, as proposed in the NPRM, is thoroughly explained in the final rule. (See 81 FR 88746-88751.) As the Agency noted in the preamble to the final rule, in the absence of any reliable qualitative or quantitative link between mandatory BTW training hours and improved CMV safety outcomes, we were obliged to proceed with the least burdensome means of achieving the regulatory objective, as required by Section 1(a) of Executive Order 13563. Once the final rule is implemented, FMCSA will collect relevant BTW training data through the Training Provider Registry which will assist the Agency in determining whether the rule has a positive impact on CMV safety. If the Agency's analysis of post-rule data leads us to conclude that the issue of mandatory minimum hours of BTW training should be re-visited, FMCSA will do so through a notice-and-comment rulemaking process.

In accordance with 49 CFR 389.37, FMCSA denies your Petition for Reconsideration and will not include in the final rule a minimum-hours requirement for BTW training. In accordance with 49 CFR 389.35(d), the effective date of the final rule remains February 6, 2017. An identical response has been provided to Advocates for Highway and Auto Safety, the Owner-Operator Independent Drivers Association, and Truck Safety Coalition.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'T. F. Scott Darling, III', is written over a horizontal line. The signature is highly cursive and includes a large flourish at the end.

T. F. Scott Darling, III