



C.R. England / Premier Truck Driving Schools

Comments on Minimum Training Requirements Proposed Rulemaking

C.R. England is in favor of standardized driver training requirements and appreciative of the opportunity to publicly comment on this important rulemaking. Public safety is our first consideration and we look forward to the implementation of a safe, efficient, and effective rule that will improve the safety of our nation's highways. In these comments, we will comment on the proposed rule and provide some general and specific ideas and suggestions.

Background on C.R. England & Premier Truck Driving Schools

C.R. England, founded in 1920, is the largest refrigerated carrier in the United States with over 3,600 trucks and 5,000 drivers. Premier Truck Driving Schools is wholly owned and operated by C.R. England, and consists of four truck driving schools in California, Utah, Indiana, and Texas. These schools will produce about 5,800 new CDL holders in 2008. This represents about 10% of the annual new entrant driver population as estimated by FMCSA in this proposed rulemaking. Most of these drivers will be employed by C.R. England, but some are contracted to work at different companies. C.R. England has operated schools since 1987, and has won numerous state and national safety awards in that time. C.R. England was also involved in the creation of PTDI and has been an advocate for standardized driver training for many years. At this time, C.R. England is not affiliated with PTDI or CVTA.

Comments on the Proposed Rule

FMCSA acknowledges that there is no known data that correlates the amount or type of driver training with accident performance, but has proposed this rule despite the lack of data to support it. The American Transportation Research Institute (ATRI) has published a study since the proposed rule was released called *Driver Training Impacts on Safety* of more than 16,500 entry-level drivers that found no correlation between the total number of school hours and safety performance. This is the fourth major effort we have found that attempts and fails to find a link between safety performance and the amount of training time a driver receives. The other three were the Adequacy Report mentioned in the rule, TRB's synthesis 13, and another study by LTCCS.

The Minimum Training Requirements Final Rule should strictly be competency based, not hours based. All drivers are unique and it takes differing amounts of time to

train each of them. Many students are already proficient in some aspects of the curriculum when they start school. Having a time-based regulation forces the school to give equal time to all students rather than focusing more time on the drivers that really need it. A small number of drivers have a high percent of the accidents, and a time-based regulation could discourage schools from spending extra time with the high-risk drivers. From a practical standpoint, the student will get the appropriate amount of training time if they are held to a standard based on competency only.

Schools and instructors are best equipped to decide how to administer the curriculum for each student, as long as they are held accountable for performance. Arbitrary timeframes will not improve the quality of training and will stifle creativity. The emergence of new methods and technologies, such as simulators, may be able to help drivers become competent in less time than ever before. Competency-based standards encourage progressive and efficient programs.

Unless the number of hours is validated, there will always be an argument for how many hours should be used. Lawsuits may arise and would be difficult to defend. “More hours is better” would be a never-ending argument from advocacy groups.

It is illogical to tightly regulate the specific amount of hours spent on each section in Appendix B, when there is no data to support it. More flexibility is needed to consistently improve school programs. The basis for Appendix B (and its hours-based standards) is the 1985 Model Curriculum, which was developed well before several current teaching tools were available. This includes Computer Based Training, Simulators, Distance Learning, or even PowerPoint presentations.

The Model Curriculum was also developed before the advent of the CDL, which requires written and road tests intended to produce safe drivers. While the CDL tests may not be stringent enough to insure drivers have received adequate training, it has caused schools to evolve and improve so students are prepared to pass the tests. This experience was not available at the time the Model Curriculum was published.

There is no data that validates the amount of required hours assigned to each section in the proposed Appendix B. These arbitrary timeframes would prevent schools from finding a better way to teach students. Unless we can be absolutely sure that the hours associated with each subject in Appendix B is the very best way to train drivers to avoid fatalities, it isn't logical to dictate precise methods. In other words, schools should be regulated on “what”, not “how”. ATRI's *Driver Training Impacts of Safety* study found an accident correlation to only one training topic, which is post-accident procedure instruction.

If the final rule is hours-based, observation time in the truck with an instructor should count as classroom time. This may have been intended in the proposed rule, but it needs to be explicitly stated. Watching others perform and succeed or fail while performing a maneuver with an instructor present can be an effective method of learning. Many adults are visual learners and learn by watching.

Observation time allows instructors to visually demonstrate important skills that are sometimes difficult, if not impossible, to replicate in a classroom. A significant portion of a student's success is determined by their ability to master the timing of shifting or the steering behavior of backing or turning. If this is combined with behind the wheel practice time, it can be a powerful learning experience.

The accreditation requirement in the proposed rule is overly burdensome and would be a crushing blow to the driving school industry. Instead, the rule should focus on student performance. The accreditation agency industry is not prepared to handle the volume of schools that would need to become accredited within the allotted three-year time frame. Once a final rule is published, it will take a minimum of several months for any school to adjust and develop the curriculum and management necessary to comply with the regulations. Accreditation commissions typically require a program to be in place for two years before it can apply to be accredited. The application process itself takes many months under normal circumstances. This rulemaking would create a huge backlog of driving schools waiting for the accreditation agencies to process their applications and evaluate their programs. If a driving school can't become accredited in three years, it will be forced to close.

The proposed rule makes it extremely costly, if not impossible, to start a new driving school. If the accrediting agencies require a school to be in operation for two years before an application will be received, and the FMCSA requires that accreditation is necessary to produce a "Driver Training Certificate", it is impractical to start a new school.

Accreditation agencies often, if not always, have standards that prevent a school from advertising employment upon graduation of the school. Assuming the intent of this standard is to prevent a school from making a promise it can't keep, this doesn't make sense for carrier-owned truck driving schools. The purpose of carrier schools is to obtain employees. This conflict could eliminate motor carrier schools, which produce a substantial percent of the drivers that obtain a CDL each year. Perhaps an alternative to accreditation for carrier schools could have oversight from the state or the FMCSA.

Accreditation agencies have standards that insure a high graduation rate. While this is surely in place to protect the consumer, it may not be appropriate for a truck driving school. Many new students are never able to overcome eye-hand coordination deficiencies or nervousness, among other things. Truck driving schools that disqualify these individuals do so in the best interests of public safety. Minimum graduation rates can be at the expense of safety.

The proposed rule specifically asked for suggestions on how to administer an effective competency-based rule. This can be done by implementing most of the proposed rule as it currently stands, except eliminating the hours-based requirements and accreditation and including two new steps:

1. **Measure the accident performance for each training institution and hold each institution accountable.** Each driver will be turning in a certificate that links them to a school, and it will be recorded in CDLIS. This will enable FMCSA to link each DOT recordable accident to the driver, and consequently, the training institution. FMCSA could then calculate the accident rates for each school. This information could be used to inform, regulate, and penalize schools with poor safety records.
2. **Require each training institution to administer a validated, competency-based test on each of the units of instructions proposed in the rule.** The rule already requires each school to insure competency on each subject listed in Appendix B by testing the drivers to a prescribed standard. If a validated proficiency test was provided or endorsed by FMCSA for each unit of instruction, it would be unnecessary to have an hours based regulation. The proposed rule relies on each instructor to decide on the standard by which a driver should be judged. A standardized test still relies on competent instructors, but allows them to be more consistent by evaluating according to the standards required by the test. Our schools already use the Commercial Driver Training Foundation's Assessment of Entry-Level Commercial Drivers (AECD), which is an example of a validated test developed by a third party with the proper credentials. A government official can easily audit it by riding along and evaluating the driver at the same time as the instructor, and later comparing scores.

In this plan, all parties are accountable to be competent. The driver must demonstrate that they meet the standards required before they can receive a training certificate. The school must administer the validated test appropriately, and must train drivers that are actually safe after they leave the school. Each state and the DOT should hold training institutions accountable for poor performance.

Driving instructors should not be required to have more than one year of experience with the type of CDL they are training. This proposed rule will require many schools to hire more driving instructors in order to comply with the BTW hours provision. The demand for truck drivers is so acute that the wages for experienced drivers is considerably higher than for truck driving instructors. This move will undoubtedly push the instructor wages up, which will significantly increase the cost to train each student. These costs will be passed along to the student and the trucking company that pays the school for the student. Instructor wages are the largest cost in driving schools, and an increase would significantly impact the cost of training and hiring an inexperienced driver.

There is no evidence that an instructor with over two years driving will be any better than with one year. While driving experience may increase an individual's trucking knowledge, the most important attributes for an instructor are intelligence, good teaching, patience, and communication skills. Those qualities are not necessarily associated with long-term truck drivers.

There are a number of technical concerns with the proposed rule. The following issues need to be addressed:

- Unit 1.3 refers to post trip inspections. The regulations do not require a post trip "inspection", but they do require a post trip "report"- 396.11
- Unit 1.4 refers to "sharp" turns, which is not defined. The rule should just state left and right turns.
- Unit 3.3 seems to suggest that skid pad training is required or a driver must be exposed to driving on slippery surfaces, and this is not practical for all schools.
- Unit 3.2 refers to "discussion" about emergency maneuvers, and similar language should be used in unit 3.3.
- Unit 4.3 requires the student "perform" emergency maintenance procedures correctly. CDL holders should only be expected to have basic and minimal training on maintaining a vehicle. The graduates of the driving schools will move on to drive such a variety of makes and models of trucks with differing specifications that it is not reasonable to expect the driver to perform anything but the most basic maintenance.
- It should be clear that this regulation replaces the current requirements and that carriers do not have to continue the current training requirements on HOS, whistleblower, driver health and driver qualification requirements
- Table 1 on page 73233 of the proposed rule not only defines the number of hours to be spent on Classroom and BTW training, but also lists a percentage of time spent. Why is a percentage specified? If a program intends to spend more than 44 hours BTW, would it also be forced to increase the 76 classroom hours proportionally higher?
- Observation time should be added to the list of elements that count as classroom instruction on page 73243.
- Evaluation time should count as BTW time, which is also on page 73243. If this is not included in BTW time, the estimated costs of the rule would need to increase to allow for compliance with the testing requirements of the proposed rule.
- Due to the early success of schools using simulators, a limited amount of simulator time should count as BTW time.
- The rule does not clearly explain what license upgrades are and what training is required to obtain them. If no requirements are necessary, the rule should at least explicitly list what issues do not need to be addressed.
- Many of the subjects listed should be excluded from the pre-CDL curriculum because they are better handled by employers in orientation, including: Tire-chaining procedures, Preventative Maintenance, Diagnosing Malfunctions, and Cargo Handling. Each of these will vary based on the company the driver works for. If the program is hours based, the hours spent on these subjects should be reduced.