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Comment on FMCSA-2007-27748

Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators

This comment is in addition to the comments previously submitted by our organization.

The Commercial Driver's License School, Inc (CDL) commends the department in its attempt to improve driver training and highway safety. Over my 17 years in the training industry (and 21 years as a licensed CMV operator), as an instructor, school director, 3<sup>rd</sup> party examiner, and Chief Executive Officer I have seen many changes occur, mostly for the improvement of drivers, trucking carriers, and the public at large. Some of these changes are:

- 1) The implementation of the CDL Exams and their continual improvement and enhancement.
- 2) The modernization of carrier equipment, technology, and operating procedures.
- 3) The tremendous technological enhancements to load tracking, weather forecasting, driver education, and driver communications.
- 4) The deterioration of the nations manufacturing base and the increase in imported products into the United States of America.
- 5) The ever worsening driver shortage and its effects on the economic activity of our country.

Implementation of this rule will fall short of its' stated goals in several ways, due in part to the below factors, which should be carefully considered.

### **The Commercial Driver's License Program**

The CDL testing regimen in its current evolution has become a very difficult test when administered properly. When administered properly and consistently the exams require a driver candidate to possess significant theoretical knowledge and significant vehicle control skills. The test itself requires a large amount of preparation, much more so than any prior test format.

The CDL program also implemented severe disqualification (DQ) penalties for drivers who receive excessive and severe moving violations. These penalties are what keep highways safe, not minimum training hours.

Strengthening this test will achieve the goal of the rule without having to create an unfunded mandated curriculum or force the incompatible process of accreditation on existing training providers. If the department maintains emphasis on the states to effectively monitor their CDL programs, this would be enough to achieve goals of the proposed rules. This is proven by the fact that, since the 1991 implementation of the CDL, accidents and fatalities have consistently declined significantly.

### **Carrier Improvements**

Today's interstate carriers operate very modern equipment that is, relatively speaking, easy to drive. These vehicles in operation today do not require the hours of practice and teaching as recommended in the 1985 model curriculum.

### **The Hiring Situation**

Interstate (OTR) carriers are desperate for drivers in today's economy. This is due to increased freight traffic and the fact that interstate driving is an unattractive lifestyle for many people. In the mid-1990's carriers realized this and began making improvements. They began to pay drivers a good income, they made significant lifestyle improvements, and made a commitment to properly train their new employees so that they could achieve success as an interstate (OTR) driver.

Carriers recognize, as most other professions do, that having a diploma and passing a test simply means a driver is ready for an entry level job with them. New drivers still require training from an experienced driver in how to become a: safe, responsible, professional, and profitable employee. This is common practice in the legal, medical, finance, banking, and public sector industries. New graduates are ready to be trained for the specific requirements of the particular field. This is possible today because the CDL Exams ensure that a common threshold of knowledge has been met. Carriers do not hire from schools, whose graduates do not possess this ability and knowledge. The current hiring market accomplishes the goal of the rule.

The proposed rule will possibly undermine this. If the proposed rule is implemented a CDL license will no longer ensure a common threshold of knowledge has been met.

### **The Current Marketplace**

The rule in its current form actually serves to weaken CDL standards and will create a 2-tiered training system: One tier of training companies will provide preparation to obtain an intrastate only license; and one tier will be accredited for the purposes of the rule and provide certification for OTR or interstate driving. This rule will create the opportunity for fraud and loopholes where none exists currently. This rule will encourage deceptive trade practices, and consumer fraud.

This rule will make our local streets and neighborhoods less safe. Interstate (OTR) driving is widely considered the least desirable driving option. Accordingly, more applicants will opt for the simpler requirements and the less expensive training program for intrastate only. The ultimate effect will be to make local streets more unsafe, thereby shifting the problem from interstate highways to street corners and neighborhoods.

### **The Geography**

The rule will create confusion in geographic areas. A person can drive 650 miles within the State of Florida and never cross state lines. The same can be said for a majority of the states. The rule will have the effect of turning the clock back to the 1970's when operating authority was required for certain drivers or companies to drive on certain routes in certain states.

Under the proposed rule a driver would be able to drive 450 miles from Miami-Dade County, FL to Jacksonville, FL but could not drive the extra 30 miles into Georgia. This would not support the intent of the rule, but would nevertheless be a fact. This rule will severely damage America's economic system at a time when it is most fragile.

### **Unfunded Mandate**

Currently there is no significant public funding of commercial motor vehicle education. Certainly not to the scale that is required to meet the need of the industry. Accreditation is a process that itself can cost over \$20,000 initially and annually require significant costs to maintain that status.

The cost will be borne by the students who pay the tuition. These students will have the choice of obtaining a CDL intrastate license for a lower cost at a non-accredited program and be driving anyway. This proposed rule will ultimately destroy those companies who choose to become accredited, and sequentially harm the national trucking industry.

The agency has noted that by being accredited, schools would be able to participate in Department of Education Funding (ED). However, there is no funding for programs less than 320 hours in length.

### **The Proposed Rule is Unnecessary**

The Large Truck Crash Causation Study says there is no conclusive data that this rule will result in less crashes.

#### *Large Truck Crash Causation Study (LTCCS).*

In September 2006, FMCSA conducted further analysis on the recently released FMCSA/National Highway Traffic Safety Administration Large Truck Crash Causation Study (LTCCS) for data regarding the training and experience of commercial drivers involved in crashes. The LTCCS provides information on nearly one thousand selected truck crashes from around the country.

*The LTCCS data specify many characteristics of each crash, including the training of the drivers involved and whether or not the driver was at fault. However, analysis using the LTCCS was inconclusive and did not identify any statistically significant difference between trained and untrained drivers with regard to crash frequency.* Analysts reported that the relatively small sample size and difficulty in differentiating the effects of training, experience, and age precluded useful conclusions.

The FHWA confirms this in its adequacy report.

### **Summary**

The framework for achieving the intent of the rule already exists today in the CDL licensing program. A new standard is not needed. While a mandated minimum training curriculum may be beneficial to our corporation at some point, overall it will cloud the current marketplace, and weaken the CDL Licensing system. Prospective students / drivers will be confused by the new requirements and the opportunity for consumer fraud will grow.

Accrediting agencies won't effectively monitor the issuance of these diplomas, and a new black market for these diplomas will be created. This market will not have the oversight or law enforcement supervision that state licensing departments currently enjoy. Couple this with the fact that the department acknowledges there is no real evidence that the road will

become safer, (in fact local streets will become less safe) it is clear that this rule should not be implemented.

Requiring more training is always a nice thing to say. However, if few can afford the cost of the tuition, what good will come of it?

If there is no clear answer that highway safety will improve what will really be achieved?

Respectfully Submitted,

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