



April 6, 2016

Richard Clemente
Driver and Carrier Operations (MC-PSD) Division, FMCSA
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue SE.
Washington, DC 20590-0001

RE: Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators [Docket No. FMCSA-2007-27748]

Dear Mr. Clemente:

The American Association for Justice (AAJ), formerly known as the Association of Trial Lawyers of America (ATLA), hereby submits comments in response to the Federal Motor Carrier Safety Administration's (FMCSA) notice of proposed rulemaking (NPRM) for Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators.¹

AAJ, with members in United States, Canada and abroad, works to preserve the constitutional right to trial by jury and access to justice when people are injured by the negligence or misconduct of others. AAJ is an advocate for those who have been injured or killed in highway crashes by the unsafe driving practices of others. AAJ supports FMCSA's effort to set comprehensive national prerequisite training standards for entry-level commercial motor vehicle (CMV) operators and believes that well-trained drivers will create safer highways. However, more should be done here to promote strong safety standards and ensure CMV drivers have the knowledge and skills necessary to safely operate on public highways.

Injuries and fatalities caused by truck crashes are a serious problem in the United States. In 2013 alone, 4,186 large trucks and buses were involved in fatal crashes² and 385,000 nonfatal

¹ See 81 FR 11943.

² Fed. Motor Carrier Safety Admin., "Large Truck and Bus Crash Facts 2013" (April 2015), *available at* https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Large-Truck-and-Bus-Crash-Facts-2013_0.pdf.

crashes involved at least one truck or bus.³ It is undeniable that CMV drivers who are poorly or inadequately trained contribute to the risk of injury or fatality in truck crashes. This is especially true for new CMV drivers who have yet to encounter such challenges as inclement weather, heavy traffic, dangerous equipment or poorly-conditioned roads. In fact, a recent study by the National Institute for Occupational Safety and Health (NIOSH) found that more than one-third (38%) of long-haul truck drivers perceived not receiving adequate training at the beginning of their career.⁴ And with a projected 11% increase in heavy and tractor-trailer truck driver employment from 1,701,500 in 2012 to 1,894,100 in 2022, the need for stronger and more robust entry-level training requirements is clear.⁵

This NPRM takes important steps to help mitigate this risk by enhancing the training of entry-level drivers to further ensure that they operate CMVs safely and meet the operational responsibilities imposed on them, including hours of behind-the-wheel training.⁶ Increasing hands-on practice will mean fewer instances of drivers encountering risks for the first-time while on the road and without the adequate skills to avoid potential crashes. Given the importance of driver training on the safety of our highways, the hours requirement proposed by FMCSA is a good start, but does not nearly go far enough.⁷

When considering the average amount of driving a CMV driver can do within a week on the road, it is clear that these requirements are inadequate.⁸ Indeed, new drivers may log more hours in three days than during the proposed training hours. Instead, AAJ urges FMCSA to adopt the hours proposed in its 2007 NPRM, requiring 120 hours of training for “Class A” CDLs and 90 hours of training for “Class B” CDLs.⁹ As noted by FMCSA in its cost-benefit analysis in the 2007 proposal, the proposed mandatory training would not just promote safety by reducing the crashes, but would result in benefits of \$167.8 million (so that the benefits of the rule equal the costs).¹⁰

³ Fed. Motor Carrier Safety Admin., “2015 Pocket Guide to Large Truck and Bus Statistics” (April 2015), *available at* https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/2015%20Pocket%20Guide%20-%20March%2030%202015%20%28For%20Web%20Publishing%29-508c_0.pdf.

⁴ NIOSH national survey of long-haul truck drivers: Injury and safety (2015), *available at* <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4631642/>.

⁵ *Id.*

⁶ 81 FR 11950.

⁷ Under the proposal, “Class A” CDL trainees would only be required to obtain a minimum of 30 hours of behind-the-wheel training including a minimum of 10 hours of operating the vehicle on a practice driving range, while “Class B” CDL trainees would be required to receive a minimum of 15 hours and 7 hours, respectively.

⁸ According to a 2014 survey of truck drivers, the mean number of hours worked in 7 days was 61 hours. Fed. Motor Carrier Safety Admin., National Survey of Long-Haul Truck Driver Health and Injury (January 2014), *available at* <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/National%20Survey%20of%20Long-Haul%20Truck%20Driver%20Health%20and%20Injury.pdf>.

⁹ 72 FR 73236.

¹⁰ *Id.*

The primary mission of FMCSA is to reduce crashes, injuries and fatalities involving large trucks and buses. While these proposed requirements will help advance this goal, because of the drastic and substantial impact CMV operations have on the overall safety of our shared highways, more must be done. Specifically, FMCSA should require a greater number of training hours for new drivers than currently proposed to ensure that CMV operators have the skills and knowledge to operate these large vehicles as safely as possible. If you have any questions or comments, please contact Zoë Oreck, AAJ's Assistant Regulatory Counsel, at (202) 944-2869.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Tawwater', with a stylized flourish at the end.

Larry A. Tawwater
President
American Association for Justice