



May 23, 2008

Mr. Thomas Yager, Chief
Driver and Carrier Operations Division
Docket Management Facility
United States Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators;
Proposed Rule; Docket No. FMCSA-2007-27748;

Dear Mr. Yager:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am writing to respond to the Federal Motor Carrier Safety Administration's (FMCSA) request for comments on the Notice of Proposed Rulemaking (NPRM) regarding the proposed revisions to its standards for mandatory training requirements for entry-level operators of commercial motor vehicles (CMVs). Through its 32 member unions, TTD represents millions of workers across the transportation industry, including commercial drivers directly affected by the proposals in this rulemaking.¹ We note that the Amalgamated Transit Union (ATU) and the International Union of Operating Engineers (IUOE), both TTD affiliates, have also submitted comments to this docket with which we fully concur.

While we understand that the stated purpose of the NPRM is to improve CMV driver training and thus enhance safety, FMCSA's proposal would actually have the opposite effect on both points and we urge the agency to reconsider its proposal. Specifically, we are opposed to the artificial limits the proposed rule would place on the training programs that a CMV driver could participate in to receive or renew a commercial driver's license (CDL). Under the proposed rule, a CMV driver that needs a CDL would have to receive training from an institution that is accredited by an agency recognized by the U.S. Department of Education or by the Council for Higher Education Accreditation. This requirement ignores the excellent training programs that are sponsored by carriers in the motorcoach industry and through union apprenticeship programs in the construction trades. It is also relevant that from a practical standpoint, institutions or companies would no longer be able to hire the entry-level drivers they train.

¹ A complete list of TTD affiliated unions is attached.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

FMCSA's proposed rule appears to be focused primarily on the trucking industry and does not take into consideration the unique characteristics of motorcoach operations or the existing apprentice type training programs in the construction trades. While accredited training institutions exist in the trucking sector, there are no motorcoach training institutions. Also, CMV drivers in the construction trades are required to learn skills beyond what an accredited truck driving school offers. Motorcoach companies and construction contractors would have to rely on truck driver training schools for drivers with CDLs. Truck driver training schools are simply not focused on producing drivers with the same type of skills as the existing motorcoach training programs offered by major carriers or the union sponsored apprenticeship programs in the construction trades.

If FMCSA's proposed rule goes into effect, persons applying for new or upgraded CDL's would be required to successfully complete specified minimum classroom and behind-the-wheel training from an accredited institution or program. A State driver-licensing agency would only issue a CDL if the applicant presented a valid driver training certificate obtained from an accredited institution or program. The rule currently states that "the training provider or program would have to be accredited by an agency recognized by the U.S. Department of Education (ED) or by the Council for Higher Education Accreditation (CHEA)."²

The proposed rule excludes the only training programs for motorcoach drivers provided by the major carriers, such as Greyhound and Peter Pan. This proposed requirement essentially prohibits motorcoach companies from continuing to provide their successful in-house training programs. Should this proposed rule go into effect, a prospective bus driver would be forced to attend training programs that focus primarily on truck driving. While such a program would provide the driver with a CDL, the driver would miss out on crucial elements of bus driver training, such as safety considerations for passengers, accommodation of disabled passengers, passenger evacuation, and security concerns. If FMCSA's proposed rule goes into effect, all existing in-house motorcoach training programs wishing to continue to train CMV drivers must obtain accreditation. However, upon receiving accreditation, they would no longer be able to hire the entry-level drivers they train.³ Since there are no third party motorcoach training schools, the NPRM would effectively shut off motorcoach focused training programs. This makes no sense when one remembers that these training programs have produced thousands of quality drivers and there have been no allegations that these programs are inadequate.

Additionally, for more than five decades, union sponsored apprenticeship and training programs have offered members the training necessary to become highly skilled operators of construction equipment, which are classified as CMVs.⁴ The Office of Apprenticeship of United States Department of Labor (DOL) regulates these programs in accordance with the National

² Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators; 72 Fed. Reg. 73234 (Dec. 26, 2007)

³ While this is not a requirement of the NPRM, we understand that this is a condition of the accreditation process for these training programs.

⁴ 49 CFR 383.5 and 390.5

Apprenticeship Act of 1937. These programs provide apprentices and trainees with the specific training necessary to pass a CDL test, which apprentices normally take during their first year of their apprenticeship. For example, DOL has approved IUOE training standards that include both on-the-job training and classroom instruction for operating engineers.

FMCSA's proposed rule would require potential CMV operators in the construction trades to attend training programs that focus primarily on truck driving for their CMV training, while the type of CMVs most commonly operated by operating engineers on public roads are truck cranes, grade-all excavators, boom trucks, concrete pumps, large lube trucks, and large mechanical service trucks. In the construction industry, CMV operators must be proficient in the operation of CMVs oversized in width and in height, that have a high center of gravity and that transport pieces of equipment that may extend the length or increase the height of the vehicle. Existing apprentice type training programs, which involve student interaction with instructors, range practice, and the use of simulators and various electronic media clearly offer more adequate training for CMV operators in the construction trades than FMCSA's classroom instruction heavy proposal.

For these reasons, TTD urges FMCSA to reconsider this proposed rule. We urge the agency to ensure that those entities with the most experience in training CMV operators, including motorcoach companies and labor unions, be able to continue to provide such training.

Thank you in advance for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized, looping flourish at the end.

Edward Wytkind
President

TTD MEMBER UNIONS

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Federation of Professional and Technical Engineers (IFPTE)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal Workers International Association (SMWIA)
Transportation · Communications International Union (TCU)
Transport Workers Union of America (TWU)
United Mine Workers of America (UMWA)
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union (USW)*
United Transportation Union (UTU)