



January 12, 2022

**DOT Docket No. FMCSA-2022-0002**

U.S. Department of Transportation  
West Building, Ground Floor  
Room W12-140  
1200 New Jersey Avenue, SE,  
Washington, D.C. 20590-0001  
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**Agency Information Collection Activities; Emergency Approval of a New Information  
Collection Request: Apprenticeship Pilot Program  
Docket # FMCSA-2022-0002**

These comments are filed jointly by the Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways (CRASH), Parents Against Tired Truckers (P.A.T.T.), and our volunteers, who are the family and friends of truck crash victims and survivors, in response to the Federal Motor Carrier Safety Administration's (FMCSA) Notice and request for public comment on its "Information Collection Activities; Emergency Approval of a New Information Collection Request: Apprenticeship Pilot Program."

The Truck Safety Coalition is vehemently opposed to the Apprenticeship Pilot Program and recommends that the Department of Transportation (DOT) Secretary terminate the program immediately under the authority vested in the Secretary by 49 USC 31315. This program is not in the public interest and defies all available evidence on record for teen driving safety. Commercial Motor Vehicle (CMV) drivers ages 19-20 are six times more likely to be involved in fatal crashes than those aged 21 or older.<sup>1</sup> The Insurance Institute for Highway Safety (IIHS) has determined that "age is a strong risk factor for truck crash involvement."<sup>2</sup> The Federal Motor Carrier Safety Administration (FMCSA) has considered a teen trucker pilot program before and previously declined to lower the minimum age for an unrestricted CDL to 18 because the agency was unable to conclude that the "safety performance of these younger drivers is sufficiently close to that of older drivers of CMVs[.]"<sup>3</sup> The National Highway Traffic Safety Administration (NHTSA) has an entire campaign devoted to improving teen driving safety, saying "One thing is

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<sup>1</sup> Insurance Institute for Highway Safety, Comments to the docket, FMCSA-2000-8410-0515; citing Christie, R. and Fabre, J. 1999. Potential for fast-tracking heavy vehicle drivers. Melbourne, Australia: National Road Transport Commission.

<sup>2</sup> Campbell, K. L., Fatal Accident Involvement Rates By Driver Age For Large Trucks, *Accid. Anal. & Prev.* Vol 23, No. 4, 1991.

<sup>3</sup> Young Commercial Driver Pilot Training Program, Notice of denial of petition to initiate a pilot program, 68 Federal Register 34467, 34470.

certain: *teens aren't ready to have the same level of driving responsibility as adults*. Teen drivers have a higher rate of fatal crashes, mainly because of their immaturity (...).<sup>4</sup> The Bureau of Labor Statistics (BLS) consistently lists truck driving as one of America's deadliest professions every year.<sup>5</sup> Allowing this teen trucking pilot to proceed will only make this dangerous profession deadlier.

The entire premise that a teen trucking pilot program is necessary to generate meaningful teen driving data for analysis is nonsensical. Forty-nine (49) states *already* allow truck drivers under the age of 21 to obtain Commercial Driver's Licenses (CDLs) for intrastate driving. Before embarking on an ill-advised federal inter-state pilot, the pre-existing abundance of teen trucking data in these 49 states and motor carrier internal records must be collected and analyzed by FMCSA. Although intrastate drivers are likely to be subject to fewer scheduling and fatigue issues as over-the-road interstate drivers, the desk study proposed would provide a beginning to addressing the research goals outlined in the Infrastructure Investment and Jobs Act Apprenticeship program and do so without recklessly endangering the motoring public.

FMCSA must use its jurisdictional mandate and authority under 49 CFR 381.505, which requires the development of a monitoring plan **to ensure adequate safeguards to protect the health and safety of pilot program participants and the general public**. Using this authority, FMCSA must increase and further specify pilot program requirements and corresponding information collection elements to reduce the extremely high likelihood of death and severe injury that will result from the program as currently proposed. TSC believes that even with additional safeguards, the program in any iteration cannot be shown to be safe and should not be permitted. TSC requests that information be gathered to address the effectiveness and/or impact of, at minimum, the following important issues:

TSC requests the following suggestions be taken under strong consideration:

- **Commercial Motor Carrier Eligibility Requirements**: Any motor carrier already engaged in intrastate commerce with 18-20-year-old drivers must provide a three-year history to FMCSA Program officials of the number of teen drivers employed and document the number of driver and vehicle violations, all safety violations, inspection violations, and all incidents and crashes, to include those that resulted in death, injury, or major property damage. Commercial motor carriers have been "piloting" the concept of teen truckers in states across the country for years and not disclosing the results. In addition, any motor carrier with SMS Basic Alerts should be ineligible for participation in the program.
- **Extend CMV Requirements**: It is nonsensical to train a young driver on one vehicle and then allow that driver to use a vehicle that does not have the same or greater safety technology features as currently proposed in the legislation. Increase the requirement to

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<sup>4</sup> NHTSA. (n.d.). Teen Driving. Retrieved January 7, 2022, from <https://www.nhtsa.gov/road-safety/teen-driving>

<sup>5</sup> USDOT releases new data showing that road fatalities spiked in first half of 2021. U.S. Department of Transportation. (2022, October 28). Retrieved January 7, 2022, from <https://www.transportation.gov/briefing-room/usdot-releases-new-data-showing-road-fatalities-spiked-first-half-2021>

mandate that 18-20-year-old drivers *must at all times* utilize a CMV that has an active braking collision mitigation system, a governed speed of sixty-five (65) miles per hour, and a forward-facing video event capture system until the driver turns twenty-one (21), as opposed to the current 280 hours of probationary time using a vehicle equipped with these features. Commercial motor carriers must send documentation to FMCSA program officials citing the make, model, and license plate for the CMV's equipped with these features being utilized for their training program participants.

- Increase Requirements for “Experienced Drivers” serving as Apprentice Trainers: Drivers serving as Trainers must have five (5) consecutive years with no driver violations, safety violations, reportable crashes, and zero inspection violations. The idea of pairing an 18-year-old driver with a Trainer who only has two consecutive years of violation-free driving experience (5 years of total experience) to qualify for supervised training is woefully inadequate. The name, CDL information, and length of time in employment at the current carrier and previous carriers must be supplied to FMCSA program officials.

In addition, Trainers must observe all trainee driving hours from the passenger seat. Any other form of “observation and supervision” should constitute a program violation ending the commercial motor carrier’s participation in the program.

Trainers also must be logged as *on-duty, not driving*, while the apprentice is driving. This is critical as rigorous training requires elevated levels of attentiveness and count toward the Trainer’s on-duty Hours of Service (HOS). Public safety will be severely further compromised if training hours for the Trainer were logged as “off-duty” and then able to drive fatigued, exceeding HOS requirements, following training sessions. The NTSB routinely cites truck driver fatigue as a major contributor to truck crash incidents.

- Clarify Trainee Drive-Time Hours: FMCSA Guidance distributed to program participants must clearly lay out how to log on-duty time. It needs to be clear that all-time at a customer location must be logged as “*on-duty, not driving*.” Both Trainer and Trainee should sign documentation indicating awareness and agreement to comply with this requirement. Behind-the-wheel training hours must not be lost on non-driving activities such as loading and unloading.
- Teen “Phase-Shifting” Must be Accommodated: Teenagers represent a uniquely vulnerable population to driver fatigue. This population typically experiences what is described as a “delayed phase shifting” of their internal sleep-wake internal rhythm.<sup>6</sup> Their internal clocks often make it impossible for them to fall asleep before 11 p.m. or midnight. Since this population still physiologically require 7-9 hours of sleep each night to be fully vigilant during their awake times, requiring them to awaken in the early am to begin driving shifts has the dual effects of curtailing their total sleep time and requiring them to be awake and vigilant during their internal clocks’ phase that is promoting sleep. Intentionally accommodating for this phenomenon by delaying early morning drive times

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<sup>6</sup> UCLA Sleep Disorders Center. (n.d.). Sleep and Teens. Retrieved January 11, 2022, from <https://www.uclahealth.org/sleepcenter/sleep-and-teens>  
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can reduce crash rates with younger drivers.<sup>7</sup> FMCSA should provide clear program guidance to commercial motor carriers that provide age-specific fatigue management training for teens and specific workplace accommodations for this functional need in both drive time scheduling and reduced total drive time hours for this unique population.

- Carriers Must Disclose Safety Rights to Younger Drivers: Section 405 of the Surface Transportation Assistance Act, and 49 C.F.R. Sections 392.3 and 392.14 affirm that drivers have the right to refuse to violate safety regulations or to drive when they feel they are too tired or otherwise do not think it is safe to drive or continue driving. Due to their inexperience, younger drivers are more likely to be unaware of these rights and to feel undue pressure and intimidation to comply with potentially unreasonable demands of motor carriers.
- Trainee CMV Visibility: Commercial Motor Carriers must visibly identify CMV's utilized for training with an FMCSA-produced high visibility sticker reading, "Youth Truck Driver in Training," and with a "How's My Driving," sticker for DOT Complaint Hotline 888-368-7238 or dedicated FMCSA Pilot Program Hotline.
- Experienced Driver Trainer Accountability: FMCSA program requirements must clearly outline potential Trainer violations, such as Trainer in sleeping berth while trainee drives or Trainer is logged off-duty and provide FMCSA Complaint Hotline for Trainee's use: 888-368-7238 or dedicated FMCSA Pilot Program Hotline. Violations of this nature should result in commercial motor carrier suspension from the program and CDL suspension for the Trainer.

In addition, the commercial motor carrier must be required to review Electronic Logs to ensure that the Trainer is logged as "on-duty, not driving" when the trainee is driving. Attestation of review and copies of Electronic Logs must be sent to FMCSA program officials on a routine and ongoing basis.

It is also imperative that Trainers not be paid or compensated in any way, shape, or form tied to the number of miles driven by their Trainee. This would create a perverse incentive for Trainers to push or otherwise rush their Trainees and compromise the quality of their supervised behind-the-wheel hours.

- Carrier and Driver Crash Accountability: Consequences for crashes resulting in death, injury, or property damage should be clear from the onset for participating motor carriers. The teen trucker should have their CDL revoked and the carrier should cease all pilot program operations. This would incentivize carriers and drivers to be fully committed to safety in the training and implementation of this pilot program and not cut corners at the expense of safety.

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<sup>7</sup> Bin-Hasan S, Kapur K, Rakesh K, Owens J. School start time change and motor vehicle crashes in adolescent drivers. *J Clin Sleep Med*. 2020;16(3):371–376.

- Incorporate Lessons Learned from Aviation Industry: Despite increased complexity, the airline industry has a significantly better safety record than the trucking industry, where nearly 5,000 lives are lost annually, including over 800 truck drivers. Aviation training requirements are extremely rigorous and do not tolerate incidents and crashes as an expected and acceptable “part of doing business.” Operational training hours, supervision and oversight, standardized testing, and carrier compliance are all areas that can stand to benefit from adopting aviation industry best practices.
- Apprenticeship Program Must be Registered with U.S. Department of Labor: Registered Apprenticeship Programs (RAPs) are a proven model of apprenticeship validated by the U.S. Department of Labor or a State Apprenticeship Agency. It provides a minimum national standard for quality and rigor that provides meaningful benefits to the apprentice as well as the employer. To have some measure of consistency in application across the nearly 100,000 commercial motor carriers in the United States, it is crucial for participating motor carriers to formally become Registered Apprenticeships (RAs) under 29 CFR part 29.
- CMV Liability Insurance Provider Notification & Increase in Minimum Coverage: Commercial Motor Carriers must inform their liability insurance provider of participation in the program for potential rate adjustment by the provider based on underwriting standards for younger drivers. Attestation must be provided to FMCSA program officials when applying to participate in the program. Failure to provide liability insurer notification should result in program ineligibility. Additionally, the minimum rate of motor carrier liability insurance for carriers participating in the program should be no less than 10 million dollars to account for the extremely high likelihood of crash incidents by youth CMV drivers.

**The inclusion of the proposed requirements and corresponding FMCSA data collection elements does not make the Apprenticeship Pilot program remotely acceptable to the Truck Safety Coalition.** These suggestions are provided out of grave concern for the public safety interest. Lives will be needlessly lost due to implementing this program, compounding the current roadway fatality crisis.<sup>8</sup> There is no data-driven argument that the public safety interest is served by this program. On the contrary, an abundance of data suggests public safety will be severely harmed. As such, the Federal Motor Carrier Safety Administration must use all the tools at its disposal to expand the requirements of this program to make it marginally less lethal to the motoring public.

TSC strongly advises FMCSA to adopt these recommendations in order to prevent needless crashes, deaths, and injuries that will surely result from an apprenticeship program characterized by ineffective and inadequate safeguards jeopardizing the lives of teen truckers as well as families sharing the road with them.

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<sup>8</sup> USDOT releases new data showing that road fatalities spiked in first half of 2021. U.S. Department of Transportation. (2022, October 28). Retrieved January 7, 2022, from <https://www.transportation.gov/briefing-room/usdot-releases-new-data-showing-road-fatalities-spiked-first-half-2021>

Sincerely,



Zach Cahalan  
Executive Director, Truck Safety Coalition (TSC)

Joan Claybrook  
Chair, Citizens for Reliable and Safe Highways (CRASH)  
Former Administrator, National Highway Traffic Safety Administration

Dawn King, President, Truck Safety Coalition & Board Member, Citizens for Reliable and Safe Highways (CRASH).

*Dawn's father, Bill Badger, was killed in 2004 while slowed in traffic when he was hit from behind by a truck driver who had fallen asleep at the wheel.*

Daphne and Steve Izer, Founders & Co-Chairs, Parents Against Tired Truckers (P.A.T.T.).  
*Daphne and Steve's son, Jeff, and three of his friends were killed in 1993 when a semi-truck driver fell asleep at the wheel and ran over their parked car.*

Jane Mathis, Vice President, Truck Safety Coalition & Board Member, Parents Against Tired Truckers (P.A.T.T.).

*Jane's 23-year-old son, David, and his bride, Mary Kathryn, were killed while on their way home from their honeymoon in 2004 when they were stopped in traffic and hit from behind by a semi whose driver fell asleep at the wheel. The car became wedged under the truck, then exploded.*

Russell Swift, Co-Chair, Parents Against Tired Truckers (P.A.T.T.) and Board Member, Truck Safety Coalition.

*Russ' son, Jasen, was killed instantly, as was a fellow Marine, while they drove in the dark to work in 1993, by a 17-year-old truck driver without a permit whose truck was stuck across two lanes after trying a U-turn, causing the car to drive into and under the side of the trailer.*

Jennifer M. Tierney, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Truck Safety Coalition.

*Jennifer's father, James Mooney, was killed on a dark, rural road in 1983 when he crashed into a truck with no visible lights blocking the roadway*

Nikki Hensley Weingartner, Board Member, Parents Against Tired Truckers (P.A.T.T.) & Truck Safety Coalition.

*Nikki's husband, Virgil Hensley, was killed in 1997 when a truck driver ran a stop sign at an intersection, killing him instantly.*

Tami Friedrich Trakh, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Truck Safety Coalition.

*Tami's sister, Kris, brother-in-law, Alan, and two of their children, Brandie and Anthony, were killed in 1989 when a tanker truck overturned in front of them and exploded.*

Lee Jackson, Board Member, Citizens for Reliable and Safe Highways (CRASH)

*Truck crash survivor*