

January 12, 2022

By Electronic Submission

Mr. Thomas Keene
Associate Administrator, Office of Research and Registration
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001

**RE: Docket No. FMCSA-2022-0002; Agency Information Collection
Activities; Emergency Approval of a New Information Collection
Request: Apprenticeship Pilot Program**

The undersigned organizations strongly support the apprenticeship pilot program contained in section 23022 of the Infrastructure Investment and Jobs Act (IIJA), and we appreciate the Federal Motor Carrier Safety Administration's (FMCSA) efforts to implement the program in a timely manner. However, we have concerns with requirements submitted by FMCSA to the Office of Management and Budget in its emergency information collection request (ICR)¹ that we believe create unnecessary administrative burdens and may inhibit participation in the program by stakeholders of various sizes.

If implemented as contemplated by the statute, this program will enhance transportation safety, enable young Americans to pursue a rewarding career in the trucking industry, and build a pipeline of qualified and highly trained trucking professionals. The robust training regimen established by this pilot program goes far beyond what is currently required for 18- to 20-year-old intrastate drivers in 49 states and the District of Columbia, laying the groundwork for significant safety improvements on our nation's roads and bridges. The participants in the pilot program will become a proficient and safety-focused workforce moving products and supplies throughout our nation. Therefore, we understand the need to collect certain information about pilot program participants, as specified in statute, in order to ensure the completion of training requirements and the satisfaction of performance benchmarks.

In order not to discourage robust participation in the pilot program, FMCSA should implement requirements that mirror the statutory provisions, which received broad bipartisan congressional support and the endorsement of the undersigned organizations, and not raise additional barriers. We believe the proposal will be improved significantly by:

1. Removing the registered apprenticeship requirement, and
2. Reducing the amount of monthly data employers must provide to FMCSA.

¹ Notice of Request for Emergency OMB Approval, 87 FR 1001 (January 7, 2022)
<https://www.govinfo.gov/content/pkg/FR-2022-01-07/pdf/2022-00063.pdf>

Importantly, without these changes, there is a very real possibility that overall subscription to the program may be delayed or reduced due to the costs and burdens associated.

Accordingly, we submit the following comments.

1. The requirement for joining the U.S. Department of Labor’s registered apprenticeship program is not necessary and is an added requirement not contemplated by the statutory text.

While organizations may support – and participate in – registered apprenticeships, this provision should be voluntary. Many employers may not want to create a registered apprenticeship program. It is unnecessary to the program and will likely reduce participation. FMCSA does not explain how the two programs are appropriately linked in the ICR, and we expect additional notice and comment may be necessary to implement this requirement (thereby likely further delaying implementation of the program).

Moreover, the burdens associated with creating and operating a registered apprenticeship program are not insubstantial and should be appropriately reflected in the burden estimate for this ICR. Since it is exercising discretion in making this a requirement, FMCSA should drop the requirement and provide the option to become a registered apprenticeship.

2. The requirement for “additional data” to be submitted monthly to FMCSA should be limited to include only those elements that are essential in evaluating the safety impact of commercial motor vehicle (CMV) drivers under the age of 21 operating in interstate commerce.

The requested data elements should be narrow, focused, and clear so that participating employers are not burdened by the requested information. As such, we offer the following comments regarding the “additional data” elements requested in this ICR:

- *Crash Data (incident reports, police reports, insurance reports):* We believe crash reports will be crucial in analyzing the safety impact of CMV drivers under the age of 21 operating in interstate commerce. Crash data should include all DOT accidents² as well as any non-DOT recordable crashes documented by the employer through their normal course of business. However, and of significance, to ensure the accuracy of results of this apprenticeship pilot program, *all* crash data should include detailed information so that the Agency can make accurate assessments as to the preventability of each crash. For instance, the Federal Motor Carrier Safety Regulations (FMCSRs) do not define preventability with regard to crashes or accidents, as defined by 49 CFR § 390.5. As such, the reporting of all crashes without consideration of preventability could render inaccurate data when

² 49 CFR § 390.5.

using crash data to analyze the safety of under 21 year old drivers. Considering the Agency's own estimates conclude that 70% of CMV crashes are the fault of the passenger vehicle driver,³ an under 21 year old driver could be involved in a crash, through no fault or error of their own, and be inaccurately classified as unsafe.

- *Inspection data:* Similar to the preventability concerns, inspection data submitted by the participating employer should be limited to inspections with violations attributed to the driver.
- *Citation data:* We agree that citations attributed to the driver should be submitted by the participating employer, but they should be limited to moving violations. We do not believe parking tickets, for example, are generally relevant to FMCSA's safety responsibilities.
- *Safety event data (as recorded by all safety systems installed on vehicles, to include advanced driver assistance systems, automatic emergency braking systems, onboard monitoring systems, and forward-facing and in-cab video systems):* We believe that certain safety event data will be useful in determining the safety of under 21 year old drivers operating in interstate commerce; however, the term "safety event data" as discussed in this ICR is broad and should be narrowed so that only relevant safety event data is submitted by the participating employer. For instance, the ICR does not define *exactly* what data from safety systems installed on vehicles should be submitted. It would be impractical, and an undue burden, for participating employers to submit *all* video system data to the Agency for each driver participating in this program. Likewise, Advanced Driver Assistance Systems (ADAS) can be complex in the event data they record. An ADAS that detects an "event" as a result of the driver operating over a rough road would not be relevant to this program, as compared to ADAS "events" that capture a hard brake or collision. The Agency should narrowly define the scope of the requested data elements to avoid unnecessary burdens and, more importantly, add to the relevance of the data submitted as part of this program.
- *Exposure data (record of duty status logs, on-duty time, driving time, and time spent away from home terminal):* While we believe that it is crucial the Agency has data to support that drivers operating under this program are driving on a regular basis (as compared to merely operating a CMV a few times per week or month), we caution the Agency in the broad scope of this request. To generate a robust and meaningful statistical analysis, the Agency should be clear about collecting data that narrowly defines terminology to improve the accuracy of the data collection and ease of participant data

³ *Financial Responsibility Requirements for Commercial Motor Vehicles, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, January 2013, page xii, footnote 2.*

reporting. Particularly, with regard to Record of Duty Status (RODS), the Agency should request RODS from participating employers limited in scope to the 6-month record retention timeframe required by the FMCSRs.

3. Conclusion

The undersigned organizations enthusiastically support FMCSA's plans to expand economic opportunity for younger licensed professional drivers while improving safety on our nation's roads. Allowing younger commercial drivers to operate across state lines and transport interstate freight if they meet heightened training and safety equipment requirements will provide a real opportunity to address current and future truck driver shortages. We thank FMCSA for its consideration of these comments and look forward to working with you to ensure the pilot program's success.

Respectfully submitted,

Agricultural and Food Transporters Conference
Agricultural Retailers Association
Agriculture Transportation Coalition
Amcot
American Apparel & Footwear Association
American Bakers Association
American Beverage Association
American Building Materials Alliance
American Chemistry Council
American Coatings Association
American Feed Industry Association
American Forest & Paper Association
American Foundry Society
American Frozen Food Institute
American Petroleum Institute
American Supply Association
American Trucking Associations
American Wood Council
AmericanHort
Associated Builders and Contractors
Associated Equipment Distributors
Association for Hose and Accessories Distribution
Auto Care Association
Brick Industry Association
Coalition of Franchisee Associations
Commercial Vehicle Training Association
Consumer Brands Association
Convenience Distribution Association
Cotton Growers Warehouse Association

Distilled Spirits Council of the United States
Energy Marketers of America
Equipment Service Association
Fluid Power Distributors Association
FMI – The Food Industry Association
Foodservice Equipment Distributors Association
Forest Resources Association
Franchise Business Services
Gases and Welding Distributors Association
Hardwood Federation
Heating, Air-Conditioning & Refrigeration Distributors International
Institute of Shortening and Edible Oils
Intermodal Association of North America
Intermodal Motor Carriers Conference
International Association of Plastics Distribution
International Bottled Water Association
International Dairy Foods Association
International Foodservice Distributors Association
International Franchise Association
International Fresh Produce Association
International Sealing Distribution Association
International Warehouse Logistics Association
Metals Service Center Institute
National Aquaculture Association
National Association of Chemical Distributors
National Association of Convenience Stores
National Association of Manufacturers
National Association of Sporting Goods Wholesalers
National Association of Wholesaler-Distributors
National Automatic Merchandising Association
National Beer Wholesalers Association
National Cotton Council
National Council of Chain Restaurants
National Council of Farmer Cooperatives
National Energy & Fuels Institute
National Fastener Distributors Association
National Franchisee Association
National Grain and Feed Association
National Grocers Association
National Milk Producers Federation
National Onion Association
National Pork Producers Council
National Private Truck Council
National Propane Gas Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation

National Stone, Sand & Gravel Association
National Tank Truck Carriers, Inc.
National Waste & Recycling Association
NATSO, Representing America's Travel Centers and Truck Stops
Next Generation in Trucking Association
North American Meat Institute
North American Millers' Association
North American Renderers Association
Pet Food Institute
Pet Industry Distributors Association
Plumbing Manufacturers International
Portland Cement Association
Power and Communication Contractors Association
Power Transmission Distributors Association
PRINTING United Alliance
Reserve Organization of America
Retail Industry Leaders Association
Retail Packaging Association
Rural & Agriculture Council of America
Security Hardware Distributors Association
Service Station Dealers of America and Allied Trades
SIGMA: America's Leading Fuel Marketers
SNAC International
Southeastern Lumber Manufacturers Association
Specialty Soya & Grains Alliance
The Fertilizer Institute
Tire Industry Association
Transportation Intermediaries Association
Truck Renting and Leasing Association
Truckload Carriers Association
Turfgrass Producers International
United States Cattlemen's Association
Water and Sewer Distributors of America
Wholesale Florist & Florist Supplier Association
Wine & Spirits Wholesalers of America