




**National Rural Electric
Cooperative Association**

A Touchstone Energy® Cooperative 

May 22, 2008

Docket Management Facility
U.S. Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

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

Dear Sir or Madam:

I am writing on behalf of the National Rural Electric Cooperative Association (NRECA) in response to the Notice of Proposed Rulemaking (NPRM); Request for Comments published by the Federal Motor Carrier Safety Administration (FMCSA) in the *Federal Register* of December 26, 2007.

NRECA is the national service organization representing more than 930 private, not-for-profit, consumer-owned cooperative electric utilities, which provide electric service to 40 million people in 47 states.

Almost all of NRECA's members are "small businesses" as defined by the Small Business Administration. As small businesses, the burden of regulatory compliance falls more heavily on them than it does on larger enterprises.

As operating utilities, NRECA's members employ drivers who must possess a valid commercial driver's license (CDL) in order to operate the commercial motor vehicles (CMVs) owned by the utility. Many, if not all, NRECA members conduct in-house training to teach the skills necessary for their employees to drive utility CMVs and to obtain CDLs.

By requiring specified types of training, and by requiring training to be through accredited institutions, the proposed rule would render current utility training infeasible, but would not guarantee that CDL holders become more qualified. NRECA supports improving the skills of utility CDL holders by testing CDL skills relevant to utility drivers -- including behind-the-wheel skills -- instead of by mandating training. But if training is to be required, proven effective trainers -- such as utilities -- should not be excluded in favor of accredited institutions.

I. CHECK SKILLS, NOT PAPER.

The proposed rule seeks to increase the skill levels of CDL holders by requiring a minimum number of hours of specified training. Those completing the training would receive a Driver Training Certificate to be presented as part of the requirements for obtaining a CDL.

The problem with this approach is that while it may guarantee an increase in paper certificates, it does not guarantee an increase in skill levels. Merely obtaining a certificate -- even a certificate of behind-the-wheel training -- does not insure that an applicant has attained desired skill levels. A better approach is to specify the target level of skill and then test for achievement of that level as part of the CDL application process.

II. CHECK SKILLS RELEVANT TO DRIVING CIRCUMSTANCES.

CDL holders engage in an enormous range of driving activities requiring a wide variety of driving skills. The driving skills needed to pilot an eighteen-wheeler across the country, for example, bear little relation to the skills needed to back a utility bucket truck down a dark country lane strewn with downed live power lines. Yet the driver training curriculum required by Appendix B of the proposed rule makes scant provision for different uses of different types of CMVs. Appendix B centers on equipment rather than use. So training to those standards could lead easily to granting CDLs to drivers who are not well-qualified for the driving they are to do.

The solution is two-fold: first, as noted above, check skills, not certificates. But also check skills relevant to the type of driving that the CDL holder will do. This perhaps may mean introduction of use-specific CDLs.

III. MAINTAIN EFFECTIVE CDL TRAINING FOR UTILITY DRIVERS BY DROPPING THE ACCREDITATION REQUIREMENT.

The proposed rule requires training to be done by instructors employed by an institution accredited by an agency recognized by the U.S. Department of Education or by the Council for Higher Education Accreditation. The problem is that such accreditation centers on issues of little relevance to the actual teaching of skills: ownership interests, financial viability, complaint procedures, student services, admissions policies, recruitment, placement -- in short, on the business of running a school. So, requiring training through an accredited institution does little, if anything, to insure that the training is effective.

Many utilities, of course, conduct their own training to insure that their drivers become qualified for the driving that they are to do. In this regard, utilities have a proven record of producing safe CDL drivers.

While it is theoretically possible that utility training operations could become accredited within the meaning of the proposed rule, as a practical matter, the financial and logistic hurdles to accreditation will mean that most utilities would not seek accreditation.

As a result, many of the best trainers for utility CDL drivers -- the utilities themselves -- will no longer conduct training, thus forcing those seeking a CDL for utility driving to go to less qualified CDL trainers. The solution, again, is to require skill testing, not training. But if the final rule requires training, it should allow utilities to train their own drivers without requiring utilities to become accredited training institutions.

Thank you in advance for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Hemenway Glazier". The signature is written in a cursive, flowing style.

Jonathan Hemenway Glazier
Association Counsel