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July 15, 2019

VIA ELECTRONIC SUBMISSION  
(<http://www.regulations.gov>)

The Honorable Raymond Martinez  
Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue Southeast  
Washington, D.C. 20590

Re: **Intermodal Association of North America Comments Regarding  
Docket FMCSA-2018-0346 and Fed Reg. 2019-21895  
Notice and Request For Comments -- Commercial Driver's Licenses:  
Pilot Program To Allow Drivers Under 21 To Operate Commercial  
Motor Vehicles in Interstate Commerce**

Dear Administrator Martinez:

The Intermodal Association of North America (IANA) submits these comments in response to the Federal Motor Carrier Safety Administration's (FMCSA) Request for comments on **Docket No. FMCSA-2018-0346—Commercial Drivers Licenses; Pilot Program to Allow Drivers Under 21 to Operate Commercial Motor Vehicles in Interstate Commerce**. IANA is the only transportation trade association that represents the combined interests of intermodal freight providers and customers. Our membership consists of more than 1,000 companies including railroads, ocean carriers, ports, intermodal truckers and over-the-road highway carriers, intermodal marketing and logistics companies, and suppliers to the industry.

In its notice, the FMCSA is requesting comments to help determine (1) whether the Agency should propose a new pilot program to allow 18, 19, and 20-year-old non-military drivers to operate commercial motor vehicles (CMVs) in interstate commerce, and (2) the parameters of such a program. IANA is fully supportive of FMCSA's proposal for a pilot program and would suggest that it consider incorporating some of the requirements of the Entry Level Driver Training (ELDT)<sup>1</sup> Final Rule, the DRIVE Safe Act<sup>2</sup>, and relevant elements of FMCSA's Under 21 Military Pilot, in designing the program. These initiatives have already been reviewed, vetted and received comments by the affected stakeholder community and the public.

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<sup>1</sup> 81 Fed. Reg. 88732 (Dec. 8, 2016).

<sup>2</sup> S. 569; H.R. 1374 (116<sup>th</sup> Congress).



Many IANA members are consistently challenged to find the required number of qualified, safe drivers to meet the growing demands for freight transportation. According to a recent estimate, the nation needs an additional 50,000 truck drivers immediately, a shortage that is expected to grow to more than 174,000 by 2026. While the intermodal and drayage driver community is a subset of this larger number, the same challenge exists in terms of having a qualified and available intermodal driver pool, and in several ways is exacerbated.

For one, larger “mega-ships” are calling on marine ports across the country and are offloading up to 30% more containers than had been the norm. This increase in container volumes creates an immediate need for more drivers at particular times to move the containers out of the terminal to their destination. Secondly, the large majority of intermodal drivers are independent contractors, or owner/operators. This business model has recently come under attack in several states around the country and is impacting the ability of intermodal motor carriers to retain and attract needed drivers.

With respect to the elements of the DRIVE-Safe Act that are relevant to the proposed pilot, we believe an apprenticeship program would help in assisting 18, 19, and 20-year-old drivers to perform at the required levels of safety. Pilot program participants would be accompanied in the cab by experienced CDL drivers for both their on-duty and driving time. The Act also contemplates outfitting trucks in the program with the latest safety technologies such as collision avoidance systems, forward-facing event recording cameras, and speed limiters set at 65 miles per hour or less. We believe that the active supervision of an experienced driver, as well as the incorporation of safety technology enhancements, are important factors in helping these less experienced drivers to further establish safe driving habits for the long term. As of the end of June, 2019, the DRIVE Safe Act had the bipartisan support of 28 Senators and 88 Members of the House, in addition to the 70+ trade associations and companies that are part of the DRIVE Safe Act Coalition.

The ELDT Final Rule was the result of a negotiated rulemaking process involving stakeholders from industry, labor, safety advocates, and educational institutions. It also was based, in part, on consensus recommendations from FMCSA’s Entry-Level Driver Training Advisory Committee. We believe the knowledge and behind-the-wheel proficiency demonstration elements that are part of the ELDT rule will provide clear safety benefits to new commercial drivers, and as such, should be considered as part of this pilot program.

In sum, the training, experience, technology, and operational requirements of the ELDT Final Rule and DRIVE Safe Act are sufficient to ensure that 18, 19, and 20-year-old drivers who are allowed to operate CMVs in interstate commerce under this pilot program will achieve an equivalent level of safety as outlined in 49 CFR §381.505(a).

IANA also offers the following additional considerations based on the questions raised by the FMCSA in its notice.

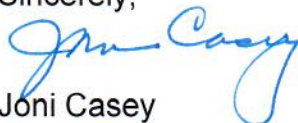


1. Training and Experience
  - For drivers to be able to participate in the pilot program, they need to have a minimum level of experience driving a CMV, and the participating drivers need to be supervised in the cab during the pilot by an experienced driver who possesses a CDL.
2. Operational Requirements
  - Consider putting time and/or distance restrictions on the program participants. Program participants also should not be permitted to haul hazardous materials or oversize/overweight loads during the pilot.
3. Requirements for Participation
  - There should be certain types of on-board safety equipment required for those participating in the program.
  - Consider having participating motor carriers develop a formal driver apprenticeship program under the Department of Labor.
  - There should be provisions for removing participants from the program, to include at-fault accidents, moving-traffic violations, and hours-of-service violations.
4. Technology Requirements
  - On-board safety systems to include recording systems, front-facing video recorders, speed limiting devices and collision avoidance systems should all be considered as requirements for program participants.
5. Insurance
  - While many insurance carriers currently may not be willing to offer insurance coverages to 18, 19, and 20-year-old drivers, some do, and we expect more will do so should a pilot program be instituted.
  - Motor carriers expect that there will be cost increases to cover drivers in this age group, but many are willing to pay the additional costs assuming they are reasonable.
6. Research & Data
  - Program participants should be evaluated on their safety performance using the same data and metrics as current CMV drivers are evaluated.

The intermodal trucking industry is continually in need of more qualified and safe drivers. This need is becoming more acute, as many drivers in the existing population are approaching retirement or are leaving the industry for other reasons. IANA supports a pilot program to further understand and evaluate the safety aspects of 18, 19, and 20-year-old drivers operating in interstate and intrastate commerce, and we believe this pilot program is an important step in this learning process. Creating a measured and safe means to allow these drivers to enter the industry and develop good driving habits will be of tremendous benefit in helping to address the current driver shortage problem while engendering new career options for the next generation of drivers.

IANA remains committed to improving the safety of our nation's roadways, and we appreciate FMCSA's consideration of our comments.

Sincerely,



Joni Casey  
President & CEO