



## **DRIVE Safe Act**

### **Big-Picture Bullets and Historical Background**

- This bill is not about turning over the keys of the truck to any “teen driver”— 18, 19, and 20 year olds with the requisite skills and credentials are already allowed to drive trucks within state lines in all 48 contiguous states and they are also entrusted to guard our national security as members of the Armed Services.
- Rather, the bill is about providing young men and women with demonstrated aptitude (individuals like Abigail Olson) the opportunity to master interstate CMV driving through a rigorous apprenticeship program that combines 400 hours of minimum training with supervised, real-world driving with a mentor—all on trucks equipped with state-of-the-art, NTSB-endorsed vehicle safety technologies.
- This bill is supported by **64+ national trade associations and companies spanning across multiple industries.**
- In addition, the DRIVE Safe Act was introduced on Feb. 26<sup>th</sup> with strong bipartisan, bicameral support:
  - Senate
    - **Todd Young** (R-IN)
    - **Jon Tester** (D-MT) (\*the only member we know of that holds Commercial Driver’s License)
    - **Jerry Moran** (R-KS)
    - **Joe Manchin** (D-WV)
    - **Jim Inhofe** (R-OK)
    - **Angus King** (I-ME)
    - **Tom Cotton** (R-AR)
  - House
    - **Trey Hollingsworth** (R-IN)
    - **Henry Cuellar** (D-TX)
    - **Paul Mitchell** (R-MI)
    - **Jim Cooper** (D-TN)
    - **Bruce Westerman** (R-AR)
    - **Sheila Jackson Lee** (D-TX)
    - **Al Green** (D-TX)
- Reforming outdated occupational licensing requirements has been a bipartisan priority of the past two Administrations—initiated by President Obama and continued under President Trump.



- Research has shown that such occupational licensing barriers disproportionately affect African-Americans, Hispanics, military spouses and veterans, returning citizens, and the poor.
- **In trucking, an update to the minimum age requirement for interstate driving is well over-due:**
  - First, in terms of *safety*: modern-day vehicle safety technologies and training standards (e.g. President Obama’s Entry Level Driver Training or ELDT Rule) have advanced by several orders of magnitude since the current minimum age requirement for interstate drivers (21) was promulgated decades ago—indeed, before the advent of the “World Wide Web”.
  - Second, in terms of *workforce development*: meanwhile, 4.6 million Opportunity Youth in this country are neither employed, nor in school—and half of all students who begin college do not graduate within six years—even as the nation is short 50,000 truck drivers.
  - Third, looking at *the economy overall*: faced with record demand in our e-Commerce economy, limited trucking capacity continues to be a major constraint for manufacturers and retailers across the country—leading to increased prices for consumer goods and loads being turned away.
- Contrary to what entities like **OOIDA** claim, the driver shortage is real and peaked to 50,000 in 2017—the highest level on record. But don’t take our word for it, or the word of half of the nation’s Federal Reserve Districts official reports: even ***our friends at the International Brotherhood of Teamsters agreed*** that the driver shortage is real, as part of official testimony at a 2017 Senate Commerce Committee Hearing.
- With your boss’ leadership and willingness to look at the data in a fair manner, the 116<sup>th</sup> Congress has a real opportunity to make meaningful progress in helping students and prospective workers better connect to one of the most in-demand jobs in the country with the biggest pay hikes—jobs that pay a median salary of \$54,585 and offer health and retirement benefits, plus potentially thousands of dollars in signing bonuses.
- Probably the most explosive citation-less claim that safety advocates like to use to criticize the DRIVE Safe Act relates to the purported fatal accident involvement rates of **Under 19 year old CMV drivers and 19-20 year old CMV drivers**.
  - As best we can tell, however, these claims appear to have been cherry-picked from a single, non-governmental study published 28 years ago in 1991, which the author of the study himself warned was a mere estimate of accident rates that were calculated by dividing accident data from 1980-1984 (that was obtained in part by a telephone survey) by an admittedly incomplete, non-matching batch of

travel statistics from **1986** that was itself of *insufficient sample size* and also obtained via *a survey*.

- Real quotes from the author of this study, taken from the text of the study itself:
  - “Since the travel survey was mostly conducted in 1986, the time period for the exposure does **not** match the time period of the accidents . . . .” (p. 289)
  - “**Obviously**, it would have been more desirable to have travel data for the same period of time as the involvements, **but** the availability of funding and other problems preclude a better match at this time.” (p. 289)
  - “**It will be another year before the 1986 TIFA file is complete, and several years of accident data are needed to produce sufficient sample sizes.**” (p. 289)
  - “When considering possible conclusions based on the results of these analyses, the reader must remember **the mismatch in time periods** between the involvements and the travel.” (p. 289)
- **In contrast to this questionable data from the 1980’s, the most recent data NHTSA has for the past 5 years shows that, in each year from 2012 through 2016, male drivers in the 16-20 age range had a lower involvement rate in fatal crashes than male drivers in the 21-24 range.**
  - Note: This data includes drivers of both passenger vehicles and commercial motor vehicles, and 94% of truck drivers are male
- In the nearly 40 years since the above mentioned data was collected, two significant game-changing developments have occurred: first, the Obama Administration’s Entry Level Driver Training (ELDT) Rule
  - The ELDT Rule was finalized on December 8, 2016, and will take effect on February 7, 2020.
  - The ELDT Rule standardizes the quality and curriculum of *pre-CDL* training for all entry level drivers, including **59 specifically enumerated different topics of Theory and Behind-The-Wheel knowledge and skills** that all driver-trainees must demonstrate competency in prior to even being able to *apply* for the CDL Skills test.
  - All the training requirements in the DRIVE Safe Act (400 hours of training, 11 skills-based performance benchmarks, 4 vehicle safety technologies) are *post-CDL* – in other words, they would be required **on-top-of** all the requirements in the ELDT Rule, to further ensure safety and competency.
  - The ELDT Rule was the by-product of a **negotiated rulemaking** process, involving a compromise between diverse stakeholders from labor, safety advocates (including several of the groups that sent last Friday’s email), truck driver training schools, and motor carriers.
  - As you can see here, the stakeholders involved in that negotiated rulemaking included:
    - Advocates for Highway and Auto Safety
    - Truck Safety Coalition



- Citizens for Reliable and Safe Highways
- International Brotherhood of Teamsters (IBT)
- AFL-CIO (Amalgamated Transit Union)
- AFL-CIO (American Federation of Teachers)
- AAMVA
- CVSA
- NAPFTDS
- CVTA
- ATA
- **Many of the components of the DRIVE Safe Act which the advocacy groups now complain of, are concepts also found in the ELDT Rule** (e.g. the instructor having the sole discretion to determine the trainee's satisfaction of performance benchmarks; experienced driver qualifications and years of experience; etc.)
- **Second, Vehicle Safety Technologies have advanced by several orders of magnitude in their ability to reduce crashes and enhance safety.** Under the bill, trucks used during the apprenticeship would be required to be equipped with automatic or automatic manual transmission, in addition to the following vehicle safety technologies endorsed by the NTSB as features they'd like to see on all vehicles:
  - **Active braking collision avoidance:** NTSB 2019-2020: Wish List: Increase Implementation of Collision Avoidance Systems in All New Vehicles:
  - **Speed limiters set at 65 MPH at the pedal and 65 MPH under adaptive cruise control:** NSTB Wish List 2019-2020: Implement a Comprehensive Strategy to Reduce Speeding-Related Crashes
  - **Forward Facing Event Recorders:** NTSB Most Wanted List 2016: Expand Use of Recorders to Enhance Transportation Safety
  - **This bill would lead to increased adoption of vehicle safety technologies in fleets:**
    - Among passenger vehicles, NHTSA has been able to achieve widespread adoption of Automatic Emergency Braking (AEB) vehicle safety technology by using an incentive-based system (e.g. NCAP 5-Star Safety Ratings) rather than an unfunded mandate.
    - Similarly, the DRIVE Safe Act would incentivize the increased adoption of vehicle safety technologies across trucking fleets, by allowing motor carriers access to broader pool of labor in exchange for making these additional investments in safety.
- In addition, since the advocacy groups mentioned some misleading claims regarding the 2001 18-21 year old driver pilot project that was proposed to FMCSA—while it is true that the most of commenters opposed the program, you might be interested to read what FMCSA actually said about those comments:



- “Most of the commenters . . . did not offer data in support of their position. . . . **Very few commenters answered any of the six questions that the agency posed in the notice.**” (68 Fed. Reg. 34467, at 34469).
- “Most of the State agencies that responded indicated that their States **allow** individuals under the age of 21 to operate CMVs in intrastate commerce.” (68 Fed. Reg. 34467, at 34469).
- “**Most of the State trucking associations that commented were also in favor of conducting a pilot program.** These commenters emphasized the fact that 48 States currently allow drivers under the age of 21 to operate CMVs in interstate commerce, and many of these allow individuals as young as 18 years of age to operate commercial motor vehicles. **Several of the State trucking associations indicated that the State accident history of CMV operators under age 21 was no worse than that of older operators of CMVs.**” (68 Fed. Reg. 34467, at 34469).
- Groups like AAA, CVSA, AAMVA, and the National Governor’s Highway Safety Representatives all submitted formal comments to FMCSA stating that the challenges of working with younger CMV drivers “*can be overcome with training, real-world driving experience, and mentoring*” (which is exactly what the DRIVE Safe Act is designed to do) (68 Fed. Reg. 34467, at 34469).
- Finally, to reiterate:
  - *All 48 contiguous states already allow 18-year-olds to drive trucks in intrastate commerce; the only 2 states that do not follow this practice (Alaska and Hawaii) have set the minimum intrastate driving age at 19.*
  - This means that in all 48 contiguous states, 18-year-olds can *already* drive Commercial Motor Vehicles *hundreds of miles* within state lines, but are prohibited from driving *the last mile across the state border.*