Federal Motor Vehicle Carrier Safety Administration Begins Apprenticeship Program

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In an effort to combat lengthy and disruptive supply chain issues, the federal government has approved an apprenticeship program that now makes it permissible for 18 to 20 year-old truck drivers to cross state lines. The infrastructure bill signed by President Biden on November 15, 2021, included a requirement that the apprenticeship pilot program must be implemented by the Federal Motor Carrier Safety Administration ("FMCSA") within 60 days. [1]

Apprentice drivers, who have already obtained a CDL, may cross state lines during 120- and 280-hour probationary periods with "an experienced driver" riding in the passenger seat.[2] Additionally, the apprentice must meet various performance benchmarks within both periods.[3] For instance, during the 120-hour probationary period, which includes no less than 80 driving hours, the driver must show competency in "[i]nterstate, city traffic, rural 2-lane, and evening driving; safety awareness; speed and space management; lane control; mirror scanning; right and left turns; and logging and complying with rules relating to hours of service."[4] Once drivers meet the hour and benchmark requirements they progress to the 280-hour probationary period. Next, drivers must complete no less than 160 driving hours and be competent in "[b]acking and maneuvering in close quarters; pre-trip inspections; fueling procedures; weighing loads, weight distribution, and sliding tandems; coupling and uncoupling procedures; and trip planning, truck routes, map reading, navigation, and permits."[5]

Throughout both probationary periods the apprentice is required to drive a technologically regulated vehicle with an active breaking collision mitigation system, a front facing video camera, and adaptive cruise and pedal control to limit speeds to 65 mph.[6] After probation is complete, drivers may drive on their own, but their performance will be monitored until they turn 21.[7]

To qualify for participation the carrier must meet a number of FMSCA safety standards.[8] In addition to standard reporting requirements, such as fatal crash notification, alcohol incidents, drug and alcohol testing failures, participating carriers must submit monthly data on the apprentice's performance.[9] Carriers are subject to disqualification from the apprentice program at any time for failure to adhere to the requirements, not maintaining minimum levels of financial responsibility, and having a crash rate above the national average for a full calendar year, among others.[10]

While the program has received criticism from various safety advocates, citing data that younger drivers are more likely to be involved in accidents than older drivers, the program enjoys significant political and professional support.[11] Notably, the American Trucking Association stands behind the program, as a way to overcome the driver shortage of an estimated 80,000 qualified truckers currently facing the industry.[12]

Moving forward, it is clear that the program will not be embraced by all carriers. Each trucking company will need to weight the benefits and risks in employing under 21 year-old drivers as well as providing them appropriate mentorship and training. Those carriers that do participate in the program, however, must pay careful attention to the program's record retention and monthly reporting requirements. Critically, carriers must keep and maintain records subject to FMSCA provisions for *each* apprentice.[13] Failure to report monthly data in compliance with the program's requirements may result in carrier disqualification.[14] As such, it is necessary that carriers are both informed and educated on the FMSCA's requirements if they participate in the program.

[1] Associated Press, *U.S. gives green light to teen big rig drivers in test apprenticeship program*, NBC NEWS (last updated Jan. 20, 2022, 11:21 PM).
[2] *Viewpoint: Trucking's welcome message to teens*, TRUCKLOAD INDEXES (Jan. 18, 2022).
[3] Safe Driver Apprenticeship Pilot Program To Allow Persons Ages 18, 19, and 20 To Operate Commercial Motor Vehicles in Interstate Commerce, 87 Fed. Reg. 2,477, 2,480 (Jan. 14, 2022).
[4] *Id.*
[5] *Id.*
[6] Truckload, *supra* note 3.
[7] Associated Press, *supra* note 1.
[8] Safe Driver Apprenticeship Pilot Program, 87 Fed. Reg. at 2,479.
[9] *Id.* at 2,479.
[10] *Id.* at 2,480.
[11] Associated Press, *supra*note 1.
[12] *Id.*
[13] *Id.* at 2,480.
[14] *Id.*

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