April 6, 2016

Docket Services (M–30)
U.S. Department of Transportation
West Building Ground Floor
Room W12–140
1200 New Jersey Avenue, S.E.
Washington, DC 20590–0001

Via electronic submission through http://www.regulations.gov

RE: Notice of Proposed Rule for Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators. Docket No. FMCSA–2007–27748

I. Introduction and Background

The American Public Power Association ("APPA"), the Edison Electric Institute ("EEI") and the National Rural Electric Cooperative Association ("NRECA") – collectively the Electric Utility Trade Associations ("EUTA") appreciate the opportunity to submit comments on the above captioned item.

APPA is the national service organization for the more than 2,000 not-for-profit, community-owned electric utilities in the U.S. Collectively, these utilities serve more than 48 million Americans in 49 states (all but Hawaii). APPA was created in 1940 as a non-profit, non-partisan organization. Its purpose is to advance the public policy interests of its members and their consumers, and to provide member services to ensure adequate, reliable electricity at a reasonable price with the proper protection of the environment.

APPA members also include joint action agencies (state and regional entities formed by public power utilities to provide them wholesale power supply and other services) and state, regional, and local associations that have purposes similar to APPA. Together, public power utilities deliver electricity to one of every seven electricity consumers.

EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for 220 million Americans, operate in all 50 states and the District of Columbia, and directly employ more than 500,000 workers. With $100 billion in annual capital expenditures, the electric power industry is responsible for millions of additional jobs. Safe, reliable, affordable, and clean

electricity powers the economy and enhances the lives of all Americans. EEI has 70 international electric companies as International Members, and 270 industry suppliers and related organizations as Associate Members. Organized in 1933, EEI provides public policy leadership, strategic business intelligence, and essential conferences and forums. EEI members employ and train over 50,000 drivers across the United States that hold Commercial Drivers Licenses.

NRECA is the national service organization for more than 900 not-for-profit rural electric utilities that provide electric energy to over 42 million people in 47 states. Member systems cover 75% of the United States landmass. NRECA membership is composed of 838 distribution cooperatives and 65 generation and transmission ("G&T") cooperatives. Both distribution and G&T cooperatives were formed to provide reliable electric service to their owner-members at the lowest reasonable cost. NRECA members employ and train drivers who hold Commercial Driver Licenses.

As operating utilities, EUTA 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 EUTA members conduct in-house training to teach the skills necessary for their employees to drive utility CMVs.

II. FMCSA Should Exempt Electric Utility Drivers from Entry Level Driver Training Requirements

1. Electric utilities requested to participate in FMCSA's Entry Level Driver Training Advisory Committee (ELDTAC).

In January, 2014, EEI sent letters of support for the nominations of 3 utility driving specialists who had been nominated to serve on the ELDTAC. The electric utility industry advocated representation on the ELDTAC for electric utilities in order to have a voice in the development of the proposed rule. None of the utility driving specialists were appointed to serve on the ELDTAC. Thus the Committee and the Agency were not aware of the special needs and unique qualifications of utility drivers.

2. Utility Driving represents a small proportion of a utility worker's daily responsibilities

Utility driving activities are typically limited in scope and incidental to the targeted work activity. Based upon research (Utility Service Vehicle Study, August 1996, Univ. of Richmond) typical utility personnel driving activity represents only 12% of the daily work shift. Our driving activities are often short distance, local and well within the 100 air mile radius exemption for other regulated driving requirements. The unique driving characteristics as well as the industry in general likely help explain an exemplary driving record for the industry.

3. Electric Utility Drivers Have Excellent Safety Records.

EEI's members own and drive CMV's in nearly all states. These vehicles are used for system construction, repair, maintenance, and for storm response. EEI's mutual assistance program is a voluntary partnership of investor-owned electric utilities across the country committed to helping

restore power whenever and wherever assistance is needed. Created decades ago, our mutual assistance program provides a formal, yet flexible, process for utilities to request support from other utilities in parts of the country that have not been affected by major outage events. EEI member company drivers have an excellent safety record. Data from 3rd party sources show that utilities have very low accident rates compared to other commercial drivers (see http://www.greatamericaninsurancegroup.com/Lists/LossPrevention/F13501Commercial%20Motor%20Vehicle%20Accident%20Freq%20Rates.pdf).

APPA's members own and drive CMV's in 49 states. CMV's are used to maintain system operations and in times of storm response. Just as firefighters, police officers, and other emergency responders combine forces to help rebuild cities devastated by natural disasters, lineworkers and other electric utility personnel come together in an emergency to turn the lights back on. The APPA Mutual Aid Program reinforces public power's commitment to safe power restoration. The response of public power utilities to large scale is immediate and far-reaching. In times of natural and man-made disasters individuals from multiple states spend significant time working long hours to ensure that devastated communities can begin to rebuild quickly and safely. Public power utilities have excellent driving records in both operations and mutual aid conditions.

NRECA's members own and drive CMV's in 47 states. These vehicles are used for system construction and maintenance and in times of storm response. NRECA created the first Mutual Assistance program in the United States where electric cooperatives (and in some cases municipally owned utilities) have contracts in place to aid each other restore electric service quickly and safely in times of natural and man- made disasters. Statistics provided by the Federated Rural Electric Insurance Exchange, through which many cooperatives obtain property and casualty insurance, show that over 5 years (2011-2015), collisions have remained fairly steady at 740 – 815 incidents from a fleet of roughly 35,000 vehicles. Compared to other industries, this is a very good safety record.

As highly regulated entities, with a focus on safe, reliable, affordable power, NRECA member cooperatives are incentivized to develop and maintain exemplary safety vehicle records. If co-op CDL drivers are involved in a large number of collisions and fatalities, which is certainly not the case today, insurance rates increase and that means rates to members for electricity also increase. Electric cooperatives serve the vast majority of the nation's persistent poverty counties (327 out of 353, or 93%). These counties have deeply entrenched poverty with rates consistently 20% or above for the last three decades. In all, one-in-six of the 42 million Americans served by cooperatives live below the poverty line, many of them in these counties. Electric cooperatives are highly focused on keeping electricity safe, affordable and reliable. Safety in commercial motor vehicle operation is critical to that mission.

4. Electric Utilities Train Their CMV Drivers on Electric Utility Equipment

APPA's members, public power utilities, take their obligation to safety and training seriously. They are directly accountable for safety both to the communities they serve and to any regulatory bodies that oversee them. The APPA Safety Manual, which is the defacto enforceable safety standard for public power utilities, requires proper training and permitting as applies to driver operations of utility vehicles. This means holding a valid Commercial Driver's License if needed and meeting the knowledge and training requirements to hold that license. Even though Public Power utilities are exempt from certain requirements in the FMCSA, proposing additional entry level training requirements does not necessarily lead to safer utility operations. Therefore, additional entry level training requirements are not needed to ensure the safe operation of utility vehicles and would impose an unnecessary compliance cost burden without furthering compliance.

EEI member companies have been in the "business" of training their own commercial drivers for many years, in compliance with 49 CFR Part 383.75 (Employer Testing Programs). Member companies train and license thousands of employees annually, usually under permit by the state Departments of Motor Vehicles ("DMV's"). As required by federal law, state DMV's randomly retests ten percent (10%) of entry level driving training graduates. EEI member company employees are trained to the existing national standards on utility fleet vehicles that they will be expected to operate.

NRECA members, rural electric cooperatives, train their drivers either on site at the cooperative or through training programs offered by statewide organizations or in some cases community colleges or training institutions. Many potential employees come to co-ops already in possession of the Commercial Driver's License. Those that don't currently hold the CDL are required to obtain a CDL. Co-ops offer training for new employees to obtain a learners permit either on site or at the institutions mentioned above . The trainees are then required to drive with a competent person who assesses both Behind The Wheel competence and knowledge of requirements. Finally, the new employee applies for a CDL. Once the CDL is obtained, the employee still drives initially with a qualified person for an initial period.

5. The electric utility trades are not requesting a waiver for electric utility drivers that lose their CDL based on §383.51 (b) through (e).

The electric utility trades are in agreement with the ELDTAC and the Agency that drivers that lose their CDL due to violation of the standards listed above should be required to attend refresher entry level driver training.

6. The electric utility trades are not commenting on entry level driver requirements for those drivers that wish to upgrade or change their CDL to include transport of passengers, hazardous materials, or to drive school busses.

Thank you for the opportunity to submit these comments.

Respectfully submitted,

Michael J. Hyland
Senior Vice President, Engineering Services
American Public Power Association
2451 Crystal Drive, Suite 1000
Arlington, VA 22202
Office: 202-467-2986
Email: mhyland@publicpower.org

Steve Rosenstock, P.E.
Senior Manager, Energy Solutions
Edison Electric Institute
701 Pennsylvania St. N.W.
Washington, DC 20004
Office: 202-508-5465
Email: srosenstock@eei.org

Martha A. Duggan, CLCP
Senior Principal, Regulatory Affairs
National Rural Electric Cooperative Association
4301 Wilson Blvd.
Arlington, VA 22203
Office: 703-907-5848
Mobile: 202-271-4395
Email: Martha.Duggan@NRECA.coop