

Research and Special Programs Administration; and any other State or Federal agency with responsibility for highway or motor carrier security.

*Unit 3.6—Proficiency development.* This unit must provide driver-students an opportunity to refine, within the on-street traffic environment, their vehicle handling skills learned in the first three sections. Driver-student performance progress must be closely monitored to determine when the level of proficiency required for carrying out the basic traffic maneuvers of stopping, turning, merging, straight driving, curves, lane changing, passing, driving on hills, driving through traffic restrictions, and parking has been attained. The driver-student must also be assessed for regulatory compliance with all traffic laws.

Nearly all activity in this unit will take place on public roadways in a full range of traffic environments applicable to this vehicle configuration. This must include urban and rural uncontrolled roadways, expressways or freeways, under light, moderate, and heavy traffic conditions. There must be a brief classroom session to familiarize driver-students with the type of on-street maneuvers they will perform and how their performance will be rated.

The instructor must assess the level of skill development of the driver-student and must increase in difficulty, based upon the level of skill attained, the types of maneuvers, roadways and traffic conditions to which the driver-student is exposed.

#### SECTION 4—ADVANCED OPERATIONS

The units in this section must introduce higher level skills that can be acquired only after the more fundamental skills and knowledge taught in sections two and three have been mastered. They must teach the perceptual skills necessary to recognize potential hazards, and must demonstrate the procedures needed to handle an LCV when faced with a hazard.

The Maintenance and Trouble-shooting Unit must provide instruction that addresses how to keep the vehicle in safe and efficient operating condition. The purpose of this unit is to teach the correct way to perform simple maintenance tasks, and how to troubleshoot and report those vehicle discrepancies or deficiencies that must be repaired by a qualified mechanic.

*Unit 4.1—Hazard perception.* This unit must provide instruction addressing the principles of recognizing hazards in sufficient time to reduce the severity of the hazard and neutralize a possible emergency situation. While hazards are present in all motor vehicle traffic operations, some are peculiar to LCV operations. Emphasis must be placed upon hazard recognition, visual search, and response to possible emergency-producing situations

encountered by LCV drivers in various traffic situations.

*Unit 4.2—Hazardous situations.* This unit must address dealing with specific procedures appropriate for LCV emergencies. These must include evasive steering, emergency braking, off-road recovery, brake failures, tire blowouts, rearward amplification, hydroplaning, skidding, jackknifing and the rollover phenomenon. The discussion must include a review of unsafe acts and the role they play in producing hazardous situations.

*Unit 4.3—Maintenance and trouble-shooting.* This unit must introduce driver-students to the basic servicing and checking procedures for the various vehicle components and provide knowledge of conducting preventive maintenance functions, making simple emergency repairs, and diagnosing and reporting vehicle malfunctions.

#### SECTION 5—NON-DRIVING ACTIVITIES

The units in this section must cover activities that are not directly related to the vehicle itself but must be performed by an LCV driver. The units in this section must ensure these activities are performed in a manner that ensures the safety of the driver, vehicle, cargo, and other road users.

*Unit 5.1—Routes and trip planning.* This unit must address the importance of and requirements for planning routes and trips. This must include classroom discussion of Federal and State requirements for a number of topics including permits, vehicle size and weight limitations, designated highways, local access, the reasonable access rule, staging areas, and access zones.

*Unit 5.2—Cargo and weight considerations.* This unit must address the importance of proper cargo documentation, loading, securing and unloading cargo, weight distribution, load sequencing and trailer placement. Emphasis must be placed on the importance of axle weight distribution, as well as on trailer placement and its effect on vehicle handling.

## PART 381—WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS

### Subpart A—General

Sec.

- 381.100 What is the purpose of this part?
- 381.105 Who is required to comply with the rules in this part?
- 381.110 What definitions are applicable to this part?

### Subpart B—Procedures for Requesting Waivers

- 381.200 What is a waiver?
- 381.205 How do I determine when I may request a waiver?
- 381.210 How do I request a waiver?

- 381.215 What will the FMCSA do after the agency receives my request for a waiver?  
 381.220 How long will it take the agency to respond to my request for a waiver?  
 381.225 Who should I contact if I have questions about the information I am required to submit to the FMCSA or about the status of my request for a waiver?

#### Subpart C—Procedures for Applying for Exemptions

- 381.300 What is an exemption?  
 381.305 How do I determine when I may apply for an exemption?  
 381.310 How do I apply for an exemption?  
 381.315 What will the FMCSA do after the agency receives my application for an exemption?  
 381.320 How long will it take the agency to respond to my application for an exemption?  
 381.325 Who should I contact if I have questions about the information I am required to submit to the FMCSA or about the status of my application for an exemption?  
 381.330 What am I required to do if the FMCSA grants my application for an exemption?

#### Subpart D—Initiation of Pilot Programs

- 381.400 What is a pilot program?  
 381.405 Who determines whether a pilot program should be initiated?  
 381.410 What may I do if I have an idea or suggestion for a pilot program?  
 381.415 Who should I contact if I have questions about the information to be included in my suggestion?  
 381.420 What will the FMCSA do after the agency receives my suggestion for a pilot program?

#### Subpart E—Administrative Procedures for Pilot Programs

- 381.500 What are the general requirements the agency must satisfy in conducting a pilot program?  
 381.505 What are the minimum elements required for a pilot program?  
 381.510 May the FMCSA end a pilot program before its scheduled completion date?  
 381.515 May the FMCSA remove approved participants from a pilot program?  
 381.520 What will the FMCSA do with the results from a pilot program?

#### Subpart F—Preemption of State Rules

- 381.600 Do waivers, exemptions, and pilot programs preempt State laws and regulations?

AUTHORITY: 49 U.S.C. 31136(e) and 31315; and 49 CFR 1.73.

SOURCE: 63 FR 67608, Dec. 8, 1998, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 381 appear at 66 FR 49872, Oct. 1, 2001.

### Subpart A—General

#### § 381.100 What is the purpose of this part?

This part prescribes the rules and procedures for requesting waivers and applying for exemptions from those provisions of the Federal Motor Carrier Safety Regulations (FMCSRs) which were issued on the authority of 49 U.S.C. 31136 or chapter 313, and the initiation and administration of pilot programs.

#### § 381.105 Who is required to comply with the rules in this part?

(a) You must comply with the rules in this part if you are going to request a waiver or apply for an exemption.

(b) You should follow the instructions in subpart D of this part if you would like to recommend the agency initiate a pilot program.

#### § 381.110 What definitions are applicable to this part?

*Commercial motor vehicle* means any motor vehicle that meets the definition of “commercial motor vehicle” found at 49 CFR 382.107 concerning controlled substances and alcohol use and testing, 49 CFR 383.5 concerning commercial driver’s license standards, or 49 CFR 390.5 concerning parts 390 through 399 of the FMCSRs.

*Federal Motor Carrier Safety Administrator (the Administrator)* means the chief executive of the Federal Motor Carrier Safety Administration, an agency within the Department of Transportation.

*FMCSRs* means Federal Motor Carrier Safety Regulations (49 CFR parts 382 and 383, §§ 385.21 and 390.21, parts 391 through 393, 395, 396, and 399).

*You* means an individual or motor carrier or other entity that is, or will be, responsible for the operation of a CMV(s). The term includes a motor carrier’s agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and