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**PETITION FOR RULES CHANGE**

**Change Requested: Change Class A Passenger Vehicle Restriction to Endorsement**

August 1, 2022

Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Ave., SE.  
Washington, DC 20590-0001

Dear FMCSA Administrator:

- 1.) As per FMCSA's Code of Federal Regulations, §389.31, Petitions for rulemaking, I formally request the following change from a Restriction to an Endorsement for Class A Passenger Vehicles:**

[Title 49](#) → [Subtitle B](#) → [Chapter III](#) → [Subchapter B](#) → Part 383.95 Restrictions:

**Group A Passenger Restriction**

*(e) Group A passenger vehicle. If an applicant applying for a passenger endorsement performs the skills test in a passenger vehicle requiring a Group B CDL, the State must indicate on the CDL, if issued, that the person is restricted from operating a passenger vehicle requiring a Group A CDL.*

**...Remove and replace with:**

[Title 49](#) → [Subtitle B](#) → [Chapter III](#) → [Subchapter B](#) → Part 383.93 Endorsements:

**Group A Passenger Endorsement (proposed)**

*(b) Endorsement descriptions. An operator must obtain State-issued endorsements to his/her CDL to operate commercial motor vehicles which are:*

*(6) Class A Passenger Vehicles (proposed)*

*(C) Endorsement testing requirements. The following tests are required for the endorsements contained in [paragraph \(b\)](#) of this section:*

*(6) Class A Passenger Vehicles – a knowledge and skills test (proposed)*

## 2.) Petitioner's interest in the action requested.

I am a Class A CDL license holder (NY), with endorsements for Metal Coil (M), Tank/Hazmat (X), Doubles/Triples (T), Tow Truck (W) Passenger (P), and School Bus (S). I am currently employed as a theatrical teamster, Local 817 in New York.

Employers seeking to hire CDL drivers are positively disposed to clean records and relevant endorsements. Restrictions are viewed as negative and something to be avoided.

Some employers may not even consider drivers with restrictions, For example:

LOCAL 817 TRANSPORTATION - APPLICATIONS FOR NEW DRIVERS ARE CURRENTLY: **CLOSED**  
IF APPLICATIONS ARE **OPEN** PLEASE CONTACT THE HALL AT 516-365-3470 FOR MORE INFORMATION  
**MINIMUM REQUIREMENT TO APPLY: CLASS A CDL FOR A MINIMUM OF 1 YEAR WITH NO RESTRICTIONS**  
From <<https://www.local817.com/transportation>>

My goal was the same as thousands of other Class A CDL drivers having a license with as many endorsements as possible and no restrictions. Instead, despite successfully passing every test in every vehicle available, I received an M Restriction as soon as I received my passenger endorsement.

*M Restriction - If a driver possesses a Class A CDL, but obtains his or her passenger or school bus endorsement in a Class B vehicle the State must place an "M" restriction indicating that the driver can only operate Class B and C passenger vehicle or school buses. (NY DMV)*

When I called the DMV to enquire what this was and how to remove it I had to speak with three supervisors before finding one that was familiar with it. Then I learned that there was no way to remove it unless I can find a Class A passenger vehicle to take another road test in. I soon learned that these vehicles no longer exist, at least in the United States.

## 3.) Information and Data to Support this Request

- **Licensing Class A Passenger Vehicles with an endorsement rather than a restriction is more consistent with FMCSA policy**

This change request is consistent with how the FMCSA uses restrictions and endorsements. Restrictions add limitations within a particular vehicle category, while enhancements add a vehicle category.

For example, Class B drivers who took their road test in a truck without air brakes get an Air Brake restriction. Similarly, if they take a road test in a truck with an automatic transmission, they get a Manual Transmission restriction.

On the other hand, Class B CDL drivers do not receive a "P Restriction" if they haven't taken their required passenger tests, instead, they receive a "P Endorsement" when they do.

The FMCSA says this about *Endorsements*: "Drivers who operate special types of CMVs must pass additional tests to obtain any of the following endorsements placed on their CDL..."  
This is exactly the situation with Class A Passenger Vehicles, it is, or perhaps was, a special type of vehicle that would require a special written and/or skills test to demonstrate proficiency, an endorsement rather than a restriction.

➤ **Class A Passenger Vehicle Description**



Class A Motor Vehicles (example above) haven't existed in the United States since the late 1940s. So it's not surprising that state Motor Vehicle Departments and even the FMCSA representatives are unsure about what these "trailer buses" actually are. Even 80 years ago they were never more than a small, niche market due to their high cost, lack of maneuverability, and concerns about passenger safety. One California DMV supervisor told me that even if they did exist, they probably wouldn't be legal to drive in California.

For these reasons, there are few if any Class A Passenger Vehicles operating in the United States.

➤ **Articulated Bus Description**



Definitions **(a)** Articulated bus means a two-unit bus with a flexible coupling connection between the units. **(b)** Bus means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons (including the driver), that is used to transport adults and/or children, unless otherwise noted. A bus shall not exceed 102 inches in width or 45 feet in length except for articulated buses which shall not exceed 62 feet in length. The types of buses are defined below. USDOT: The United States Department of Transportation.

Many people and even some FMCSA staff refer to articulating buses as Class A Passenger Vehicles, they are not. Class A vehicles are combination vehicles over 26,001 lbs. Articulated buses are not combination vehicles.

For this reason, the FMCSA only requires a Class B CDL to operate one.

➤ **§383.91 – Commercial Vehicle Groups (FMCSA)**

**Guidance Q&A**

**Question 4:** What CMV group is a driver of an articulated motorcoach (bus) with a GVWR of 26,001 pounds or more required to possess?

**Guidance:** A driver of an articulated bus with a GVWR of 26,001 pounds or more is required to possess a Class B CDL with the proper endorsement(s).

**Regulatory Topic: Commercial Driver License Standards; Articulated Bus, CDL Type**

Effective Date: Thursday, March 7, 2019

Issued Date: Friday, March 1, 2019

From < <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/what-cmv-group-driver-articulated-motorcoach-bus-gvwr-26001> >

4.) **Summary and Conclusion**

***Class A Passenger Vehicles like other special types of vehicles should be licensed as an endorsement, not unlicensed as a restriction.***

*This change makes sense for several reasons, including:*

- Class A Passenger Vehicles (AKA Trailer Bus) have not been part of the United States motor vehicle fleet for nearly a century
- Helps eliminate confusion among commercial drivers, DMVs, law enforcement, and other stakeholders about what the Class A Passenger restriction means
- Gives states a framework to optionally develop appropriate written and skills tests for this type of specialty vehicle if and when that is ever needed
- Avoids unintentionally saddling CDL Class A, drivers that hold a passenger endorsement with an automatic restriction that they are unable to remove
- Updates FMCSA regulations and guidelines to reflect vehicle types that are currently on the road.

Respectfully submitted,



Rick Horan

**Note:** Two copies of this petition are being provided as per §389.31, Petitions for rulemaking.