

DEPARTMENT OF TRANSPORTATION

Transportation Commission

REQUIREMENTS FOR PILOT ESCORT QUALIFIED TRAINING AND CERTIFICATION PROGRAMS

2 CCR 601-6

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.0 Statement of Basis, Purpose & Statutory Authority

1.1 Basis and Purpose for Rule

A Notice of Rulemaking was submitted to the Colorado Secretary of State on February 13, 2007 and published in the Colorado Register on March 10, 2007. The current Rulemaking was initiated to establish standards and procedures for third-party instructors to train and certify Colorado pilot escort drivers for and on behalf of the Colorado Department of Transportation. The third party instructors will teach course curriculum to comply with guidelines published and promoted by the Commercial Vehicle Safety Alliance, the US DOT Federal Highway Administration, and the Specialized Carriers & Rigging Association in its "Pilot Car Escort Best Practices Guidelines." The Guidelines were published by the US DOT Federal Highway Administration in October 2004 as publication "FWHA-HOP-04-028" and endorsed by the Western Association of State Highway Transportation Officials Committee on Highway Transport for its member states to adopt.

1.2 Statutory Authority

Specific statutory authority for the Colorado Transportation Commission to adopt and promulgate Rules and Regulations pertaining to Transport Permits for the operation or movement of Extra-Legal Vehicles or Loads, is contained in § 42-4-510 (1)(b) and 511 (1), C.R.S. Various permits issued under the law require restrictions or conditions for movement which include using Pilot Escort vehicles to accompany the movement of loads, in an effort to protect the health, safety and welfare of the traveling public. Conditions for requirements prescribed by the Department are statutorily authorized under 42-4-510 (3), C.R.S.

2.0 Definitions

- 2.1 "Applicant" means the person, entity or institution submitting documentation to the Department to become a third-party pilot escort instructor.
- 2.2 "Department" means the Colorado Department of Transportation.
- 2.3 "Permit Office" means the Extra-Legal Permit Office, in the Staff Maintenance & Operations Branch, Colorado Department of Transportation.
- 2.4 "Pilot Escort Certification Program" means the training curriculum authorized by the Department and presented by a Third Party Instructor or the Department.
- 2.5 "Student" means the individual person who registers for and attends a Pilot Escort Certification Program.
- 2.6 "Third Party Instructor" means the entity or person authorized by the Department to conduct the Pilot Escort Certification Program and certify students as certified Colorado Pilot Escort operators.

3.0 Application Process

- 3.1 Application to become a Third-Party Instructor shall be made in writing on forms furnished by the Department, and shall include all required information about the Applicant. Incomplete applications will be returned or denied by the Department.
- 3.2 The application submitted to the Department must include the following components.
 - 3.2.1 A list of instructors shall be submitted which includes resumes of each instructor outlining related experience in the pilot escort, heavy haul, academia, or commercial vehicle enforcement fields.
 - 3.2.2 Applicant, except for a sole proprietors, must submit a copy of Applicant's articles of incorporation or other documentation showing whether the business is organized as an LLC, LLP, LLLP or LPA. If the applicant is a governmental or quasi-governmental entity no documentation is required under this subparagraph.
 - 3.2.3 Applicant must submit a business plan describing how the Colorado classroom curriculum will be delivered to students.. The plan must include a one-year schedule of class dates and city locations that regionally serves students throughout the state.
 - 3.2.4 Applicant must submit a sample of the digital image certification card that will be issued to students upon successful completion of the coursework and examination. The card must contain the student's photograph and Department logo. Applicant must state whether the certification card will be issued on the day the student completes prerequisite information, classroom work, and passes the examination, or if it will be mailed within 3 business days to the student upon completion of all prerequisite information, classroom work, and passing of the examination.
 - 3.2.5 Applicant must submit procedural guidelines that outline security measures implemented to safeguard student's personal information.
 - 3.2.6 Copies of all course curriculum and testing materials must be submitted. These materials will be reviewed and approved by the Department to ensure that all requirements are met. An overview of course curriculum requirements is outlined in part 4.0 of this rule.
 - 3.2.7 Applicant must document procedures that will be followed to verify student's Motor Vehicle Record (MVR) acceptability and the collection of insurance forms submitted by the student at the time of examination.
 - 3.2.7.1 Applicant must document process for notifying students either prior to class or when they call in to sign up that they will need to bring the MVR and proof of insurance with them to the class.
 - 3.2.7.2 Applicant must document process for ensuring the students will not be certified until all of this documentation is provided to the Applicant.
 - 3.2.7.3 Applicant must submit a written statement that Applicant shall only accept an original MVR certification record that is current within 30 days of classroom instruction and proof of insurance from an insurance provider in the amount and terms specified in Chapter 5 section D. 4 of 2 CCR 601-4, "Rules and Regulations pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads."

4.0 Pilot Escort Certification Program Curriculum Requirements

- 4.1 Course curriculums used to certify pilot escort drivers to operate in Colorado for a period of four years must cover the topics outlined in this section 4.0. However, more extensive course curriculum descriptions are outlined in the application package that can be obtained on the Department's website at www.dot.state.co.us/truckpermits/ or by contacting the Permit Office at (303) 757-9539.
- 4.2 The Pilot Escort Certification Program must discuss student liability requirements applicable to piloting for an Extra-legal Vehicle or Load, responsibilities of the student when escorting an Extra-legal Vehicle or Load, and Pilot Escort Vehicle procedures as described in Chapter 5 of 2 CCR 601-4, "Rules and Regulations pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads."
- 4.3 The Pilot Escort Certification Program must include requirements of applicable traffic laws, as described in § 42-4-101 to § 42-4-1717, C.R.S., and in the Colorado Driver's Manual available at each office of the Colorado Department of Motor Vehicles.
- 4.4 The Pilot Escort Certification Program must discuss the operator flagging and traffic control, as described in the Manual on Uniform Traffic Control Devices ("M.U.T.C.D.") authorized under §42-4-712, C.R.S.
- 4.5 Oversize Overweight load movement, coordination, planning and communication requirements and best practices.
- 4.6 The Pilot Escort Certification Program must include pilot escort vehicle positioning and situational training.
- 4.7 The Pilot Escort Certification Program must include Rail grade crossing safety.
- 4.8 The Pilot Escort Certification Program must include Routing techniques, including pre-trip surveys.
- 4.9 The Pilot Escort Certification Program must include Insurance coverage requirements and liability issues.

5.0 Testing Materials and Procedures

- 5.1 Testing materials shall be submitted to the Permit Office for approval as part of application.
- 5.2 Testing materials should be structured to include a minimum of a 50 question exam.
- 5.3 A minimum of two different examinations shall be submitted and used randomly during the instruction of the course.
- 5.4 Examinations shall be structured as follows:
 - 5.4.1 Not less than 15 fill in the blank;
 - 5.4.2 Not less than 15 Multiple choice;
 - 5.4.3 Not less than 15 True/False;
 - 5.4.4 Not less than 8 questions dealing with safety equipment;
 - 5.4.5 Not less than 8 questions dealing with the duties of pilot escort drivers;

- 5.4.6 Not less than 6 questions dealing maintenance of equipment;
- 5.4.7 Not less than 6 questions dealing with items that must be collected in a route survey.
- 5.5 Testing materials must demonstrate an explanation of how grading of examinations will be administered.
- 5.6 Applicants must provide an acknowledgement that students must pass with an 80% score to be certified. Students who do not pass with an 80% score must be allowed to retake the examination on the same day for no additional cost.
- 5.7 Applicants must provide a written statement that students receiving less than 80% score will be allowed to attend one additional class without additional cost except for reimbursement of any additional materials and postage costs.
- 5.8 Applicants must provide the Department with a list of students that attended the course and the corresponding grade received, within five business days of the completion of the course. The list of students and grades must be sent to the Department in an electronic file format prescribed by the Department in the application packet.

6.0 Student Recertification Procedures

- 6.1 Applicant shall provide means in which a student who has been previously certified under this rule in Colorado as a Pilot Escort driver to be recertified for one additional four-year period either by US mail or in electronic format via the Internet by taking an examination without attending classroom instruction for the recertification.
- 6.2 Applicant shall submit written procedures documenting the process for the proctoring of the examination that will allow the student to recertify. The examination for recertification shall not be a duplicate of the examination used during the initial certification process and should be constructed to educate the student on updates pertaining to pilot certification and legal requirements.
- 6.3 To be recertified a student must provide a current Motor Vehicle Record and proof of valid insurance to the same standards as upon initial certification. Applicant must indicate what process will be used to verify a student's current Motor Vehicle Record and the collection of insurance forms submitted by the student at the time of recertification.
- 6.4 Applicant shall submit written procedures documenting the process for allowing applicant's receiving less than 80% score to be allowed to retake the certification exam one additional time without attending a class. Applicant may not charge an additional fee to retake the examination one additional time.
- 6.5 Applicant shall submit written procedures documenting the process for allowing students receiving less than 80% score to be allowed to attend one additional class without additional cost except for reimbursement of any additional materials and postage costs.
- 6.6 It will be the responsibility of the Applicant to provide to the Department within five business days of the date of recertification a list of individuals who have applied for recertification along with the corresponding grade.
- 6.7 A list of students who fail to recertify must be submitted quarterly in a separate file which lists the student's name, address, phone number, type of examination failed (written or on-line), date failed, and score received.

7.0 Training Costs

- 7.1 Costs associated with providing classroom instruction, materials, testing and credentialing will be the responsibility of the Applicant. These costs may be passed on to the students for certification in the form of tuition determined by the Applicant based on Applicant's business model and expenses.
- 7.2 A cost proposal and a maximum course fee schedule must be submitted to the Department for approval as part of the application process.
- 7.3 The Department has the right to review the tuition costs being charged to students for initial certification or recertification at any time.

8.0 Suspension or Revocation of Pilot Escort Training Program

- 8.1 The Department may suspend or revoke the Applicant's ability to provide services if the Applicant fails to meet conditions and requirements set forth under this rule. If an Applicant has its authority to provide services revoked or suspended, the Applicant may appeal the decision.

9.0 Appeal Process

- 9.1 When an Applicant is denied or an Applicant's authority is revoked or suspended, the Applicant may file an appeal. The appeal shall be directed in writing to the Chief Engineer of the Department at Colorado Department of Transportation, 4201 East Arkansas Avenue, Denver, CO 80222. Any hearing required by this Chapter shall be presided over by the Chief Engineer of the Department or by an Administrative Law Judge appointed pursuant to Part 10 of Article 30 of Title 24, C.R.S. If a hearing is held before an Administrative Law Judge and if either party is dissatisfied with the initial decision of the administrative law judge, then an appeal may be made to the Chief Engineer, pursuant to § 24-4-105 (14) and (15), C.R.S., within thirty days after the date of service of the initial decision. The appeal shall comply with the requirements of § 24-4-105, C.R.S., and shall specify the findings of fact and conclusions of law the dissatisfied party is appealing. A ruling of the Chief Engineer shall be considered a final agency action under the Colorado Administrative Procedures Act.

10.0 Review of the Pilot Escort Certification Program

- 10.1 The Department has the right to monitor classroom instruction, review all rates or fees, procedures, and the certification process established by the applicant whenever the Department deems it necessary to insure compliance with this rule.
- 10.2 A review of rates or fees charged students shall be conducted on an annual basis.

11.0 Record Retention and Data Management Requirements

- 11.1 Authorized Applicant's for Pilot Escort Certification Programs shall maintain the following certification and recertification records for a period of seven years:
 - 11.1.1 Student's name, company name (if any), business address, phone number and other contact information.
 - 11.1.2 Driver's license number, original MVR and original proof of insurance information from insurance provider.
 - 11.1.3 Copy of each student's written exam or score.

- 11.1.4 Copy of certification card, including photo.
 - 11.1.5 Training and expiration dates on all students.
 - 11.1.6 All lists of recertification and expiration dates.
 - 11.1.7 All lists of instructors, copy of their resumes and date of classroom instruction and/or recertification dates providing services.
- 11.2 Records may be scanned and kept electronically provided applicant has necessary data backup and retrieval procedures.
- 11.3 The Department has the right to review any records retained, during reasonable business hours, whenever the Department deems it necessary to insure compliance with this rule.
- 11.4 The loss, mutilation or destruction of any records which an Applicant is required to maintain, must be immediately reported by the applicant by affidavit stating:
- 11.4.1 The date such records were lost, mutilated, or destroyed; and
 - 11.4.2 The circumstances involving how such loss occurred.
- 11.5 Upon completion of each training course or recertification a list of each student shall be electronically uploaded to the Permit Office or its authorized agent within five business days of completion of course, as described in material sent to Applicants. Authorized Applicants will be provided additional information regarding upload and data set requirements when such methods change.
- 11.6 All records, including computerized records, must be provided to the Department when requested for the purpose of an audit or review of the entities/institution's records. Failure to provide all records as requested by the Department is a violation of this rule.
- 11.7 Applicant's shall maintain accurate, up to date records. Failure to do so is a violation of this rule.

Editor's Notes

History

Entire rule eff. 07/30/2007.