

**MCSAC Task 13-01: Recommendations on Minimum Training Requirements for
Entry-Level Commercial Motor Vehicle (CMV) Operators**

Discussion Notes from December 3-4, 2012

Task 13-01: FMCSA requests that the MCSAC identify ideas and concepts the Agency should consider in moving forward with a rulemaking to implement the MAP-21¹ requirements:

- *Mandates that FMCSA issue a Final Rule on entry level driver training by October 1, 2013. (MAP-21 § 32304)*
- *Requires “that the training regulations address knowledge and skills for motor vehicle operation, specific requirements for hazmat and passenger endorsements, create a certificate system for meeting requirements, and require training providers to demonstrate that their training meets uniform federal standards.” (MAP-21 § 32304)*
- *Requires FMCSA to complete a report to Congress on the feasibility, benefits, and costs of establishing a system of certification of motorcoach training programs. (MAP-21 § 32708)*

I. Who should receive entry-level driver training (ELDT)?

- A. The 2007 notice of proposed rulemaking² (NPRM) proposed requiring the following persons to complete ELDT:
 1. New commercial driver license (CDL) applicants who intend to operate interstate;
 2. Drivers upgrading from one class of CDL to another; and
 3. Drivers whose license lapsed after four years.
- B. The 2007 NPRM proposed that the ELDT requirements would not apply to persons who intend to operate exclusively in intrastate commerce.
 1. Rationale: The Agency has interstate training authority but only authority to impose testing requirements for intrastate CDLs.
 2. Many public comments suggested that FMCSA should not exclude intrastate CDL applicants from the ELDT requirements.
- C. MCSAC Recommendations: As proposed in the 2007 NPRM, FMCSA should require all interstate CDL applicants to complete ELDT (both new/entry-level applicants and drivers whose CDLs have lapsed).
 1. CDL Renewals: The Agency should require continuing education training if a driver has a poor driving record.
 - a. Rationale: Provide incentives and regulatory relief for good driver performance.
 - b. Continuing education requirements should be implemented after ELDT.
- D. Jasney (Advocates for Highway and Auto Safety (Advocates)) recommended that drivers licensed for less than two years also receive ELDT.
- E. Intrastate CDL applicants:

¹ *Moving Ahead for Progress in the 21st Century Act (MAP-21)*, Pub. L. 112-141, 126 Stat. 405 (July 6, 2012).

² *Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operations*, 72 FR 73226 (Dec. 26, 2007).

1. Some members suggested that ELDT should be required for all new CDL holders (interstate and intrastate).
2. FMCSA could consider imposing ELDT requirements for intrastate drivers, either through Motor Carrier Safety Assistance Program (MCSAP) requirements (States to establish compatible intrastate ELDT as a condition to receive funds) or by seeking a change in statutory authority from Congress to allow the Agency to mandate ELDT requirements for intrastate drivers.
3. However, the Agency should pursue intrastate ELDT requirements separate from an interstate driver training rule if doing so would delay a CMV ELDT final rule.
4. Potential challenge: MCSAP grantees may not have authority over CDL training (usually the entity that issues CDLs is a State insurance or licensing authority).
5. State laws must be compatible (as defined in part 350), and States should adopt parallel ELDT rules for intrastate commerce or fall within already established limited variances.

II. How FMCSA Can Address Key Comments on the 2007 NPRM

A. High rule costs and lack of quantitative safety benefit data from training

1. 2007 NPRM: Total costs of proposed ELDT would be approximately \$176.4 million per year. Crash reduction resulting from ELDT would have to be approximately 20% for the benefits to equal the rule's costs.
 - a. Public comments: High annual costs for little or unknown quantitative safety benefits.
2. Is there data that shows a correlation between ELDT and decreased crashes or critical safety incidents?
3. Is the data sufficient to perform a quantitative cost-benefit analysis?
4. What is the relationship of experience/age to crashes?
5. What specific training skill areas are more beneficial?
6. Has the Agency looked outside commercial driving to other safety training and whether it can be correlated with reduced safety risks (increased safety benefits)?
 - a. The Occupational Safety and Health Administration (OSHA) hazardous materials training requirements mandate a minimum of 40 hours. Were those requirements based on quantitative justification of evidence-based reduced risks?
7. MCSAC Recommendations:
 - a. FMCSA should consider results of ongoing research studies to perform the most adequate cost-benefit analysis.
 - b. FMCSA should request data or conduct a survey of carriers with existing internal training programs and any correlations between training and reduced safety risks, return on investment, etc.

B. Accreditation [*The approaches in italicized text below are in conflict with each other and were discussed by the MCSAC, but not agreed upon for purposes of consensus recommendations.*]

1. 2007 NPRM: The Agency proposed to allow accrediting organizations to approve truck driver training programs. Accrediting organizations must be recognized by either the Department of Education (DOE) or Council of Higher Education Accreditation (CHEA).
 - a. Rationale: FMCSA does not have jurisdiction/authority over training organizations.
 - b. Public comments: Commenters wanted either a third-party or FMCSA to certify the accrediting organizations. Some commenters mentioned the effect of these programs on student loans because FMCSA was setting a Federal standard for entering an occupation.
2. MCSAC Recommendations:
 - a. ELDT programs should have to use an approved curriculum or submit curriculum to the Agency for approval.
 - b. FMCSA should obtain consensus recommendations from existing accrediting organizations.
 - c. There should be an enforcement component of accreditation.
 - i. The Agency should require accredited programs to report how many enrolled students and how many pass training.
 - ii. FMCSA should require training programs to periodically renew accreditation.
 - d. If a program can achieve standards sufficient for accreditation, it should be able to serve as an approved Federal ELDT program, regardless of size (students trained per year).
3. *FMCSA, rather than a third party (i.e., DOE or CHEA), could validate the process of accrediting organizations.*
 - a. *MAP-21 requires training providers to meet minimum Federal standards.*
 - b. *Rationale: The Agency must provide some integrity for the driver training system.*
 - c. *Some states perform minimal checks on third-party driver training programs.*
4. *FMCSA could establish standards for accreditation of training programs. The actual accreditation of training programs could be performed by one or more organizations approved by DOE or CHEA (11 listed in 2007 NPRM as having been approved to accredit truck driver training programs).*
5. *Some members would support a self-certification option (with checks) for training programs.*
 - a. *Rationale: Concerns about geographic availability of ELDT.*
6. Instructor qualifications
 - a. 2007 NPRM: The Agency proposed minimum classroom and instructor requirements (at 49 CFR 380.609).
 - b. MCSAC Recommendation: FMCSA should issue Federal standards for training instructors.

- c. Teamsters trainers are required to have knowledge of adult-based learning approaches, and students are required to pass drug and alcohol tests before participating in training.
- 7. FMCSA should eventually have data on all accredited schools, ELDT programs, and qualified instructors.

C. Training approach: Minimum hours and performance-based requirements

- 1. 2007 NPRM: The Agency proposed an hours-based training requirement (along with curriculum).
 - a. Public comments: Several commenters pressed for a performance-based approach to measure skills, rather than a minimum hours requirement.
 - i. One commenter presented a detailed testing approach to measure performance.
 - ii. Comments were received in support of both an hours-based approach and a performance-based approach to training requirements.
 - 2. MCSAC Recommendations: FMCSA should mandate both some minimum behind-the-wheel training hours, along with performance-based requirements that achieve competency.
 - a. Rationale:
 - i. Mandating both a minimum behind-the-wheels hours requirement and performance-based requirements would ensure that everyone is held to the same standard, and that training programs are effective.
 - ii. Requiring some minimum content would ensure some required hours.
 - b. Minimum classroom/online training hours for curriculum review are not necessary if performance-based testing requirements can sufficiently test and ensure the required competencies.
 - i. Rationale: Establishing minimum performance-based competency levels would eliminate the unnecessary costs of requiring hours beyond that required to demonstrate the necessary skill.
 - ii. Setting performance-based requirements at a high competency level would serve as an alternative for the need for training hours.
 - iii. If drivers do not achieve minimum performance requirements, more training hours should be necessary.
 - c. Different sections of curriculum could have recommended hours that appropriate presentation of the content should require.
 - d. FMCSA should explain any deviation in hours requirements from the model curriculum.

D. Implementation period length [*Unclear whether the italicized text below should be part of the Committee recommendations.*]

1. 2007 NPRM: The Agency proposed 3-year phase-in period (compliance date = 3 years post-final rule effective date).
 - a. Public comments: Three years is an unnecessarily long implementation period.
2. Accreditation agencies require a training program to be in business for 2 years before applying for accreditation (this is a DOE/CHEA requirement).
3. MCSAC Recommendations:
 - a. FMCSA should determine whether or not existing driver training schools have the capacity and would accommodate all new entry level drivers following issuance of an ELDT final rule.
 - b. If new training programs/schools are needed, 3 years is a reasonable compliance period.
 - c. If existing schools could handle the total capacity of annual entry-level drivers (either as they exist now, or by expanding), less than 3 years might be appropriate.
 - i. FMCSA must also consider the geographic availability of driver training programs: Would all entry-level drivers across the country be able to reasonably access an accredited ELDT program?
 - (A) On the other hand, many carriers hiring new drivers will send drivers to a distant training program if one is not available locally.
4. *FMCSA could consider whether parts of the ELDT requirements could be implemented faster than others? For example, behind-the-wheel training should arguably be implemented as soon as possible.*
5. *Pilot program: FMCSA could study the impact of an ELDT program pilot with existing truck driver training schools, before full implementation.*
6. *Conditional Accreditation: Accreditation could be conditional if the program could show it met all the curriculum requirements; full accreditation could be earned after two years of operation, upon a check (by accrediting organization) that the certified curriculum was being implemented appropriately.*

E. Length and details of curriculum

1. 2007 NPRM: The Agency proposed total minimum hours requirements of 120 hours (Class A applicants) and 90 hours (Class B/C applicants). The proposed hours were tied to unit headings of the curriculum (i.e., basic operation, safe operating practices, vehicle maintenance, etc.). Units of proposed training were tied to the 1985 Federal Highways Administration (FHWA) Model Curriculum, which are substantially similar to the 49 CFR part 383 knowledge topics.
 - a. Public comments:
 - i. The Agency did not go far enough with the proposed hours (because it did not propose the Model Curriculum's 148 hours).

- ii. The Agency did not receive much negative feedback on the curriculum topics.
2. MCSAC Recommendation: FMCSA should look to companies that have successful, internal training programs.
 - a. Responsible carriers often hire only experienced drivers and require a road test.
 - b. Insurance companies require “experienced drivers,” but whether or not drivers meet that criterion is determined on a case-by-case basis.
3. Consistency with 49 CFR part 383, subpart G requirements.
 - a. MCSAC Recommendation: The Committee is in general agreement with the content of the 2007 proposed training curriculum.
 - i. Rationale:
 - (A) 49 CFR part 383, subpart G requirements should serve as the basis of ELDT driver curriculum.
 - (B) ELDT should ensure adequate knowledge and ability to perform consistent with the 383.111-383.113 requirements.
 - ii. The proposed ELDT curriculum topics may need some updating. For example, the Agency should consider including the following in the training curriculum (provided that adding these components would not create an additional rulemaking process):
 - (A) Fuel efficient driving.
 - (B) Distracted driving.
4. Curriculum updates.
 - a. Members recognize that ideally the curriculum should be a dynamic component of the ELDT program to allow for updates to account for new training issues, e.g., new vehicle technologies.
 - b. However, FMCSA could not require accreditation organizations or training programs to add to curriculum without a rulemaking if the required curriculum is in regulations (as proposed in the 2007 NPRM).
 - c. The training curriculum constitutes *minimum* training requirements. Training programs/schools could add relevant topics.
 - d. Because the 2007 proposed curriculum include education on Federal Motor Carrier Safety Regulations (FMCSRs), training programs should be responsible for updates to the FMCSRs (e.g., new distracted driving rules).
5. Behind-the-wheel training
 - a. MCSAC Recommendation: The minimum hours requirement for behind-the-wheel training should be greater than 44 hours (proposed behind-the-wheel hours requirement for Class A applicants in the 2007 NPRM).
 - i. FMCSA should examine the data and attempt to justify a minimum hours requirement based on safety benefits.
6. Driver qualifications:

- a. FMCSA could require training programs to check if a driver likely meets minimum driver qualification requirements (e.g., medical standards, English competency, driving record, etc.) before enrolling the driver in the training program.
- b. Jasney (Advocates) does not believe such requirements are practical to impose on a training program.

F. Separate passenger carrier curriculum

1. 2007 NPRM: The Agency did not propose a passenger carrier-specific curriculum.
 - a. Public comments: Several commenters stated the Agency should require a passenger carrier -specific ELDT curriculum.
2. Many passenger carriers are conducting their own in-house ELDT.
3. There are very few passenger carrier driver training schools. Most passenger carrier ELDT is done by passenger carrier companies.
4. The 1985 FHWA Model Curriculum did include a passenger carrier curriculum.
5. MCSAC Recommendation: FMCSA should require unique ELDT for entry-level passenger carrier drivers (i.e., different from large truck ELDT).
 - a. However, the Agency should pursue such ELDT on a separate and parallel rulemaking track if it would derail or delay implementing CMV ELDT.
 - b. Certified passenger carrier ELDT programs should ensure that drivers can safely perform necessary passenger carrier skills.
 - c. Part 383 knowledge and skills topic areas could also serve as a basis for passenger carrier ELDT.
6. School bus operation is very different from motorcoach operation. Driver demographic is also very different.
 - a. School buses are treated differently in different States.

G. Availability of training in geographic areas

1. 2007 NPRM public comments: Some commenters stated that there might be a lack of accredited training programs in certain geographic areas.
 - a. Rationale: If a training program must be in business for two years before applying for accreditation, not many schools might apply to become accredited.
2. MCSAC Recommendation: FMCSA should authorize the use of quality on-line training.
 - a. Rationale: This would help alleviate geographic concerns, even though an entry-level driver would have to find behind-the-wheel training.
3. The free market would ensure availability of accredited training programs in sufficient locations where there is enough of a demand.
 - a. Some CDL applicants in remote areas might have to travel.

H. Effect on supply of new drivers

1. 2007 NPRM public comments: Some commenters stated that pre-CDL ELDT requirements would exacerbate the already existing issue of a shrinking pool of qualified drivers.
2. MCSAC Comments:
 - a. FMCSA should consider that commercial driving is a high turnover industry.
 - b. Low level of entry-level training and low barrier to entry may contribute to the high turnover problem.
 - c. Increased training and fair compensation would help alleviate the high turnover problem.

I. Student driver tuition funding

1. 2007 NPRM public comments: Some commenters suggested that proposed minimum hourly requirements for the occupation of truck driving would eliminate student funding (Pell grants, etc.).
2. MCSAC Comment:
 - a. The hybrid approach (minimum behind-the-wheels hours + performance-based testing requirements) may address tuition funding issue because that approach would not set a minimum hours requirement for entry into the industry; rather, it would require minimum behind-the-wheel training, plus achievement of performance-based competency measures.

III. Continued Training

- A. MCSAC Recommendation: FMCSA should eventually require or incentivize some form of continued education for drivers.
 1. However, continued education should be explored separate from the ELDT rulemaking.
- B. The Compliance, Safety, Accountability (CSA) program is a possible tool to consider for use in continued driver training.
- C. CDL renewal could be another opportunity to access drivers for purposes of continuing education (e.g., hazmat endorsement CDLs are required to take a written exam on renewal).
- D. Online continuing education could be low-cost option for drivers.
- E. Cooperation (potentially including incentives) would be necessary to get States on board with any continuing education tied to CDLs.

IV. Potential Speakers (Expert Needs)

- A. Passenger carrier insurers
- B. Motorcoach driver trainers
- C. Best practices from other industries/DOT modes
- D. Do other countries (e.g., Canada) have ELDT requirements?
- E. How many States have ELDT for intrastate CDL applicants?
 1. What do those State training requirements look like/how are they implemented?

2. Has the American Association of Motor Vehicle Administrators (AAMVA) looked at this at all?

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