

Written Statement of the Entry-Level Driver Training Advisory Committee

**Consensus Recommendation on Rule for Minimum
Training Requirements for Entry-Level Commercial
Motor Vehicle Operators**

Richard W. Parker, Facilitator

June 15, 2015

[Page Intentionally Left Blank]

ELDTAC Written Statement Table of Contents

WRITTEN STATEMENT	5
Annex 1 – Class A CDL Core Curriculum	9
Annex 2 – Class B CDL Core Curriculum	19
Annex 3 – Passenger Endorsement Training Core Curriculum.....	29
Annex 4 – School Bus Endorsement Training Core Curriculum.....	33
Annex 5 – Hazardous Materials Endorsement Training Core Curriculum	37
Annex 6 – Refresher Training Module Curriculum	39
Annex 7 – Eligibility Requirements for Training Providers of More Than 3 Drivers.....	45
Annex 8 -- Eligibility Requirements for Training Providers of 3 Drivers or Less.....	51
Annex 9 – FMCSA ELD Training Provider Identification Report	55
Annex 10 – FMCSA Training Provider Registry Regulatory Text	61
Annex 11 – Definitions of ELD and ELDT, and Applicability	75
APPENDIX A – Explanations of Stakeholder Positions on Hours-Based Requirement.....	77
Statement of Commercial Vehicle Training Association, June 9, 2015	79
Statement of Advocates for High and Auto Safety	83
Statement of American Trucking Associations	91
Statement of National Association of Small Trucking Companies	95
Statement of Amalgamated Transit Union	99
APPENDIX B – Agreed Rules of Procedure of the ELDTAC Committee	101

[PAGE INTENTIONALLY BLANK]

Federal Minimum Standards for CMV Entry-Level Driver Training
Written Statement
June 15, 2015

This Written Statement sets forth the key terms agreed upon by the Members of the Entry-Level Driver Training Advisory Committee (ELDTAC) on the establishment of nationwide minimum standards for the training of entry-level CMV drivers prior to taking their Commercial Driver's License (CDL) exam. Underlining indicates terms that cross-reference other sections of this Term Sheet.

Under the rules of procedure adopted by the ELDTAC in its first meeting, "consensus" is defined as "no more than 3 negative votes" with abstention not to be construed as a negative vote. The final package was adopted by a unanimous voice vote with no abstentions. All components within it were adopted by unanimous consent except as otherwise indicated in this Written Statement.

Agreed Key Terms of Proposed Rule:

1. Beginning on the effective date of the rule, no "Entry-Level Driver" as defined in Annex 11 (see below) may take a CDL skills test to receive a Class A CDL, Class B CDL, Passenger Bus endorsement, School Bus endorsement, or Hazmat endorsement unless he/she has satisfactorily completed a training program that (a) is provided by a Training Provider who appears on FMCSA's Training Provider Registry (see below), and (b) is appropriate to the license/endorsement for which such person is applying.
2. The curricula for such training approved by ELDTAC for Class A CDL, Class B CDL, Passenger Bus endorsement, School Bus endorsement, Hazmat endorsement and Refresher Course training, respectively, are set forth in the following annexes:
 - a. **Annex 1** (Class A CDL)
 - b. **Annex 2** (Class B CDL)
 - c. **Annex 3** (Passenger Bus Endorsement)
 - d. **Annex 4** (School Bus Endorsement)
 - e. **Annex 5** (Hazmat Endorsement)
 - f. **Annex 6** (Refresher Course Training).
3. The ELDTAC-approved core curricula for Class A and Class B training programs generally subdivide into (a) theory and (b) behind-the-wheel (BTW) segments, with BTW driving occurring either on a "range" (any protected area not involving a public road) and road segments.

a. Theory/knowledge instruction.

Theory may be taught either online or in a classroom. ELDTAC agreed not to prescribe the length of time to be spent on theory/knowledge instruction. The training provider must administer a written knowledge assessment which will provide a satisfactory litmus test of competence in this area of instruction.

b. Behind-the-wheel (BTW) instruction (range and road):

Class A CDL trainees shall be required to receive a minimum of 30 hours of behind-the-wheel training with a minimum of 10 hours spent on a “range” (which may be any suitable area not on public roads); and 10 hours road or 10 road trips (no less than 50 minutes each). A 50-minute training session (“academic hour”) shall count as one hour for purposes of this requirement.

Vote: Consensus with 2 nay votes and no abstentions.

Class B CDL trainees shall be required to receive a minimum of 15 hours of behind-the-wheel (range and road driving), with a minimum of 7 hours of road driving. Again, a 50-minute training session (“academic hour”) shall count as one hour for purposes of this requirement.

Vote: Consensus with 2 nay votes and no abstentions.¹

4. These requirements apply to individuals who obtain the CLP on or after the compliance date. However, the new requirements will not apply to individuals – such as military veterans -- for whom 49 CFR 383 give States discretion to waive the CDL skills test. Any individual who fails to obtain the CDL within 360 days after obtaining a CLP will be required to complete a full ELDT course following application for a new CLP.
5. An individual holding a CDL that has been canceled, suspended or revoked – and is thus required to re-take a state-administered CDL exam -- shall not be required to re-take a full entry-level driver training course as a condition of taking such exam. However, any

¹ The ELDTAC also gave extensive consideration to a “performance-only” option that would require Class A and Class B training providers to observe and document each student correctly performing each key driving skill in the FMCSA curriculum 5 times for Class A drivers (fewer times in the case of Class B), and provide written documentation of such performance in a Master Trip Sheet (**Annex 12**) or some comparable document.

Some stakeholders favored *adding* this “enhanced performance assessment” option to a minimum hours-of-BTW-training requirement. Others favored this option *in lieu of* a minimum hours-of-BTW-training requirement.

In the end, the ELDTAC decided not to adopt this option -- either in addition to, or in lieu of, a minimum hours-of-BTW-training requirement. Instead, the ELDTAC agreed to recommend: (1) requiring the above-mentioned minimum of BTW-training hours for training providers teaching Class A and Class B curriculums; (2) requiring that such training providers create and maintain documentation of training covering the prescribed BTW curriculum; and (3) offering the example of a Master Trip sheet based on **Annex 12** as an illustrative method by which trainers may document their training.

individual whose CDL has been canceled or revoked for a highway-safety related reason shall be required to complete refresher training from a provider listed on the Registry of Entry-Level Driver Training Providers prior to re-taking the state CDL exam to re-instate his or her CDL Class A or Class license. The required curriculum for such a course is contained in **Annex 6**. Once such refresher training is completed, the training certificate will be transmitted from the training provider to FMCSA, and the Agency will transmit the certificate to the SDLA via CDLIS. The rule will include an explicit requirement for SDLAs to administer a CDL skills test to these individuals, but only if there is an electronic training certificate on file with the SDLA.

6. To become a FMCSA-registered Training Provider a person or institution must meet the applicable FMCSA's Eligibility Requirements for Training Providers, and complete and submit (online) a Training Provider Identification Report affirming under penalties of perjury that such provider will teach the FMCSA-prescribed curriculum that is appropriate for that license or endorsement and that such provider meets the eligibility requirements. Training Providers that meet these requirements shall be placed on FMCSA's Training Provider Registry.
7. The Eligibility Requirements that Training Providers must meet in order to appear on the FMCSA Training Provider Registry are set forth in **Annex 7** (in-house or school training providers that train, or expect to train, more than 3 drivers per year), and **Annex 8** (small training providers that train, or expect to train, three or fewer drivers per year). The Training Provider Identification Form that all training providers must complete as part of their application for registration as an FMCSA Training Provider is set forth in **Annex 9**.
8. The ELDTAC agrees that theory and behind-the-wheel training can be delivered by separate providers. The FMCSA will assign separate responsibility to theory and behind-the-wheel trainers for the training of entry-level drivers, and the subsequent BTW training provider is not required to administer a written knowledge assessment. FMCSA will receive an electronic certification that a student has completed the theory portion, hold it in a queue in the Registry, and not transmit to the State Licensing Agency until the behind-the-wheel portion is submitted.
9. FMCSA's draft regulatory text setting forth the general requirements for training providers appearing in FMCSA's National Registry of Training Providers is set forth in **Annex 10**.
10. This rule shall take effect 3 years from the date of the publication of the final rule in the Federal Register.

[Intentional Blank Page]

ANNEX 1

CLASS A CDL CORE CURRICULUM

THEORY

BASIC OPERATION

The units in this section must cover the interaction between the trainee and the commercial motor vehicle (CMV). The trainee will receive instruction in the Federal Motor Carrier Safety Regulations (FMCSRs) and will be introduced to the basic CMV instruments and controls. The units in this section must also teach entry-level CDL trainees how to properly perform vehicle inspections, control the motion of CMVs under various road and traffic conditions, shifting and backing techniques, and how to properly couple and uncouple combination vehicles. During the off-street driving exercises required by this section, entry-level CDL trainees must first familiarize themselves with the basic operating characteristics of a CMV. Then, trainees must be able to perform the skills in each unit to a level of competency required to permit safe transition to on-street driving.

Orientation

This unit must introduce trainees to the combination vehicle driver training curriculum and the components of a combination vehicle. The trainee will learn the safety fundamentals, essential regulatory requirements (i.e., overview of FMCSRs/hazardous materials (HM) regulations), and trainee responsibilities not directly related to driving. This unit must also cover the ramifications and driver disqualification provisions and fines for non-compliance with the various sections of the FMCSRs including Parts 380, 382, 383, 387, and 390-399. This unit must also include an overview of the applicability of State and local laws relating to the safe operation of the CMV, stopping at weigh stations/scales, hazard awareness of vehicle size and weight limitations, low clearance areas (e.g., CMV height restrictions), and bridge formulas.

Control Systems/Dashboard

This unit must introduce trainees to vehicle instruments and controls. The trainee will learn to read gauges and instruments correctly and learn proper use of vehicle safety components, including safety belts and mirrors. The trainee will also learn to identify, locate, and explain the function of each of the primary and secondary controls including those required for steering, accelerating, shifting, braking, and parking.

Pre and Post-Trip Inspections

This unit must stress to trainees the importance of vehicle inspections and help them develop the skills necessary for conducting pre-trip, en-route, and post trip inspections. This unit would include instruction in a trainee's personal awareness of their surroundings, including at truck stops and/or rest areas, and at shipper/receiver locations.

Basic Control

This unit must introduce basic vehicular control and handling as it applies to combination vehicles. This must include instruction addressing basic combination vehicle controls in areas such as executing sharp left and right turns, centering the vehicle, and maneuvering in restricted areas.

Shifting/Operating Transmissions

This unit must introduce shifting patterns and procedures to the trainees so that they can safely and competently perform basic shifting maneuvers. This must include training each trainee to execute up and down shifting techniques on multi-speed dual range transmissions if appropriate. The importance of increased fuel economy utilizing proper shifting techniques should also be covered with the trainee in this unit.

Backing and Docking

This unit must prepare trainees to back and dock the combination vehicle safely. This unit must cover "Get Out and Look" (GOAL), evaluation of backing/loading facilities, knowledge of backing set ups, as well as instruction in how to back with use of spotters.

Coupling and Uncoupling

This unit must provide instruction for the trainee to develop the skills necessary to conduct the procedures for safe coupling and uncoupling of combination vehicle units.

SAFE OPERATING PROCEDURES

The units in this section teach the practices required for safe operation of the combination vehicle on the highway. Entry-level CDL trainees must be taught how to apply their basic operating skills in a way that ensures their safety and that of other road users under various road, weather, and traffic conditions.

Visual Search

The purpose of this unit is to enable trainees to visually search the road for potential hazards and critical objects, including instruction on recognizing distracted pedestrians/distracted drivers. This unit would include instruction in how to ensure a trainee's personal security/general awareness in common surroundings such as truck stops and/or rest areas, and at shipper/receiver locations.

Vehicle Communications

The purpose of this unit is to enable trainees to communicate their intentions to other road users (e.g., proper signaling). Trainees will learn techniques for different types of communication on the road, including proper use of headlights, turn signals, four-way flashers, and horn. Instruction in proper utilization of eye contact techniques with other drivers and pedestrians will be covered in this unit.

Speed Management

The purpose of this unit is to enable trainees to manage speed effectively in response to various road, weather, and traffic conditions. The trainee must believe that driving competency cannot compensate for speed that is excessive for prevailing conditions. Instruction shall include methods for calibrating safe following distances under an array of conditions including traffic, weather and CMV weight and length.

Space Management

The purpose of this unit is to enable trainees to manage the space required for safe vehicle operation. Emphasis must be placed upon maintaining appropriate space surrounding the vehicle under various traffic and road conditions.

Night Operation

Trainees will learn how to operate a CMV safely at night. Heightened emphasis must be placed upon the factors affecting the safe operation of CMVs at night and in darkness driving. Night driving presents specific factors that require special attention on the part of the driver. Trainees shall be instructed in special requirements for vehicle safety inspection, vision, communications, speed, and space management and proper use of lights as needed to deal with the special problems night driving presents.

Extreme Driving Conditions

This unit must provide instruction addressing the driving of CMVs under extreme driving conditions. Emphasis must be placed upon the factors affecting the operation of CMVs in cold, hot, and inclement weather and on steep grades and sharp curves. Changes in basic driving habits are needed to deal with the specific problems presented by these extreme driving conditions. Trainees will also learn proper tire chaining procedures in this unit.

ADVANCED OPERATING PRACTICES

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

Hazard Perception

The purpose of this unit is to enable trainees to recognize potential dangers in the driving environment and to take appropriate defensive action(s) before the dangers develop into emergency situations. The unit must provide instruction addressing the principles of recognizing hazards in sufficient time to reduce the severity of the hazard and neutralize possible emergency situations. Trainees must identify road conditions and other road users that are a potential threat to the safety of the combination vehicle and suggest appropriate adjustments. Emphasis must be placed upon hazard recognition, visual search, adequate surveillance, and response to possible emergency-producing situations encountered by CMV drivers in various traffic situations. Included in this unit should be an extensive overview of driver distraction issues, including improper cell phone use, texting, and use of in-cab technology. Trainees will also learn to recognize potential dangers and the appropriate safety procedures to utilize at construction/work zones.

Emergency Maneuvers/Skid Avoidance

The purpose of this unit is to enable trainees to carry out appropriate responses when faced with CMV emergencies. These must include evasive steering, emergency braking, off-road recovery, brake failures, tire blowouts, 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.

Skid Control and Recovery

The purpose of this unit is to teach the causes of skidding and jackknifing and techniques for avoiding and recovering from them. The trainee must be able to maintain directional control and bring the CMV to a stop in the shortest possible distance while operating over a slippery surface.

Railroad Crossings

Trainees will learn to recognize potential dangers and appropriate safety procedures to utilize at railroad (RR) grade crossings. This instruction will include an overview of various State RR grade crossing regulations, railroad crossing environment, obstructed view, clearance around the tracks, and knowledge of rail signs and signals.

VEHICLE SYSTEMS AND REPORTING MALFUNCTIONS

This section is intended to provide entry-level CDL trainees with sufficient knowledge of the combination vehicle and its systems and subsystems to ensure that they understand and respect their role in vehicle inspection, operation, and maintenance and the impact of those factors upon highway safety and operational efficiency.

Identification and Diagnosis of Malfunctions, Including Out-of-Service Violations

The purpose of this unit is to teach trainees to identify major combination vehicle systems. The goal is to explain their function and how to check all key vehicle systems, (e.g., engine, engine exhaust auxiliary systems, brakes, drive train, coupling systems, and suspension). The trainee will be provided with a detailed description of each system, its importance to safe and efficient operation, and what is needed to keep the system in good operating condition. The trainee will further learn what vehicle and driver violations are classified as out-of-service (OOS) violations in the North American Standard OOS Criteria Handbook, including the ramifications/penalties for “jumping” an OOS order.

Maintenance

The purpose of this unit is to introduce trainees to the basic servicing and checking procedures for various engine and vehicle components and to help develop their ability to perform preventive maintenance and simple emergency repairs.

NON-VEHICLE ACTIVITIES

The units in this section are designed to prepare entry-level CDL trainees to handle those responsibilities of a combination vehicle driver that do not involve operating the CMV. 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.

Handling and Documenting Cargo

The purpose of this unit is to enable trainees to understand the basic theory of cargo weight distribution, cargo securement on the vehicle, cargo covering, and techniques for safe and efficient loading/unloading in the classroom followed by practical demonstration and practice. The trainee will learn basic cargo security/cargo theft training procedures in this unit. Basic information regarding the proper handling and documentation of HM cargo will also be covered in this unit.

Environmental Compliance Issues

The trainee will learn to recognize environmental hazards and issues related to the CMV and load, and be made aware that there may be city, county, state/provincial, and federal requirements applicable to such circumstances.

Hours of Service Requirements

The purpose of this unit is to enable trainees to understand that there are different hours-of-service (HOS) requirements applicable to different industries. The trainee will learn HOS regulatory requirements applicable to the trainee. The trainee will develop the ability to complete a Driver’s Daily Log and logbook recap or other applicable system for recording HOS.

The trainee will learn the consequences of violating the HOS regulations (safety, legal, and personal) including the fines and penalties for these types of violations.

Fatigue and Wellness Awareness

The issues and consequences of chronic and acute driver fatigue and the importance of staying alert will be covered in this unit. The trainee will also learn regulatory requirements regarding driver wellness and basic health maintenance as they affect a driver's ability to safely operate a CMV. This unit should address personal issues such as diet, exercise, personal hygiene, stress, and lifestyle changes. When providing instruction regarding HOS requirements, trainees shall be instructed in the extreme safety risks associated with fatigued driving. Additional resources are available to support this instruction through the North American Fatigue Management Program (NAFMP) at <http://www.nafmp.org/en/>.

Accident Procedures

The purpose of this unit is to teach trainees how to follow safe and legal procedures at a crash scene. The trainee will be instructed that when they may be involved in an accident and not seriously hurt, they need to act to prevent further damage or injury. This training would include the basic steps to be followed at an accident scene including: 1) protecting the area; 2) notifying authorities; and 3) caring for the injured.

Post-Crash Procedures

Including "Post-Crash Procedure" training *early in the driver-training curriculum* may enhance the impact of subsequent training and have a positive influence in reducing new-entrant driver crashes. Accordingly, trainees shall learn appropriate post-crash procedures, including the requirement that the driver, if possible, assess his/her physical condition immediately after the crash and notify authorities, or assign the task to other individuals at the crash scene. Also, trainees shall be given instruction in obtaining emergency necessary medical assistance; moving on-road vehicles off the road in minor crashes so as to avoid subsequent crashes or injuries; engaging flashers, triangles, etc.; responsibilities for assisting injured parties and Good Samaritan Laws; driver legal obligations and rights, including rights and responsibilities for engaging with law enforcement personnel; and the importance of learning company policy on post-crash procedures. Trainees may also receive instruction in the value and techniques of photographing the scene; obtaining witness information, skid measurements; and assessing signage, road, and weather conditions.

External Communications

Trainees should be taught the value of effective interpersonal communication techniques/skills to interact with enforcement officials. Trainees shall be taught the specifics of the roadside vehicle inspection process, and what to expect during this activity. Trainees who are not native English speakers shall be instructed in FMCSA English language proficiency requirements and consequences for violations. Trainee will also learn the basics and implications of FMCSA's Compliance, Safety, Accountability (CSA) system.

Whistleblower/Coercion

The right of an employee to question the safety practices of an employer without incurring the risk of losing a job or being subject to reprisals simply for stating a safety concern is included in this unit. The trainee will become familiar with the whistleblower protection regulations in 29 CFR part 1978. This unit would include instruction in procedures for drivers/students to report incidents of coercion from motor carriers, shippers, receivers, or transportation intermediaries to FMCSA.

Trip Planning

This unit must address the importance of and requirements for planning routes and trips. This instruction must address the importance of planning the safest route, including planning for rest stops, heavy traffic areas, rail-highway grade crossing safe clearance (i.e., “high center”), and the importance of Federal and State requirements on the need for permits, and vehicle size and weight limitations. Trainee will be instructed in the correct identification of restricted routes, made aware of the pros and cons of Global Positioning System (GPS)/trip routing software, and the importance of selecting fuel-efficient routes.

Drugs/Alcohol

In this unit, trainees will learn that there are a variety of rules applicable to drugs and alcohol use and shall receive the training required by the drug and alcohol regulations that apply to them, including consequences for engaging in substance use-related conduct. The importance of avoiding use of drugs/alcohol in violation of applicable regulations must be covered in this unit

Medical Requirements

In this unit, trainees will learn the Federal rules on medical certification, medical examination procedures, general qualifications, responsibilities, and disqualifications based on various offenses, orders, and loss of driving privileges (49 CFR part 391, subparts B and E).

VEHICLE MANEUVERS/SKILLS/RANGE

The activities of this unit must consist of driving exercises that provide practice for the development of basic control skills and mastery of basic maneuvers as covered in the American Association of Motor Vehicle Administrators (AAMVA) manual (i.e., Parts 383.111 and 383.113 of the FMCSRs), to operate the vehicle safely . Nearly all activity in this unit will take place on the driving range or on the streets, roads or lots that have low-density traffic conditions.

Vehicle Inspection Pre-Trip/En-route/Post-Trip

Trainees shall learn and demonstrate proper techniques for performing pre-trip, en-route, and post-trip inspections making accurate notes of actual and suspected component abnormalities or malfunctions using a Driver Vehicle Inspection Report in accordance with the FMCSRs.

Straight Line Backing

Trainees shall learn and demonstrate proper techniques for performing various straight line backing maneuvers with appropriate criteria/acceptable tolerances.

Alley Dock Backing (45/90 Degree)

Trainees shall learn and demonstrate proper techniques for performing 45/90 degree alley dock maneuvers, to appropriate criteria/acceptable tolerances.

Off-set Backing

Trainees shall learn and demonstrate proper techniques for performing off-set backing maneuvers to appropriate criteria/acceptable tolerances.

Parallel Parking Blind Side

Trainees shall learn and demonstrate proper techniques for performing parallel parking blind side positions/maneuvers to appropriate criteria/acceptable tolerances.

Parallel Parking Sight Side

Trainees shall learn and demonstrate proper techniques for performing sight side parallel parking maneuvers with appropriate criteria/acceptable tolerances.

Coupling and Uncoupling

Trainees shall learn and demonstrate proper techniques for coupling, inspecting and uncoupling combination vehicle units, in accordance with safety requirements and approved practices.

ROAD

The trainer must engage in active two-way communication with the trainee during all active training sessions and evaluate the driving competence of the trainee during all behind-the-wheel (BTW) training.

Vehicle Controls including: Left Turn, Right Turns, Lane Changes, Curves at Highway Speeds

Trainees shall learn and demonstrate proper techniques for initiating vehicle movement, executing left and right turns, changing lanes, navigating curves at speed, and stopping the vehicle in a controlled manner.

Shifting/Transmission

Trainees shall learn and demonstrate proper techniques for performing safe and fuel-efficient shifting techniques, and making any necessary adjustments in the process.

Communications/Signaling

Trainees shall learn and demonstrate proper techniques for using correct procedures to signal intentions and effectively communicate with other drivers.

Hazard Perception* (partial demonstration)

Trainees shall learn to recognize potential dangers in the driving environment and to take appropriate defensive action(s) before the dangers develop into emergency situations. The unit must provide instruction addressing the principles of recognizing hazards in sufficient time to reduce the severity of the hazard and neutralize possible emergency situations. Trainees must identify road conditions and other road users that are a potential threat to the safety of the combination vehicle and suggest appropriate adjustments.

Railroad Crossing* (demonstration where railroad crossing is available, simulated otherwise)

Trainees shall learn to recognize potential dangers and appropriate safety procedures to utilize at RR grade crossings, and shall demonstrate such techniques when RR crossings are reasonably available.

Night Operation *

Trainees shall learn how to operate a CMV safely at night. Heightened emphasis must be placed upon the factors affecting the operation of CMVs at night. Trainees shall learn that night driving presents specific circumstances that require heightened attention on the part of the driver. Trainees shall be taught special requirements for in-vehicle safety inspection, night vision, communications, speed, and space management, and proper use of lights as needed to prepare the trainee to deal with the special problems night driving presents. Though not required in all cases, training providers are strongly encouraged to offer trainees night-driving instruction and experience where feasible.

Extreme Driving Conditions *

Trainees shall be instructed in the special risks created by, and the heightened precautions required by, the driving of CMVs under extreme driving conditions, such as heavy rain, high wind, high heat, high grades, snow and ice. Emphasis shall be placed upon the factors affecting the operation of CMVs in cold, hot, and inclement weather and on steep grades and sharp curves. Trainees shall learn that changes in basic driving habits are needed to deal with the specific problems presented by these extreme driving conditions.

Emergency Maneuvers/Skid Avoidance *

Trainees shall learn proper techniques such as evasive steering and emergency braking for preventing or dealing with such as brake failures, tire blowouts, hydroplaning, skidding, jackknifing, and the rollover phenomenon.

Skid Control and Recovery *

Trainees shall learn the causes of skidding and jackknifing and techniques for avoiding and recovering from them. Trainees shall be taught to maintain directional control and bring the CMV to a stop in the shortest possible distance while operating over a slippery surface.

Visual Search

Trainee shall learn and demonstrate proper techniques for visually searching the road for potential hazards and critical objects.

Speed and Space Management

Trainee shall learn and demonstrate proper habits and techniques for adjusting and maintaining vehicle speed, taking into consideration various factors such as traffic and road conditions. Trainees shall practice maintaining proper speed to maintain proper spacing between the trainee's CMV and other vehicles. Instruction shall include methods for calibrating safe following distances under an array of conditions including traffic, weather, and CMV weight and length.

Safe Driver Behavior

In general, while driving, trainees shall learn and demonstrate safe driver behavior during their operation of the CMV.

Hours of Service

Trainees shall learn the basic concepts and HOS requirements applicable to the trainee; and shall practice completing a Driver's Daily Log, timesheet, and logbook recap as appropriate.

*Indicates concepts that are discussed during road training or simulated but not necessarily performed.

ANNEX 2

CLASS B CDL CORE CURRICULUM

THEORY

BASIC OPERATION

The units in this section must cover the interaction between the trainee and the commercial motor vehicle (CMV). The trainee will receive instruction in the Federal Motor Carrier Safety Regulations (FMCSRs) and will be introduced to the basic CMV instruments and controls. The trainee will also receive instruction in understanding the weight limits for different vehicle classes (i.e., Class B CDL versus Class A CDL) that would make a trainee aware of potential license upgrade requirements. The units in this section must also teach entry-level CDL trainees how to properly perform vehicle inspections, control the motion of CMVs under various road and traffic conditions, shifting and backing techniques, and how to properly couple and uncouple CMVs. During the off-street driving exercises required by this section, entry-level CDL trainees must first familiarize themselves with the basic operating characteristics of a CMV. Then, trainees must be able to perform the skills in each unit to a level of competency required to permit safe transition to on-street driving.

Orientation

This unit must introduce trainees to the driver training curriculum and the components of a CMV. The trainee will learn the safety fundamentals, essential regulatory requirements (i.e., overview of FMCSRs/hazardous materials (HM) regulations), and trainee responsibilities not directly related to driving. This unit must also cover the ramifications and driver disqualification provisions and fines for non-compliance with the various sections of the FMCSRs including Parts 380, 382, 383, 387, and 390-399. This unit must also include an overview of the applicability of State and local laws relating to the safe operation of the CMV, stopping at weigh stations/scales, hazard awareness of vehicle size and weight limitations, low clearance areas (e.g., CMV height restrictions), and bridge formulas.

Control Systems/Dashboard

This unit must introduce trainees to vehicle instruments and controls. The trainee will learn to read gauges and instruments correctly and learn proper use of vehicle safety components, including safety belts and mirrors. The trainee will also learn to identify, locate, and explain the function of each of the primary and secondary controls including those required for steering, accelerating, shifting, braking, and parking.

Pre and Post-Trip Inspections

This unit must stress to trainees the importance of vehicle inspections and help them develop the skills necessary for conducting pre-trip, en-route, and post trip inspections. This unit would include instruction in a driver's personal awareness of their surroundings, including at rest areas and/or truck stops, and at shipper/receiver locations.

Basic Control

This unit must introduce basic vehicular control and handling. This must include instruction addressing basic CMV controls in areas such as executing sharp left and right turns, centering the vehicle, and maneuvering in restricted areas.

Shifting/Operating Transmissions

This unit must introduce shifting patterns and procedures to the trainees so that they can safely and competently perform basic shifting maneuvers. This must include training each trainee to execute up and down shifting techniques on multi-speed dual range transmissions if appropriate. The importance of increased fuel economy utilizing proper shifting techniques should also be covered with the trainee in this unit.

Backing and Docking

This unit must prepare trainees to back and dock the CMV safely. This unit must cover "Get Out and Look" (GOAL), evaluation of backing/loading facilities, knowledge of backing set ups, as well as instruction in how to back with use of spotters.

SAFE OPERATING PROCEDURES

The units in this section teach the practices required for safe operation of the CMV on the highway. Entry-level CDL trainees must be taught how to apply their basic operating skills in a way that ensures their safety and that of other road users under various road, weather, and traffic conditions.

Visual Search

The purpose of this unit is to enable trainees to visually search the road for potential hazards and critical objects, including instruction on recognizing distracted pedestrians/distracted drivers. This unit would include instruction in a trainee's personal security/general awareness of their surroundings, including at truck stops and/or rest areas, and at shipper/receiver locations.

Vehicle Communications

The purpose of this unit is to enable trainees to communicate their intentions to other road users (e.g., proper signaling). Trainees will learn techniques for different types of communication on the road, including proper use of headlights, turn signals, four-way flashers, and horn. Instruction in proper utilization of eye contact techniques with other drivers and pedestrians will be covered in this unit.

Speed Management

The purpose of this unit is to enable trainees to manage speed effectively in response to various road, weather, and traffic conditions. The trainee must believe that driving competency cannot compensate for speed that is excessive for prevailing conditions. Instruction shall include methods for calibrating safe following distances under an array of conditions including traffic, weather, and CMV weight and length.

Space Management

The purpose of this unit is to enable trainees to manage the space required for safe vehicle operation. Emphasis must be placed upon maintaining appropriate space surrounding the vehicle under various traffic and road conditions.

Night Operation

Trainees will learn how to operate a CMV safely at night. Heightened emphasis must be placed upon the factors affecting the safe operation of CMVs at night and in darkness driving. Night driving presents specific factors that require special attention on the part of the driver. Trainees shall be instructed in special requirements for vehicle safety inspection, vision, communications, speed, and space management and proper use of lights as needed to deal with the special problems night driving presents.

Extreme Driving Conditions

This unit must provide instruction addressing the driving of CMVs under extreme driving conditions. Emphasis must be placed upon the factors affecting the operation of CMVs in cold, hot, and inclement weather and on steep grades and sharp curves. Changes in basic driving habits are needed to deal with the specific problems presented by these extreme driving conditions. Trainees will also learn proper tire chaining procedures in this unit.

ADVANCED OPERATING PRACTICES

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

Hazard Perception

The purpose of this unit is to enable trainees to recognize potential dangers in the driving environment and to take appropriate defensive action(s) before the dangers develop into emergency situations. The unit must provide instruction addressing the principles of recognizing hazards in sufficient time to reduce the severity of the hazard and neutralize possible emergency situations. Trainees must identify road conditions and other road users that are a potential threat to the safety of the CMV and suggest appropriate adjustments.

Emphasis must be placed upon hazard recognition, visual search, adequate surveillance, and response to possible emergency-producing situations encountered by CMV drivers in various traffic situations. Included in this unit should be an extensive overview of driver distraction issues, including improper cell phone use, texting, and use of in-cab technology. Trainees will also learn to recognize potential dangers and the appropriate safety procedures to utilize at construction/work zones.

Emergency Maneuvers/Skid Avoidance

The purpose of this unit is to enable trainees to carry out appropriate responses when faced with CMV emergencies. These must include evasive steering, emergency braking, off-road recovery, brake failures, tire blowouts, hydroplaning, skidding, and the rollover phenomenon. The discussion must include a review of unsafe acts and the role they play in producing hazardous situations.

Skid Control and Recovery

The purpose of this unit is to teach the causes of skidding and techniques for avoiding and recovering from them. The trainee must be able to maintain directional control and bring the CMV to a stop in the shortest possible distance while operating over a slippery surface.

Railroad Crossings

Trainees will learn to recognize potential dangers and appropriate safety procedures to utilize at railroad (RR) grade crossings. This instruction will include an overview of various State RR grade crossing regulations, railroad crossing environment, obstructed view, clearance around the tracks, and knowledge of rail signs and signals.

VEHICLE SYSTEMS AND REPORTING MALFUNCTIONS

This section is intended to provide entry-level CDL trainees with sufficient knowledge of the CMV and its systems and subsystems to ensure that they understand and respect their role in vehicle inspection, operation, and maintenance and the impact of those factors upon highway safety and operational efficiency.

Identification and Diagnosis of Malfunctions, Including Out-of-Service Violations

The purpose of this unit is to teach trainees to identify major CMV systems. The goal is to explain their function and how to check all key vehicle systems, e.g., engine, engine exhaust auxiliary systems, brakes, drive train, and coupling systems. The trainee will be provided with a detailed description of each system, its importance to safe and efficient operation, and what is needed to keep the system in good operating condition. The trainee will further learn what vehicle and driver violations are classified as out-of-service (OOS) violations in the North American Standard OOS Criteria Handbook, including the ramifications/penalties for “jumping” an OOS order.

Maintenance

The purpose of this unit is to introduce trainees to the basic servicing and checking procedures for various engine and vehicle components and to help develop their ability to perform preventive maintenance and simple emergency repairs.

NON-VEHICLE ACTIVITIES

The units in this section are designed to prepare entry-level CDL trainees to handle those responsibilities of a CMV driver that do not involve operating the vehicle. 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.

Handling and Documenting Cargo

The purpose of this unit is to enable trainees to understand the basic theory of cargo weight distribution, cargo securement on the vehicle, cargo covering, and techniques for safe and efficient loading/unloading in the classroom followed by practical demonstration and practice. The trainee will learn basic cargo security/cargo theft training procedures in this unit. Basic information regarding the proper handling and documentation of HM cargo will also be covered in this unit.

Environmental Compliance Issues

The trainee will learn to recognize environmental hazards and issues related to the CMV and load, and be made aware that there may be city, county, state/provincial, and federal requirements applicable to such circumstances.

Hours of Service Requirements

The purpose of this unit is to enable trainees to understand that there are different hours-of-service (HOS) requirements applicable to different industries. The trainee will learn HOS regulatory requirements applicable to the trainee. The trainee will develop the ability to complete a Driver's Daily Log and logbook recap or other applicable system for recording HOS. The trainee will learn the consequences of violating the HOS regulations (safety, legal, and personal) including the fines and penalties for these types of violations.

Fatigue and Wellness Awareness

The issues and consequences of chronic and acute driver fatigue and the importance of staying alert will be covered in this unit. The trainee will also learn regulatory requirements regarding driver wellness and basic health maintenance as they affect a driver's ability to safely operate a CMV. This unit should address personal issues such as fatigue, diet, exercise, personal hygiene, stress, and lifestyle changes. When providing instruction regarding HOS requirements, trainees shall be instructed in the extreme safety risks associated with fatigued driving. Additional resources are available to support this instruction through the North American Fatigue Management Program (NAFMP) at <http://www.nafmp.org.en>.

Accident Procedures

The purpose of this unit is to teach trainees how to follow safe and legal procedures at a crash scene. The trainee will be instructed that when they may be involved in an accident and not seriously hurt, they need to act to prevent further damage or injury. This training would include the basic steps to be followed at an accident scene including: 1) protecting the area; 2) notifying authorities; and 3) caring for the injured.

Post-Crash Procedures

Including “Post-Crash Procedure” training *early in the driver-training curriculum* may enhance the impact of subsequent training and have a positive influence in reducing new-entrant driver crashes. Accordingly, trainees shall learn appropriate post-crash procedures, including the requirement that the driver, if possible, assess his/her physical condition immediately after the crash and notify authorities, or assign the task to a passenger or other individuals at the crash scene. Also, trainees shall be given instruction in obtaining emergency necessary medical assistance; moving on-road vehicles off the road in minor crashes so as to avoid subsequent crashes or injuries; engaging flashers, triangles, etc.; responsibilities for assisting injured parties and Good Samaritan Laws; driver legal obligations and rights, including rights and responsibilities for engaging with law enforcement personnel; and the importance of learning company policy on post-crash procedures. Trainees may also receive instruction in the value and techniques of photographing the scene; obtaining witness information, skid measurements; and assessing signage, road, and weather conditions.

External Communications

Trainees should be taught the value of effective interpersonal communication techniques and interpersonal skills when interacting with enforcement officials. Trainees shall be taught the specifics of the roadside vehicle inspection process, and what to expect during this activity. Trainees who are not native English speakers shall be instructed in FMCSA English language proficiency requirements and consequences for violations. Trainee will also learn the basics and implications of FMCSA’s Compliance, Safety, Accountability (CSA) system.

Whistleblower/Coercion

The right of an employee to question the safety practices of an employer without incurring the risk of losing a job or being subject to reprisals simply for stating a safety concern is included in this unit. The trainee will become familiar with the whistleblower protection regulations in 29 CFR part 1978. This unit would include instruction in procedures for drivers/students to report incidents of coercion from motor carriers, shippers, receivers, or transportation intermediaries to FMCSA.

Trip Planning

This unit must address the importance of and requirements for planning routes and trips. This instruction must address the importance of planning the safest route, including planning for rest stops, heavy traffic areas, rail-highway grade crossing safe clearance (i.e., “high center”),

and the importance of Federal and State requirements on the need for permits, and vehicle size and weight limitations. Trainee will be instructed in the correct identification of restricted routes, made aware of the pros and cons of Global Positioning System (GPS)/trip routing software, and the importance of selecting fuel-efficient routes.

Drugs/Alcohol

In this unit, trainees will learn that there are a variety of rules applicable to drugs and alcohol use and shall receive the training required by the drug and alcohol regulations that apply to them, including consequences for engaging in substance use-related conduct. The importance of avoiding use of drugs/alcohol in violation of applicable regulations must be covered in this unit.

Medical Requirements

In this unit, trainees will learn the Federal rules on medical certification, medical examination procedures, general qualifications, responsibilities, and disqualifications based on various offenses, orders, and loss of driving privileges (49 CFR part 391, subparts B and E).

VEHICLE MANEUVERS/SKILLS/RANGE

The activities of this unit must consist of driving exercises that provide practice for the development of basic control skills and mastery of basic maneuvers as covered in the American Association of Motor Vehicle Administrators (AAMVA) manual (i.e., Parts 383.111 and 383.113 of the FMCSRs), to operate the vehicle safely. Nearly all activity in this unit will take place on the driving range or on the streets or roads that have low-density traffic conditions.

Vehicle Inspection Pre-Trip/En-route/Post-Trip

Trainees shall learn and demonstrate proper techniques for performing pre-trip, en-route, and post-trip inspections making accurate notes of actual and suspected component abnormalities or malfunctions using a Driver Vehicle Inspection Report (DVIR) in accordance with the FMCSRs.

Straight Line Backing

Trainees shall learn and demonstrate proper techniques for performing various straight line backing maneuvers with appropriate criteria/acceptable tolerances.

Alley Dock Backing (45/90 Degree)

Trainees shall learn and demonstrate proper techniques for performing 45/90 degree alley dock maneuvers, to appropriate criteria/acceptable tolerances.

Off-set Backing

Trainees shall learn and demonstrate proper techniques for performing off-set backing maneuvers to appropriate criteria/acceptable tolerances.

Parallel Parking Blind Side

Trainees shall learn and demonstrate proper techniques for performing parallel parking blind side positions/maneuvers to appropriate criteria/acceptable tolerances.

Parallel Parking Sight Side

Trainees shall learn and demonstrate proper techniques for performing sight side parallel parking maneuvers with appropriate criteria/acceptable tolerances.

ROAD

The trainer must engage in active two-way communication with the trainee during all active training sessions and evaluate the driving competence of the trainee during all behind-the-wheel (BTW) training.

Vehicle Controls including: Left Turn, Right Turns, Lane Changes, Curves at Highway Speeds

Trainees shall learn and demonstrate proper techniques for initiating vehicle movement, executing left and right turns, changing lanes, navigating curves at speed, and stopping the vehicle in a controlled manner.

Shifting/Transmission

Trainees shall learn and demonstrate proper techniques for performing safe and fuel-efficient shifting techniques, and making any necessary adjustments in the process.

Communications/Signaling

Trainees shall learn and demonstrate proper techniques for using correct procedures to signal intentions and effectively communicate with other drivers.

Hazard Perception* (partial demonstration)

Trainees shall learn to recognize potential dangers in the driving environment and to take appropriate defensive action(s) before the dangers develop into emergency situations. The unit must provide instruction addressing the principles of recognizing hazards in sufficient time to reduce the severity of the hazard and neutralize possible emergency situations. Trainees must identify road conditions and other road users that are a potential threat to the safety of the CMV and suggest appropriate adjustments.

Railroad Crossing* (demonstration where railroad crossing is available, simulated otherwise)

Trainees shall learn to recognize potential dangers and appropriate safety procedures to utilize at railroad (RR) grade crossings, and shall demonstrate such techniques when RR crossings are reasonably available.

Night Operation *

Trainees shall learn how to operate a CMV safely at night. Emphasis must be placed upon the factors affecting operation of CMVs at night. Trainees shall learn that night driving presents specific factors that require special attention on the part of the driver. Trainees shall be taught special requirements for in-vehicle safety inspection, vision, communications, speed, and space management are needed to deal with the special problems night driving presents. Though not required in all cases, training providers are strongly encouraged to offer trainees night-driving instruction and experience where feasible.

Extreme Driving Conditions *

Trainees shall be instructed in the special risks created by, and the heightened precautions required by, the driving of CMVs under extreme driving conditions, such as heavy rain, high wind, high heat, high grades, snow and ice. Emphasis shall be placed upon the factors affecting the operation of CMVs in cold, hot, and inclement weather and on steep grades and sharp curves. Trainees shall learn that changes in basic driving habits are needed to deal with the specific problems presented by these extreme driving conditions.

Emergency Maneuvers/Skid Avoidance *

Trainees shall learn proper techniques such as evasive steering and emergency braking for preventing or dealing with such as brake failures, tire blowouts, hydroplaning, skidding, and the rollover phenomenon.

Skid Control and Recovery *

Trainees shall learn the causes of skidding and jackknifing and techniques for avoiding and recovering from them. Trainees shall be taught to maintain directional control and bring the CMV to a stop in the shortest possible distance while operating over a slippery surface.

Visual Search

Trainee shall learn and demonstrate proper techniques for visually searching the road for potential hazards and critical objects.

Speed and Space Management

Trainees shall learn and demonstrate proper habits and techniques for adjusting and maintaining vehicle speed, taking into consideration various factors such as traffic and road conditions. Trainees shall practice maintaining proper speed to maintain proper spacing between the trainee's CMV from other vehicles. Instruction shall include methods for

calibrating safe following distances under an array of conditions including traffic, weather, and CMV weight and length.

Safe Driver Behavior

In general, while driving, trainees shall learn and demonstrate safe driver behavior during their operation of the CMV.

Hours of Service

Trainees shall learn the basic concepts and HOS requirements applicable to the trainee; and shall practice completing a Driver's Daily Log, timesheet, and logbook recap as appropriate.

*Indicates concepts that are discussed during road training or simulated but not necessarily performed.

ANNEX 3

PASSENGER BUS ENTRY-LEVEL DRIVER TRAINING (ELDT) MODULE FOR “P” ENDORSEMENT

POST-CRASH PROCEDURES (Theory):

Evidence suggests² that including “Post-Accident Procedure” training *early in the driver-training curriculum* may enhance the impact of subsequent training and have a positive influence in reducing new-entrant driver crashes. Accordingly, trainees shall learn appropriate post-crash procedures, including the requirement that the driver, if possible, assess his/her physical condition immediately after the crash and notify authorities, or assign the task to a passenger or other individuals at the crash scene. Also, trainees shall be given instruction in obtaining necessary emergency medical assistance; moving on-road vehicles off the road in minor crashes so as to avoid subsequent crashes or injuries; engaging flashers, triangles, etc.; responsibilities for assisting injured parties and Good Samaritan Laws; driver legal obligations and rights, including rights and responsibilities for engaging with law enforcement personnel; and the importance of learning company policy on post-accident procedures. Trainees may also receive instruction in the value and techniques of photographing the scene; obtaining witness information, skid measurements; and assessing signage, road, and weather conditions.

OTHER EMERGENCY PROCEDURES (Theory)

Driver trainees shall receive instruction in managing security breaches, on-board fires, medical emergencies, and emergency stopping procedures including the deployment of various emergency hazard signals (49 CFR Part 392.22). Instruction shall also include procedures for dealing with mechanical breakdowns and vehicle defects while en-route.

VEHICLE ORIENTATION (Theory and BTW)

Training providers shall familiarize driver trainees with basic bus physical and operational characteristics including overall height, length, width, ground clearances, rear overhang, GVW & GVWR, axle weights, tire ratings, mirrors, steer wheels, lighting, windshield, windshield wipers, engine compartments, basic electric system, and spare tire storage. Additionally, driver trainees shall receive instruction in techniques for proper seat and mirror adjustments.

² American Transportation Research Institute, 2008: A Technical Analysis of Driver Training Impacts on Safety.

PRE-TRIP, ENROUTE, AND POST-TRIP INSPECTION (Theory and BTW)

This unit shall both underscore the importance of pre-trip, enroute, and post-trip inspections; and, provide instruction in techniques for conducting such inspections of buses and key components, including, but not limited to:

- Bus mechanical condition
- Brakes
- Tires (including tire pressure)
- Emergency exits
- Emergency Equipment
- Bus interiors (including passenger seats as applicable)
- Restrooms and associated environmental requirements
- Temperature controls (for maintaining passenger comfort)
- Driver and passenger seat belts (as applicable)
- Mirrors.

Additionally, driver trainees shall receive instruction in procedures, as applicable, in security-related inspections, including inspections for unusual wires or other abnormal visible materials, interior and exterior luggage compartments, packages or luggage left behind, and signs of tampering.

Driver trainees shall receive instruction in cycling accessible lifts and procedures for inspecting them for functionality and defects.

FUELING (Theory)

Driver trainees shall receive instruction emphasizing the significance of avoiding refueling a bus while passengers are onboard, and the imperative of avoiding refueling in an enclosed space.

IDLING (Theory)

Most states and local jurisdictions impose commercial motor vehicle idling limits, generally to reduce emissions. Idling limits can vary significantly for passenger carriers with considerations for ambient temperature, safety of passengers, traffic conditions, etc. Driver trainees shall receive instruction regarding the importance and value of compliance; including the adverse health effects and penalties, fuel savings, and sources for jurisdictional compliance information.

BAGGAGE AND/OR CARGO MANAGEMENT (Theory and BTW)

In this unit, driver trainees shall receive training on:

- Proper methods for handling passenger baggage and containers to avoid worker, passenger, and non-passenger related injuries and property damage.
- Procedures for visually inspecting baggage and containers for prohibited items such as hazardous materials as situations may be presented.
- Proper methods for handling and securing passenger baggage and containers, as applicable.
- Proper handling and securement of devices associated with ADA compliance including oxygen, wheeled mobility devices, and other associated apparatuses.
- Identifying prohibited and acceptable Class 1 (explosives), Hazardous Materials, articles other than Class 1 (explosive) materials, Division 6.1 (poisonous) or Division 2.3 (poisonous gas), Class 7 (radioactive) materials as specified in 49 CFR 177 Subpart E.

PASSENGER SAFETY AWARENESS BRIEFING (Theory & BTW)

Driver trainees shall receive instruction in methods providing passengers instruction of topics including: fastening seat belts, emergency exits, emergency phone contact information, fire extinguisher location, safely walking in the aisle when the bus is moving, and restroom emergency push button or switch.

PASSENGER MANAGEMENT (Theory and BTW)

In this unit, driver trainees shall receive instruction concerning:

- Proper procedures for safe loading and unloading of passengers prior to departure, including rules concerning standing passengers and the Standee Line. 49 CFR 392.62.
- Procedures for dealing with disruptive passengers.

AMERICANS WITH DISABILITIES ACT COMPLIANCE (Theory)

Along with learning the proper operation of accessible equipment (lifts), driver trainees shall receive instruction regarding the applicable regulations and proper procedures for engaging persons with disabilities or special needs under the Americans with Disabilities Act (ADA). Training should not be limited to only covering passengers with mobility issues, and should include instruction engaging passengers with sight, hearing or cognitive impairment, and recognizing service animals. Driver trainees should receive sensitivity training and be familiar with applicable regulations (49 CFR 37(h)).

HOURS OF SERVICE (Theory)

Driver trainees shall receive instruction regarding hours-of-service regulations that apply to drivers for interstate passenger carriers, techniques for maintaining a logbook and operating electronic logging devices (ELDs) and the possible consequences of violations of such regulations. Entry-level drivers shall receive basic training in how to recognize the signs of fatigue, and basic fatigue countermeasures as a means to avoid crashes.

DISTRACTED DRIVING (Theory)

Driver trainees shall receive instruction regarding FMCSA regulations; which, specifically prohibit interstate truck and bus drivers from texting or using hand-held mobile phones while operating their vehicles; and shall be instructed in the serious consequences of violations, including heavy fines, impacts on a motor carrier's and/or driver's Safety Measurement System (SMS) results, and/or driver disqualification.

RAILROAD CROSSINGS (Theory and BTW)

This module shall instruct driver trainees in applicable regulations, techniques, and procedures appropriate to passenger buses for navigating railroad crossings.

WEIGH STATION OBLIGATIONS (Theory)

Driver trainees shall receive instruction regarding weigh-station regulations that apply to buses and the fines applicable to drivers who unlawfully pass or avoid weigh stations.

SECURITY AND CRIME (Theory)

This unit covers the security issues facing motor coach bus drivers. Driver trainees shall receive instruction in basic techniques in recognizing and minimizing risks from criminal activities. Trainees are also to be made aware of potential security threats, techniques for preventing and responding to security threats, how to recognize and report suspicious behavior, and what to do in the event of a hijacking or attack on a motor coach.

COMMERCIAL VEHICLE SAFETY ALLIANCE (CVSA) NORTH AMERICAN OUT-OF-SERVICE CRITERIA (Theory and Range)

Driver trainees shall receive instructing in the applicable regulations for conducting CVSA Level I-VII inspections for buses, including the vehicle defects and driver conditions that can result in out-of-service orders, and consequences for violating out-of-service orders. Training should include providing driver trainees with a CVSA manual.

PENALTIES AND FINES (Theory)

Driver trainees shall receive instruction concerning the expected consequences of violations of driver-related regulations, including adverse Safety Management Scores for the company, adverse impacts on driver Pre-employment Screening Program record; financial penalties for driver and carrier; and possible loss of commercial motor vehicle driving privilege.

ANNEX 4

SCHOOL BUS ENTRY-LEVEL DRIVER TRAINING (ELDT) MODULE FOR “S” ENDORSEMENT

Theory

Danger Zones and Use of Mirrors

This unit provides trainees information regarding the Danger Zones that exist around the school bus and the techniques to ensure the safety of those around the bus. These techniques include correct mirror adjustment and usage. The types of mirrors and their use are discussed as well as the requirements found in Federal Motor Vehicle Safety Standard (FMVSS) 111. Trainees are made aware of the dangers of “dart-outs.” Trainees are also instructed on the importance of training students how to keep out of the Danger Zone when around school buses and the techniques for doing so.

Loading and Unloading

This unit provides trainees with an overview of proper loading and unloading procedures in student transportation. Trainees are instructed on the state and local laws and procedures for loading and unloading as well as the required procedures for students waiting at a bus stop and crossing the roadway at a bus stop. Trainees are instructed on what to look for when approaching the bus stop as well as proper loading and unloading procedures during routes and at schools. Special dangers involved in loading and unloading are discussed, including procedures to ensure the Danger Zone is clear and that no student has been caught in the doorway prior to moving the vehicle. Instruction is also included on proper use of student loading and unloading lights, stop arms, crossing gates, and safe operation of the door during loading and unloading. Instruction is provided in the risks involved with leaving students unattended on a school bus as well as the proper techniques for checking the bus for sleeping children and lost items at the end of each route.

Post-Crash Procedures

In this unit, trainees receive instruction on proper procedures following a school bus accident. Training includes instruction on post-accident vehicle securement, notification procedures, tending to injured passengers, deciding whether or not to evacuate the bus, data gathering, and interaction with law enforcement officials.

Emergency Exit and Evacuation

In this unit, trainees receive instruction on their role in safely evacuating the bus in an emergency. Training includes proper methods and procedures, including those required by state and local regulation. The procedures for planning for emergencies in advance and for proper evacuation are covered. Trainees also receive instruction on how to train students to safely evacuate the bus, including students on field and activity trips who may not be familiar with the procedures.

Railroad-Highway Grade Crossings

In this unit, trainees are made aware of the dangers trains present and the importance of the school bus driver and students strictly following railroad crossing procedures. Instruction is given on the types of crossings, warning signs and devices, and state and local procedures and regulations for school buses when crossing railroad-highway grade crossings.

Student Management

In this unit, trainees receive instruction on their responsibility and role in managing student behavior on the bus to ensure the safety and rights of others are maintained. Specific student management techniques are discussed, including warning signs of bullying and the techniques for managing student behavior and administering discipline. Trainees learn techniques to avoid becoming distracted by student behavior while driving, especially when crossing railroad tracks and during loading and unloading. Trainees also learn techniques for handling serious problems arising from student behavior.

Antilock Braking Systems

In this unit, trainees are provided an overview of anti-lock braking systems (ABS). Topics discussed include which vehicles are required to have ABS, how ABS helps the driver, techniques for braking with ABS, procedures to follow if ABS systems malfunction, and safety reminders.

Special Safety Considerations

This unit covers special safety considerations and equipment in school bus operations. Topics discussed include use of strobe lights, driving in high winds, safe backing techniques, and preventing tail swing accidents.

Pre and Post-Trip Inspections

In this unit trainees receive an overview of the pre and post-trip inspection requirements unique to school bus equipment, such as mirrors, stop arms, crossing arms, emergency exits, fire extinguishers, passenger seats, first aid kits, interior lights, and internal vehicle conditions. State and local procedures for inspection of school bus equipment are also discussed.

School Bus Security

This unit covers the security issues facing school bus drivers. Trainees are made aware of potential security threats, techniques for preventing and responding to security threats, how to recognize and report suspicious behavior, and what to do in the event of a hijacking or attack on a school bus.

Route and Stop Reviews

In this unit, trainees are made aware of the importance of planning for their routes prior to beginning driving to avoid distraction while on the road. They learn techniques for reviewing routes and stops as well as state and local procedures for reporting hazards along the route and at bus stops.

Night Operation

In this unit, trainees learn about the special challenges presented when operating a school bus at night and the techniques for driving safely during times of darkness.

Range/Road

Danger Zones and Use of Mirrors

This unit provides trainees with practical, hands-on training regarding the Danger Zones that exist around the school bus and the techniques to ensure the safety of those around the bus. They are provided an opportunity to practice mirror adjustment and usage. The types of mirrors and their use are shown and cones are set up to demonstrate the requirements of FMVSS 111.

Loading and Unloading

This unit provides trainees with practical, hands-on training on proper loading and unloading procedures in student transportation. Trainees practice the loading and unloading techniques learned in the classroom. Trainees practice checking the vehicle for sleeping children and lost items at the end of the route.

Emergency Exit and Evacuation

In this unit, trainees practice their role in safely evacuating the bus in an emergency.

Special Safety Considerations

In this unit trainees practice safe backing techniques and practice avoiding tail swing accidents by using reference points when making turns.

Pre and Post-Trip Inspections

In this unit trainees practice pre and post-trip inspections of school-bus specific equipment, such as mirrors, stop arms, crossing arms, emergency exits, fire extinguishers, passenger seats, first aid kits, interior lights, and internal vehicle conditions.

Railroad-Highway Grade Crossings

In this unit, trainees practice proper procedures for safely crossing railroad and highway grade crossings in a school bus.

ANNEX 5

HAZARDOUS MATERIALS ENTRY-LEVEL DRIVER TRAINING (ELDT) MODULE FOR “HM” ENDORSEMENT

INTRODUCTORY HM REQUIREMENTS

The trainee will learn the basic hazardous materials (HM) entry-level driver training (ELDT) competencies including applicability requirements and when HM is in transportation, and will be further trained in the HM communication requirements including: shipping paper requirements; marking; labeling; placarding; emergency response information; and shipper’s responsibilities. The Pipeline and Hazardous Materials Safety Administration (PHMSA) provides general awareness training covering these areas on the agency website at: <http://www.phmsa.dot.gov/staticfiles/PHMSA/Hazmat/digipak/>.

OPERATIONAL HM REQUIREMENTS

The trainee will learn the basic competencies needed when HM are being transported (i.e., vehicle operation).

Reporting HM Accidents and Releases

The trainee will learn the proper procedures and contacts for the immediate notice of certain HM incidents, including instruction in the proper completion and submission of HM Incident Reports.

Tunnels and Railroad Crossing Requirements

The trainee will learn the proper operation of an HM vehicle, at railroad grade crossings and in vehicular tunnels.

Loading and Unloading HM

The trainee will learn the proper loading and unloading procedures for cargo tanks and portable tanks with a capacity of 1,000 gallons or more. The trainee will also be trained in the requirements for proper segregation and securement of HM, and the prohibition on transporting certain solid and liquid poisons with foodstuffs.

HM on Passenger Vehicles

The trainee will learn the various requirements for vehicles transporting passengers and property, and the types and quantities of HM that can and cannot be transported in these vehicles/situations.

Cargo Tanks

The trainee will learn the specialized requirements for transportation of cargo tanks, intermediate bulk containers, bulk cylinders and portable tanks. The unit will include training in the operation of emergency control features; special vehicle handling characteristics, rollover prevention, and the properties and hazards of the HMs transported.

Regarding rollover prevention training, the trainee will learn methods to reduce cargo tank rollovers including, but not limited to, vehicle design and performance, load effects, highway factors and driver factors. A training aid for commercial drivers of cargo tank motor vehicles transporting HM created jointly by the Federal Motor Carrier Safety Administration (FMCSA), PHMSA and industry partners is available at the following website:
<http://www.fmcsa.dot.gov/rolloverprevention>.

Operating Emergency Equipment

The trainee will learn the applicable requirements of 49 CFR Parts 390-397, Federal Motor Carrier Safety Regulations, and the procedures necessary for the safe operation of the motor vehicle. This would include training in: special precautions for fires, loading and unloading, and operation of cargo tank motor vehicle equipment shut-off/shut-down equipment.

Emergency Response Procedures

The trainee will learn the proper procedures and best practices for handling an emergency response and post-response operations. This will include training in the event of an unintended release of an HM or substance. All training, preparation, and response efforts must focus on the materials that have been released; their hazards; and the protection of people, property, and the environment.

Engine (Fueling)

The trainee will learn the procedures for when a vehicle which contains HM is being fueled.

Tire Check

The trainee will learn the proper procedures for checking the vehicle tires at the start of a trip, and when the vehicle is parked.

Routes and Route Planning

The trainee will learn the proper routing requirements and procedures that they are required to follow for the transportation of radioactive and non-radioactive HM.

Hazardous Materials Safety Permits (HMSP)

The trainee will be instructed in the proper procedures and operational requirements including communications, constant attendance, and parking that apply to the transportation of an HM for which a Hazardous Materials Safety Permit (HMSP) is required.

ANNEX 6

ENTRY-LEVEL DRIVER TRAINING (ELDT) “REFRESHER” TRAINING MODULE

THEORY

POST-CRASH PROCEDURES

Including “Post-Crash Procedure” training *early in the driver-training curriculum* may enhance the impact of subsequent training and have a positive influence in reducing new-entrant driver crashes. Accordingly, trainees shall learn appropriate post-crash procedures, including the requirement that the driver, if possible, assess his/her physical condition immediately after the crash and notify authorities, or assign the task to other individuals at the crash scene. Also, trainees shall be given instruction in obtaining emergency necessary medical assistance; moving on-road vehicles off the road in minor crashes so as to avoid subsequent crashes or injuries; engaging flashers, triangles, etc.; responsibilities for assisting injured parties and Good Samaritan Laws; driver legal obligations and rights, including rights and responsibilities for engaging with law enforcement personnel; and the importance of learning company policy on post-crash procedures. Trainees may also receive instruction in the value and techniques of photographing the scene; obtaining witness information, skid measurements; and assessing signage, road, and weather conditions.

ALCOHOL AND CONTROLLED SUBSTANCES

Trainees shall be instructed in the federal rules on, and potential consequences, of driving under the influence of alcohol or controlled substances, that might impair driving performance. (See Parts 382, 392.4 and 392.5 of the Federal Motor Carrier Safety Regulations (FMCSRs), or the relevant sections of the drug and alcohol regulations administered by the applicable DOT agency).

DRIVER FATIGUE AND WELLNESS

Trainees shall be instructed in the extreme safety risks associated with fatigued driving, and the risks and potential consequences, including legal consequences for the driver, of causing an accident due to fatigued driving. Additional resources are available to support this instruction through the North American Fatigue Management Program (NAFMP) at <http://www.nafmp.org/en/>.

HOURS OF SERVICE AND RECORDS OF DUTY STATUS/LOGBOOKS

For carriers whose drivers are subject to hours-of-service (HOS) regulations, trainees shall be instructed in applicable HOS rules and ensure their ability to complete a Driver's Daily Log and logbook recap. Trainees shall be instructed in the consequences of violating the HOS regulations (safety, legal, and personal) including the fines and penalties for these types of violations.

SEAT BELT SAFETY

Trainees shall learn the Federal rules (Section 392.16 of the FMCSRs) governing the proper use of safety restraint systems (i.e., seat belts) by commercial motor vehicle (CMV) drivers.

DRIVER DISTRACTION (TELEPHONES & TEXTING)

Trainees shall be instructed in the "key" driver distraction issues, including improper cell phone use, texting, and use of in-cab technology. This includes training in: 1) visual (keeping eyes on the road); 2) manual (keeping hands on the wheel); and 3) cognitive (keeping mind on the task and safe operation of the CMV).

SERIOUS TRAFFIC VIOLATIONS OPERATING CMV

Trainees shall be instructed in Federal rules in Section 383.51 of the FMCSRs on the safety implications and potential for disqualification of drivers for violations such as following too closely; improper lane changes; speeding 15 mph or more; reckless driving.

CDL HOLDERS COMMITTING SERIOUS TRAFFIC VIOLATIONS OPERATING PERSONALLY OWNED VEHICLES/PASSENGER VEHICLES

Trainees shall be instructed in Federal rules (see Section 383.51 of FMCSRs) providing for potential disqualification of trainees for improper behavior off the job, while not operating a CMV. Trainee will learn CDL holders are held to a higher standard as CDL is a "professional" license.

SAFE OPERATING PROCEDURES

Trainees must be taught how to apply their basic operating skills in a way that ensures their safety and that of other road users under various road, weather, and traffic conditions as follows.

Visual Search

The purpose of this unit is to enable trainees to visually search the road for potential hazards and critical objects, including instruction on recognizing distracted pedestrians/distracted drivers. This unit would include instruction in how to ensure a trainee's personal

security/general awareness in common surroundings such as truck stops and/or rest areas, and at shipper/receiver locations.

Vehicle Communications

The purpose of this unit is to enable trainees to communicate their intentions to other road users (e.g., proper signaling). Trainees will learn techniques for different types of communication on the road, including proper use of headlights, turn signals, four-way flashers, and horn. Instruction in proper utilization of eye contact techniques with other drivers and pedestrians will be covered in this unit.

Speed Management

The purpose of this unit is to enable trainees to manage speed effectively in response to various road, weather, and traffic conditions. The trainee must believe that driving competency cannot compensate for speed that is excessive for prevailing conditions. Instruction shall include methods for calibrating safe following distances under an array of conditions including traffic, weather and CMV weight and length.

Space Management

The purpose of this unit is to enable trainees to manage the space required for safe vehicle operation. Emphasis must be placed upon maintaining appropriate space surrounding the vehicle under various traffic and road conditions.

Night Operation

Trainees will learn how to operate a CMV safely at night. Heightened emphasis must be placed upon the factors affecting the safe operation of CMVs at night and in darkness driving. Night driving presents specific factors that require special attention on the part of the driver. Trainees shall be instructed in special requirements for vehicle safety inspection, vision, communications, speed, and space management and proper use of lights as needed to deal with the special problems night driving presents.

Extreme Driving Conditions

This unit must provide instruction addressing the driving of CMVs under extreme driving conditions. Emphasis must be placed upon the factors affecting the operation of CMVs in cold, hot, and inclement weather and on steep grades and sharp curves. Changes in basic driving habits are needed to deal with the specific problems presented by these extreme driving conditions. Trainees will also learn proper tire chaining procedures in this unit.

ADVANCED OPERATING PRACTICES

The units in this section must introduce higher-level skills that can be acquired only after the more fundamental skills and knowledge taught in the prior sections have been mastered. Qualified driver-instructors must teach the perceptual skills necessary to recognize potential

hazards and must demonstrate the procedures needed to handle a CMV when faced with a hazard.

Hazard Perception

The purpose of this unit is to enable trainees to recognize potential dangers in the driving environment and to take appropriate defensive action(s) before the dangers develop into emergency situations. The unit must provide instruction addressing the principles of recognizing hazards in sufficient time to reduce the severity of the hazard and neutralize possible emergency situations. Trainees must identify road conditions and other road users that are a potential threat to the safety of the combination vehicle and suggest appropriate adjustments. Emphasis must be placed upon hazard recognition, visual search, adequate surveillance, and response to possible emergency-producing situations encountered by CMV drivers in various traffic situations. Included in this unit should be an extensive overview of driver distraction issues, including improper cell phone use, texting, and use of in-cab technology. Trainees will also learn to recognize potential dangers and the appropriate safety procedures to utilize at construction/work zones.

Emergency Maneuvers/Skid Avoidance

The purpose of this unit is to enable trainees to carry out appropriate responses when faced with CMV emergencies. These must include evasive steering, emergency braking, off-road recovery, brake failures, tire blowouts, 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.

Skid Control and Recovery

The purpose of this unit is to teach the causes of skidding and jackknifing and techniques for avoiding and recovering from them. The trainee must be able to maintain directional control and bring the CMV to a stop in the shortest possible distance while operating over a slippery surface.

Railroad Crossings

Trainees will learn to recognize potential dangers and appropriate safety procedures to utilize at railroad (RR) grade crossings. This instruction will include an overview of various State RR grade crossing regulations, railroad crossing environment, obstructed view, clearance around the tracks, and knowledge of rail signs and signals.

ROADSIDE INSPECTION WITH LAW ENFORCEMENT

Trainee will be taught the value of effective interpersonal communications and skills to properly interact with law enforcement officials during the roadside CMV inspection process and what to expect during this activity.

MEDICAL CERTIFICATE/PERSONAL HEALTH AND WELLNESS

Trainee will learn the Federal rules in Part 391 on medical certification and medical examination procedures. The trainee will learn about driver wellness. Basic health maintenance including diet and exercise and the importance of avoiding excessive use of alcohol will be covered here as well.

WHISTLEBLOWER/COERCION

The right of an employee to question the safety practices of an employer without incurring the risk of losing a job or being subject to reprisals simply for stating a safety concern is included in this unit. The trainee will become familiar with the whistleblower protection regulations in 29 CFR part 1978. This unit would include instruction in procedures for drivers/students to report incidents of coercion from motor carriers, shippers, receivers, or transportation intermediaries to FMCSA.

DRIVER/PUBLIC SAFETY IMPORTANCE

The trainee will receive further training in the fact that the CMV driver is the most important component of the motor carrier operation and highway/public safety. The trainee/driver is responsible for the safety of the operation, the load and the equipment.

EMERGENCY STOPPING; ACCIDENTS; INCIDENTS

Trainee will be instructed in carrying out the appropriate responses when faced with CMV emergencies. These must include evasive steering, emergency braking, off-road recovery, brake failures, tire blowouts, hydroplaning, skidding, jackknifing, and the rollover phenomenon. This instruction must include a review of unsafe acts and the role they play in producing hazardous situations.

RANGE

HANDS – ON PRACTICAL EXERCISES

When applicable to the nature of the work to be performed by the trainee, the trainee will demonstrate the ability to properly secure cargo under 49 CFR Part 392.9 and Parts 393.100 – 393.136.

PRE-TRIP AND POST-TRIP INSPECTIONS

Trainee will demonstrate the ability to perform a pre-trip inspection under 49 CFR Part 396.13 and a post-trip inspection under Part 396.11. The trainee will learn the importance of vehicle inspections and help them develop the skills necessary for conducting pre-trip, en-route, and

post-trip inspections. This will include review of CMV parts and accessories including brake safety and components.

LOAD SECUREMENT

When applicable to the nature of the work to be performed by the trainee, the trainee will learn the basic theory of cargo weight distribution, cargo securement on the vehicle, cargo covering, and techniques for safe and efficient loading/unloading in the classroom followed by practical demonstration and practice.

ROAD SKILLS & PERFORMANCE

BASIC OPERATION AND VEHICLE MANEUVERS

The trainee will learn and demonstrate the practices required for safe operation of the CMV on the highway. This will include training in basic operation and vehicle maneuvers under Section 391.31 (Skills and Knowledge) in the FMCSRs. Trainees must be taught how to apply their basic operating skills in a way that ensures their safety and that of other road users under various road, weather, and traffic conditions.

ANNEX 7

Eligibility Requirements for Training Providers Training More Than 3 Entry-Level Drivers per Year

Section XXX.XX. The requirements of this section apply to all CMV entry-level driver training programs that train, or expect to train, more than three entry-level drivers per year. Such providers must, at a minimum, meet the requirements of this section and offer a curriculum that meets all FMCSA curriculum standards for CMV drivers set forth in § XXX.XX. Training providers shall attest and, upon request, supply documentary evidence to verify, that they meet the following requirements. Such evidence may take the form of documents described after each item in the eligibility requirements below, or comparable documentation.

COURSE ADMINISTRATION

- ❑ Training providers must require that all accepted applicants for on-road training must “meet minimum DOT, state/provincial, federal and/or local law and regulations related to drug screens, age, physical condition, licensing, and driving record. ([49 CFR, Part 391, 383](#))

Required documentation: A copy of the training provider’s policy setting forth eligibility requirements for trainee applicants.

INSTRUCTIONAL PERSONNEL

- ❑ Instructors must meet the educational and experience guidelines set forth by FMCSA Instructor Qualification Requirements, including:
 - On-road trainers must be experienced drivers. On-road trainers must maintain a driving record that meets applicable state/provincial requirements, school policy, and Federal Motor Carrier Safety Regulations.
 - *Experienced driver* means a CMV driver with experience driving with a CDL of the appropriate (or higher) class and with all endorsements necessary to operate the CMVs for which training is to be provided, and who:
 - (1) has at least 1 year of experience driving; or
 - (2) has at least 1 year of experience as an on-road CMV trainer;

(3) meets all applicable State training requirements for CMV trainers.³

- On-road trainers must have completed training in the on-road portion of the curriculum in which they are instructing.
- Trainers must have a state/provincial teaching license or permit, if required.
- Any theory/classroom/range trainers who are not CDL holders must have audited or instructed that portion of the driver-training course that he/she intends to instruct.

Suggested documentation: Reliable documentary evidence indicating driving and/or training experience of trainers (with personal information redacted); copies of CDL and/or applicable endorsements held by on-road trainers.

TRAINING VEHICLES

- ❑ All training vehicles must be in safe mechanical condition. Vehicles used for on-road training must comply with applicable federal/state/provincial safety requirements. ([49 CFR, Part 396](#))
- ❑ Training vehicles must be in the same class (A, B, or C) and type (bus/truck) as those that the individual will be operating for their CDL skills test.

Suggested documentation: DOT inspection reports for training vehicles in service at the time of the filing of the application and/or other documentation demonstrating that training vehicles meet the requirements set forth above.

INSTRUCTION & CURRICULUM

Curriculum Content (Theory)

- ❑ Instruction must cover the FMCSA Curriculum Standards for CMV Drivers.
- ❑ Training materials that cover the FMCSA-prescribed curriculum must be provided to each trainee.

³The legal requirement for on-road trainers is one (1) year of experience that includes experience in the class and operational environment of the vehicle for which they are providing instruction, though 2 or more years of such experience is preferable. Note: The ELDTAC agreed that FMCSA should solicit comment on the NPRM re whether this requirement would affect the applicability of State laws relating to instructors or training providers. One ELDTAC member indicated that his acceptance of this instructor qualification requirement is conditioned on the assumption that it will not affect whether CMV training providers are subject to State laws.

- ❑ The course outline must clearly identify units of instruction including their general content and sequence of presentation. Instructors must use lesson plans adequate to implement *FMCSA Curriculum Standards for CMV Drivers* in each session. *[Accepted.]*

Suggested documentation:

- *Description of medium of training (e.g. online, classroom, or hybrid)*
- *Description of training materials provided to students and the method of distribution*
- *Copy of course descriptions*
- *Copies of website advertising, or curriculum pages*

Instructional Time (see “FMCSA Curriculum Standards for CMV Drivers”) (Theory)

- ❑ Training providers must supply sufficient training to offer reasonable assurance that trainees can master the theory and behind-the-wheel portions of the curriculum.

[Facilitator’s Note: “The CAA Work Group did not attempt to resolve the issue of whether minimum number(s) of BTW and/or theory hours should be specified as part of the core curriculum standard. This aspect of the certification checklist will depend on how that issue is resolved. However, the plenary agreed during the discussion of the draft FMCSA form on the principle of requiring disclosure of the amount of time allotted to each portion of the curriculum.”]

Suggested documentation: Indicate the amount of time allocated in your lesson plans to classroom, range and on-road instruction.

Learning Environment (Theory)

- ❑ The learning facilities must comply with all applicable federal, state, and local statutes and regulations.

Suggested documentation:

- *Certificates of occupancy*
- *Insurance building inspection reports*
- *Photos*

Student/Instructor/Vehicle Supervision (Range/Road)

- ❑ During the range/skill practice portion of the curriculum, there must be an instructor present and on site to demonstrate skills and correct deficiencies of individual students.
- ❑ During driving on public roads, there must be at least one instructor in any vehicle driven by a student who is not a CDL holder.

Suggested documentation: Provide documentation that indicates how many instructors are working with students during each portion of the driving curriculum. Documentation may include:

- *Driving range operational plans/diagrams indicating number of vehicles to be operated, and location of instructor(s)*
- *On-road lesson plans*
- *Sample on-road training reports*

Range/Skill Practice Area Conditions (Range)

- The range/skill practice area must be free of obstructions and the surface must enable the driver to maneuver safely and free from interference from or involving other vehicles and hazards.
- There must be adequate sight lines available to the instructor and trainees.

Suggested documentation: photos and narrative description of training provider's driving range/skill practice area, including a description of the number of vehicles to be operated on the range at any given time and the number of instructors that will be observing vehicles on the range.

Roadway Instruction Conditions (includes streets, roads, highways, etc.) (Road)

- Driving must be practiced under a representative range of roadway and traffic conditions as outlined in the *FMCSA Curriculum Standards for CMV Drivers*.

Suggested documentation: Sample on-road lesson plans and on-road training reports.

Tests (Written/Range/Road)

- Written tests or assessments must be used to assess proficiency of a sample of knowledge objectives for each unit of instruction per *FMCSA Curriculum Standards for CMV Drivers*.
- Range/skill practice area tests or assessments must be used to assess student proficiency in (a) fundamental vehicle control skills and (b) routine driving procedures for the appropriate vehicle per *FMCSA Curriculum Standards for CMV Drivers*.
- Road tests must be administered to assess proficiency in road driving skills that permit a broad range of observations and must be conducted in traffic per *FMCSA Curriculum Standards for CMV Drivers*.
- Road tests must be administered in a vehicle of the same class (A, B, or C) and type (bus/truck) that the individual will be operating for their CDL skills test. *[Accepted.]*

Required documentation: Records of tests or assessments administered to each student. Plans or protocols for testing (and, where applicable, sample tests) that demonstrate compliance with each of the requirements of the standards set forth above. Records of

instructor observation of student performance of skills required to be demonstrated in the FMCSA Curriculum Standards for CMV Drivers.

Course Completion

- ❑ Trainees must successfully complete a course of instruction that meets the FMCSA Curriculum Standards for CMV Drivers including appropriate subject matter tests and road skill tests before course completion. *[Accepted.]*

Required documentation: Reliable evidence that trainees certified to take the CDL exam have actually received instruction covering the FMCSA curriculum, and received a passing grade on the training provider's performance assessment.

FMCSA will resolve record retention details at its discretion as part of the notice and comment rulemaking process.

* Training Provider refers to a training organization

** Trainer refers to an individual

[Intentional Blank Page]

ANNEX 8

Eligibility Requirements for Individuals/ Programs Training Three or Fewer Drivers Per Year

Section XXX.XX. The requirements of this section apply to Small Business or For Hire Training Providers that train, or expect to train, three or less entry-level drivers per year. Such providers must, at a minimum, meet the requirements of this section and offer a curriculum that meets all FMCSA curriculum standards for CMV drivers set forth in § XXX.XX. Training providers shall attest and, upon request, supply documentary evidence to verify, that they meet the following requirements. Such evidence may take the form of documents described after each item in the eligibility requirements below, or comparable documentation.

COURSE ADMINISTRATION

- ❑ All trainees must meet minimum DOT, state/provincial, federal and/or local law and regulations related to drug screens, age, physical condition, licensing, and driving record. ([49 CFR, Part 383 & 391](#))

Required documentation: An attestation that the trainer's trainee(s) meet the above-mentioned requirements for CMV applicants.

INSTRUCTIONAL PERSONNEL

- ❑ Trainers** must have a valid CDL and at least one year of experience driving with the appropriate (or higher) class and with all endorsements necessary to operate the CMVs for which training is to be provided. On-road trainers must maintain a driving record that meets applicable state/provincial requirements, school policy, and Federal Motor Carrier Safety Regulations.

Suggested documentation: Reliable documentary evidence indicating driving and/or training experience of trainers (with personal information redacted); copies of CDL and/or applicable endorsements held by on-road trainers.

TRAINING VEHICLES

- ❑ Vehicles must be in safe mechanical condition and those that are used for on road training comply with applicable federal/state/provincial safety requirements. ([49 CFR, Part 396](#))
- ❑ Training vehicles must class (A, B, or C) and type (bus/truck) as those that the individual will be operating for their CDL skills test.

Suggested Documentation: : DOT inspection reports for training vehicles in service at the time of the filing of the application and/or other documentation demonstrating that training vehicles meet the requirements set forth above.

INSTRUCTION & CURRICULUM

Curriculum Content

- ❑ Instruction must cover the FMCSA Curriculum Standards for CMV Drivers.

Required Documentation: Provide reliable evidence of training material that the training provider utilizes, or demonstrate that training provider complies with above requirement.

Instructional Time

- ❑ See “FMCSA Curriculum Standards for CMV Drivers”)

Student/Instructor/Vehicle Supervision

- ❑ During driving on public roads, there must be at least one instructor in any vehicle driven by a student who is not a CDL holder.

Required Documentation: Provide attestation that training provider complies with above requirement.

Roadway Instruction Conditions (Includes streets, roads, highways, etc.)

- ❑ Driving must be practiced under roadway and traffic conditions as outlined in the FMCSA Curriculum Standards for CMV Drivers.

Required Documentation: Provide attestation that roadway instruction conditions comply with the above-mentioned requirements.

Assessment

- ❑ Knowledge assessment must assess proficiency of a sample of knowledge objectives for each unit of instruction per *FMCSA Curriculum Standards for CMV Drivers*.
- ❑ Range/skill practice assessment must assess student proficiency in (a) fundamental vehicle control skills and (b) routine driving procedures for the appropriate vehicle per *FMCSA Curriculum Standards for CMV Drivers*.
- ❑ Road assessment must use routes that permit a broad range of observations and must be conducted in traffic per *FMCSA Curriculum Standards for CMV Drivers*.
- ❑ Road assessment must be administered in a vehicle of the same class (A, B, or C) and type (bus/truck) that the individual will be operating for their CDL skills test.

Required Documentation: Provide reliable evidence that training provider conducts an assessment in compliance with the standard outlined above.

Course Completion

- ❑ Student must successfully complete a course of instruction that meets the FMCSA Curriculum Standards for CMV Drivers including appropriate subject matter tests and road skill tests before course completion.

Required Documentation: Provide attestation that training provider complies with all of the above requirements.

** Trainer refers to an individual

[INTENTIONAL BLANK PAGE]



**FMCSA Entry-Level Driver
 Training Provider Identification Report**
Adopted by unanimous consent 5.29.2015.

<input type="checkbox"/> New Request for Listing on the Registry of Training Providers <input type="checkbox"/> Biennial Update or Changes <input type="checkbox"/> Out of Business Notification <input type="checkbox"/> Reapplication (After Removal from the Registry of Training Providers)			
Legal Name:			
DBA:			
Physical Address (Principal Place of Business) (Street, City, State and Zip Code):			
Mailing Address:			
Telephone No:		Fax No:	
Email Address:			
Small Business In-House Training Provider (e.g., a motor carrier training 3 or fewer of its own employees only, per year, and operating under the special small business rules in 49 CFR Part 380) Yes: _____ No: _____ <i>(Note: FMCSA will not accept more than 3 training certificates from your company in a 12-month period)</i>	In-House Training Provider (e.g., a motor carrier or student transportation provider training its own employees or prospective employees, or a Joint Labor-Management Training Program): Yes: _____ No: _____	Small Business For-Hire Training Provider (e.g., an entity providing training for 3 or fewer students per year, and operating under the special small business rules in 49 CFR Part 380) Yes: _____ No: _____ <i>(Note: FMCSA will not accept more than 3 training certificates from your company in a 12-month period)</i>	For-Hire Training Provider (e.g., an entity, including publicly funded schools, providing training to anyone who seeks CDL training): Yes: _____ No: _____
Training Provider Registry Identification No.:	USDOT Identification No. (if applicable):	State Motor Carrier Identification No. (if applicable):	

Dunn and Bradstreet No:				IRS/Taxpayer Identification No.:			
Number of Separate Training Facilities/ Campuses:		Number of Instructors with CDLs:		Estimated Number of Students Trained Per Calendar Year:			
Types of CDL Training Offered							
CDL Class Training Offered <i>(Please check all the applicable boxes)</i>	Class A		Class B			Class C	
	Passenger	School Bus	H/M	Tank	Double/Triple Trailers		
Endorsement Training Offered <i>(Please check all the applicable boxes):</i>							
Training Hours Planned/Provided for Each Student <i>(for Training Providers Delivering Only Theory Instruction)</i>							
Average Classroom Hours	Class A	Class B	Class C	Passenger Endorsement Module	School Bus Endorsement Module	HM Endorsement Module	
Training Hours Planned/Provided for Each Student <i>(for Training Providers Delivering Behind the Wheel (BTW) Training only)</i>							
Average Behind the Wheel, <u>Range</u> Time Per Student	Class A	Class B	Class C	Passenger Module	School Bus Module		
Average Behind the Wheel, <u>Public Road</u> Time Per Student	Class A	Class B	Class C	Passenger Module	School Bus Module		

<p align="center">Training Hours Planned/Provided for Each Student <i>(for Training Providers Delivering Theory and Behind the Wheel (BTW) Training)</i></p>						
Average Classroom Hours	Class A	Class B	Class C	Passenger Module	School Bus Module	HM Endorsement Module
Average Behind the Wheel, Range Time Per Student	Class A	Class B	Class C	Passenger Module	School Bus Module	
Average Behind the Wheel, Public Road Time Per Student	Class A	Class B	Class C	Passenger Module	School Bus Module	
Average Tuition (NOTE: This information will NOT be displayed to the public.)						
<p align="center">Third-Party Quality Control</p>						
Government Oversight <i>(Identify any Federal, State or local government agencies that have requirements applicable to your training program):</i>	Commercial Vehicle Training Association (CVTA) Member: Yes: _____ No: _____	Professional Truck Driver Institute (PTDI) Certified Course: Yes: _____ No: _____	National Association of Publicly Funded Truck Driver Schools (NAPFTDS): Yes: _____ No: _____	Accreditation <i>(Identify any independent organizations that have accredited your training program/institution)</i> :	Joint Labor-Management Training or Union Oversight (Identify whether your training program/course is subject to any standards established by a union):	

Training Provider Certification Statement *(to be completed by authorized official):*

I, _____, certify that I am knowledgeable of FMCSA's Entry-Level Driver Training regulations under 49 CFR Part 380, deliver training that covers all the required modules in the applicable FMCSA curriculum, that I meet all applicable Eligibility Requirements, and that I can document compliance with such requirements to the Agency upon request. I agree to allow FMCSA or its representatives to: visit my training facilities and observe theory, range and road instruction; interview current and former students concerning the quality of the training provided; and review and copy records that I am required to maintain. I understand that failure to deliver training that covers the required modules in the FMCSA's curriculum, to meet Eligibility Requirements, or to allow FMCSA or its representatives to have access to my facilities, students, and records could result in the Agency removing my company from the Registry of Training Providers.

Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

ANNEX 10

FMCSA TRAINING PROVIDER REGISTRY

REGULATORY TEXT

(Approved by unanimous consent on 5/29/15)

[Facilitator’s Note: This section describing the working of the National Training Provider Registry mechanism is the only part of the package that is drafted as actual regulatory text. FMCSA Counsel’s office would like to clarify that this draft regulatory text is offered at the stage solely for the purpose of identifying policy issues and seeking consensus on those issues. Actual regulatory text proposed in the published NPRM may differ from language agreed herein. As with all provisions in this Term Sheet, FMCSA commits that it will, to the maximum extent possible consistent with its legal obligations, use the policy consensus of this group reflected in this document as the basis for” the NPRM. Note also that much of this regulatory language tracks requirements agreed upon in other documents such as the Eligibility Requirements set forth in Annexes 6 and 7 and will be amended as appropriate to reflect the final agreed versions of those documents.]

§ 3XX.10X	Scope
§ 3XX.10X	Definitions
§ 3XX.10X	Requirements for the Training Provider Registry
§ 3XX.10X	Driver Training Provider
§ 3XX.10X	Facilities
§ 3XX.10X	Equipment
§ 3XX.10X	Driver-Instructor Qualifications/Requirements.
§ 3XX.XX	Assessments
§ 3XX.10X	Issuance of the certificate
§ 3XX.XXX	Requirements for continued listing on the Training Provider Registry.
§ 3XX.XXX	Reasons for removal from the Training Provider Registry

Training Provider Registry

§ 3XX.10X Scope.

The rules in this subpart establish the qualifications for inclusion on the list of ELDT providers in FMCSA's Training Provider Registry (TPR). The TPR is designed to improve highway safety and operator knowledge by requiring providers to meet FMCSA requirements under part 3XX of this chapter.

§ 3XX.10X Definitions.

Training Provider means an entity that administers commercial motor vehicle entry-level driver training as defined in this subpart.

§ 3XX.10X Requirements for the Training Provider Registry.

(a) To be listed on the Training Provider Registry, a training provider must:

(1) Have a curriculum that meets the applicable criteria set forth in § 3XX.XXX;

(2) Have driver training instructors that meet the criteria set forth in §3XX.XXX (Driver-Instructor Qualifications);

(3) Provide vehicles that meet the criteria set forth in § 3XX.XXX (equipment);

(4) Have a designated range facility that meets the requirements of § 3XX.XXX (Facilities) or have access to an area in which driver trainees can safely complete the required behind-the-wheel range training. .

(5) [Submit registration form MCSA-X stating the provider's information and attest that the training provider meets all the applicable requirements of this section to obtain a unique Training Provider Registry number]. If a training provider has more than one campus

or training location, the training provider must submit a registration form MCSA-X for each campus or training location to obtain a unique Training Provider Registry number for each such location.

(6) Create and maintain student records of enrollment and completion and/or withdrawal, in accordance with applicable State and Federal requirements.

(7) Allow FMCSA or its authorized representative to audit the training provider to ensure that the provider meets the criteria set forth in this section.

§ 3XX.10X Driver Training provider.

(a) Training providers must require that all accepted applicants for on-road training must meet minimum DOT, state, Federal and/or local law and regulations related to drug screens, age, physical condition, licensing, and driving record.

(b) Training providers must supply sufficient training to offer reasonable assurance that trainees can demonstrate proficiency in the theory and behind-the-wheel portions of the curriculum.

(c) Driving must be practiced under representative roadway and traffic conditions, including a demonstration of required driving maneuvers, as outlined in the *FMCSA Curriculum Standards for CMV Drivers*.

(d) Instruction must include all elements identified in the applicable FMCSA Curriculum Standards for CMV Drivers.

(e) Training materials that address the applicable FMCSA-prescribed curriculum must be provided to each trainee.

(f) When a provider meets the requirements of § 3XX.XXX and § 3XX.XXX, FMCSA will issue the provider a unique Training Provider Registry (TPR) number and will add the provider's name and other provider related information to the TPR website.

§ 3XX.10X Facilities.

(a) The learning facilities must comply with all applicable federal, state, and local statutes and regulations.

(b) During the range/skill practice portion of the curriculum, there must be an instructor present on site to demonstrate skills and correct deficiencies of individual students.

(c) The range/skill practice area must be free of obstructions and the surface must enable the driver to maneuver safely and free from interference from or involving other vehicles and hazards.

(d) There must be adequate sight lines available to the instructor and trainees.

§ 3XX.10X Equipment

(a) All training vehicles must be in safe mechanical condition. Vehicles used for on-road training must comply with applicable federal/state safety requirements.

(b) Training vehicles must be in the same class (A, B, or C) and type (bus/truck) as those that the individual will be operating for their CDL skills test.

§ 3XX.10X Driver-Instructor Qualifications/Requirements.

(a) On-road trainers must utilize experienced drivers as defined in paragraph (b). On-road trainers must maintain a driving record that meets applicable state requirements and Federal Motor Carrier Safety Regulations.

(b) Experienced driver means a CMV driver with experience driving with a CDL of the same (or higher) class and with all endorsements necessary to operate the CMVs for which training is to be provided and who:

(1) has at least 1 year of experience driving with a CDL of the same or higher class or endorsement;⁴ or

(2) has at least 1 year of experience as an on the road CMV trainer; and

(3) meets all applicable State training requirements for CMV trainers.

(c) Any theory/classroom trainers who are not experienced drivers as defined in paragraph (b) above must have previously audited or instructed that portion of the driver-training course that he/she intends to instruct.

§ 3XX.10X Assessments.

Trainees must successfully complete a course of instruction that meets the FMCSA Curriculum Standards for CMV Drivers including appropriate subject matter tests and road skill tests.

(a) Written tests must be used to assess proficiency of a sample of knowledge objectives for each unit of instruction per FMCSA Curriculum Standards for CMV Drivers. The trainee must receive a score of 80% or above on the theory assessment.

⁴ The legal requirement for on-road trainers is one (1) year of experience that includes experience in the class and operational environment of the vehicle for which they are providing instruction, though 2 or more years of such experience is preferable.

(b) Range/skill practice area tests or assessments must be used to assess student proficiency in fundamental vehicle control skills and routine driving procedures for the appropriate vehicle per FMCSA Curriculum Standards for CMV Drivers.

(c) Road assessments must be administered to assess proficiency in road driving skills that permit observations of specified driving maneuvers as described in § 3XX.XX and must be conducted in traffic per FMCSA Curriculum Standards for CMV Drivers described in § 3XX.XXX. Road assessment must be administered in a vehicle of the same class (A, B, or C) and type (bus/truck) that the trainee will be operating for their CDL skills test.

§ 3XX.1XX Issuance of the certificate.

On the day an individual completes training successfully at a provider on the Training Provider Registry (TPR), that provider must upload a certificate by close of business that day indicating completion of the class of training or endorsement to the TPR. The certificate must include the following:

- (a) Driver name, CDL/CLP number, and State of licensure;
- (b) Class or Endorsement training the trainee received;
- (c) Name of the training provider and its unique TPR identification number;
- (d) Name of Certifying Official of the training provider; and
- (e) Date of completion of the training provider.

§ 3XX.XXX Requirements for continued listing on the Training Provider Registry.

- (a) To continue to be listed on the Training Provider Registry, a provider must:
 - (1) Continue to meet the requirements of this subpart and the applicable requirements of part 3XX of this chapter.

(2) Biannually updated information

(3) Report to FMCSA changes to key information submitted under § 3XX.XXX within 30 days of the change.

(i) Key information includes training provider name, location, phone number, levels of training offered, and any change in State licensure, certification, or accreditation status.

(ii) Changes must be reported by submitting an updated MCSA-X to FMCSA.

(4) Continue to be licensed, certified, registered, or authorized to provide training in accordance with the applicable laws and regulations of each State where training is provided.

(5) Maintain documentation of State licensure, registration, or certification verifying the provider is authorized to provide training in that State.

(6) Allow an audit or investigation of the training provider to be completed by an authorized representative of FMCSA, if requested.

(7) The provider must make all required documentation available on request to an authorized representative of FMCSA or an authorized representative of Federal, State, or local government. The provider must provide this documentation within 48 hours of the request.

§ 3XX.XXX Factors considered for removal from the Training Provider Registry

FMCSA may remove a provider from the Training Provider Registry (TPR) when a provider fails to meet or maintain the qualifications established by this subpart, the requirements of other State and Federal regulations applicable to the provider, or otherwise does not meet the requirements of 49 U.S.C. XXXX. If FMCSA removes a provider from the

Training Provider Registry, all training certificates issued after the removal date will be considered invalid.

(a) The factors considered for removal may include but are not limited to the following:

(1) The provider fails to comply with the requirements for continued listing on the TPR, as described in § 3XX.XXX.

(2) The provider denies FMCSA or its authorized representative the opportunity to conduct an audit or investigation of its provider.

(3) The audit conducted by FMCSA or its authorized representative identifies material deficiencies.

(4) The provider falsely claims to be licensed, certified, registered, or authorized to provide training in accordance with the applicable laws and regulations in each State where training is provided.

(5) The rate at which those who complete the provider's training are able to pass the CDL exam upon completion of the course.

(b) In instances of fraud or other criminal behavior in which drivers have knowingly participated, FMCSA reserves the right to retroactively deem invalid training certificates that were issued by training providers removed from the Training Provider Registry.

§ 3XX.XXX Procedure for removal from the Training Provider Registry

(a) Voluntary removal. To be removed voluntarily from the Training Provider Registry, a provider must submit a written request to the FMCSA Director, Office of Carrier, Driver, and Vehicle Safety Standards ("Director"). Except as provided in subsection (b) of this section, the removal will become effective immediately upon the Director's receipt of such request. On

and after the date of issuance of a notice of proposed removal from the Training Provider Registry, as described in paragraph (b) of this section, however, the Director will not accept the provider's request for voluntary removal from the Training Provider Registry.

(b) Notice of proposed removal. Except as provided by paragraphs (a) and (e) of this section, FMCSA initiates the process for removal of a provider from the Training Provider Registry by issuing a written notice of proposed removal to the provider, stating the reasons that removal is proposed under § 3XX.XXX and any corrective actions necessary for the provider to remain listed on the TPR. If a notice of proposed removal is issued, the provider must notify current trainees and trainees scheduled for future training of the proposed removal.

[Facilitator Note: A stakeholder participant in the IE WG conference call of 5/26/15 raised the issue of what happens to students who enroll in good faith in a training program only to discover, mid-course, that their training provider may lose its certification. What recourse do they have vis a vis their training provider or what obligations does their training provider have to them? A stakeholder on the call noted that some states require that licensed trainers post a surety bond to cover such contingencies, and the question was asked whether FMCSA has authority to make this a federal requirement. After the call, FMCSA Counsel's office informed the Facilitator that this may be a possibility, theoretically and legally, but as a practical matter such a requirement would be very complex and controversial among interests not necessarily at the table, and is probably not doable at this late stage. Since this is more of a minor, technical issue than a fundamental policy decision, the plenary may wish to leave this issue unresolved and allow the FMCSA to be guided by public comment in the course of normal

rulemaking.] In addition, no new training sessions may commence until FMCSA withdraws the proposed removal.

(c) Response to notice of proposed removal and corrective action. A provider that has received a notice of proposed removal from the Training Provider Registry must submit any written response to the Director, Office of Carrier, Driver, and Vehicle Safety Standards no later than 30 days after the date of issuance of the notice of proposed removal. The response must indicate either that the provider believes FMCSA has relied on erroneous information in proposing removal, as described in paragraph (c)(1) of this section, or that the provider will take any corrective action specified in FMCSA's notice of proposed removal, as described in paragraph (c)(2) of this section.

(1) Opposing a notice of proposed removal. If the provider believes FMCSA has relied on erroneous information in proposing removal from the Training Provider Registry, the provider must explain the basis for that belief and provide supporting documentation. The Director, Office of Carrier, Driver, and Vehicle Safety Standards will review the explanation.

(i) If the Director, Office of Carrier, Driver, and Vehicle Safety Standards finds that FMCSA has relied on erroneous information to propose removal of a training provider from the TPR, the Director, Office of Carrier, Driver, and Vehicle Safety Standards will withdraw the notice of proposed removal and notify the provider of the determination in writing. No later than 60 days after the date the Director, Office of Carrier, Driver, and Vehicle Safety Standards modifies a notice of proposed removal, the provider must comply with this subpart and correct any identified deficiencies as described in paragraph (c)(2) of this section.

(ii) If the Director, Office of Carrier, Driver, and Vehicle Safety Standards finds FMCSA has not relied on erroneous information in proposing removal, the Director, Office of Carrier, Driver, and Vehicle Safety Standards will affirm the notice of proposed removal and notify the provider in writing of the determination. No later than 60 days after the date the Director affirms the notice of proposed removal, the provider must comply with this subpart and correct the deficiencies identified in the notice of proposed removal as described in paragraph (c)(2) of this section.

(iii) If the provider does not submit a written response within 30 days of the date of issuance of a notice of proposed removal, the removal becomes effective and the provider will be removed from the Training Provider Registry.

(2) Compliance and corrective action. (i) The provider must comply with this subpart and complete the corrective actions specified in the notice of proposed removal no later than 60 days after either the date of issuance of the notice of proposed removal or the date the Director, Office of Carrier, Driver, and Vehicle Safety Standards affirms or modifies the notice of proposed removal, whichever is later. The provider must provide documentation of compliance and completion of the corrective actions to the Director, Office of Carrier, Driver, and Vehicle Safety Standards. The Director, Office of Carrier, Driver, and Vehicle Safety Standards may conduct any investigations and request any documentation necessary to verify that the provider has complied with this subpart and completed the required corrective action(s). The Director, Office of Carrier, Driver, and Vehicle Safety Standards will notify the provider in writing whether it has met the requirements to continue to be listed on the Training Provider Registry.

(ii) If the provider fails to complete the proposed corrective action(s) within the 60-day period, the provider will be removed from the Training Provider Registry. The Director, Office of Carrier, Driver, and Vehicle Safety Standards will notify the provider in writing of the removal.

(3) At any time before a notice of proposed removal from the Training Provider Registry becomes final, the recipient of the notice of proposed removal and the Director, Office of Carrier, Driver, and Vehicle Safety Standards may resolve the matter by mutual agreement.

(d) Request for administrative review. If a provider has been removed from the Training Provider Registry under paragraph (c)(1)(iii), (c)(2)(ii), or (e) of this section, the provider may request an administrative review no later than 30 days after the effective date of the removal. The request must be submitted in writing to the FMCSA Associate Administrator for Policy. The request must explain the error(s) committed in removing the provider from the Training Provider Registry, and include a list of all factual, legal, and procedural issues in dispute, as well as any supporting documentation.

(1) Additional procedures for administrative review. The Associate Administrator may ask the provider to submit additional data or attend a conference to discuss the removal. If the provider does not provide the information requested, or does not attend the scheduled conference, the Associate Administrator may dismiss the request for administrative review.

(2) Decision on administrative review. The Associate Administrator will complete the administrative review and notify the provider in writing of the decision. The decision constitutes final Agency action. If the Associate Administrator deems the removal to be invalid, FMCSA will reinstate the provider on the Training Provider Registry.

(e) Emergency removal. In cases either of willful disregard of the regulations in this subpart or in which public health, interest, or safety requires, the provisions of paragraph (b) of this section are not applicable and the Director, Office of Carrier, Driver and Vehicle Safety Standards may immediately remove a provider from the Training Provider Registry and invalidate the certification issued under § 3XX.XX. A provider who has been removed under the provisions of this paragraph may request an administrative review of that decision as described under paragraph (d) of this section.

(f) Reinstatement on the Training Provider Registry. No sooner than 30 days after the date of removal from the Training Provider Registry, a provider who has been voluntarily or involuntarily removed may apply to the Director, Office of Carrier, Driver, and Vehicle Safety Standards to be reinstated.

(5) In the case of a provider that has been involuntarily removed, provide documentation showing completion of any corrective actions required in the notice of proposed removal.

ANNEX 11

DEFINITIONS OF ELD AND ELDT, AND APPLICABILITY

Approved by unanimous consent 5.29.2015.

Entry-Level Driver means a person who must complete the CDL knowledge and/or skills test requirements under 49 CFR 383.71 prior to (1) receiving the initial CDL or having a CDL reinstated, (2) upgrading a Class B or Class C CDL, or (3) obtaining a hazardous materials, passenger or school bus endorsement. This definition does not include individuals for whom States have the discretion to waive the CDL skills test under 49 CFR 383.

Entry-Level Driver Training means training an entry level driver receives from a provider listed on FMCSA's Training Provider Registry prior to:

- 1) Taking the CDL skills test required to receive the initial Class A or Class B CDL;
- 2) Taking the CDL skills test required to upgrade a Class B or Class C CDL; or
- 3) Taking the CDL knowledge and skills test required to obtain a passenger or school bus endorsement, or the CDL knowledge test required to obtain a hazardous materials endorsement.

Applicability.

(a) The rules in this subpart apply to all entry-level drivers who intend to drive CMVs as defined in §383.5 in interstate and/or intrastate commerce, except:

- (1) Drivers excluded from the CDL requirements under § 383.3 (c), (d) and (h) of this subchapter;
- (2) Drivers applying for a restricted CDL under § 383.3(e) through (g) of this subchapter; and
- (3) Veterans with military CMV experience who meet all the requirements and conditions of § 383.77 of this subchapter.

(b) Drivers who holds a valid CLP or CDL issued before *[compliance date of final rule]* are not required to comply with this subpart except as otherwise specifically provided.

(c) Except as provided under subparagraph (d) below, a person who has received a certificate of training qualifying him or her to apply for a CDL is not required to obtain such certification again before reapplying for a CDL or endorsement.

(d) A person whose CDL was revoked, canceled, or disqualified by the State of issuance for highway safety-related reasons must complete the refresher training requirements of this subpart.

Explanation

ELDTAC requested regulatory text on two provisions. The first involved the definition of an Entry-Level Driver.

This proposal applies only to those who currently are required to hold a CDL and does not otherwise amend substantive CDL requirements. This is emphasized in both the definition of an *Entry-Level Driver* as a person who must complete the CDL skills or knowledge test requirements under 49 CFR 383.71, and the Applicability Section, which focuses only on drivers “who intend to drive CMVs as defined in §383.5 in interstate and/or intrastate commerce,.” And that section specifically excludes from its scope drivers excepted under § 383.3 (c), (d) and (h), and those drivers applying for a restricted CDL under § 383.3(e) through (g). These *exceptions* cover many entities, including: military driver, farmers, and firefighters. Those categories of restricted CDLs include, but are not limited to, drivers from Alaska, farm-related service industries, and the pyrotechnics industry.

Once an Entry Level driver receives a certificate of training qualifying him or her to apply for a CDL for the first time, the person is not required to obtain such certification again before reapplying for a CDL or endorsement, unless the CDL was revoked, canceled, suspended or disqualified by the State of issuance for a highway-safety related reason. FMCSA also introduces the concept of a Training Provider Registry (TPR) where approved providers, including those for refresher training, must be listed. The criteria for these providers would be determined through the negotiated rulemaking process and the Agency would require that these programs be listed on the TPR as a means of having publicly accessible source for information about the programs. Also, the programs would submit the training certificates to FMCSA electronically and the Agency would then transmit the training certificates to the State Driver Licensing Agencies (SDLAs) to keep to a minimum the burden on the States and prevent falsification of training certificates.

The second provision of concern to ELDTAC was Veteran drivers. Based on the ELDTAC discussions, the definitions/applicability would exclude veterans who possess equivalent training and certification from their military commercial vehicle driving experience especially if the State waives the skills test, though they may need to take the written test. Therefore the preliminary regulatory definitions above focuses on the first issuance of the CDL, upgrade in the CDL class, and obtaining the passenger, school bus or HM endorsement.

In summary, the preliminary regulatory definitions above focuses on the first issuance of the CDL, upgrade in the CDL class, and obtaining the passenger, school bus, or hazardous material endorsement. It also addresses refresher training.

APPENDIX A

EXPLANATION OF STAKEHOLDER POSITIONS ON HOURS-BASED REQUIREMENT

June 15, 2015



June 9, 2015

Mr. Richard Parker
Facilitator
Entry-Level Driver Training Advisory Committee
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Parker,

The Commercial Vehicle Training Association (CVTA) appreciated the opportunity to serve on the Entry Level Driver Training Advisory Committee (ELDTAC). As its representative and a supporter of the ELDTAC consensus opinion, I write now to memorialize CVTA's perspective of this outcome.

Repeated Congressional and Agency Rulemaking Attempts

For more than 25 years, the Department of Transportation (DOT) has sought to put forth a rule on entry level driver training (ELDT). Congress has repeatedly mandated that the DOT put forth a rule, but prior attempts have not been successful for a host of reasons. In 2012, Congress again reiterated its mandate that the DOT produce a rule,¹ but the DOT, specifically the FMCSA, decided to withdraw the 2007 proposed rule due to fierce opposition from many stakeholders, including CVTA. CVTA and other stakeholders believed the 2007 proposed rule would have crippled the training providers and supported its withdrawal.

CVTA has and remains committed to performance-based training. The 2007 proposed rule, in CVTA's view, was unacceptable because it proposed establishing a minimum overall number of program hours (120 hours) and would have required all programs to be accredited. These requirements would have had devastating effects on students, training providers, and motor carriers. If the 2007 proposed rule had become a final rule, students would not have been able to access title IV financial aid, accredited institutions would have lost their ability to accept federal financial aid from students,² unaccredited institutions would have been required to become accredited (and undergo and maintain this costly process not focused on safety), and there were no studies suggesting that 120 hours of overall program length resulted in safer drivers. The FMCSA withdrew the 2007 proposed rule in 2013, and decided to try a new approach by conducting a negotiated rulemaking.

¹ 49 U.S.C. § 31305(c)

² See 34 CFR 668.8(e)(iii) and 668.14(b)(26) (USDOE rules state that certain programs will not be eligible for Federal Student Aid funding if the program exceeds by more than 50% the minimum number of clock hours required for training in a recognized occupation as established by a state or federal agency. If FMCSA establishes a minimum entry-level truck driver training occupational standard setting forth a minimum curriculum length, then the "maximum" acceptable length would be one and one half of the initial program length of the affected program under USDOE standards).

7005 Backlick Ct Ste 100, Springfield, VA 22151, Phone: 703-642-9444, www.CVTA.org

Performance-Based Approach Chosen by ELDTAC

After nearly four months of meetings and discussions involving a large group of stakeholders and CMV driver training experts, the ELDTAC agreed that training providers should not be required to meet an overall program length, and that knowledge-based training should be decided purely on the basis of a knowledge test. The ELDTAC also determined that training providers must certify an individual student/trainee is competent in driving based on an instructor assessment of his or her performance of knowledge and skills before he or she can sit for the Commercial Driver's License (CDL) exam. One element of this performance-based training that required considerable discussion within the ELDTAC was whether the ELDTAC should, in addition, mandate a minimum number of hours for the behind the wheel (BTW) or skills portion of training. Every participant agreed that performance would be the outcome standard. However, the issue discussed was how best to document this performance and hold training providers accountable. At issue was whether the training providers could demonstrate this by (A) requiring trainees to perform each of a variety of skills repeatedly and proficiently while driving, and recording these proficient skill demonstrations on "trip sheets"; or (B) simply requiring a minimum number of training hours on the road and on the "range" (a protected open space where driving maneuvers are practiced away from public traffic), while leaving the institutions and instructors' discretion and flexibility on how many times to practice, and observe proficient demonstration of, each skill.

After much discussion, the ELDTAC decided, with two dissents, that Option (B) above is the most feasible and cost-effective approach. Specifically, the ELDTAC decided to recommend that training providers must certify student proficiency based upon a the individual's performance while also certifying that the individual undertook a minimum of 30 hours of BTW time on a combination of range and road training. The ELDTAC further recommends that for tractor trailer drivers testing for the "Class A" CDL that these 30 hours of BTW training include a minimum of 10 hours of "range" time, and a minimum of 10 hours of "road" time or 10 road trips. This is what CVTA refers to as the "10-10-10" rule. It also recommended that drivers training for the "Class B CDL" to drive much simpler straight trucks and buses be allowed to go through a potentially shorter training regimen, involving 15 hours of BTW driving with at least 7 hours on the public road.

CVTA strongly supports this consensus opinion as it is performance based, is least burdensome on existing programs, and does not affect financial aid. Considering our long experience with training entry-level CMV drivers, students training to drive tractor trailers typically need a minimum of 30 academic hours of road and range time in the vast majority of cases to competently meet and perform the items contained in the "Model Curriculum," which the ELDTAC has unanimously agreed to recommend requiring as a minimum training standard. CVTA believes that since quality training providers were and are already training in excess of this amount of BTW time, incorporating this BTW component imposes little or no burden on any individual trainer or training program that is teaching the curriculum with the diligence needed to produce safe drivers. Moreover, it is important to note that having hours as a component of the performance based training will not affect financial aid. CVTA specifically asked the Department of Education's representative whether having hours as a component, rather than an overall program minimum, would affect financial aid and we were clearly told it would not.

Conflicting Data

CVTA is aware of the 2008 ATRI study and the 1995 Adequacy Report³, which offer contradictory findings. While on the one hand, the ATRI study found no statistically significant correlation between safety and the number of hours spent in training (including theory and behind-the-wheel) in programs ranging from 88-272 hours long overall.⁴ However, the D.C. Circuit Court of Appeals took note of the Adequacy Report's finding that the lack of clear statistical correlation may be an artifact of "high variability in training quality" among the programs studied – a variability that the Model Curriculum recommended in ELDTAC's consensus recommendation aims to narrow. That Court also was quite perplexed that the "FMCSA simply disregarded the volumes of [non-statistical] evidence [compiled in the 1995 Adequacy Report] that extensive, on-street training enhances CMV safety."⁵ In the absence of definitive data, we are left with our experience to best judge what students/trainees need. CVTA is confident that the minimum BTW component recommended by the ELDTAC will produce a very positive net benefit in safety terms, a connection which may not be demonstrable in statistical terms today, given data deficiencies, but is nonetheless clear to experts with long experience in this field.

Finally, it bears mention that one benefit that almost certainly will follow from this rule, once it takes effect, is that data will be generated that permit possible correlations to be drawn, for the first time, between training inputs and safety outputs, since all CMV drivers (including those who experience major accidents) will then be registered in a database that also lists the individuals/institutions that trained them. Until such data is gathered, we are left with conflicting studies and expert opinion. Therefore, CVTA, in its expert opinion, believes this consensus opinion will make the roads safer, is conscious of costs, and is the least burdensome on training providers.

Conclusion

For all the reasons stated above, CVTA is proud to support the ELDTAC's performance-based rule.

Sincerely,



Carl Spatocco,
CVTA ELDTAC Representative

³ Dept. of Transportation, Federal Highway Administration, *Assessing the Adequacy of Commercial Motor Vehicle Driver Training: Final Report* (July 1995).

⁴ *A Technical Analysis of Driver Training Impacts on Safety* (accessed online at <http://atri-online.org/2008/05/07/driver-training-impacts-on-safety/>) (May 2008).

⁵ *Advocates for Highway and Auto Safety v. FMCSA*, 429 F.3d 1136, 1147 (D.C. Cir. 2005).



June 12, 2015

Richard W. Parker
Facilitator
Entry-Level Driver Training Advisory Committee
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Professor Parker:

Advocates for Highway and Auto Safety submits this statement of reasons in support of the consensus agreement reached through the regulatory negotiation process by the Entry-Level Driver Training Advisory Committee (ELDTAC) requiring a minimum number of hours of behind-the-wheel (BTW) instruction as part of the core curricula approved for applicants seeking a class A or B commercial driver's license (CDL).

The Diverse Membership of the ELDTAC Reached Broad Consensus on Requiring Candidates Receive a Minimum Amount of Behind the Wheel Instruction

The Federal Motor Carrier Safety Administration (FMCSA) convened the ELDTAC to bring together “interested parties that are likely to be affected by a regulation to work with each other and the agency on a negotiating committee to develop a consensus draft of a proposed rule.”¹ As the agency notes, “ELDTAC membership is balanced and is composed of twenty-six members appointed by the FMCSA Administrator...”² Moreover, “members are chosen from a field of experts in their respective fields, including driver organizations, DMV training organizations, motor carriers of property and passengers and their associations, state licensing agencies, state enforcement agencies, labor unions, safety advocacy groups, and insurance companies.”³ All but two members of the ELDTAC supported a requirement that ensures candidates would receive a minimum amount of BTW training. The vote was unanimous as to the members of the Committee representing safety groups, training schools, the motorcoach industry and individual drivers.⁴

Consensus was reached by the ELDTAC regarding the BTW requirement because this provision ensures that candidates will be given a minimum amount of time actually operating a vehicle to competently learn the numerous skills outlined in the curricula. In fact, the class A curriculum requires that candidates learn 20 different topics while on the range and/or road while the Class

¹ 79 FR 49044 (Aug. 19, 2014).

² Federal Motor Carrier Safety Administration (FMCSA), Entry-Level Driver Training Advisory Committee, ELDTAC, available at: <http://www.fmcsa.dot.gov/eldtac>

³ *Id.*

⁴ Federal Minimum Standards for CMV Entry-Level Driver Training Written Statement, June 5, 2015 (Final Statement).

B curriculum includes 19 topics.⁵ Requiring that candidates receive a minimum amount of BTW training is a common sense and essential component of the performance based standard adopted by the ELDTAC. It is intended to ensure that all CDL candidates receive a minimum amount of practical experience and reflects the consensus determination of the ELDTAC about the lowest level of BTW training that is necessary under the training curriculum recommended by the ELDTAC.

Credible CDL Training Organizations Require a Minimum Number of Behind the Wheel Training Hours

The leading CDL training schools already require that their students complete a minimum number of hours of BTW training. The Commercial Vehicle Training Association (CVTA) which “is the largest trade association representing the interests of truck driving schools, students and the businesses that depend on their services” consists of over 55 members schools, 20 motor carrier members, and 35 associate member businesses that work in the transportation industry.⁶ CVTA requires that its members provide 40 hours of BTW training.⁷ The National Association of Publicly Funded Truck Driving Schools (NAPFTDS) represents 110 publically funded schools from 32 states across the nation.⁸ The national average for NAPFTDS members is 74 BTW hours.⁹ In addition, the standards of the Professional Truck Driving Institute (PTDI) which is “North America’s foremost advocate of truck-driver training standards, driver professionalism, and safety” require 44 hours of BTW training.¹⁰ Numerous states also require that licensed CDL training schools provide a minimum number of BTW hours.¹¹ For example, Illinois requires 40 hours of BTW, Kentucky requires 45 hours of BTW, Maine proscribes 44 BTW hours for Class A applicants and 20 hours for Class B applicants and Ohio requires at least 40 hours of BTW for candidates seeking a Class A license and 28 hours for those obtaining a class B license¹²

Experts Uniformly Have Recommended a Prescribed Minimum Number of Behind the Wheel Training Hours

In 1991, Congress, concerned with the unacceptable level of truck crashes and the quality of training being given to CDL applicants, directed the Federal Highway Administration (FHWA)

⁵ Final Statement, Annex 1 and Annex 2.

⁶ Commercial Vehicle Training Association (CVTA), About CVTA, available at: <https://cvta.org/about.html>

⁷ Spatocco, C, *CVTA Membership Requirements*, Presentation to ELDTAC, March 19, 2015, available at: <https://cms.fmcsa.dot.gov/advisory-committees/eldtac/cvta-membership%0Brequirements>

⁸ Garsee, M, National Association of Publicly Funded Truck Driving Schools, Presentation to ELDTAC, March 19, 2015, available at: <https://cms.fmcsa.dot.gov/advisory-committees/eldtac/napftds-presentation-pdf>

⁹ *Id.*

¹⁰ Professional Truck Driving Institute (PTDI), available at: <http://www.ptdi.org/index.aspx>; PTDI, *Curriculum Standards and Guidelines for Entry-Level Commercial Motor Vehicle Driver Courses*, Minimum Training Hours, pg 5, available at:

<http://www.ptdi.org/errata/CURRICULUM%20STANDARDS%20ENTRY%20LEVEL%20052011.pdf>.

¹¹ Federal Motor Carrier Safety Administration, *State Licensing Requirements, CDL Schools*, Presentation to ELDTAC Committee, March 19, 2015, available at: <https://cms.fmcsa.dot.gov/advisory-committees/eldtac/state-licensing-requirements-cdl-schools>

¹² *Id.*

(the predecessor agency to FMCSA with authority over commercial driver training regulation), to issue a rule requiring entry-level driver training (ELDT).¹³

In 1995, FHWA released a report entitled “Assessing the Adequacy of Commercial Motor Vehicle Driver Training” (Adequacy Report).¹⁴ The Adequacy Report was produced by a group of experts from the trucking, motorcoach and school bus industry brought together by the agency.¹⁵ The experts “were asked to define the minimum acceptable curricula for entry-level heavy truck, motorcoach, and school bus training.”¹⁶ The groups reached consensus on minimum criteria on eight factors including...behind-the-wheel-time...” which was 38.5 hours for heavy trucks and motor coaches as well as 9 hours for school buses.¹⁷

In 2005, the United States Court of Appeals for the District of Columbia Circuit rejected a proposed rule for ELDT for being woefully deficient because it failed to require BTW hours noting the findings of the Adequacy Report. The Court held “The Adequacy Report determined that effective training for CMV drivers required practical, on-the-road instruction on how to operate a heavy vehicle.”¹⁸ The ELDTAC composed of a similar cross section of experts reached a similar conclusion nearly 20 years after the Adequacy Report was issued.

In response to the decision of the U.S. Court of Appeals, FMCSA in 2007 issued a Notice of Proposed Rulemaking (NPRM) “to revise the standards for mandatory training requirements for entry-level operators of commercial motor vehicles (CMVs) in interstate operations who are required to possess a commercial driver’s license (CDL).”¹⁹ The NPRM included a requirement of 44 BTW hours for class A applicants and 32 BTW hours for class B applicants.²⁰

Subsequently, in December, 2012, the FMCSA’s Motor Carrier Safety Advisory Committee (MCSAC), comprised of transportation and safety experts, was tasked by FMCSA “with identifying ideas and concepts the Agency should consider in moving forward with a rulemaking on entry-level driving training...”²¹ The MSCAC report noted “the majority of the group (though not all) believes FMCSA should mandate both some minimum behind-the-wheel training hours, along with performance-based requirements that achieve competency.”²² This is

¹³ 72 FR 73226 (Dec. 26, 2007). [Include cite to section in 1991 ISTEA]

¹⁴ Federal Highway Administration (FHWA), *Assessing the Adequacy of Commercial Motor Vehicle Driver Training: Final Report*, July 1995, available at: <http://www.regulations.gov/#!docketBrowser;rpp=25;po=25;dct=SR%252BO;D=FMCSA-2007-27748>

¹⁵ 72 FR 73226, 73228 (Dec. 26, 2007).

¹⁶ Adequacy Report, Volume I: Executive Summary at pg 15.

¹⁷ *Id.*

¹⁸ *Advocates for Highway and Auto Safety v. Federal Motor Carrier Safety Administration*, No. 04-1233, consolidated with No. 04-1236 and No. 04-1418, 429 F.3d 1136 (D.C. Cir. 2005).

¹⁹ 72 FR 73226 (Dec. 26, 2007).

²⁰ 72 FR 73226, 73233 (Dec. 26, 2007).

²¹ Letter from Motor Carrier Safety Advisory Committee (MCSAC) to The Honorable Anne S. Ferro, Administrator, Federal Motor Carrier Safety Administration (FMCSA), June 17, 2013, , available at http://mcsac.fmcsa.dot.gov/Documents/June2013/FINAL%20Task%2013-01%20MCSAC%20Report%20ELDT_6%2011%202013.docx

²² *Id.* at pg 6.

exactly the type of standard that has been adopted by the ELDTAC consensus and is recommended to FMCSA as the content of its proposed rule.

In reaching the same conclusion as these varied experts, the ELDTAC is simply following well established best practices in ensuring the CDL candidates are proficient in the skills required to properly operate a commercial vehicle.

Mandating that Candidates Complete a Minimum Number of Hours to Enter a Profession is Widely Accepted Practice Throughout Transportation Modes and Other Occupations

Pursuant to regulations promulgated by the Federal Aviation Administration (FAA), candidates seeking a commercial pilot's license must have accumulated approximately 250 hours of flight time.²³ The FAA requires pilots that wish to work for passenger airlines to have approximately 1,500 hours of flight time.²⁴ Furthermore, in 2013, the FAA announced that it would require first officers or co-pilots to have the same amount of flight time as pilots.²⁵ Previously, co-pilots were only required to meet the standards of a commercial pilot.²⁶ Transportation Secretary Anthony Foxx, announcing the new rule and acknowledging the benefits of training that includes actual time behind the stick stated "[w]e owe it to the traveling public to have the only the most qualified and best trained pilots."²⁷ American motorists deserve the same consideration for operator training and proficiency and public safety.

It is not at all surprising that a study sponsored by an entity that has long opposed requiring CDL applicants receive hours based training would conclude that such an approach does not benefit safety. The American Trucking Associations (ATA) has claimed that a study by its research arm, the American Truck Research Institute (ATRI), establishes that "no relationship is evident between total training program contact hours and driver safety events when other factors such as age and length of employment are held constant."²⁸ Yet every member of the ELDTAC, including ATA, voted in favor of the final written recommendation establishing ELDT for CMV drivers.²⁹ The training outlined in the recommended curricula included in the final written ELDTAC statement will undoubtedly require a student receive hours of BTW training which the overwhelming consensus of members of the ELDTAC understood would necessitate a minimum of 30 hours of BTW training for class A CDL applicants (and 15 hours BTW for class B CDL applicants). The assertion that mandating a curriculum that necessitates a certain number of BTW training hours is incompatible with prescribing the minimum number of BTW hours reasonably believed necessary to implement the training curriculum is incongruous. Setting a minimum hours requirement for BTW training provides an objective performance measure to

²³ 14 CFR § 61 Subpart F.

²⁴ 14 CFR § 61 Subpart G.

²⁵ Federal Aviation Administration, *Press Release-FAA Boosts Aviation Standard with New Pilot Qualification Standards*, July 10, 2013, available at: https://www.faa.gov/news/press_releases/news_story.cfm?newsId=14838

²⁶ *Id.*

²⁷ *Id.*

²⁸ American Trucking Research Institute (ATRI), *A Technical Analysis of Driver Training Impacts on Safety*, pgs 15-16 (May 2008), available at: http://www.atri-online.org/research/results/driver_training_impacts_on_safety2.pdf

²⁹ Final Statement.

ensure that at least some level of BTW training is necessary to impart the skills portion of the training curriculum.

Moreover, the ATRI study also has several flaws that severely limit its application and usefulness. The study only looked at six motor carriers which were never proven to be a representative sample of current carriers.³⁰ As a result, the new entrant population studied was not necessarily representative of all new entrant drivers. In addition, the analysis of overall training hours contained in the study is not necessarily consistent across carriers, schools or students. A proper study of this issue would examine individual schools with a set curriculum and instructors with a similar representative sample of drivers undertaking the same curriculum with varying amount of class duration including BTW hours. While the ATRI study states that there is no relationship between total training program contact hours and driver safety events, the study does note that “[h]owever, it cannot be concluded that a statistical effect does not exist for more or fewer hours than those tested in this assessment.”³¹ (emphasis added). The ATRI study, therefore, is far from conclusive with respect to the benefits of a required number of BTW hours of training. In contrast, as discussed below, independent unbiased research has proven that requiring novice drivers seeking their motor vehicle license, a similar exercise to CDL applications, substantially benefit from participating in GDL programs that include, among other things, a requirement of mandatory BTW supervised driving.

It must also be pointed out that transportation occupations are not alone in requiring that new entrants gain practical experience before earning a license. Texas requires a journeyman plumber to have 8,000 hours of experience while Oklahoma requires 4,000 verifiable hours of on the job experience for a residential electrical journeyman.³² In addition, barbers licensed in Virginia must accumulate 490 hours of minimum performances and nail technicians must have 275 hours.³³ These standards represent a common sense measurement to ensure that a new entrant has the minimum skills needed to operate in their chosen occupation. While these occupations do not inherently involve public safety, as does the operation of commercial motor vehicles on public roads, State and local authorities require far more training and practice hours than are recommended in the ELDTAC consensus agreement.

Graduated Driver Licensing Laws that Include Supervised Driving Hours Have Reduced Crashes

Motor vehicle crashes are the number one killer of American teens.³⁴ The Insurance Institute for Highway Safety (IIHS) notes that “teenagers’ lack of experience behind the wheel makes it

³⁰ *Id.*

³¹ *Id.* at 16.

³² Tex. Occ. Code Ann. § 1301.002 (2003); Okla. Stat. tit. 158 § 40-7-2 (2014).

³³ 18 VAC 41-20-220 (2014), available at: [http://www.dpor.virginia.gov/uploadedFiles/MainSite/Content/Boards/BarberCosmo/A425REGS_BarberCosmo\(1\).pdf](http://www.dpor.virginia.gov/uploadedFiles/MainSite/Content/Boards/BarberCosmo/A425REGS_BarberCosmo(1).pdf)

³⁴ Centers for Disease Control And Prevention, Teen Driver: Fact Sheet, citing Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS) [Online]. (2012). National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (producer). [Cited 2014 Sept 29], available at http://www.cdc.gov/motorvehiclesafety/teen_drivers/teendrivers_factsheet.html.

difficult for them to recognize and respond to hazards.”³⁵ As such, 42 states and the District of Columbia have enacted graduated driver licensing (GDL)³⁶ laws that include a minimum number of hours of supervised driving behind-the-wheel before a novice driver can earn a full or unrestricted license.³⁷ Research conduct by IIHS has shown that GDL laws reduce overall crashes among teen drivers of about ten to thirty percent.³⁸ Furthermore, the Highway Loss Data Institute (HLDI) has determined that increasing required practice hours by 40 hours was associated with a 10 percent lower rate of insurance collision claims among 16-17 year old drivers.³⁹ These GDL laws have shown that requiring new drivers to spend time behind-the-wheel ensuring that they encounter real world situations on the road while gaining insight from a seasoned instructor or driver is effective in reducing crashes.

The Consensus Reached by the ELDTAC Requiring the Model Curriculum Contain a Minimum Amount of BTW Hours Does Not Violate Executive Order 12866

While Executive Order 12866 (EO) does mention performance objectives the EO specifically states that performance objectives are preferred “to the extent feasible.”⁴⁰ In addition, the EO further states that “[i]n setting regulatory priorities, each agency shall consider, to the extent reasonable, the *degree and nature of the risks posed* by various substances or activities within its jurisdiction.”⁴¹ (emphasis added). The grave risks associated with large truck crashes are incontrovertible. On average, 4,000 people are killed and 100,000 more are injured in truck crashes annually.⁴² In a crash with a passenger vehicle and a truck, 97 percent of the fatalities are in the car.⁴³ Moreover, large truck and bus crashes impose enormous economic costs on society; the annual cost to society from crashes involving commercial motor vehicles is estimated to be over \$103 billion.⁴⁴

Furthermore, the ELDTAC consensus on this issue represents a reasoned determination agreed to by all but two of its members and is based on the wealth of evidence and history noted above that

³⁵ Insurance Institute for Highway Safety (IIHS), Teenagers, Q&As, *Why is teenage crash involvement so high?*, available at: <http://www.iihs.org/iihs/topics/t/teenagers/qanda>.

³⁶ IIHS, Teenagers, State Laws, available at: <http://www.iihs.org/iihs/topics/laws/graduatedlicenseintro>.

³⁷ GDL laws requiring supervised driving hours are different than a traditional “driver education” class taken in a classroom. As IIHS notes, “evaluations of U.S. high school driver education programs indicate little or no reduction in crashes per licensed driver.” However, IIHS and HLDI studies have shown that GDL laws that require students to spend time behind the wheel while supervised by an instructor or seasoned driver have reduced crashes. See: IIHS, Teenagers, Q&As, *Do driver education programs make teenagers safer?* available at: <http://www.iihs.org/iihs/topics/t/teenagers/qanda>. Therefore, arguments that driver education courses for teen drivers show no safety benefits are wholly inapposite to the discussion of entry-level driver training requirements for those over age 20 seeking to enter the demanding occupation of a professional truck driver.

³⁸ IIHS, *Graduated Licensing Laws and Fatal Crashes of Teenage Drivers: A National Study*, June 2010.

³⁹ Trempel, R.E., Highway Loss Data Institute, *Graduated driver licensing laws and insurance collision claim frequencies of teenage drivers* (2009), available at: <http://www.iihs.org/frontend/iihs/documents/masterfiledocs.ashx?id=2022>.

⁴⁰ Executive Order 12866, Section 1(b)(8) (Oct. 4, 1993) (Executive Order).

⁴¹ Executive Order at Section 1(b)(4).

⁴² Traffic Safety Facts 2013: A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System, NHTSA, DOT HS 812 139.

⁴³ *Id.*

⁴⁴ 2015 Pocket Guide to Large Truck and Bus Statistics, FMCSA, April 2015.

such a sensible requirement will result in better trained drivers and reduce crashes. This decision also aligns with FMCSA's primary mission of ensuring public safety. In the agency's enabling statute Congress expressly directed that "[i]n carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation."⁴⁵

Conclusion

The ELDTAC, a broad group of experts brought together by FMCSA to draft recommendations on adequate training for new CDL applicants overwhelmingly supported including a requirement requiring a minimum number of hours of BTW training. This consensus is supported by previous federal and state actions, independent unbiased research, and the use of this common sense method of ensuring proper skills are acquired by new entrants in other professions and transportation modes. Furthermore, such a requirement is not prohibited by federal law or regulation and meets the intent of Congress when it established FMCSA to strive for the highest degree of safety in motor carrier transportation.

Sincerely,



Peter Kurdock
Director of Regulatory Affairs

⁴⁵ 49 U.S.C. § 113(b) (1999).

June 5, 2015

Via e-mail

Richard Parker
Facilitator
Entry-Level Driver Training Advisory Committee
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Professor Parker:

American Trucking Associations (ATA) appreciates the opportunity to serve as a member of the Entry-Level Driver Training Advisory Committee (ELDTAC) and believes that improved entry-level driver training requirements may improve highway safety. ELDTAC was established as both an advisory committee in accordance with the Federal Advisory Committee Act and a negotiated rulemaking committee under the Negotiated Rulemaking Act. ATA supports the consensus recommendation, with a single reservation. Therefore, ATA is writing to explain its disagreement with the committee's recommendation that entry-level drivers receive a total of thirty hours of behind-the-wheel training with ten hours required to be performed on the range and another ten required to be performed on the road.

ATA respectfully dissents from this recommendation for two reasons: First, there is no scientific basis for an hours-based behind-the-wheel training requirement, and second, adopting an hours-based requirement contravenes Executive Orders 12866 and 13563 as well as Office of Management and Budget (OMB) Circular A-4's directive that federal agencies give preference to adopting rules with performance standards "because performance standards give the regulated parties the flexibility to achieve regulatory objectives in the most cost-effective way."¹

Lack of Science

There have been numerous reports, studies and literature reviews seeking to establish that a certain amount of hours-based training reduces future crash risk but that connection has yet to be made. In 2008, the American Transportation Research Institute (ATRI) studied driver training's effects on safety performance.² ATRI compared training programs with total teaching times from 88 to 272 hours and found that "no relationship is evident between total training program contact hours and driver safety events when other factors such as age and length of employment are held constant."³ Similarly, the National Highway Traffic Safety Administration

¹ OMB Circular A-4, *Regulatory Impact Analysis: A Primer*, 8 (accessed online at <https://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf> on June 4, 2015) (September 17, 2003).

² *A Technical Analysis of Driver Training Impacts on Safety* (accessed online at <http://atri-online.org/2008/05/07/driver-training-impacts-on-safety/> on June 4, 2015) (May 2008).

³ *Id.* at 15-16.

(NHTSA) and the National Transportation Safety Board (NTSB) have researched the adequacy of teen driver education (for which a number of states mandate a minimum hours requirement) and its impact on future crash involvement. As NHTSA noted, reviews spanning decades “are uniform in failing to identify a crash reduction benefit for standard driver education programs.”⁴ Further, the NTSB recognized that “statistics have not shown whether driver education is beneficial for novice drivers in terms of reducing the incidence of crashes.”⁵

Nevertheless, ATA agrees with the NTSB that “[t]raining is necessary for skill development and proficiency in any activity, and, logically, driver education and training should provide such benefits for novice drivers.”⁶ For this reason, ATA supported the ELDTAC’s recommendations to improve the curriculum for Class A and Class B vehicles as well as Hazardous Materials, Passenger, and School Bus endorsements. ATA cannot support an hours-based requirement at this time and believes that further study of different training approaches is required before any meaningful conclusions can be drawn about the efficacy of any hours-based training requirement. Without an empirical underpinning, the committee’s recommendation of a particular hours-based requirement is purely arbitrary.

Contravention of White House Directives

Executive Order 12866 directs federal agencies in rulemaking to, where feasible, “specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.”⁷ This directive was recently reaffirmed in Executive Order 13563.⁸ “Performance standards express requirements in terms of outcomes rather than specifying the means to those ends.”⁹ OMB considers performance standards to be “generally superior” to design standards and directs agencies that in weighing performance standards versus design standards, “[the agency] should take into account both the cost savings to the regulated parties of the greater flexibility and the costs of assuring compliance through monitoring or some other means.” An hours-based requirement falls squarely on the side of specifying the means to meet the regulatory end. A performance-based objective, conversely, would specify the safety objectives that must be imparted to driver-trainees and require regulated entities to ensure that training ensures that driver-trainees achieve competence in those objectives.

The ELDTAC considered two performance-based proposals. One merely required training providers to “measure [the] student’s proficiency” in learning the required safety curriculum.¹⁰ The second envisioned “trip sheets” that would “track the skills covered in [the] model curriculum and allow for written documentation that the instructor has observed the

⁴ Thomas, F. D., III, Blomberg, R. D., & Donald L. Fisher, D. L., *A Fresh Look at Driver Education in America* National Highway Traffic Safety Administration Report No. DOT-HS 811 543, p. 11 (April 2012).

⁵ Safety Recommendation, National Transportation Safety Board (August 5, 2005), p.4, accessed online at http://www.nts.gov/safety/safety-recs/recletters/H05_25_26.pdf on June 4, 2015).

⁶ *Id.*

⁷ Executive Order 12866 § 1(b)(8) (October 4, 1993).

⁸ Executive Order 13563 § 1(b) (January 21, 2011).

⁹ OMB Circular A-4, 8.

¹⁰ Richard Parker, *Minimum Level of Effort Standards for CMV Entry-Level Driver Training: Three Approaches* (accessed online at <https://cms.fmcsa.dot.gov/advisory-committees/eldtac/prelevel-effort-proposals> on June 4, 2015) (May 27, 2015).

student proficiently demonstrate each demonstration skill.”¹¹ The second option also furthered the OMB’s directive that agencies design regulations that account for “assuring compliance through monitoring” with its trip sheets.¹² Both of these options are performance-based and ATA supported both options. If FMCSA adopts the consensus recommendation for an hours-based program into its proposed rule, ATA looks forward to reviewing the differences in costs and benefits between an hours-based approach and performance-based approach as part of the agency’s regulatory analysis.

Conclusion

In light of extensive research that has consistently failed to demonstrate any empirical link between training hours and driver safety, ATA cannot support the consensus recommendation for adopting an hours-based behind-the-wheel requirement. The ELDTAC considered two performance-based options, both of which would have been consistent with the approach favored by OMB. All parties on the ELDTAC supported performance-based training. Nevertheless, the ELDTAC ultimately adopted an hours-based recommendation to the exclusion of either performance-based option, with two ELDTAC members dissenting.

Ultimately, neither the underlying science nor the framework for adopting regulations supports an hours-based requirement. In the absence of empirical support for regulations that specify behavior or manner of compliance, the Administration’s guidance is clear: performance standards must be adopted. For the above reasons, ATA dissents from the portion of the ELDTAC consensus recommendations endorsing an hours-based approach to behind-the-wheel training requirements for entry-level truck drivers.

Sincerely



Boyd Stephenson
Vice-President, International Supply Chain Operations
American Trucking Associations

¹¹ *Id.* at 2.

¹² OMB Circular A-4, 8.

**National Association of Small Trucking Companies
Statement for the Record
of the
Entry-Level Driver Training Advisory Committee (ELDTAC)
June 5, 2015**

Rationale for Vote on Hours Requirement for Behind-the-Wheel Training

On Friday, May 29, 2015, the National Association of Small Trucking Companies (NASTC) cast one of two votes against requiring a set number of hours to the behind-the-wheel portion of Class A commercial driver's license entry-level training. This statement provides our rationale for that dissenting vote.

From the beginning of the ELDTAC's deliberations, consideration of the general question of whether to take an hours-based or performance-based approach to pre-CDL training arose and proved to be one of the more divisive, controversial issues before the committee. This is shown by the fact the issue remained unresolved until the very end of the ELDTAC's deliberations.

As an ELDTAC member representing companies in trucking, NASTC was consistently disposed toward performance-based training standards. With performance criteria, entry-level commercial drivers would likely be better prepared for the driver's license test, for the job, and for the road. From our member companies' perspective and position in the industry, this would seem to be the case.

Our survey of our members, conducted in relation to our serving on the Data Working Group of the ELDTAC, demonstrated little connection between type of pre-CDL training received and driver performance. This was borne out in respondents' actual crash data. Further, NASTC members generally do not hire newly issued CDLs as drivers, because insurers require certain minimum levels of professional driving experience. As small businesses in the trucking sector, NASTC members have small driving pools, more experienced drivers, low driver turnover rates, and low ratios for accidents per million miles driven.

Still, it stands to reason that if one masters the basic skills and maneuvers satisfactorily in a pre-CDL environment, based on an individual's performance behind the wheel, these new drivers would be somewhat better equipped to get through their first few years more safely and efficiently as commercial drivers. Performance in preparation generally translates into performance in action. Performance, therefore, would seem a more robust standard for entry-level driver training than hours.

Further, a performance basis would require each individual student driver to demonstrate acquisition of skills, while an hours basis would deliver greater

variation in a class of driving students' behind-the-wheel ability. Performance-based criteria assess individual skills acquisition during pre-CDL training on an individual level. Some student drivers will master a skill or maneuver faster than others, and individuals will vary by which skill may come faster or slower, or how quickly or slowly one masters all the required driving maneuvers.

Basing the behind-the-wheel training requirements on a set amount of hours was never established, throughout the ELDTAC proceedings, by evidence or substantiation to validate that hours is directly connected to driver qualification or performance or safety or anything other than having reached whatever the required amount of time is. Rather, an hours basis appears much closer to mere quantity over quality. That is, an hours-based training requirement would deliver quantity of training time, not necessarily quality of training result. This basic truth was never overcome by those advocating for hours, who should bear the burden of proof here.

The representative from the U.S. Department of Education confirmed to the ELDTAC that establishing a number of hours was not necessary or superior to adopting a performance basis in a training program.

The position of the organizations on the committee involved directly in providing driver training was that performance-based standards were superior to hours-based standards, based on their substantial, collective experience. Only at the end did those ELDTAC members give in to the demands of those vociferously advocating an hours-based approach. It was a move of pragmatism over professionally informed preference. NASTC is not criticizing the decision of the training entities, who had to make their own decision based on what is in the best interests of their members. Ours is just an observation.

Granted, the final compromise was less onerous, somewhat more flexible, and seemed less likely to impose excessive extra costs on aspiring drivers or training entities than would have been the case under the earlier bids of those demanding an hours basis. However, it became clear, during the closing discussions on this matter, that the initial 30 hours of behind-the-wheel requirements may represent the camel's nose under the tent. The advocates for hours-based standards refused to hold off initiating efforts to increase the number of hours until actual data from real-world experience under the 30 hours could be gathered and analyzed. This display of bargaining in less than good faith was telling and indicated to NASTC that 30 hours is only the beginning.

In light of this political sleight of hand on top of the principled foundation for our favoring performance over hours, NASTC opposed the imposition of an hours basis over a performance-only basis for behind-the-wheel training when the vote was called.

Several additional factors weighed into our vote. First, a set number of hours is somewhat arbitrary. This was illustrated when the hours advocates demanded “40 to 50 hours” behind the wheel in rejecting the training entities’ proffered 20 hours, and the final number, 30 hours, essentially splits the difference. Second, those most vigorously pressing the hours-based case were the ELDTAC members with the least “skin in the game” from the fact of their not having to live under the standards they put in place for others. Hours advocates will bear very little responsibility for any of the additional costs, inconveniences, barriers to entry, lost revenue or earnings, or regulatory burdens imposed under this hours basis. Third, the apparent mindset of the hours advocates is that if some hours are good, then more hours is always better. In the absence of hard data to back up the hours-over-performance decision or to justify “40 to 50 hours” as opposed to 20 or 30 or some other number of hours of behind-the-wheel training, coupled with the unwillingness to ensure that future hours levels reflect what experience and the market will show, we discerned that the push for the hours requirement may prove merely a wedge by which to obtain ever-higher hours requirements and sidestep calls for data to base more and more hours on.

At some point, the hours basis and the anticipated demands for increasing those training requirements before the rule is even finalized will result in extra costs and consequences that raise the costs on small trucking companies downstream from the entry-level drivers and their trainers. Those extra costs and regulatory burdens on the front end may exacerbate the driver shortage, as well as flow downstream to small carriers, shippers, and consumers. Therefore, NASTC believes the most prudent, rational basis for addressing behind-the-wheel training rests with performance, rather than an arbitrary number of hours. Thus, our vote.

* * * * *

Richard Parker

From: Sherlock, Brian <bsherlock@atu.org>
Sent: Friday, June 12, 2015 6:18 PM
To: richardparker.mediator@gmail.com
Cc: shannon.watson@dot.gov
Subject: Confirmation of Acceptance of the Final Package

Richard and Shannon,

The Amalgamated Transit Union supports the consensus recommendation, with a single reservation. That dissent is to the Class B Entry Level CDL Training Curriculum standard and is based upon a conviction that high quality providers of that training, currently operating in the United States, are correct in creating programs that offer far more hours behind the wheel than the specified 15 hours total and 7 hours on the road. In view of the death toll attributable to commercial motor vehicles, a training standard requiring less than a full day on the road, with an instructor assisting in real-world problem handling, is insufficient. That concern is compounded by the lack of any performance-based measure confirming that satisfactory basic skills have been developed in those minimal hours. For example, requiring that 4 turns be done sequentially without error would only require going successfully around one block, yet the standard fell short of requiring either that low level of confirmed performance or the far higher numbers of hours consistent with current best practice. Most importantly, real-world accidents – the reason for training - usually result from multiple errors in sequence, something not covered in a tiny number of hours inevitably spent just figuring out how to turn, back and complete other basic maneuvers. Real safety comes from teaching the avoidance of complex risk factors usually arising from anticipating and accommodating the behavior of others on the road. That cannot be learned in less than a day. Therefore, a total of only 15 hours of instruction behind the wheel sends beginners out to “learn from their mistakes” on public roads, in vehicles that can weigh many tens of tons. Although the standard will create a much-needed mechanism for tracking accident outcomes associated with individual training programs, it falls far short of its potential; to significantly improve safety on our roads.

Brian Sherlock
ATU International Safety Specialist
5025 Wisconsin Avenue, NW
Washington, DC 20016

APPENDIX B

Agreed Rules of Procedure of the ELDTAC Committee

Spring 2015

June 15, 2015

U.S. DEPARTMENT OF TRANSPORTATION

Minimum Training Requirements for Entry-Level Drivers of Commercial Motor Vehicles

Docket No. FMCSA-2007-27748

Negotiated Rulemaking Committee

Ground Rules

Agreed by Unanimous Consent, Feb. 26, 2015

1. Goal of the Negotiated Rulemaking Committee on Minimum Training Standards for Entry-Level Drivers of Commercial Motor Vehicles (“Committee”)

The goal of the Committee is to, in good faith, reach consensus on a recommended rule on federal minimum training standards for entry-level drivers of commercial motor vehicles as required by the Moving Ahead for Progress in the 21st Century Act¹ (MAP-21) sec. 32304 (see Annex). The objective is that each party will support the consensus recommendation formed by the Committee.

2. Participants

- a. **Interests Represented.** Any interest that would be significantly affected by the rule may be represented in the negotiations.
- b. **Parties to the Negotiations.** The Committee consists of those individuals whom the Administrator appoints, as nominated by the affected interests. Each organization or interest caucus that is directly represented on the Committee shall be deemed a party to the negotiations.
- c. **Committee Members.** Each Committee member appointed by the Administrator agrees to serve until the dissolution of the Committee unless that member becomes unable to serve, resigns, or ceases to maintain the representational requirements.
- d. **Alternates for Committee Members.** Each party to the negotiations may designate an alternate Committee member. Alternates may substitute for Committee members in the event the member cannot attend a session of the Committee. Only Committee members may vote on any consensus recommendation, and any alternate casting a vote shall do so on behalf of the Committee member, and not as a representative of their own organization’s interest, if different. Alternates may vote on the final recommendation only on the instructions of their principal.

¹ Pub. L. 112-141, 126 Stat. 405 (July 6, 2012).

- e. **Additional Interests.** Additional organizational interests may join the Committee after negotiations have begun only with the consensus of the Committee.
- f. **Attendance and Participation at Meetings.**
 - (1) Attendance. Each Committee member agrees to make a good faith effort to attend every session of the Committee. In addition, the Committee member's alternate agrees to make a good faith effort to attend all Committee meetings and to represent the interest at any meeting that the member is unable to attend.
 - (2) Participation. Only Committee members or their alternates have the privilege of sitting at the negotiating table. Any party may speak from the floor during the negotiations; however, the Committee may limit discussion as needed to resolve issues in a timely manner.
- g. **Constituents' Interests.** Committee members are expected to represent the concerns of their interest group to ensure that any agreement developed by the Committee is acceptable to the organization or caucus which the Committee member represents.

3. **Decision making**

a. **Consensus.**

The Committee will operate by consensus which, for these purposes, means no more than 3 negative votes. Abstention shall not be construed as a negative vote. All agreements reached during the negotiations are tentative and may be made by the members present at the meeting or their Alternates who attend a meeting in their stead until the Committee reaches an agreement that is binding on the parties. Any dissenting views will be included in the final Written Statement to the Administrator in terms agreeable to the dissenting party.

b. **Subcommittees**

- (1) Subcommittees may be formed to address specific issues and to develop information for, advise, and make recommendations to the Committee. Other individuals who the Committee believes would enhance the functioning of a subcommittee or representatives of interests that would be significantly affected by the topics addressed by the subcommittee but which are not otherwise represented on the Committee may also serve on that subcommittee. Not all organizations or interest caucuses represented on the Committee need to participate in each subcommittee.
- (2) The Federal Motor Carrier Safety Administration (FMCSA) will provide appropriate support for the Committee and the subcommittees, including senior technical staff, clerical support, and so forth.

- (3) Subcommittees are not authorized to make decisions for the Committee as a whole, but shall submit their report, including any recommendations, to the full Committee.
- (4) Subcommittee meetings will be held between the full sessions and will be scheduled in the same location and time whenever possible. All Committee members will be notified via email of all subcommittee meetings.
- c. **Discontinue if Unproductive.** The Committee may discontinue negotiations at any time if they do not appear productive.
- d. **Deadline for Negotiations.** Every reasonable effort shall be made to conclude negotiations by May 29, 2015; a Written Statement shall be submitted to FMCSA by June 15, 2015 regarding the status and include any agreed-to Term Sheet.

4. Agreement

- a. **Term Sheet and supporting analysis.** Any agreement reached by the Committee on recommended rules will take the form of a Written Statement that will be signed by all parties to the negotiations; the Written Statement will contain all voting results. It is anticipated that the agreement will include a Written Statement that includes (a) a Term Sheet outlining the significant terms of the Proposed Rule and (b) supporting analysis as needed to explain and justify the agreed-to terms from a legal and policy perspective. Members dissenting on particular issues should provide the basis for their negative vote. FMCSA staff will be responsible for translating this Term Sheet and analysis into the language of a proposed rule, its supporting preamble, a Regulatory Impact Analysis, and all other appropriate materials necessary for the publication of a Notice of Proposed Rulemaking.
- b. **Statement as Basis for Notice of Proposed Rulemaking (NPRM).**

In the case of a unanimous vote, FMCSA agrees to use the Written Statement and any recommended regulations as the basis for the Notice of Proposed Rulemaking to the maximum extent possible, consistent with the agency's legal obligations. In the case of a non-unanimous vote, where FMCSA is not a dissenting vote, FMCSA agrees to use the Written Statement in any recommended regulation. In the case of a non-unanimous vote where FMCSA is a dissenting vote, FMCSA agrees to strongly consider the Written Statement and recommended regulation as the basis for a Notice of Proposed Rulemaking, and to explain in such notice its reasons for not accepting the consensus recommendation. FMCSA will include the consensus recommendation and any dissenting views in any proposal issued.
- c. **Public Comments following publication of the NPRM.** The Committee members request FMCSA to provide a comment summary of the comments received in response to the published Notice of Proposed Rulemaking to the Committee so that

the Committee may provide its recommendations -- prior to issuance of a Final Rule -
- on what, if any, changes to the proposed rule are warranted based on those
comments.

- d. **No Challenge.** Each Committee member agrees to make good faith efforts to represent its affected interests, including raising concerns and dissenting views. Accordingly, each Committee member who votes in favor of the Written Statement agrees not to take a position materially inconsistent with the Written Statement or the position that a member supported in the Written Statement in any public forum to the extent that the proposed or final rule have the same substance and effect as the Term Sheet, for a period of one year from the date the Written Statement is approved. In the absence of consensus, parties shall not be bound by positions taken or accepted during these negotiations. Subsequent to filing the Written Statement with FMCSA, if a member reiterates a dissent it supported in the Written Statement, any member or organization whose representative voted in favor of the Written Statement shall disclose that fact in any later comments on the Written Statement.

5. Facilitator

A neutral facilitator will work with all the parties to ensure that the process runs smoothly. The facilitator serves at the will of the Committee.

6. Meetings

- a. **FACA and NRA.** The negotiations will be conducted under the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act of 1990 (NRA).
- b. **Open Meetings.** Negotiating sessions will be announced in the Federal Register prior to the meeting and will be open to the public.
- c. **Meeting Transcripts.** The proceedings will not be electronically recorded, but summaries of Committee meetings will be circulated for the convenience of the Committee. Such summaries shall not be approved by the Committee and shall not be construed or taken to represent the official position of FMCSA, the Committee or any member as to what transpired at Committee meetings. No photographs may be taken during meetings without the approval of the Committee.
- d. **Work Product.** Any documents created during the Committee meeting will be made available to the Committee members as soon as possible.

7. Future Amendments

Committee members may propose modifications to this document, with due consideration given to such proposals.