



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

November 29, 2016

The Honorable John Thune  
Chairman, Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to provide written notification concerning section 32708 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141). Section 32708 requires the Federal Motor Carrier Safety Administration (FMCSA) to evaluate the feasibility, benefits, and costs of establishing a system of certification for public and private schools and motor carriers and motorcoach operators that provide motorcoach driver training.

The Federal Highway Administration's Office of Motor Carriers, FMCSA's predecessor agency, published an initial model motorcoach curriculum in 1994. The FMCSA's Office of Motor Carriers commissioned an update to the content and media of that model curriculum in consultation with the motorcoach industry and a technical working group. This year, FMCSA will begin testing this new draft curriculum with a number of carriers and trainers.

On December 26, 2007, the FMCSA published a Notice of Proposed Rulemaking (NPRM) seeking public comment on enhanced entry-level driver training (ELDT) requirements (72 FR 73226). The proposed rule would have applied to drivers who apply for a commercial driver's license (CDL) beginning 3 years after a final rule went into effect. Following that date, persons applying for new or upgraded CDLs would have been required to successfully complete specified minimum classroom and behind-the-wheel training from an accredited institution or program. The NPRM would have required third-party certification of driver training institutions. The FMCSA proposed that the State driver licensing agency issue a CDL only if the applicant presented a valid driver training certificate from an accredited institution or program.

Motorcoach operators submitted docket comments strongly opposing third-party certification of training institutions. They noted that training schools currently focus on future truck drivers, to the virtual exclusion of bus drivers. As a result, bus companies would need to train their own drivers, and obtaining certification of that training from a third party would be expensive and disruptive for these operators, many of which run only a few buses. Congress enacted MAP-21 section 32708 to address concerns raised by the motorcoach industry.

In 2013, the FMCSA held listening sessions on driver training at various stakeholder conferences and asked its Motor Carrier Safety Advisory Committee (MCSAC) to provide ideas FMCSA should consider in implementing the MAP-21 ELDT requirements (section 32304). In its report to FMCSA, MCSAC advised against certain elements of the 2007 NPRM. Based on all of this feedback and in light of the new MAP-21 requirements, FMCSA withdrew the 2007 NPRM on September 19, 2013 (78 FR 57585).

The MCSAC report affirmed that all of our stakeholders want training for all commercial motor vehicle (CMV) drivers, differing only in the application and composition of such training. In 2014, FMCSA hired a convener, Richard Parker, an attorney and law professor, to interview key stakeholders on the issue of driver training and to assess the feasibility of conducting a negotiated rulemaking ("Reg Neg") on ELDT. In his convening report to FMCSA on November 26, 2014, Mr. Parker recommended that FMCSA proceed with such a Reg Neg.

On December 10, 2014, FMCSA established a Reg Neg committee via notice in the Federal Register, hired Mr. Parker as facilitator, and requested applicants and nominations for its membership. FMCSA Administrator T.F. Scott Darling III announced the committee appointments in the Federal Register on February 12, 2015. Chartered by the Secretary of Transportation and composed of 26 members, the Entry-Level Driver Training Advisory Committee (ELDTAC) included members from driver organizations, CMV 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, as well as FMCSA as a full member.

The ELDTAC held six 2-day meetings between February and May 2015. Mr. Parker submitted the Committee's report on June 15, 2015, and, based on its consensus recommendations, FMCSA published an NPRM on ELDT on March 7, 2016 (81 FR 11944). The NPRM is available online at [www.gpo.gov/fdsys/pkg/FR-2016-03-07/pdf/2016-03869.pdf](http://www.gpo.gov/fdsys/pkg/FR-2016-03-07/pdf/2016-03869.pdf) and proposes the following actions:

- Establish a definition of entry-level driver training and its component parts (i.e., passenger, hazardous materials, etc.).
- Develop an appropriate curriculum for drivers, in consultation with experts on driver training that includes performance- and hours-based elements as well as specific modules for drivers of passenger carriers, school buses, and hazardous materials.
- Propose a National Registry of Training Providers, which will require driver training providers to meet criteria established by FMCSA and subject their operations to periodic review and potential audits.
- Outline costs and benefits associated with the proposed requirements.
- Recommend how driver trainers will certify completion of training and provide appropriate enforcement and monitoring of standards. Instead of the third-party certification of training institutions proposed in 2007, the NPRM would allow entities that want to perform driver training to self-certify that they meet the requirements of the rule, thus reducing training costs to the motorcoach segment and other motor carriers.

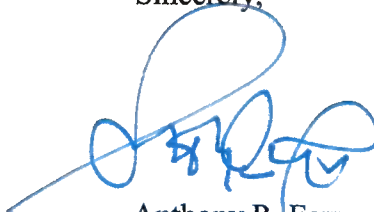
Pursuant to section 32708 of MAP-21, ELDTAC and FMCSA re-examined the issue of certification, along with other issues raised by the 2007 NPRM, and resolved the problem by proposing a cheaper, simpler alternative that satisfies the purpose of section 32708.

On March 15, 2015, the U.S. Court of Appeals for the DC Circuit issued an order holding the mandamus petition against FMCSA in abeyance while FMCSA meets agreed-upon steps toward completing the rulemaking. The Department remains committed to issuing a final rule on driver training by late 2016. As the final rule will be published by year's end, FMCSA submits this report to the committees as completion of the section 32708 reporting requirement.

I have sent a similar letter to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security; the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House Subcommittee on Highways and Transit.

If I can provide further information or assistance, please feel free to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony R. Foxx', with a large loop at the top and a long horizontal stroke extending to the left.

Anthony R. Foxx