

MOTOR CARRIER SAFETY ADVISORY COMMITTEE

C/O: Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE

Room W64-232

Washington, DC 20590

June 17, 2013

The Honorable Anne S. Ferro

Administrator

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

Dear Administrator Ferro:

In December 2012, the Federal Motor Carrier Safety Administration (FMCSA) tasked the Motor Carrier Safety Advisory Committee (MCSAC) with identifying ideas and concepts the Agency should consider in moving forward with a rulemaking on entry-level driver training, as required in the Moving Ahead for Progress in the 21st Century Act (MAP-21).[[1]](#footnote-1)

The MCSAC met in public meetings on December 3-4, 2012, and April 8-9, 2013, to discuss Task 13-01. In formulating its ideas and recommendations, the Committee considered, where possible, whether the concepts identified were supported by research, data, and/or cost-benefit considerations. The resulting ideas and recommendations are attached as the Task 13-01 Report.

On behalf of the MCSAC, I submit this report to FMCSA for its consideration.

Sincerely,

//signed//

Stephen C. Owings

Chairman, Motor Carrier Safety Advisory Committee

Enclosure

**MCSAC Task 13-01: Recommendations on Minimum Training Requirements for**

**Entry-Level Commercial Motor Vehicle (CMV) Operators**

Introduction

In Task 13-01, FMCSA requested that the MCSAC identify ideas and concepts FMCSA should consider in moving forward with a rulemaking to implement the Moving Ahead for Progress in the 21st Century Act[[2]](#footnote-2) (MAP-21) requirements relating to entry-level driver training (ELDT). MAP-21 included a provision requiring “that the training regulations address knowledge and skills for motor vehicle operation, specific requirements for hazmat and passenger endorsements, create a certificate system for meeting requirements, and require training providers to demonstrate that their training meets uniform standards.” This report reflects the MCSAC’s deliberations with respect to this topic and includes background discussion and rationale to support each recommendation. The first section of the report addresses issues related to the scope or applicability of ELDT requirements. The second section focuses on the Committee’s ideas surrounding areas of key comment on the 2007 notice of proposed rulemaking (NPRM) that addressed ELDT.[[3]](#footnote-3) Finally, the third section of the report addresses the topic of continued or ongoing driver training.

1. **Who should receive ELDT?**
   1. The 2007 NPRM proposed requiring the following persons to complete ELDT:
      1. New commercial driver license (CDL) applicants who intend to operate under the authority of FMCSA;
      2. Drivers upgrading from one class of CDL to another; and
      3. Drivers whose licenses have lapsed after 4 years.
   2. The 2007 NPRM proposed that the ELDT requirements would not apply to persons who intend to operate exclusively in intrastate commerce.
      1. Rationale: The Agency has intrastate training authority but only authority to impose testing requirements for interstate CDLs.
      2. Many public comments suggested that FMCSA should not exclude intrastate CDL applicants from the ELDT requirements.
   3. MCSAC Recommendations: As proposed in the 2007 NPRM, FMCSA should require all entry-level CDL applicants under FMCSA jurisdiction to complete ELDT.
      1. Drivers whose CDLs have lapsed: Driver applicants attempting to reinstate a lapsed CDL should be subject to some training requirements but the Agency should consider requiring something less than full ELDT.
      2. CDL Renewals: The Agency should consider requiring continuing education training if a driver has a poor driving record (e.g., crashes, license revocations, critical violations).
         1. Rationale: Provide incentives and regulatory relief for good driver performance (e.g., no reportable accidents or critical violations).
         2. Continuing education requirements should be implemented after ELDT.
      3. If a driver’s CDL is downgraded due to a lapsed medical certification or a delay in processing by a State agency, that driver should not have to complete ELDT again.
   4. Jasny [Advocates for Highway and Auto Safety (Advocates)] recommended that drivers licensed for less than 2 years also receive ELDT.
   5. MCSAC discussions regarding intrastate CDL applicants:
      1. Some members suggested that ELDT should be required for all new CDL holders (interstate and intrastate).
      2. FMCSA could consider imposing ELDT requirements for intrastate drivers, either through Motor Carrier Safety Assistance Program (MCSAP) requirements (i.e., States would have to establish compatible intrastate ELDT as a condition to receive funds) or by seeking a change in statutory authority from Congress to allow the Agency to mandate ELDT requirements for intrastate drivers.
      3. However, if doing so would delay a CMV ELDT final rule, the Agency should pursue intrastate ELDT requirements separate from an interstate driver training rule.
      4. Potential challenge: MCSAP grantees may not have authority over CDL training. Usually the CDL-issuing entity is a State insurance or licensing authority.
      5. State laws must be compatible (as defined in 49 CFR part 350) and States should adopt parallel ELDT rules for intrastate commerce or fall within already established limited variances.
2. **How FMCSA Can Address Key Comments on the 2007 NPRM**
   1. **High rule costs and lack of quantitative safety benefit data from training**
      1. 2007 NPRM: Costs of proposed ELDT would be approximately $176.4 million per year. Crash reduction resulting from ELDT would have to be approximately 20% for the benefits to equal the rule’s costs.
         1. Public comments: High annual costs for little or unknown quantitative safety benefits.
      2. MCSAC Comments:
         1. Is there data that shows a correlation between ELDT and decreased crashes or critical safety incidents?
         2. Is the data sufficient to perform a quantitative cost-benefit analysis?
         3. What is the relationship of experience/age to crashes?
         4. What specific training skill areas are more beneficial?
         5. Has the Agency looked outside commercial driving to other safety training and whether it can be correlated with reduced safety risks (increased safety benefits)?
            1. The Occupational Safety and Health Administration (OSHA) hazardous materials training requirements mandate a minimum of 40 hours. Were those requirements based on quantitative justification of evidence-based reduced risks?
      3. MCSAC Recommendations:
         1. FMCSA should consider results of ongoing research studies to perform the most adequate cost-benefit analysis.
         2. FMCSA should request data or conduct a survey of carriers with existing internal training programs and any correlations between training and reduced safety risks, return on investment, etc.
         3. In addition to fatal crash reduction benefits, the Agency should consider quantifying the benefits of reduced inexperienced driver attrition in carrier finishing programs, avoided injuries, avoided property damage from minor freight yard crashes, and fuel and maintenance cost savings that well-trained entry-level drivers would achieve.
         4. FMCSA should update safety benefits based on U.S. DOT’s new value of statistical life policy.
         5. The Agency should undertake additional research and/or analysis relating to the population of entry-level drivers and entry-level driver safety performance (using the 2007 proposed rule definition of “entry-level driver”).
   2. **Accreditation** 
      1. 2007 NPRM: The Agency proposed allowing accrediting organizations to approve truck driver training programs. Accrediting organizations must be recognized by either the Department of Education (DOE) or Council of Higher Education Accreditation (CHEA).
         1. Rationale: FMCSA does not have jurisdiction/authority over training organizations.
         2. Public comments: Commenters wanted either a third party or FMCSA to certify the accrediting organizations. Some commenters mentioned the effect of these programs on student loans because FMCSA was setting a Federal standard for entering an occupation.
      2. MCSAC Comments:
         1. The Committee has concerns that accreditation does not necessarily involve the evaluation of the quality of a program or course materials; it does involve the evaluation of the financial stability of the institution.
         2. Accreditation is only a snapshot-in-time evaluation of a program.
      3. MCSAC Recommendations:
         1. ELDT programs should have to use an approved curriculum or submit curriculum to the Agency for approval.
            1. FMCSA should consult with existing accrediting organizations regarding quality assurance in educational training programs. FMCSA should use this information to establish certain aspects of its approval process.
            2. The Agency should also consult with industry or other entities that have experience with successful training programs to be informed by existing best practices.
         2. After obtaining approval of its curriculum, ELDT programs should be able to self-certify that they are meeting the Federal ELDT curriculum and all testing requirements on an ongoing basis.
         3. There should be an enforcement component of ELDT program certification.
            1. The Agency should require approved programs to report how many students they enroll and how many pass training.

Additionally, the Agency should consider the value of requiring approved programs to submit ELDT program graduate names and CDL numbers to FMCSA. By following the safety record of ELDT graduates, this information could be used to evaluate the success of approved ELDT programs.

It would be ideal for the Agency to have data on any finishing school attended by an entry-level CDL driver.

* + - * 1. FMCSA should require training programs to renew their approval periodically.
        2. The Agency should consider the value of a program review function (i.e., periodic or targeted review of approved ELDT programs).
      1. If a program can achieve standards sufficient for certification, it should be able to serve as an approved Federal ELDT program, regardless of size (students trained per year).
      2. Some MCSAC members expressed concerns of the impacts that these recommendations would have on the motorcoach industry because there are not enough training programs/schools for motorcoach drivers.
    1. Instructor Qualifications:
       1. 2007 NPRM: The Agency proposed minimum classroom and instructor requirements (at 49 CFR 380.609).
       2. MCSAC Recommendation: FMCSA should issue Federal standards for training instructors.
          1. When developing these standards for instructors, the Agency should consult with States and companies that have existing programs.
          2. Like driver standards, any instructor standards should be based upon demonstrated skill rather than duration of service. (Note back to U-shaped driver performance curve over driver age.)
       3. MCSAC Comment: Teamsters trainers are required to have knowledge of adult-based learning approaches and students are required to pass drug and alcohol tests before participating in training.
    2. MCSAC Recommendation: FMCSA should eventually have data on all accredited schools, ELDT programs, and qualified instructors.
  1. **Training approach: Minimum hours and performance-based requirements**
     1. 2007 NPRM: The Agency proposed an hours-based training requirement (along with curriculum).
        1. Public comments: Several commenters pressed for a performance, rather than a minimum hours requirement, approach to measure skills.
           1. One commenter presented a detailed testing approach to measure performance.
           2. Comments were received in support of both an hours-based approach and a performance-based approach to training requirements.
     2. MCSAC Recommendations: 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.
        1. Rationale:
           1. Mandating both a minimum behind-the-wheels hours requirement and performance-based requirements would ensure that everyone is held to the same standard and that training programs are effective.
           2. Requiring a minimum content would ensure some required hours.
        2. Minimum classroom/online training hours for curriculum review are not necessary if performance-based testing requirements can test sufficiently and ensure the required competencies.
           1. Rationale: Establishing minimum performance-based competency levels would eliminate the unnecessary costs of requiring hours beyond that required to demonstrate the necessary skill.
           2. Setting performance-based requirements at a high competency level would serve as an alternative for the need for minimum training hours.
           3. If drivers do not achieve minimum performance requirements, more training hours should be necessary.
        3. Different sections of curriculum could have recommended hours for appropriate presentation of the content.
        4. FMCSA should explain any deviation in hours requirements from the model curriculum.
        5. Caveat: The Agency should evaluate and consider the recent U.S. Department of Education policy statement regarding accredited education programs with hybrid certification approaches (i.e., hours requirements + performance-based measurements), and whether potential future drivers (including veterans) would be eligible for Federal education funds for purposes of any required ELDT programs.
           1. FMCSA should establish ELDT approaches that would allow CDL applicants to be eligible to receive Federal education grants and loans.
           2. Alternatively, FMCSA could apply to the U.S. Department of Education for an exemption from that policy for ELDT.
           3. If the ELDT requirements are such that entry-level drivers would not qualify for Federal loans and grants, the Agency should consider this effect in the cost-benefit analysis.
        6. FMCSA should consider the benefits of simulation testing as satisfying some of the requirement for behind-the-wheel training because some skills can effectively be taught in simulator and this may lower the cost of the rule (fuel savings, less property damage, etc.). (Support – 8, Oppose – 9)
        7. FMCSA should consider permitting simulator hours in addition to behind-the-wheel hours requirements but not as a substitute. (Support – 9)
           1. Safety advocate members expressed concern about allowing simulator training at the expense of behind-the-wheel hours/experience.
        8. The Agency should consider the costs and benefits of requiring some minimal amount of (high-end, high-fidelity) simulator training reflecting conditions that cannot be simulated on a training course (e.g., mountain, adverse weather conditions, tire blowouts, skid control, traffic emergencies). This should not be used as a substitute for behind-the-wheel training. (Support – 7, Oppose – 4, Abstain – 1)
           1. Costs of simulators depend on complexity of the machine.
  2. **Implementation period length** 
     1. 2007 NPRM: The Agency proposed 3-year phase-in period (i.e., compliance date = 3 years post-final rule effective date).
        1. Public comments: Three years is an unnecessarily long implementation period.
     2. MCSAC Recommendations:
        1. FMCSA should determine whether or not existing driver training schools have the capacity and would accommodate all new entry level drivers following issuance of an ELDT final rule.
        2. If new training programs/schools are needed, 3 years is a reasonable compliance period.
        3. If existing schools could handle the total capacity of annual entry-level drivers (either as they exist now, or by expanding), less than 3 years might be appropriate.
           1. FMCSA must also consider the geographic availability of driver training programs: Would all entry-level drivers across the country be able to reasonably access an approved ELDT program?

On the other hand, many carriers hiring new drivers will send drivers to a distant training program if one is not available locally.

* + - 1. FMCSA should consider whether parts of the ELDT requirements could be implemented faster than others. For example, data collection could be implemented later than other aspects of the rule.
  1. **Length and details of curriculum**
     1. 2007 NPRM: The Agency proposed total minimum hours requirements of 120 hours (Class A applicants) and 90 hours (Class B/C applicants). The proposed hours were tied to unit headings of the curriculum (i.e., basic operation, safe operating practices, vehicle maintenance, etc.). Units of proposed training were tied to the 1985 Federal Highways Administration (FHWA) Model Curriculum, which are substantially similar to the 49 CFR part 383 knowledge topics.
        1. Public comments:
           1. The Agency did not go far enough with the proposed hours (because it did not propose the Model Curriculum’s 148 hours).
           2. The Agency did not receive much negative feedback on the curriculum topics.
     2. MCSAC Recommendation: FMCSA should look to companies that have successful, internal training programs and seek to understand their best practices in terms of length and content of curriculum.
        1. The Agency should talk to carriers that employ entry-level drivers that have graduated from training schools to get their feedback regarding the skills they view as necessary prerequisites for their employment or finishing schools.
     3. Consistency with 49 CFR part 383, subpart G requirements.
        1. MCSAC Recommendation: The Committee is in general agreement with the content of the 2007 proposed training curriculum.
           1. Rationale:

49 CFR part 383, subpart G requirements should serve as the basis of ELDT driver curriculum.

ELDT should ensure adequate knowledge and ability to perform consistent with the 383.111-383.113 requirements.

* + - * 1. The proposed ELDT curriculum topics may need some updating. For example, the Agency should consider including the following in the training curriculum (provided that adding these components would not create an additional rulemaking process):

Fuel efficient driving and

Distracted driving.

* + 1. MCSAC comments regarding curriculum updates:
       1. Members recognize that ideally the curriculum should be a dynamic component of the ELDT program to allow for updates to account for new training issues, e.g., new vehicle technologies.
       2. However, FMCSA could not require accreditation organizations or training programs to add to curriculum without a rulemaking if the required curriculum is in regulations (as proposed in the 2007 NPRM).
       3. The training curriculum constitutes *minimum* training requirements. Training programs/schools could add relevant topics.
       4. Because the 2007 proposed curriculum included education on Federal Motor Carrier Safety Regulations (FMCSRs), training programs should be responsible for updates to the FMCSRs (e.g., new distracted driving rules).
    2. Behind-the-Wheel Training
       1. Some MCSAC members urged that the minimum hours requirement for behind-the-wheel training should be greater than 44 hours (proposed behind-the-wheel hours requirement for Class A applicants in the 2007 NPRM).
       2. However, other MCSAC members do not support recommending the Agency require 44 hours without the supporting safety benefits.
       3. MCSAC Recommendation: FMCSA should examine the data and attempt to justify a minimum hours requirement based on safety benefits.
    3. MCSAC comments regarding driver qualifications:
       1. FMCSA could require training programs to check whether a driver is likely to meet minimum driver qualification requirements (e.g., medical standards, English competency, driving record, etc.) before enrolling the driver in the training program.
       2. Jasny (Advocates) does not believe such requirements are practical to impose on a training program.
  1. **Separate passenger carrier curriculum**
     1. 2007 NPRM: The Agency did not propose a passenger carrier-specific curriculum.
        1. Public comments: Several commenters stated the Agency should require a passenger carrier-specific ELDT curriculum.
     2. Many passenger carriers are conducting their own in-house ELDT.
     3. There are very few passenger carrier driver training schools. Most passenger carrier ELDT is done by passenger carrier companies.
     4. The 1985 FHWA Model Curriculum did include a passenger carrier curriculum.
     5. MCSAC Recommendation: FMCSA should require unique ELDT for entry-level motorcoach or school bus drivers (i.e., different from large truck ELDT).
        1. However, the Agency should pursue such ELDT on a separate and parallel rulemaking track if it would derail or delay implementing CMV ELDT.
        2. Certified motorcoach or school bus driver ELDT programs should ensure that drivers can safely perform necessary motorcoach or school bus driving skills.
        3. Part 383 knowledge and skills topic areas could also serve as a basis for motorcoach or school bus driver ELDT. The Agency should consider any recommended updates to part 383 specific for motorcoach or school bus operation.
        4. The Committee recommends that FMCSA expand the scope of the motorcoach hours of service subcommittee (Task 11-06) to include consideration of motorcoach-specific ELDT.
  2. **Availability of training in geographic areas**
     1. 2007 NPRM public comments: Some commenters stated that there might be a lack of accredited training programs in certain geographic areas.
        1. Rationale: If a training program must be in business for 2 years prior to applying for accreditation many schools may not apply for accreditation.
     2. MCSAC Recommendation: FMCSA should consider permitting the use of quality online training to satisfy part of the classroom hours requirements. However, the Agency should recognize that certain elements of training do not lend themselves to online training. For example, certain safety critical subject matter should be followed immediately by behind-the-wheel training.
        1. Rationale: This would help alleviate geographic concerns even though an entry-level driver would have to find behind-the-wheel training.
     3. MCSAC Comments:
        1. The free market is likely to ensure the availability of accredited training programs in sufficient locations where there is adequate demand.
        2. Some CDL applicants in remote areas may have to travel.
  3. **Effect on supply of new drivers**
     1. 2007 NPRM public comments: Some commenters stated that pre-CDL ELDT requirements would exacerbate the existing issue of a shrinking pool of qualified drivers.
     2. MCSAC Comments:
        1. FMCSA should consider that commercial driving is a high turnover industry.
        2. Low level of entry-level training and low barrier to entry may contribute to the high turnover problem.
        3. Increased training and fair compensation would help alleviate the high turnover problem.
  4. **Student driver tuition funding**
     1. 2007 NPRM public comments: Some commenters suggested that proposed minimum hourly requirements for the occupation of truck driving would eliminate student funding (Pell grants, etc.).
     2. MCSAC Comments:
        1. The hybrid approach (minimum behind-the-wheels hours + performance-based testing requirements) may address tuition funding issue because that approach would not set a minimum hours requirement for entry into the industry.
        2. It is important that a final rule be consistent with funding opportunities offered by the U.S. Department of Education and other government agencies.

1. **Continued Training**
   1. MCSAC Recommendation: FMCSA should eventually require or incentivize some form of continued education for drivers.
      1. However, continued education should be explored separately from the ELDT rulemaking.
      2. The Agency should consider other industries’ continued training programs to examine their applicability to CDL continued training.
   2. MCSAC Comments:
      1. Continued training (i.e., sustainment training) is different from finishing schools.
      2. The Compliance, Safety, Accountability (CSA) program is a possible tool to consider for use in continued driver training.
         1. For example, the Agency could examine what violations drivers are having and evaluating whether continued training should focus on certain issues.
      3. CDL renewal could be another opportunity to access drivers for purposes of continuing education (e.g., hazmat endorsement CDLs are required to take a written exam on renewal).
      4. Online continuing education could be low-cost option for drivers.
      5. Cooperation (potentially including incentives) would be necessary to get States on board with any continuing education tied to CDLs.

1. Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012). [↑](#footnote-ref-1)
2. Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012). [↑](#footnote-ref-2)
3. *See* *Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operations*, *Proposed Rule*, 72 FR 73226 (Dec. 26, 2007). [↑](#footnote-ref-3)