



**Minutes
May 14-15, 2015, Meeting**

The Federal Motor Carrier Safety Administration's (FMCSA) Entry-Level Driver Training Advisory Committee (ELDTAC) met on May 14-15, 2015, in Washington, DC. In accordance with the Negotiated Rulemaking Act, 5 U.S.C. §561-570, and the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2, the meeting was open to the public. Richard Parker, Facilitator, called the meeting to order at 9:00 a.m. on Thursday, May 14, 2015. The following individuals attended the meeting:

ELDTAC COMMITTEE MEMBERS

Lamont Byrd, Director of Health and Safety,
International Brotherhood of Teamsters
James Edwards¹, National Association of Small
Trucking Companies (NASTC)
Martin Garsee, Immediate Past President National
Association of Publicly Funded Truck
Driving Schools (NAPFTDS)
Scott Grenerth, Director, Regulatory Affairs, Owner-
Operator Independent Drivers Association
(OOIDA)
Clyde Hart,² Vice President of Government Affairs,
American Bus Association (ABA)
David Heller, Director of Safety and Policy,
Truckload Carriers Association (TCA)
Charles Hood, Executive Director, National
Association of State Directors of Pupil
Transportation Services
Peter Kurdock, Director, Regulatory Affairs,
Advocates for Highway & Auto Safety
(AHAS)
John Lannen, Executive Director, Truck Safety
Coalition
Kevin Lewis, Director, Driver Programs, American
Association of Motor Vehicle Administrators
(AAMVA)
Larry Minor, Associate Administrator for Policy and
Designated Federal Officer (DFO), FMCSA
David Money,³ Chairman, Board of Directors,
Professional Truck Driver Institute (PTDI)

David Parker,⁴ Senior Legal Counsel, Great West
Casualty Company
Ken Presley, Vice President, Industry Operations,
Chief Operating Officer, United Motorcoach
Association (UMA)
Bob Ramsdell, Chief Operating Officer,⁵ West
Durham School Services, National School
Transportation Association (NSTA)
Margaret Rohanna, School Bus Program Manager,
Massachusetts Registry Motor Vehicles,
Massachusetts Department of
Transportation (MASSDOT)
Lauren Samet, Assistant Director,
Paraprofessionals School-Related
Personnel, American Federation of
Teachers, AFL-CIO
Brian Sherlock, Amalgamated Transit Union, AFL-
CIO
Alan Smith, Director, Safety and Security,
Greyhound Lines, Inc.
Carl Spatocco, Regional Vice-President,
Educational Affiliates, Commercial Vehicle
Training Association (CVTA)
Bryan Spoon, Owner-Operator, Spoon Trucking
Louis D. Spoonhour, Senior Advisor for Commercial
Driver's License Programs, Stevens
Transport

¹ Mr. Edwards was replaced by his surrogate, Mr. Frey, for both May 14 and 15.

² Mr. Hart was replaced by his surrogate, Mr. Buchanan, for the afternoon of Friday, May 15.

³ Mr. Money was replaced by his surrogate, Ms. Dakita on Thursday, May 14.

⁴ Mr. Parker was absent the afternoon of Friday, May 15.

⁵ Mr. Ramsdell was replaced by his surrogate, Ms. Weber, for the afternoon of Friday, May 15.



Boyd A. Stephenson, Director Hazardous Materials and Commercial Licensing Policy, American Trucking Associations (ATA)
 Robert J. Tershak, Master Trooper, Virginia State Police, Commercial Vehicle Safety Alliance (CVSA)
 Ellen Voie, President and Chief Executive Officer, Women in Trucking (WIT)
 Ron Wood, DC, Volunteer Coordinator, Citizens for Reliable and Safe Highways (CRASH)

Surrogates:

Brandon Buchanan, ABA
 Marlene Dakita, PTDI

Ronna Weber, NSTA
 John Frey, Werner Enterprises

FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES

Bob Armstrong, Economist, FMCSA
 Brian Dahlin, Chief Economist, FMCSA
 Richard Clemente, Transportation Specialist, Office of Policy FMCSA
 Selden Fritschner, Chief, Commercial Driver’s License (CDL) Enforcement Division, FMCSA
 Sean Gallagher, Office of Policy, FMCSA
 Kari Hicks, Honors Attorney, FMCSA
 Jill Laptosky, Attorney, Office of the General Counsel, U.S. Department of Transportation (DOT)

Kim McCarthy, Regulatory Attorney, FMCSA
 Suzanne O’Malley, Assistant Chief Counsel for Regulatory Affairs, Office of Chief Counsel, FMCSA
 Howard Stone, Economist, FMCSA
 Alan Strasser, Regulatory Attorney, FMCSA
 Shannon Watson, Senior Policy Advisor and Deputy DFO, FMCSA

OTHER ATTENDEES

Shannon Allard, National Motor Freight Traffic Association (NMFTA)
 Chris Crean, Peter Pan Bus Lines
 Charity Coleman, DigitaliBiz
 Donnie Colston, International Brotherhood of Electrical Workers (IBEW)
 Sean Garney, ATA
 Karen Grim, Virginia DOT
 Susan Jaske, Wisconsin Motor Carriers Association (WMCA)
 Liz Joyce, DigitaliBiz
 Win Keller, DigitaliBiz
 Mary Beth McCollum, NAPFTDS
 Michelle McDermott, NSTA

David Mullen, IBEW
 Jeff Moller, Association of American Railroads (AAR)
 Liz Nadeau, Attorney, International Union of Operating Engineers (IUOE)
 Char Pingel, WMCA
 Dick Pingel, WMCA
 Sarah Powers, ICF
 Cynthia Shaffer, Volpe Center, DOT
 Mark Valentini, OOIDA
 Kevin Walgenbach, National Ready Mixed Concrete Association (NRMCA)
 Andrea Wohleber, Transportation Trades Department (TTD), AFL-CIO



COMMITTEE ACTION – DAY 1

Call to Order/Approval of Minutes

The ELDTAC voted unanimously to formally adopt the minutes from the Committee meetings of March 19-20, April 9-10, and April 23-24, 2015.

The agenda for this meeting was adopted unanimously. Agenda changes introduced during the meeting are noted below.

1. Report of the Core Curriculum Workgroup - Carl Spatocco, Regional Vice-President, Educational Affiliates, CVTA

Presentation

This iteration of the core curriculum document reflected comments from the previous plenary discussion. It was proposed that the discussion concentrate on the new changes to the document and to then approve as it stands, with the understanding that night operations will not be a mandate for behind-the-wheel (BTW) training.

Discussion Points

Accident Procedures

Suggestion that per American Transportation Research Institute (ATRI) report findings, consider expanding post-accident procedures instruction requirements on this document. Consider also adding this topic heading for endorsement curricula to address operation-specific post-accident procedures.

- The hypothesis for post-accident procedure training is that there is a direct correlation between these hours of training and success.
- Should this be the first course since it is so effective? Is there a standard curriculum for this?
- Suggestion to survey existing materials on this topic and draft suggested language to add.

External Communications

Suggestion to focus section on communicating with enforcement and inspection process. Suggestion to remove “company, customers, and general public” language.

Arguments for removing “company, customers, and general public”

- Schools may want to include that focus, but it should not be a requirement.
- If there is a topic heading on it, there is a risk that providers will feel like they need to address it in depth.
- There are rubrics for communicating with passengers in endorsement training.
- The onus is on the carrier to provide ongoing training on communications with customers.
 - Employers have a strong interest in informing employees how to communicate with company and customers. Do not want to muddle that message with general instruction.
 - A carrier does not want someone else to instruct communications with company and customers. It is about brand.



- Whistleblower/Coercion covers someone telling a driver to do something he/she is not supposed to do or that is illegal.
- This assumes communication is in English.
 - ESL/writing skills take an extensive amount of time. As desirable as they are, should be left alone.

Arguments against removing pieces of “company, customers, and general public”

- There is value in briefly and simply addressing “company, customers, and general public.” Effective communication is crucial in this industry.
- Communicating with customers is a huge issue. Need to keep “customers” in there.
- Should teach the value of communications, not how to communicate. It is attitudinal.
- Not everyone will be driving with a carrier that has its own policy.

Facilitator called for a straw poll on this specific revised language, striking “company, customers.” Scott Grenerth was opposed; all others in favor.

Fatigue/Wellness

The Workgroup had agreed that some of the language in these sections should be phrased as suggestions rather than requirements, using language “such as” in order to avoid being too prescriptive, while still providing necessary information. There was discussion regarding the inclusion of the language “diet, exercise, personal hygiene, and personal finances” and references to sleep apnea.

- Diet, exercise, personal hygiene, and personal finances do not relate directly to operating commercial vehicles safely and should be moved to a suggestion (as opposed to requirement).
 - The biggest drop off for drivers is in the first three months. They need a realistic understanding on what the impact is going to be on their lifestyle.
 - Talking about these topics may not be under the jurisdiction of ELDT.
 - Wellness is required by regulation. Basic health maintenance, including diet and exercise, must be included.
 - Fatigue and wellness are very much related.
- Suggestion for references to sleep apnea to be stricken.
 - Sleep apnea can end careers because it is part of the medical examination and is a major medical problem.
 - Suggestion to reference existing regulations regarding sleep apnea.
 - While it is important that drivers be educated as to what the medical requirements are, why is sleep apnea singled out?
 - Sleep disorders are a part of fatigue. Fatigue may not just be because of long hours.
 - Driver wellness is a safety issue. Suggestion to add “those behaviors that affect medical and physical qualification to operate a commercial vehicle.”
 - Proposal to change wording to “The issue 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 commercial motor vehicle.”
 - No objection to language as it stands now.



Emergency maneuvers and skid avoidance

Suggestion to combine this section with skid control and recovery.

- Current formatting follows model curriculum. Consistency with that format helps those working off model curriculum transition more easily to new curriculum.

Trip planning

- Proposal accepted to add language referencing the importance of Federal and State requirements on the need for permits and vehicle size and weight limitations.

How to adapt Class A curriculum for Class B

- Changes made to A will also be made to B.
- The primary difference is under coupling/uncoupling.
- Add language “as appropriate” to any tested skills portion will be address in this section.
- A change is made to both Class A and B curricula: “45 & 90 Degree Alley Dock Backing” is changed to “Alley Dock Backing (45/90 Degree).

Other

- **Public Comment**, Andrea Wohleber, TTD, AFL-CIO: Raised concern with the hours-of-service language on page four. Someone driving on the road could move to the rail side and not know hours-of-service (HOS) requirements. It might be confusing when they have to operate under entirely different system. Additionally, suggestion to remove “tractor trailer” language from coupling/uncoupling section.
 - This is Class A curriculum. Will Class B be different from this?
 - There is a need for a Class B curriculum, even though it slightly different. There is an issue of upgrading from B to A. With B, we remove references to tractor trailers.
 - Proposal to change to “combination vehicle” instead of “tractor trailer.” Can change this wording throughout document.
 - Need to check whether “combination vehicle” satisfies concern.
 - Suggestion that if the railroad is doing its own in-house ELDT, add language stating that HOS is applicable to different industries.
 - Language is proposed and added to address this and refer to existing requirements and regulations in effect.
- Proposal to add “if applicable” in front of log book language.
 - Instead add “and/or industry standard to track time/maintaining hours of service”
 - Language is proposed and added to address this.
- Class B curriculum needs to also include instruction regarding weight limits for vehicle classes.
- Request to more logically restructure order of items on document.

Facilitator called for a straw poll on all revised language, with the caveat that additional detail for post-accident procedures is TBD —passed unanimously.

Conclusion

Agreed upon changes in language were made to reflect plenary concerns.



- Action: Research existing materials and propose new language for post-accident procedures. This will be added to endorsements as well, in a manner so that it is unique to endorsement.
- Action: Change wording to “combination vehicle” instead of “tractor trailer” throughout document.
- Action: Discuss updated Curriculum A document in next Workgroup call.
- Action: Draft Class B curriculum based on Class A template in next Workgroup call.

2. Report of Passenger Bus Curriculum Workgroup - Ken Presley, Vice President, Industry Operations, Chief Operating Officer, UMA

Presentation

Minor changes made by the Workgroup were reviewed.

- For pre-trip section, restrooms and temperature control were added to reflect regulations.
- In baggage and/or cargo management section, hazardous materials (HM) regulations that apply to passenger carriers were added.
- The word “students” was changed to “trainees” throughout the document.
- Need to add a section for idling requirements.
- Under emergency procedures, post-accident procedures will be made into a separate unit.

Discussion Points

- Must ensure that safe clearance (i.e., high centering) is covered in Class A and Class B core curricula (theory only – not BTW).
- Proposal to add “as applicable” to seatbelt-use references in order to account for school buses.
- Need more emphasis on security and crime in theory portion of training.
 - Is the onus on the carrier?
 - Must teach countermeasures and reporting for potential criminal activity.
 - Language added to include “responding” to risks.
- For cargo management unit, it is suggested that the word “scanning” is misleading and is changed to “external visual inspection.”

Facilitator called for a straw poll on keeping the definition of Small Driver Training Programs to “programs that train, or expect to train, three or fewer entry-level drivers per year” —passed unanimously.

Conclusion

This document is not ready for a vote, as it still needs inserts regarding idling and post-accident procedures. Amendments will be made and brought to the next plenary for a vote.

- Workgroup will present updated document at next meeting.
- Workgroup will work on prescribing this language with more specificity for security and crime theory unit.



3. Report of Presentation of School Bus Curriculum and Certification Process - Bob Ramsdell, Chief Operating Officer, West Durham School Services, NSTA

Presentation

No changes were made to the document, as it was reviewed and accepted via straw poll at last meeting. A heading will be added for accident investigation and procedures. The Workgroup recommends self-certification.

Discussion Points

- How does certification work for endorsements?
- Suggestion that the process mirror core curriculum self-certification.
- There was no objection to this approach.

Conclusions

The document will be presented at the next plenary with new sections added.

4. Presentation of HazMat - Boyd Stephenson, Director Hazardous Materials and Commercial Licensing Policy, ATA

Presentation

Reviewed minor changes since last meeting, including a Pipeline and Hazardous Materials Safety Administration (PHMSA) request to include tank and rollover language.

Discussion Points

- A compromise was made with PHMSA to include requirement to view short video regarding cargo tanks, as there is rollover risk to all trucks.
 - This does not apply to cost benefit because the video is free on a website.
 - Should this be part of the core curriculum? Everyone needs to understand rollover characteristics of commercial carrier vehicles.
 - High center of gravity is addressed in the core curriculum. Cargo tanks have a higher center of gravity, therefore a greater rollover risk.
 - What if you are hauling water or milk? You will not see this.
 - It is in tank endorsement training where those trucks are covered.
 - There is rollover on flatbeds, van trailers etc., too, i.e. improperly secured wood or rolls of paper. So not just tank vehicles.
 - FMCSA supports including tank vehicle in the HM curriculum, as it is one of the biggest risk areas.
 - The committee agreed to leave the language as is.

Conclusion

Facilitator called for a vote on HazMat curriculum as it stands—passed unanimously.



5. Report on Information for Instructor Qualifications Across States - Howard Stone, Economist, FMCSA (This item was added to the agenda)

Presentation

Presented common qualifications for State licensing practices.

Discussion Points

- It is not expected that all existing providers will remain in business after the implementation of ELDT rule.
- Some States have educational licensing.
- Some States have instructor licensing independent of the schools.
- There are elements of statutes that are common, including age requirements, having a CDL or instruction level greater than what will be taught, continuing education requirements, ability to pass tests given, experience levels etc.
 - A few States do not require a CDL for classroom instruction.
 - The average number of years of experience is 3.3. The lowest level is 2. There are some caveats.
- Does an owner operator have to comply with State laws?
 - Some States clarify a private school as one that takes compensation.
- Under State laws, companies with internal training programs are exempt.
 - Some have deals that if a trainee stays employed with a company, there is no compensation, but if you leave company, you owe compensation.
- ELDT does not modify the applicability of State requirements.
- **Public comment** Liz Nadeau, Attorney, IUOE: What type of training are States referencing when they say 40 hours in Texas or other standards? Adult Education?
 - This refers to generic instructional training and industry-related regarding changes in law, maintenance of skills, etc.

**6. Report of Implementation and Enforcement (IE) Workgroup
Review and discussion of National Registry implementation document and phase-in period – Larry Minor, Designated Federal Officer, FMCSA**

Presentation

This is the process for assuring that those training providers that meet the proper requirements are placed on a registry that indicates they are training providers. Only those who appear on the registry are able to issue certificates that would qualify students to take the CDL exam. This certificate will be electronic. The premise is based on the existing National Registry of Certified Medical Examiners.



Discussion Points

Definitions

- This language is deleted in order to reflect the follow concerns: *“Meets applicable Federal and State laws and regulations to provide commercial motor vehicle driver training. Providers may include the following: private schools or training institutions; universities, colleges, community colleges, and their subdivisions; learning providers associated with trucking or motorcoach businesses; or individuals”*
 - This may eliminate owner/operators because they will not meet jurisdictional educational requirements.
 - The term “driver education” legally means different things in different States.
 - May need legal interpretation from FMCSA or elsewhere that says that commercial motor vehicle driver training is not driver education and therefore not subject to the jurisdictional requirements for driver education.
 - There may be individual jurisdictional issues to address at a later time.

Section III Requirements

- Workgroup will redraft to read that training provider must conform to the requirements of the applicable certification checklist.
- **Public Comment**, Liz Nadeau: Are there any municipal laws that would have to be complied with?

Issuance of certification to student

- “Student” is removed from heading
- “Electronically” is removed from in front of certification, as students should be able to receive paper copies/diplomas if that is an option at their school.
- Training provider sends completion information to the Registry, which sends that info to the State Driver Licensing Agency (SDLA), which will append to driver record.
- This language does not make clear who is issuing what to whom when. Proposal to amend language to fix this.
- The registry lists both certified providers and students.
- Where do workers’ rights come in? Students should get a certificate so they can take recourse if electronic submission is inadequate.
 - A piece of paper from training provider will not solve this problem without going through due process. A State will accept that piece of paper as proof.
- For the time limit in electronic submission, the clock starts running from issue date of certificate.

Requirements for Continued Listing

- A biennial update is required.

Conclusion

- Action: Workgroup will incorporate all changes discussed before next meeting.



7. Report of the Refresher Course Workgroup, Discussion of Employer-based Refresher Course Concept and Draft Refresher Course Curriculum - Bob Tershak, Master Trooper, Virginia State Police, CVSA

Presentation

Presented plan for instruction for refresher course for CDL-lapses. Because employers have to inquire about experience when hiring, it is suggested to use an employer mandate requiring drivers to take a refresher course if need be.

Discussion

- Proposal that Bob Tershak tapes his refresher presentation for use by those taking the theory portion. FMSCA would sponsor and post it on FMSCA website. This would make it very easy for an employer to meet this requirement. Could have test if desired.
- What about training providers issuing refresher courses? This says “employers.”
 - Was not intended only for employer. Could also be a training provider, but the main idea is that it is the employer who discovers that employee is stale.
 - Proposal to change to “trainers,” as opposed to “employer,” throughout document.
- Is this a separate cost-benefit analysis from ELDT?
 - This is just formalizing what employers may do already.
 - FMSCA already has responsibility to road test. This is not different from the pre-requisites that already exist for someone who failed the road test.
- This is for a former CDL holder who had already passed test. It fills in a gap.
 - If a driver obtained a CDL, then did not use license for five years, he/she is essentially still an entry level driver.
- Not all of these topics are in ELDT.
 - It was intended that this person has gone through ELDT once already and so must only go through an abbreviated amount of training.
 - In next iteration, cut topics not covered in initial ELDT training. If there are areas here that should be in ELDT, then can have that discussion.
- **Public comment**, Liz Nadeau: Does this have impact on workers’ employability? Do they need to get through a private entity? What cost would that be? Has there been analysis on those topics?
- If a CDL has lapsed, a driver will still have to take the test again and prove themselves. Is this within the Committee’s jurisdiction?
 - This was originally designed to deal with a “stale” driver.
 - This person has been renewing and keeping medical qualifications current. They care enough every 24 months to get a physical or CDL will get downgraded.
 - There are areas where you can “park” your CDL into an exempt state.
 - If someone lost license for one reason or another, they go through this instead of repeating initial ELDT training.
- What about teachers? They teach but are not driving; will they have to refresh?



- Defining a stale driver who still has a CDL is very difficult. Suggest offering refresher curriculum to driver with a lapsed CDL who would otherwise need to go through ELDT again; this would be a relief and help with costs. That would avoid having to define a timeline other than safe harbor. Suggest committee continues discussion but resolve provisionally that this is for drivers whose CDLs have lapsed for a period of time TBD. This adds cost to ELDT ruling.
- How do we deal with non-responses from previous employers?
 - People may be dishonest.
 - If you cannot verify, ELDT will be required.
- **Public comment**, Andrea Wohleber: For a lapsed CDL, is there a scenario where there is a lapse for a few days or a month or so? Medical cards may expire and a driver could not be aware. Concerned that they would have to pay for this refresher. Propose to define a time period for a CDL that has lapsed.
 - There was discussion regarding safe harbor for CDL that lapsed for a short amount of time.
- This will affect people who did not take ELDT before the requirement. There will need to be a transition period.
- What about third-party skills tests?
 - DMV could be gatekeeper – show something from third-party tester that you had a skills test.
 - This puts DMV in awkward position.
- **Public Comment**, Karen Grim, Virginia DOT: You would be allowed to test with third-party before you have completed training, but with DMV you could not take the test before doing the training. Third-party tester may not have knowledge of EDLT test taken.
 - People who do not take ELDT and try to get CDL after third-party test are a rare exception.
- Need to put in requirement for regulation that third-party test verify it has been 15 or fewer days.

Conclusion

There was no consensus regarding whether or not refresher training will apply to “stale” drivers.

- Action: Workgroup will incorporate all changes discussed before next meeting.
- Action: Reconcile refresher course curriculum with core curriculum topics and resolve discrepancies through appropriate deletions from refresher course or additions to core. Circulate revised core and refresher core curricula to appropriate working groups for online clearance.

The meeting recessed at 4:35 p.m. The Data Needs Workgroup met after the plenary meeting.



COMMITTEE ACTION – DAY 2

Call to Order

Richard Parker, Facilitator, called the meeting to order at 9:12 a.m.

8. Proposal for Curriculum Hours Survey – Richard Parker, Facilitator (This item was added to the agenda)

Presentation

A list of items that still need help from the Data Needs Workgroup will be circulated. Additionally, in order to determine a sense of cost for producing curriculum, it must be determined how many hours are required to teach this curriculum. It is proposed that committee members reach out to expert teachers within their organizations with a survey asking independent judgment as to how many hours are required to teach theory, range, and road portions of the curriculum. This is not an institutional position; names will not be attached, though may need to include affiliation and years of experience in teaching. This will help to also determine the incremental cost to teach this in addition to what is already being taught. Call for suggestions as to how to reach people at schools outside of the committee, including “diploma mills.”

Discussion Points

- There is cost to the training provider, but also on technical side: creating the registry, third-party entities accessing the registry for training verification, etc.
- Howard Stone, FMCSA: We welcome industry-specific data in addition to our existing methodology.
- Needs to be some consideration for distance and online learning.
 - Is the cost of doing online training a cost or is it cost of instructors' time?
 - Howard Stone, FMCSA: Whether classroom or online, we are looking at the opportunity cost of that student taking time out of work day. Need an understanding of differential between online vs. classroom.
 - There could be two different hours estimates: one for instructors and one for students.
 - There will be instructional designers who design online training.
 - There may be training providers that only provide theory (and not range or road), but right now they would not be able to be in the registry. Need to address in regulatory text.
 - Online costs 10 percent less than classroom training (industry standard).
- Asking in survey for student hours may muddy the waters, as some people learn faster than others.
- This rule creates a cost that does not exist—right now people do not have to go to school, but now they will have to go to certified provider. Cannot ignore cost on consumer end.
 - Training is already happening across the industry; therefore must focus on impact of incremental hours.
 - The majority of students who go to training providers because they want a job in the trucking industry, and in order to do that carriers are looking at where they properly train. If 70 percent of current trainees go to school, there will only be 30 percent difference.

Conclusion

Richard Parker will consult to see whether student costs are needed. The survey will be clear in what kind of hours are asked to be defined. Online vs. classroom training will be accounted for.

→ Action: The survey will be finalized and distributed.



9. Review of Draft Training Provider Asks for Institutional Training Providers - David Money, Chairman, Board of Directors, PTDI

Presentation: Checklist

- The term “checklist” may not be accurate.
- Changes in the documentation asked for as proof that the standard for certification is met.
- The term “school” was changed to “training provider.”
- At the bottom of each list of bulleted items, there is a training provider ask, which now changed to “suggested documentation” to use as verification of a submitted form’s accuracy during an audit.
- A request was added to require providers to attest that upon request they can supply documentation to verify to the agency that they have met all requirements.
 - This is simple documentation, not asking for anything that would not be available if requirements are met.

Discussion Points: Checklist

- This is a regulation, not a suggested regulation. Using “suggested documentation” will make life difficult for an auditor.
 - In some cases, you can demonstrate proof in a variety of ways. The idea was not to restrict the way proof is demonstrated.
 - You will still need student records for a certain amount of years and instructor documentation. There needs to be a baseline of have-to-haves, then good-to-haves and suggested haves.
 - Checkboxes indicate what you need to demonstrate. “Suggested” means this is a way you can guarantee you have it.
 - The application sides needs to be beefed up in order for self-certification to work.
- Regarding instructional personnel, note that a school bus “year” is not a calendar year, but 10 months.
- Suggestion to organize elements to provide theory, range, and road nomenclature to clarify what requirements are needed for each.
- Under course administration it states “must meet minimum DOT laws before training,” but community colleges, because of tax dollars support, are not allowed to refuse a person. Can disclose that training a person is futile, but cannot refuse to train them.
 - If preemption over State law is desired needs to be stated clearly. Does this rule have jurisdiction to preempt? FMCSA notes that they do not intend to preempt State law.
 - Publicly-funded school cannot refuse anyone. A student could still be taught theory, but would still be unable to obtain a CDL.
 - Wording is modified to “on-road training must meet all requirements” in order to address this.
- There is no language requiring the administration of a test.
 - Not comfortable requiring a written test; suggest instead a proficiency qualifier that an instructor signs off on.
 - The ultimate test is permit/skills test. Unless you are controlling the outcome via online standardized test, this is not great for small providers.



- It is your choice as a training provider how you want to assess skill.
- Proposal to ask for “record of assessment,” as opposed to “test.”
- Self-evaluation report (SER) is industry standard.
- Are there any records that are universal to every school?
 - No. There are best practices.
 - Are there certain items that, from an auditor perspective, would immediately raise red flags?
 - There are State requirements in play. There are variations across states on how long need to keep records.
- Powerful way to get CDL mills knocked out is requiring that a file be kept on each student
- Suggestion to indicate who is training provider that provided instruction, assessed proficiency, provided sign off in order to create accountability.
 - At a large school a trainee may encounter 8-10 different instructors, so this would not be practical.
 - Could the school administrator take accountability?
 - Administrator signature at end means they accept the assessment from all instructors.
 - Right now all you need is to identify the school. It is each school’s responsibility to have good trainers.
 - Clarifying language for this will need to be drafted.

Conclusion

- Action: Indicate which items are “must haves” and which are suggested. Update throughout document. Update document with additional language changes and reorganize to note which requirements are specific to range, road, and theory portions.

Presentation and Discussion Points: Form

- Dropped “private” from small business for-hire training providers. Last time this box was added to cover small for-hire providers. Needed to account for those doing it for profit.
 - Are unions covered here?
 - They would be private training provider.
 - **Public Comment**, Liz Nadaeu: We should have a box for joint-labor management training program.
 - This can be added under private training as an option.
 - How do you address pay-back programs?
 - Add in “prospective” employees.
- Tuition will not be displayed publically.
- For Third-Party Quality Control, there are examples to provide a sense of all categories of third parties.
- A section was added for narrative.
- This form would be filled out electronically, including screen prompts to walk a user through it.
- For tuition, how do you address different ranges of options?
 - What if discounts or sales are offered?
 - Proposal to modify to “average” tuition and “average to all training hours.”



- Proposal to change to training hours “planned,” as opposed to “provided.”
- How are theory-only providers identified?
- Responsibility should be with the final range and road trainer.
 - Asking them to certify those online schools is a burden.
 - It comes down to design of registry. It will need two categories: a knowledge check-off and skills check-off. The record does not get sent until both boxes completed. Both providers should be tracked (does not matter if online). Cannot take skills test until both those boxes are checked.
 - Would this be cost-prohibitive?
 - If we can add Commercial Driver's License Information System (CDLIS) fields without money or costs, then yes.
- Proposal: Have an entry in registry which includes name and information of training provider for both theory and range/road. Registry can reflect if one or both. Form should indicate this.
 - This is reflected in hour planned section of the form.
 - Add a row for online/classroom-only to form.
- Add box for doubles and triples to endorsement training offered section.
- There will be correlations between checklist and form.
 - Bolster attestation language and amend to require completion of the checklist eligibility requirements.
- It is possible to receive a permit without proving you did ELDT knowledge portion.
 - This ELDT theory portion is not CDL test preparation.
 - Students may think theory portion is covered because they got their permit.
 - Need to amend driver's license manual to reflect this.

Conclusion

This discussion was tabled. Changes discussed will be made.

→ Action: Incorporate changes discussed and recirculate for review.

10. Discussion of Complete ELD Definition Draft – Alan Strasser, Regulatory Attorney, FMCSA

Presentation and Discussion Points

This purpose here is to ensure everyone is comfortable with this regulatory language. The more nuanced issues regarding lapsed drivers will be discussed later.

- References to tank vehicles were removed, yet the hazmat curriculum will address tank vehicles containing hazmat, as discussed above.
- Suggestion to change “program” to “provider” for definition to be congruent with other decisions.
- Concern over term “reinstatement” because it has a legal meaning.
- Item “C” under “Applicability” needs clarification for refresher course option
 - No further training is required if less than x years have elapsed. Only refresher training is required for more than x years has elapsed.



- In order to address concerns regarding gaps in testing ELDT knowledge and skills portions, it is suggested that language be added to implement a concept that requires trainees that have completed the theory portion to complete the skills portion within 360 days.
- Proposal to add language to require individuals who administers skills tests to perform a theory evaluation in order to avoid fraud.

Facilitator called for a straw poll on requirement for trainees that have completed the theory portion to complete the skills portion within 360 days—passed unanimously.

Conclusion

Document will be revised based on discussion and then recirculated to committee members.

11. Discussion of Bracketed Items

An overview of the curriculum document was presented.

Discussion

Hours BTW

- If those hours are easy to meet, it is a threshold that gives a green light to people who meet them. If not specified, with the requirement for a credible training curriculum, there is flexibility for providers, but puts a lot of discretion on the agency to decide what is a credible number of hours.
 - Suggestion: Stakes behind issue may not be as high as previously thought, as the agency will have its own definition of the minimum number of hours required to teach this curriculum credibly. Those who do not meet that will be under scrutiny.
- This is a very important issue from the safety communities. BTW experience is invaluable in preventing crashes. There is tons of research, history, and precedent. If there is no minimum BTW requirement, no night-time driving requirement, and no third-party certification there is not enough in this proposal to be perceived as legitimate.
 - Graduated licensing with supervised driving yields crash reductions of 10-30 percent.
 - Why does PTDI require minimum hours training and why do pilots need minimum hours of training?
 - There is precedence for use of specific hour requirements in the 2007 NPRM, which was withdrawn by agency.
 - Look at other modes and there is evidence it works and makes a difference.
- We do not regulate to public opinion. We regulate to science and to facts. If this committee is going to push for minimum BTW, we need more data. All we know is inexperienced drivers have more crashes, but mostly property damage only.
- We have mandated a core curriculum that is detailed and prescriptive and includes range and road time, as well as a federal registry for training providers that can catch those who cut corners. A win for everyone.
 - It comes down to how much time does it take an individual to do that? It takes everyone different amounts of times to perform skills.
 - Either way BTW is required.



- BTW is range and road, could be specified just for road.
 - School buses are a special case.
- In Massachusetts after the 2007 NPRM was proposed, a State standard was enacted requiring 32 BTW hours for schools buses (combination between road and range), which resulted in major improvements.
- Suggestion to break down into hours for individual skills. PTDI standards do this.
 - When minimum hours were adopted, were they bare bones requirements or to differentiate what first class driving school offers?
- Suggestion to instead mandate a number of trips.
 - From safety standpoint more imperative to specify road hours (sticker price is down).
 - Need to look at minimum for seat time.
 - Could be a combination. Concerned about time driver has on road encountering real world incidences that will help to avoid crashes—interested in any mandate that will fulfill that.
 - Must be sure drivers can inform emergency responders to HM.
- Training providers will seek to differentiate themselves above minimum hours.
 - Incentives for altruism purposes or insurance to have safe drivers.
- Whatever number is identified is the number below which FMSCA would say “we do not believe you have a real curriculum.” If that is the case the stakes are not that high.
 - If no public requirement, FMSCA will set an effective, credible minimum number. Then they can modify that number, if warranted, based on practice and experience.
 - If a number is set and FMSCA finds it is too low or too high, a rulemaking process will be required to change it.

Facilitator called for a straw poll on bracketed issues, asking “Is it an acceptable metric, beyond passing a test, to include minimum requirements for hours, trips, or a combination?”— passed unanimously.

Conclusion

- Action: Committee members will consult with their constituencies regarding minimum hours/trips requirements.

PUBLIC COMMENTS

Comments were heard throughout the meeting from those in the public gallery and entered above under the relevant discussions.

ADJOURNMENT

The meeting was adjourned at 3:37 p.m. on Friday, May 15, 2015.



We hereby certify that the foregoing minutes are accurate, to the best of our knowledge.

____//signed//_____

Richard Parker, Facilitator

____//signed//_____

Larry W. Minor
Designated Federal Officer, FMCSA