**Motor Carrier Safety Advisory Committee (MCSAC)**

**Task Statement 13-1**

**I. Task Title**

Recommendations on Minimum Training Requirements for Entry-Level Commercial Motor Vehicle (CMV) Operators

**II. Background**

In the early 1980s, the Federal Highway Administration (FHWA) Office of Motor Carriers, predecessor to the Federal Motor Carrier Safety Administration (FMCSA), determined that there was a need for technical guidance in the area of truck driver training. Research showed that few driver training institutions offered a structured curriculum or a standardized training program for any type of CMV driver. A 1995 study entitled ‘‘Assessing the Adequacy of Commercial Motor Vehicle Driver Training’’ (the Adequacy Report) concluded, among other things, that effective entry-level driver training (ELDT) needs to include behind-the-wheel (BTW) instruction on how to operate a heavy vehicle.

In 2004, FMCSA implemented a training rule that focused on areas unrelated to the hands-on operation of a CMV, relying instead on the commercial driver’s license (CDL) knowledge and skills tests to encourage training in the operation of CMVs. These current training regulations cover four areas: (1) driver qualifications; (2) hours of service limitations; (3) wellness; and (4) whistleblower protection. In 2005, the U.S. Court of Appeals for the District of Columbia Circuit (DC Circuit) held that the Agency was arbitrary and capricious in promulgating the 2004 rule because it ignored an important conclusion of its own 1995 Adequacy Report, that BTW training is essential.

In 2007, the FMCSA published a Notice of Proposed Rulemaking (NPRM) seeking public comment on enhanced ELDT requirements. In the NPRM, FMCSA proposed revisions to the standards for mandatory training requirements for entry-level operators of CMVs in interstate operations that are required to possess a CDL. The proposal would apply to drivers who apply for a CDL beginning 3 years after a final rule goes into effect. Following that date, persons applying for new or upgraded CDLs would be required to successfully complete specified minimum classroom and BTW training from an accredited institution or program. The FMCSA proposed that the State driver-licensing agency would only issue a CDL if the applicant presented a valid Driver Training Certificate obtained from an accredited institution or program. The Agency indicated the rulemaking would strengthen the Agency’s ELDT requirements in response to the 2005 DC Circuit Court decision.

In the several years since the publication of the NPRM, the Agency has completed its review of the public responses to the proposal and initiated new research concerning driver training. The Agency has also begun exploring new alternatives for mining Motor Carrier Safety Management Information System (MCMIS) data and Commercial Driver’s License Information System (CDLIS) data to attempt to assess the safety performance of new CDL holders compared to more experienced CDL holders. In addition, the Agency has reexamined the regulatory options presented in the 2007 NPRM as well as its estimates of the driver population that would be subject to the requirements in response to the public comments. To that end, the Agency has essentially determined that it would be inappropriate to move forward with a final rule based on the 2007 NPRM.

The recently enacted Moving Ahead for Progress in the 21st Century (MAP-21, Pub. L. 112-141) contained numerous rulemaking requirements for FMCSA, including a mandate that FMCSA issue a Final Rule on ELDT by October 1, 2013. Section 32304 of

MAP-21 requires “…that the training regulations address knowledge and skills for motor vehicle operation, specific requirements for hazmat and passenger endorsements, create a certificate system for meeting requirements, and require training providers to demonstrate that their training meets uniform federal standards.” Additionally, MAP-21 required the Agency to complete a report to Congress on the feasibility, benefits, and costs of establishing a system of certification of [motorcoach] training programs.

**III. Task**

The Agency requests the MCSAC consider the history of ELDT legislative, regulatory and oversight efforts and identify ideas and concepts FMCSA should consider in moving forward with a rulemaking to implement the MAP-21 requirements. In preparing its letter report to the Agency, the Committee should, wherever possible, indicate whether the ideas or concepts identified are supported by research and data analyses, including cost/benefit considerations. The MCSAC meetings are open to the general public and the Committee should consider any ideas, information, and concepts identified by individuals making remarks during the meeting’s public comment period.

**IV. Estimated Time to Complete Task**

The MCSAC should begin work on Task 13-1 at its December 2012 meeting and should provide a letter report to the Administrator outlining recommendations on the ELDT program that the Agency could use to provide regulatory guidance on ELDT. The report should be submitted prior to the April 2013 meeting of the MCSAC.

**V. FMCSA Technical Representatives**

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