ENTRY LEVEL DRIVER TRAINING (ELDT)

NPRM OVERVIEW
ELDT NPRM

- Entry-Level Driver Training (ELDT) Notice of Proposed Rulemaking (NPRM) published in 3/7/16 Federal Register;
- Responds to Congressional mandate imposed under Moving Ahead for Progress in the 21st Century (MAP-21) §32304;
- NPRM “framework” based on consensus recommendations from the Entry-Level Driver Training Advisory Committee (ELDTAC).
The ELDTAC -- a negotiated rulemaking committee -- conducted six two-day meetings (February-May 2015);

Group reached consensus “framework” on May 29, 2015 for development of an ELDT proposed rule;

NPRM based on ELDTAC consensus agreement and Agency’s current statutory authority.
Negotiated rulemaking is a process which brings together stakeholder representatives and a Federal agency to reach consensus on the text and/or major concepts to utilize in a proposed rule;

- The NPRM reflects consensus recommendations of a negotiated rulemaking committee comprised of FMCSA and 25 stakeholders and responds to a Congressional mandate imposed under the MAP-21;

- The ELDTAC included FMCSA and a cross-section of representatives from motor carrier transportation, highway safety, driver training, state licensing, law enforcement, labor unions, and insurance organizations.
ELDTAC PARTICIPANTS

- Advocates/Hwy. Auto Safety
- AAMVA
- American Bus Association
- Paraprofessional & School Related Personnel, AFL-CIO
- Amalgamated Transit Union
- ATA
- CRASH
- CVSA
- CVTA
- Great West Casualty
- Greyhound Lines, Inc.
- Intl. Brotherhood of Teamsters
- FMCSA
- Massachusetts DOT
- NAPFTDS
- Natl. Assn. of Small Trucking Cos.
- NASDPTS
- Natl. School Transportation Assn.
- OOIDA
- PTDI
- Stevens Transport
- Spoon Trucking
- TCA
- Truck Safety Coalition
- United Motorcoach Association
- Women in Trucking
Basic “framework” of NPRM:

- Who is subject to the proposed rule;

- Curricula for Class A/B Commercial Drivers License (CDL) and Hazardous Materials (H); Passenger (P); and School Bus (S) endorsements; and

- Establishes a Registry and criteria for training providers to be listed – Training Provider Registry (TPR).
WHO IS SUBJECT TO RULEMAKING

• A person who must complete the CDL knowledge and/or skills test requirements prior to: (1) receiving the initial Class A or Class B CDL (inter or intrastate) or having a CDL reinstated; (2) upgrading a Class B or Class C CDL; or (3) obtaining an H, P or S endorsement on CDL;

• Definition does not include individuals for whom States have the discretion to waive the CDL skills test under 49 CFR 383, such as military veterans.
WHO IS SUBJECT TO RULEMAKING

• Applies to individuals who obtain the Commercial Learner’s Permit (CLP) on or after the compliance date (3 years after the effective date of the final rule);

• Any CLP holder 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.
Six separate curricula proposed:
  - Class A CDL;
  - Class B CDL;
  - Hazardous Materials (H) endorsement;
  - Passenger (P) endorsement;
  - School Bus (S) endorsement; and
  - Refresher training (R) requirement.

School Bus endorsement and Refresher training not mandated in MAP-21.
• ELDTAC agreed that the original Federal Highway Administration (FHWA) Model Curriculum would form the basis for initial discussions and training topics;

• Core curricula for Class A/B CDL training programs (and endorsement and refresher training) include: (a) theory; and (b) behind-the-wheel (BTW) instruction, with BTW occurring both on a “range” and a public road;

• Theory training – no minimum hours proposed; however, all curriculum topics must be covered and proficiency assessed.
• As proposed, Class A CDL trainees would be required to receive a minimum of 30 hours BTW training with a minimum of 10 hours spent on a “range” and either: 1) 10 hours public road; or 2) 10 road trips (no less than 50 minutes each). Remaining 10 hours may be split between road and range;

• As proposed, Class B CDL trainees required to receive a minimum of 15 hours of BTW (range/road) – minimum of 7 hours of public road driving.
To be placed on FMCSA’s Training Provider Registry (TPR) a person or institution must:

- Meet the applicable Eligibility Requirements;
- Complete and submit (online) a Training Provider Identification Report; and
- Affirm under penalties of perjury that they will teach the prescribed curriculum appropriate for that license or endorsement and that they meet the eligibility requirements.
Training provider requirements are divided into two categories:

- providers that train, or expect to train, more than three drivers per year; and
- providers that train, or expect to train, three or fewer drivers per year.

Rulemaking allows small businesses to continue to train drivers with minimal additional burden.

Rulemaking is crafted to not unduly burden small business.
TRAINING PROVIDERS

• Theory and BTW training may be delivered by separate providers;
• Both of these types of training providers must be listed on the Agency’s TPR;
• Both would submit training certificates (i.e., proof of training) to FMCSA.
• ELDTAC agreed upon a “Term Sheet” report that was primary foundation for NPRM;

• As proposal was being drafted, FMCSA Team discovered certain minor conforming changes that needed to be proposed:
  o DQ for refresher training;
  o written assessment by small training providers;
  o HM endorsement curriculum.
The proposed compliance date is 3 years from the effective date of the final rule;

Schedule:
- NPRM (March 2016);
- Final Rule (late 2016);
- Compliance Date (late 2019).
FOR MORE INFORMATION

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