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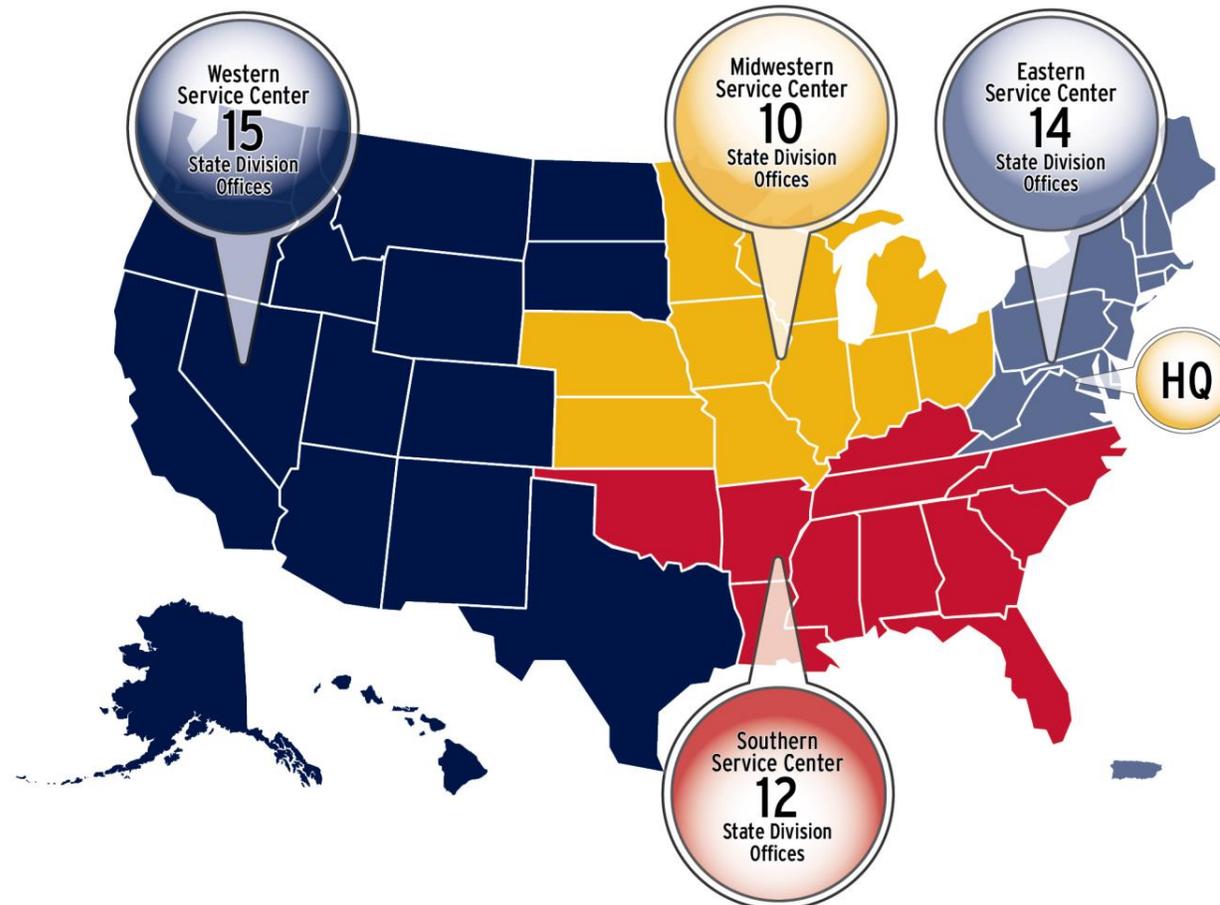


FMCSA Agenda:

- Who is FMCSA ?!
- ELDT & Tidbits
- FMCSA Updates
- Q & A – Open Discussion

FMCSA

The Federal Motor Carrier Safety Administration (FMCSA) is the Federal agency within the U.S. DOT responsible for safety oversight of commercial motor vehicle (large truck and bus) operations.



What to expect from FMCSA

Open Communication:

Open dialog to all carriers regardless of size, and our strong ability to work in harmony with carriers

Technical competency and problem-solving skills:

We'll provide every carrier the regulatory information, and the understanding as to 'how to comply' to federal regulations

Excellent service during our interactions:

We deal with different sorts of carriers, our customer-centric approach is of utter importance, remembering that we are the face of FMCSA

Free from harassment, bullying and discrimination during our interactions/interventions:

This is prohibited conduct

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

STRATEGIC PLAN



Our Mission

- Placing *safety* as our highest priority.
- Reduce crashes, injuries, and fatalities involving CMV transportation through education, innovation, regulation, enforcement, financial assistance, partnerships, and full accountability.

Strategic Plan

Our strategic plan establishes a framework that places safety as the highest priority and employs three core principles:

1. Raising the bar to entry
2. Requiring to maintain high safety standards
3. Removing high risk carriers and drivers

FMCSA Primary Activities

Commercial Drivers' Licenses:

- FMCSA develops standards to test and license commercial motor vehicle drivers

Regulatory Compliance and Enforcement:

- The Administration operates a program to improve safety performance and remove high-risk carriers from the Nation's highways



**Federal
Motor Carrier
Safety
Administration
Provider**



Question Regarding FMCSA?



Minimum Training Requirements *for* Entry-Level Commercial Motor Vehicle Operators



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

October 2021



ELDT Agenda

- **The ELDT Final Rule**
 - What does it require of CDL applicants, training providers, and States?
- **Driver Requirements**
 - What do the ELDT regulations require of entry-level drivers?
- **Training Requirements**
 - Which trainings are entry-level drivers required to complete?
- **Training Provider Requirements**
 - What do the ELDT regulations require of training provider?
- **The Training Provider Registry**
 - Once operational, how will drivers, training providers, and States be required to use it?
- **Countdown to ELDT**
 - What should be done today to prepare for February 7, 2022?

Entry-Level Driver Training (ELDT) Final Rule

- Published in 2016, mandated by Moving Ahead for Progress in the 21st Century Act (MAP-21) Legislation
- Set a Federal standard for mandatory training of entry-level drivers
 - **Establishes** minimum training requirements entry-level drivers and training providers must meet
 - States may have requirements that exceed Federal requirements
- Established the need for the Training Provider Registry (TPR)
- Compliance Date: **February 7, 2022**

[Located in 49 CFR Part 380]

Entry-Level Drivers – Who Is Covered?

The ELDT regulations establish new minimum training standards for entry-level drivers. This includes individuals applying for:

A **Class A** or **Class B** commercial driver's license (CDL) for the **first time**

An **upgrade** of an existing Class B CDL to a Class A CDL

A **hazardous materials (H), passenger (P), or school bus (S)** endorsement for the **first time**

The rule does **not** cover individuals for whom States have waived the CDL skills test under 49 CFR 383.

Driver Requirements

- Entry-level drivers must complete the applicable training from a registered training provider.
 - Must be completed prior to taking a CDL skills test or, if applying for the hazardous materials (H) endorsement, knowledge test.
 - Individuals who obtain a commercial learner's permit (CLP) **on or after February 7, 2022** will be required to meet the ELDT requirements.
 - Individuals who obtain a CLP before February 7, 2022, are not subject to the new ELDT regulations for obtaining a CDL, so long as they obtain a CDL or endorsement before their CLP (or renewed CLP) expires.

Entry-Level Drivers – Accessing the Information?

- **Who will access information from the Training Provider Registry?**
 - Entry-level **drivers*** will **SEARCH** for a training provider using the list on the Training Provider Registry website.
 - Registered training **providers*** will **SUBMIT** driver certification information to FMCSA after a driver successfully completes training.
 - States will **VERIFY** a driver's completion of required training using data made available by the Training Provider Registry before administering relevant tests.

** **Drivers** do not need to register for the Training Provider Registry. Only training providers will register and provide information to the registry.*

** When registering, **training providers** must self-certify that they meet all requirements in ELDT regulation requirements.*

Training Requirements

- **Entry-level drivers: Must receive training and demonstrate "proficiency" in the following areas:**



THEORY TRAINING

- Lectures, demonstrations, computer-based, online learning, etc.
- May use a simulator
- No minimum number of hours; must score at least 80% on assessment
- Training topics include: *(See 49 CFR Part 380)*
 - Basic Operation
 - Safe Operating Procedures
 - Advanced Operation Procedures
 - Vehicle Systems and Reporting Malfunctions
 - Non-Driving Activities (e.g., Hours of Service)



BEHIND-THE-WHEEL (BTW) TRAINING

- Actual operation of a CMV
- Takes place on a range or public road
- May not use a simulator to meet requirements
- No minimum number of hours, training provider will determine driver's proficiency
- Basic vehicle control skills and mastery of basic maneuvers

Training Requirements

- **Behind The Wheel (BTW) Public Road**
 - Instructors must cover **all** topics listed and “determine and document that each driver-trainee has demonstrated proficiency in all element of the BTW curriculum unless otherwise noted
 - *See Appendices to 49 CFR Part 380*
 - Does **not** allow for “test outs” of skills training on either range or public road
 - Each trainee must successfully complete the **entire** program to successfully operate a CMV

Training Requirements

- Theory and BTW trainings maybe delivered by different training providers
 - Both training providers **must** be registered and listed on the Training Provider Registry
 - Both training providers would submit driver training information to FMCSA
- BTW range and BTW public road trainings **must** be provided by the same training provider

Training Requirements

- **What is an Entry-Level Driver Training (ELDT) training provider?**
 - An entity that is listed on the FMCSA Training Provider Registry
 - This includes:

Training schools

Governments

Educational Institutions

School Districts

**Rural Electronic
Cooperatives**

Joint Labor Management

Motor Carriers

Owner-Operators

State and Local

Individuals

Training Requirements

- **Beginning February 7, 2022:**
 - Training providers wishing to provide entry-level driver training must **register** and **self-certify** that they meet all FMCSA and State requirements that apply to:



CURRICULA



FACILITIES



INSTRUCTORS



STATE LICENSING



VEHICLES

For full training provider requirements: See 49 CFR Part 380 Subpart G

Training Requirements

- **Beginning February 7, 2022:**
 - After a driver successfully completes the required training, the training provider must electronically submit the driver-trainee's training certification information to the Training Provider Registry.
 - Must be submitted by *midnight of the second business day* after the driver-trainee completes the training.

The Training Provider Registry

Training Provider Registry – Now Open!

- **FMCSA Web System that will:**

- Contain the official list of approved entry-level driver training providers.
- Retain a record of drivers that have successfully completed entry-level driver training.

TRAINING PROVIDER REGISTRY | [Email Sign Up](#) | [Home](#) | [About](#) | [FAQs](#) | [Developers](#) | [Contact](#)

COMING FEBRUARY 7, 2022

The Training Provider Registry will help commercial driver's license (CDL) applicants connect with training providers who are self-certified to provide required entry-level driver training. Sign up to receive news and updates from FMCSA about the Training Provider Registry and the new requirements for CDL applicants, training providers, and State Driver Licensing Agencies (SDLAs).

Get News and Updates

Email Address:

I want FMCSA to send me news and information on the following topics:

- Entry-level driver requirements
- Requirements for training providers
- Registering as a training provider
- Training requirements and curricula
- SDLA requirements
- Website enhancements / new resources

[Subscribe Now](#)

[Manage user preferences](#)

DOWNLOAD TOOLS FOR DEVELOPERS

States, or their third-party vendors, will need to modify their IT systems to retrieve data from the Training Provider Registry. Training providers will also have the option to set up an interface to send data to the TPR web service. FMCSA will provide materials and information needed to meet the technical requirements for these web interfaces. [Learn More](#)

ENTRY-LEVEL DRIVER TRAINING

Once operational, the FMCSA Training Provider Registry will retain a record of which CDL applicants have completed the new training and certification process outlined in the Entry-Level Driver Training (ELDT) regulations.

FMCSA's Entry Level Driver Training Program sets the baseline for training requirements for entry-level drivers. This includes those applying to:

- Obtain a Class A or Class B CDL for the first time.
- Upgrade an existing Class B CDL to a Class A CDL
- Obtain a school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time.

The Entry-Level Driver Training regulations are not retroactive; the entry-level driver training requirements do not apply to individuals holding a valid CDL or an S, P, or H endorsement issued prior to February 7, 2022.

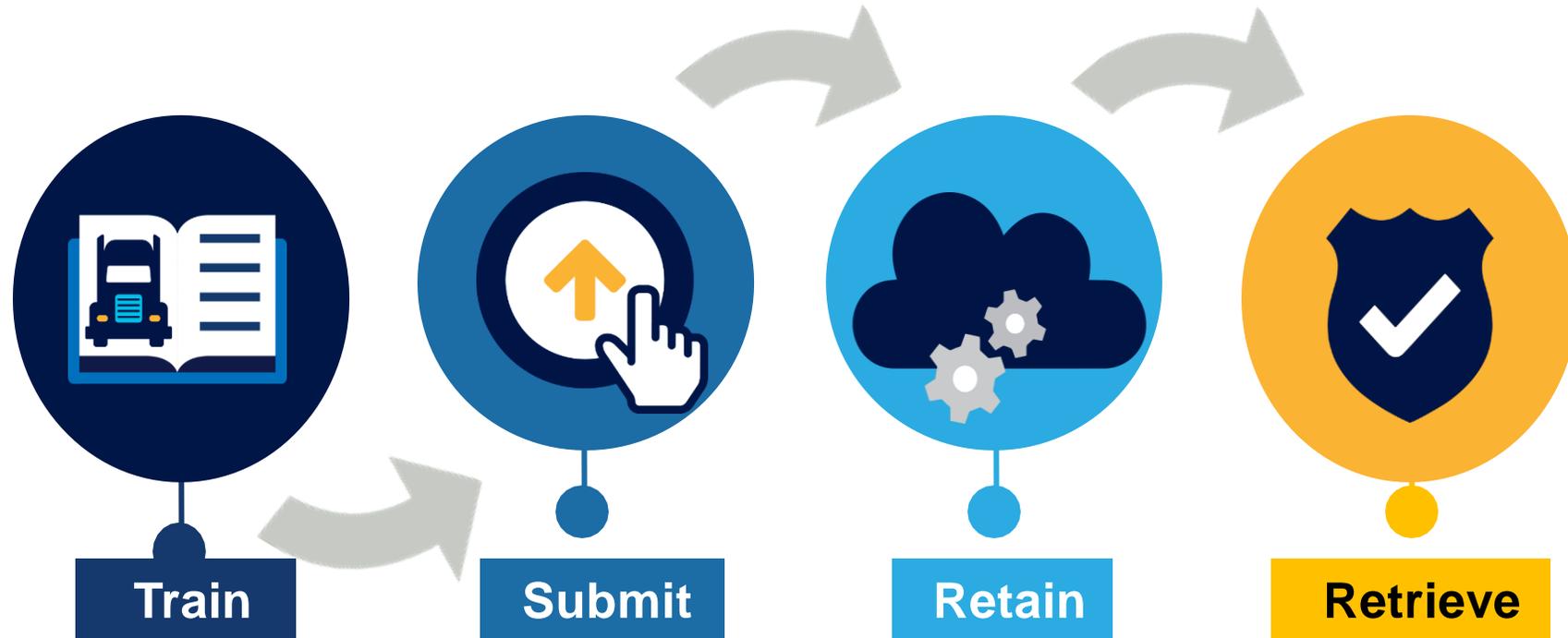
Any individual who meets one of the exceptions for taking a skills test in 49 CFR Part 383 is also exempt from the Entry-Level-Driver Training requirements. [Learn more about FMCSA's CDL Program](#).

ELDT Regulations

- 49 CFR Part 380 Subpart F: Entry-Level Driver Training Requirements On and After February 7, 2020
- 49 CFR Part 380 Subpart G: Registry of Entry-Level Driver Training Providers
- 49 CFR § 383.71: Driver Application and Certification Procedures
- 49 CFR § 383.73: State Procedures
- 49 CFR § 384.250: Entry-Level Driver Certification

How does the Training Provider Registry support ELDT?

- How does the Training Provider Registry support ELDT?



Training Provider Registry

- How do training providers register?

- Visit <https://tpr.fmcsa.dot.gov/Provider>
- Three steps to register:

1



Create a Login.gov Account

Training providers will create, or use an existing, login.gov username (email address) and password to access the Training Provider Registry. [Learn more about login.gov.](#)

2



Register as a Training Provider

Select **one person** to register the training provider with FMCSA. Once approved, this user may invite other individuals to register and work in the Registry on behalf of the training provider.

3



Register Training Locations

Once FMCSA approves the company's registration request, providers can log in to register training locations. Providers with multiple locations will need to register each location.

- Self-certification of meeting ELDT requirements occurs during location registration
- For more help, download the [Training Provider Registration Guide](#)

Training Provider Registry

- **How will training providers submit driver data?**
- Beginning February 7, 2022, registered training provider users will log in to the Training Provider Registry and start the process to enter driver training certification information
- **Optional:** Transfer via TPR Web Service
 - Transfer large amounts of data at one time
 - Must have own IT system
 - More information at <https://tpr.fmcsa.dot.gov/DeveloperToolkit>

Additional instructions will be available closer to implementation

Training Provider Registry

Training Providers: **Is the TPR Web Service the right solution** for you?

Do you...

1. Anticipate submitting a significant number of driver training certifications on a regular basis?
 2. Have an existing IT system that you use for tracking driver training results?
 3. Have an IT support team (staff or contract) that can update your IT system to meet the required specifications to interface with the TPR Web Service?
- If you answered **“Yes”** to all three, the TPR Web Service may be a good fit for you.
 - If you answered **“No”** to any of the three above, you’ll likely need to manually enter information into the Training Provider Registry web system.

You do not need to take any action now. Manual entry will be available to registered training providers when the Training Provider Registry is fully operational on February 7, 2022.

The screenshot displays the Training Provider Registry website. At the top, there is a navigation bar with links for Home, About, FAQs, Developers, and Contact, along with an Email Sign Up button. The main content area features a large banner for the launch on February 7, 2022, with a text box explaining that the registry will help CDL applicants connect with self-certified training providers. Below this is a 'Get News and Updates' section with an email address input field and a list of topics to subscribe to, including entry-level driver requirements and training provider registration. A 'Subscribe Now' button is also present. Further down, there is a 'DOWNLOAD TOOLS FOR DEVELOPERS' section with a brief description of the technical requirements for IT systems and a 'Learn More' button. The bottom section is titled 'ENTRY-LEVEL DRIVER TRAINING' and contains text about the registry's role in tracking CDL applicants and a list of regulations under 'ELDT Regulations', such as 49 CFR Part 380 Subpart F and G.

Countdown to ELDT

- **Make a plan!**
 - Meet all training provider requirements **by February 7, 2022**
 - Once you meet all requirements, visit <https://tpr.fmcsa.dot.gov/Provider> to register



CURRICULA



FACILITIES



INSTRUCTORS



STATE LICENSING



VEHICLES

- Determine how you will submit driver data to FMCSA
 - If using Web Services, set up the web interface

Where can I get additional details about the rule?



- To learn more about ELDT and the Training Provider Registry, visit: <https://tpr.fmcsa.dot.gov>



You may also contact:

FMCSA Minnesota Division Office

Mainline Phone: 651-291-6150

Email: mcmnoff@dot.gov

ELDT Questions?



Entry-Level Driver Training (ELDT) –

Tidbits

Entry-Level Driver Training (ELDT): *Recap*

Recap:

The ELDT rule will be implemented on February 7, 2022:

Reminder: Individuals who obtain a CLP on or *after* February 7, 2022, would have to satisfy the applicable requirements.

Individuals who obtain a CLP *before* February 7, 2022, are not required to comply with the new ELDT rule as long as they obtain the CDL or endorsement before the CLP (or renewed CLP) expires.

Entry-Level Driver Training (ELDT):

Federal Register: Vol. 84, No. 44 / Wednesday, March 6, 2019

Affects: Upgrade from **Class B to Class A**

The Agency believes the change in the Class A theory training requirements for Class B CDL holders upgrading to a Class A CDL maintains the same level of safety established by the ELDT final rule, and

The regulatory burden reduction will result in annualized cost savings of \$18 million.

In essence: Class A CDL applicant who possess a valid Class B CDL may complete the **“Theory Instruction Upgrade Curriculum”** in lieu of the “Theory Instruction Standard Curriculum”; which **removes** eight (8) instructional units involving Non-Driving Activities.

Behind-the-wheel (BTW) Instructor: (*Definition*)

Behind-the-wheel (BTW) instructor means an individual who provides BTW training involving the actual operation of a CMV by an entry-level driver on a range or a public road and ***meets one of these qualifications***:

- (1) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided ***and*** has at least 2 years of experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement and meets all applicable State qualification requirements for CMV instructors; ***or***
- (2) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided ***and*** has at least 2 years of experience as a BTW CMV instructor and meets all applicable State qualification requirements for CMV instructors.
- (3) If an instructor's CDL has been cancelled, suspended, or revoked due to any of the disqualifying offenses identified in 383.51 of this subchapter, the instructor is ***prohibited*** from engaging in BTW instruction for 2 years following the date his or her CDL is reinstated.

Behind-the-wheel (BTW) Instructor: *(Continued)*

Behind-the-wheel (BTW) instructor means an individual who provides BTW training involving the actual operation of a CMV by an entry-level driver on a range or a public road and meets one of these qualifications:

Exception applicable to paragraphs (1) and (2) of this definition:

A BTW instructor who provides training solely on a range which is not a public road is not required to ***hold*** a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, as long as the instructor previously held a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, and complies with the other requirements set forth in paragraphs (1) or (2) of this definition.

Theory Instructor: *(Definition)*

Theory instructor means an individual who provides knowledge instruction on the operation of a CMV and meets one of these qualifications:

- (1) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided **and** has at least 2 years of experience driving a CMV requiring a CDL of the same (or higher) class and/or the same endorsement and meets all applicable State qualification requirements for CMV instructors; **or**
- (2) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided **and** has at least 2 years of experience as a BTW CMV instructor and meets all applicable State qualification requirements for CMV instructors.
- (3) If an instructor's CDL has been cancelled, suspended, or revoked due to any of the disqualifying offenses identified in 383.51 of this subchapter, the instructor is **prohibited** from engaging in theory instruction for 2 years following the date his or her CDL is reinstated.

Theory Instructor: *(Continued)*

Theory instructor means an individual who provides knowledge instruction on the operation of a CMV and meets one of these qualifications:

Exceptions applicable to paragraphs (1) and (2) of this definition:

1. An instructor is ***not*** required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in paragraphs (1) or (2) of this definition.
2. Training providers offering online content exclusively are not required to meet '***State qualification***' requirements for theory instructors.

Range and Theory Instruction: *(Definition)*

- **Range means** an area that must be free of obstructions, enables the driver to maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines.
- **Theory instruction means** knowledge instruction on the operation of a CMV, and related matters provided by a theory instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, online training, or similar means.

ELDT – Recordkeeping Requirements

Driver Training – Part 380: Entry-level driver training (ELDT)

380.725(c) Retention of records: Training providers listed on the TPR must retain the records identified in paragraph (b) of this section for a **minimum of three years from the date each required record is generated or received**, unless a record, such as a BTW instructor's CDL, has expired or been canceled, in which case the most recent, valid CDL should be retained, if applicable. The provisions of this part do not affect a training provider's obligation to comply with any other local, State, or Federal requirements prescribing longer retention periods for any category of records described herein.

Retention Period: 380.725(c)

Retention Location: Personnel or Driver Qualification file

Entry-Level Driver Training (ELDT): Q&A

Question: If I already have a Class B CDL with no endorsements and I want to upgrade to a Passenger and School Bus Endorsement do I only have to do the Passenger and School Bus specific training or the entire program?

FMCSA Response: Anyone holding a Class A, B, or C CDL who wants to obtain a P and/or S endorsement on their existing CDL would need to complete the entire theory and BTW portions of the P and/or S endorsement curricula before taking the State-administered skills test in a representative passenger vehicle. See page 88761 of the 2016 ELDT final rule.

Entry-Level Driver Training (ELDT): Q&A

Question: If the final test score is entered on Monday at 3:00pm, then do the scores need to be entered by midnight Tuesday night/Wednesday morning or midnight Wednesday night/Thursday morning?

FMCSA Response: Training providers have until midnight of the second business day after a driver-trainee completes training to electronically transmit the ELDT certification to the TPR. In your example, the training certification would have to be submitted by Midnight on Wednesday.

Entry-Level Driver Training (ELDT): Q&A

Question: Although a person may be subject to ELDT, are they subject to all of it or just Passenger and School Bus if they just need endorsements?

FMCSA Response: The extent to which the driver-trainee is subject to ELDT requirements depends on whether the individual already holds a CDL. On or after February 7, 2022, CDL holders seeking a P or S endorsement on their existing CDL must complete the theory and BTW portions of the P and/or S endorsement curricula prior to taking the State-administered skills test in a representative passenger vehicle. Individuals obtaining a Class A or Class CDL for the first time would need to complete the theory and BTW portions of Class A or Class B curriculum, in addition to the theory and BTW portions of the P and/or S endorsements.

Entry-Level Driver Training (ELDT): Q&A

Question: What will prompt an audit from FMCSA? Will it be random? Too many skills testing failures from a particular site?

FMCSA Response: One of the requirements that training providers must meet in order to be listed on the TPR is to allow an audit or investigation of their operations conducted by FMCSA or its authorized representative (§ 380.719(a)(6)). Training providers must also ensure that all required documentation is available upon request by FMCSA or its authorized representative. FMCSA intends to conduct periodic audits and to investigate any training provider when the Agency receives a complaint or other information concerning the quality or legitimacy of the training provider's operations. Another example is a State notifying FMCSA that a training provider in the State does not meet applicable State requirements for CMV instruction. States are required to notify FMCSA as outlined in 383.73(p).

Entry-Level Driver Training (ELDT): Q&A

Question: The assessment for BTW is that 80%?

FMCSA Response: No. Training providers must determine and document that the driver-trainee has demonstrated proficiency in all elements of the (BTW curriculum), unless otherwise noted. The assessment of a driver-trainee's proficiency in performing required driving maneuvers is based on the training instructor's professional judgment. Under the final rule, training instructors maintain the flexibility to determine the extent to which the successful repetitive performance of required skills demonstrates proficiency for individual driver-trainees on a case-by-case basis.

Entry-Level Driver Training (ELDT): Q&A

Question: Is there a mandatory sequence that the specific theory and behind-the-wheel (BTW) training must be taken in?

Response: There is no mandatory order in which the theory, behind-the-wheel (BTW)-range, and BTW-public road training must be administered, nor does the rule require that theory training must be completed before obtaining a commercial learner's permit (CLP).

Entry-Level Driver Training (ELDT): Q&A

Question: Will the Federal Motor Carrier Safety Administration (FMCSA) provide any training materials for any of the various entry-level driver training (ELDT) curricula in the final rule?

Response: The Federal Motor Carrier Safety Administration (FMCSA) does not intend to provide written or electronic training materials for any of the curricula set forth in the final rule, nor will the Agency endorse specific materials or vendors. The Agency anticipates that there will be variations in entry-level driver training (ELDT) curricula based on a training provider's presentation preferences and the needs of the driver trainees they serve. In addition, training providers are permitted to add additional curriculum elements they deem appropriate.

Entry-Level Driver Training (ELDT): Q&A

Question: Who will provide the ELDT?

Response: The rule establishes the minimum qualifications for an entity to be eligible for listing on the FMCSA Training Provider Registry (TPR). Training providers, must, at a minimum, offer and teach a training curriculum that meets all FMCSA standards for entry-level drivers and must also meet requirements related to course administration, qualifications for instructional personnel, assessments, issuance of training certificates, and training vehicles (i.e., equipment). Training providers that meet these requirements would be eligible for listing on the TPR and must continue to meet the eligibility requirements in order to stay listed on the TPR. Training providers must also attest that they meet the specified requirements, and in the event of an FMCSA audit or investigation of the provider, must supply documentary evidence to verify their compliance.

Entry-Level Driver Training (ELDT): Part 380

Part 380—Special Training Requirements: ELDT

- **Subpart F—Entry-Level Driver Training Requirements on and *After* February 7, 2022**

§380.600 Compliance date for training requirements for entry-level drivers.

§380.601 Purpose and scope.

§380.603 Applicability.

§380.605 Definitions.

§380.609 General entry-level driver training requirements.

Part 380—Special Training Requirements: ELDT

- **Subpart G—Registry of Entry-Level Driver Training Providers**

§380.700 Scope.

§380.703 Requirements for listing on the training provider registry (TPR).

§380.707 Entry-level training provider.

§380.709 Facilities.

§380.711 Equipment.

§380.713 Instructor requirements.

§380.715 Assessments.

§380.717 Training certification.

§380.719 Requirements for continued listing on the training provider registry (TPR).

§380.721 Removal from training provider registry: factors considered.

§380.723 Removal from training provider registry: procedure.

§380.725 Documentation and record retention.

Part 380—Special Training Requirements: ELDT

Appendix A to Part 380—Class A CDL Training Curriculum

Appendix B to Part 380—Class B CDL Training Curriculum

Appendix C to Part 380—Passenger Endorsement Training Curriculum

Appendix D to Part 380—School Bus Endorsement Training Curriculum

Appendix E to Part 380—Hazardous Materials Endorsement Training Curriculum



Questions?

Other FMCSA Updates



Proposed Pilot Program To Allow Persons Ages 18, 19, and 20 To Operate Commercial Motor Vehicles in Interstate Commerce

Summary:

On May 15, 2019, FMCSA published a Federal Register notice requesting public comments on a possible new pilot program to allow drivers aged 18, 19, and 20 to operate commercial motor vehicles in interstate commerce. The May 2019 notice asked specific questions regarding training; qualifications; driving limitations; operational and participation requirements; insurance; research and data; and vehicle safety systems that should be considered in developing a second pilot program for younger drivers. This notice addresses the comments received and proposes a pilot program to allow 18-, 19-, and 20-year-old drivers to operate commercial motor vehicles in interstate commerce.

Date: Comments must be received on or before November 9, 2020.

To Date: 202 public comments posted.

Status: Still Pending Final Action by FMCSA

No Human Trafficking On Our Roads Act

Summary:

No Human Trafficking On Our Roads Act

- FMCSA published a final rule on July 23, 2019, that prohibits an individual from operating a CMV for life if that individual uses a CMV in committing a felony involving a severe form of human trafficking.
- The rule allows the States 3 years to meeting the September 23, 2022, compliance date.
- The Human Trafficking training developed for District Attorneys is very comprehensive and will help them to understand the disqualification requirements for drivers that are convicted of human trafficking offenses.

Status: Still Pending Final Implementation

Drug and Alcohol: *Cannabidiol (CBD) Reminder*

- It remains ***unacceptable*** for any safety-sensitive employee subject to the Department of Transportation's drug testing regulations to use marijuana.
- Since the use of CBD products ***could*** lead to a positive drug test result, Department of Transportation-regulated safety-sensitive employees should exercise caution when considering whether to use CBD products.

Obstructive Sleep Apnea (No change)

Obstructive Sleep Apnea:

- ANPRM published (81 FR 12642, March 10,2016); this FR requested data and information on Sleep Apnea, Obstructive (OSA)
- ANPRM ***Withdrawal*** Notice (82 FR 37038; August 8, 2017)
 - Did not impact any existing regulations or medical advisory criteria
- No mandatory referral criteria for Sleep Apnea, Obstructive (OSA) screening, testing, treatment, and compliance for CMV drivers who operate in interstate commerce.
- The Agency plans to update the 2015 Sleep Apnea, Obstructive (OSA) Bulletin to Medical Examiners and Training Organizations in the near future.

Medical Program – Updates

Proposed Rule on alternative Vision Standards (monocular vision)

- Comment period open until 9/23/2021 (12 comments received so far)
<https://www.regulations.gov/docket?D=FMCSA-2019-0049>

Proposed Regulatory Guidance on “Yard Moves” (395.28)

- Comment period closed on 2/3/2021 (158 comments received)
<https://www.regulations.gov/docket?D=FMCSA-2020-0118>

Medical Program:

- Draft Medical Examiners Handbook – now online, contains specifics on sleep apnea
- January 2021 DOT OIG Report about FMCSA oversight; stalled national registry rebuild (i.e., secure IT) and need for ME continued re-training

Drug and Alcohol Clearinghouse – Common Problems

Employers:

- Conducting “DOT Drug Tests” on non-CDL and Non-CLP holders
 - They are not subject to DOT Testing
 - In this scenario – use non-DOT Drug Tests
 - Inadvertently ‘harming’ the driver if they test positive
 - Scenario: Employer wants to pre-screen the driver who does not have a CDL or CLP, use the non-DOT drug test.

Pre-Employment Screening Program (PSP)

FMCSA does not “rate” drivers

- Our investigators review drivers with more extensive violation histories during carrier investigations/interventions

Pre-Employment Screening Program (PSP):

- Is a Congressionally-mandated program
- Provides perspective employer with driver inspection, crash, and violation history
- No assessment or score provided with the data

Note: 3rd party vendors are aggregating PSP data for carriers and developing "CSA Driver scorecards"

Note: The Federal government does not endorse third-party driver “scores”, the Federal government does not calculate or issue a driver “score.”

National Registry II (NR II)

NR II: FMCSA will transmit exams directly to SDLA offices

- Will speed up submission of medical information on CMV driver physicals by having medical examiner's upload exams to FMCSA
- Rule will require medical examiners to report results of physicals within 24 hours
- Current Issue: System challenges nationally – SDLA offices
- Long-term goal: Stable IT platform

June 2021:

- FMCSA amends its regulations to extend the compliance date from June 22, 2021, **to** June 23, 2025, for several provisions of its April 23, 2015, Medical Examiner's Certification Integration final rule.

'New' Compliance Date – June 23, 2025



Questions?

Matthew Marrin
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