

Entry-Level Driver Training (ELDT) Final Rule: Frequently Asked Questions

GENERAL OVERVIEW:

1. Why has FMCSA published an entry-level driver training (ELDT) rule?

The ELDT final rule enhances the safety of commercial motor vehicle (CMV) operations on our Nation's highways by establishing more extensive entry-level driver training (ELDT) requirements. It revises the mandatory training requirements for entry-level operators of CMVs who are required to possess a Class A or Class B commercial driver's license (CDL) or a hazardous materials (H), passenger (P), or school bus (S) endorsement for their license for the first time. The Final Rule also responds to a Congressional mandate imposed under Section 32304 of the "Moving Ahead for Progress in the 21st Century Act" (MAP-21).

WHEN must an individual complete entry-level driver training (ELDT)?

2. When does the ELDT Rule take effect?

The compliance date of the ELDT rule is February 6, 2020, which is three years after the rule's effective date of February 6, 2017. The three-year phase-in period gives the States enough time to take the necessary steps to modify their information systems to begin recording the training provider's certification information into the Commercial Driver's Licensing Information System (CDLIS) and onto the driver's CDL record. The three-year phase-in period also allows ample time for the CMV driver training industry to develop and begin offering training programs that meet the requirements for listing on the Training Provider Registry (TPR).

WHO is required to complete entry-level driver training (ELDT)?

3. Who is subject to ELDT?

The rule establishes minimum training requirements for entry-level operators of CMVs in interstate and intrastate commerce who are applying for a Class A or Class B CDL, an upgrade of their CDL (e.g., a Class B CDL holder seeking a Class A CDL), or a hazardous materials (H), passenger (P), or school bus (S) endorsement for their license for the first time. The ELDT requirements do not apply to individuals holding a valid CDL or a P, S, or H endorsement issued before the compliance date of the final rule.

4. Who is exempt from ELDT?

The ELDT requirements are aligned with the existing CDL regulations in part 383. The rule does not create any new exceptions; therefore, any individual who is currently excepted from taking a skills test in order to obtain a Class A or Class B CDL or a P or S endorsement is not subject to ELDT.

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WHAT is the minimum mandated entry-level driver training (ELDT) curriculum/program?

5. What training is FMCSA generally mandating in the ELDT Rule?

Beginning on the compliance date of the rule, no “Entry-Level Driver” may take a CDL skills test to receive a Class A CDL, Class B CDL, Passenger (P) Bus endorsement, or School Bus (S) endorsement unless he/she has successfully completed a mandatory theory (knowledge) and behind-the-wheel (BTW) training program, or, in the case of a Hazardous Materials (H) endorsement, mandatory theory training that: (a) is provided by a Training Provider listed on FMCSA’s Training Provider Registry (TPR), and (b) is appropriate to the license/endorsement for which that person is applying.

6. What is FMCSA mandating as the ELDT curriculum?

This rule combines behind-the-wheel (BTW) (“range” and public road) training with a prescribed theory (knowledge) curriculum to address the specific training needs of a driver seeking a Class A or Class B CDL or P or S endorsement. The rule also includes a curriculum to address the specific training needs of a CMV driver seeking an H endorsement. As the current requirements to obtain an H endorsement do not include a State-administered skills test, the H endorsement curriculum does not include a BTW component. The rule incorporates performance-based concepts by requiring that driver-trainees demonstrate proficiency in both the BTW and theory portions of the curricula.

7. Are there specific hours of BTW training mandated for the various curricula?

The rule does not require any minimum number of BTW hours for the completion of any of the BTW (e.g., Class A, Class B and the P and S endorsements). The proficient completion of the BTW portions of the various curricula is based solely on the training instructor’s assessment of each driver-trainee’s individual performance of the required elements of BTW training on the range and public road. All BTW training must be conducted in a representative vehicle for the CDL class or endorsement being sought.

8. The NPRM proposed a required number of BTW training hours for the Class A or B CDL curricula. Does the final rule include those requirements?

The final rule does not impose a mandatory minimum number of BTW hours for the Class A and B CDL training primarily because, despite the best efforts of FMCSA and the Entry-Level Driver Training Advisory Committee (ELDTAC), we were not able to obtain sufficient quantitative data linking mandatory minimum BTW training hours with positive safety outcomes, such as crash reduction. The Agency has an obligation to use the least burdensome means to achieve regulatory objectives. In the Agency’s judgment, a BTW training standard based solely on a driver-trainee’s proficiency in performing required range and public road maneuvers is a more flexible, and thus less burdensome option than required minimum hours because it recognizes that driver-trainees will complete BTW training at a pace that reflects their varying levels of individual ability.

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However, after the final rule is implemented, FMCSA will collect information from training providers which will allow us to compare the CMV driving records of drivers who received varying amounts of BTW training, and to draw conclusions regarding the extent to which hours of BTW training correlates to safer driving outcomes. If the Agency ultimately decides, on the basis of post-rule data analysis, to revisit the issue of mandatory minimum BTW training hours, we will do so through notice and comment rulemaking.

9. Can theory and BTW training be provided by separate training providers?

Theory (knowledge) and BTW training may be delivered by separate training providers. Both of these types of training providers must be listed on the Agency's TPR, and both would submit driver-specific training certification information (i.e., proof of training) to FMCSA.

10. Can simulators be used as a substitute for actual mandatory BTW training?

The rule does not permit BTW training to be conducted by using a driving simulation device, and a driver-trainee may not use a simulation device to demonstrate proficiency for any of the BTW curricula. However, simulators may be used in theory training.

11. Are there specific hours of training mandated for the theory curricula?

There is no minimum number of hours that driver-trainees must spend on the theory (i.e., knowledge) portions of any of the individual curricula. The rule prescribes specific topics for each of the five theory curricula, requiring the training provider to cover all topics, and requiring that driver-trainees demonstrate their understanding of the material by achieving an overall minimum score of 80% on the written (or electronic) theory assessment.

WHO will conduct the ELDT training?

12. Who will provide the ELDT?

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.

13. What types of entities could apply to be listed on the TPR?

Examples of potential TPR entities include: training schools, educational institutions, rural electric cooperatives, motor carriers, State/local governments, school districts, joint labor

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management programs, owner-operators, and individuals. Eligible providers may provide training either on a “for-hire” or “not-for-hire” basis. Any training provider meeting the eligibility requirements could be qualified to provide ELDT in accordance with the rule, regardless of whether they fall within a category specifically identified in the rule. Additional descriptive information on the various types of training providers covered by the rule is addressed in the draft TPR registration instructions available in the rulemaking docket.

14. What is the impact that the new ELDT final rule will have on existing State entry-level driver training requirements?

The ELDT rule generally does not replace or otherwise supersede State-based ELDT requirements that exceed these minimum Federal standards when an entry-level driver obtains training in that State. The question of which, if any, additional State-based ELDT-related requirements apply to the applicant will be determined by where he/she obtains their BTW and/or theory training for the Class A or Class B CDL and/or the P, S or H endorsements. For example, if a State requires that entry-level drivers complete a CDL training program with a prescribed minimum number of BTW hours, a driver-trainee who is domiciled there and obtains BTW training there, must comply with that requirement in order to take the State-administered skills test. Similarly, driver-trainees who take theory training in their State of domicile would be required to comply with any State-based requirements applicable to theory training. The final rule does not prohibit driver-trainees from obtaining training outside their State of domicile, if they so choose.

15. What is the specific role that the State Driver’s Licensing Agencies (SDLAs) will play as detailed in the ELDT final rule?

FMCSA intends to provide the relevant driver-specific ELDT certification information through data elements added to CDLIS that will be entered by the SDLAs directly onto the driver’s record. At a minimum, these additional data elements will include the training provider’s unique ID number (assigned upon initial listing on the TPR), the date the applicant completed applicable ELDT, and the type of ELDT the applicant received. The Agency intends to transmit the training certification information as soon as FMCSA confirms the information is complete. Under this approach, SDLAs will simply need to confirm, by checking the applicant’s driver record, that he/she has completed requisite ELDT before allowing the individual to take the applicable skill test(s) or, in the case of the H endorsement, the knowledge test.

16. How do training providers become listed on the TPR?

A training provider self-certifies that they meet the applicable eligibility requirements set forth in the rule and electronically submits a completed Training Provider Registration Form affirming, under penalty of perjury, that the provider will teach the FMCSA-prescribed curriculum that is appropriate for the CDL class or endorsement. A provider listed on the TPR is eligible to provide ELDT once it has been assigned a unique training provider ID number. However, the Agency emphasizes that, merely because a training provider is listed on the TPR does *not* mean that FMCSA certifies or otherwise “approves” that provider’s operations. Prospective entry-level

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drivers are thus encouraged to perform their own due diligence before selecting a suitable training provider.

17. Must training providers be accredited in order to get listed on the TPR?

The final rule does not require that training providers be accredited by a third-party organization as a condition of eligibility for listing on the TPR.