

Change In the Air for New-Hire CDL Training

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What were you reading in July 2012, and what does that have to do with February 2022? For many of us in the public transportation environment, we were reviewing a lot of changes to the federal transit program under that summer's MAP-21 legislation, which had been signed into law on July 6, 2012.

However, Section 32304 of MAP-21 called upon the Federal Motor Carrier Safety Administration (FMCSA) to change how states issue first-time Commercial Drivers Licenses (CDLs), including new training requirements before individuals could become eligible to receive their first-time CDLs, or their first-time CDL passenger (P), hazardous materials (H), or school bus (S) endorsements. These new regulations for the training and licensing for first-time CDLs and first-time P, H and S endorsements, primarily concerning new "Entry-Level Driver Training" (ELDT) requirements and a new CDL-related federal "Training Provider Registry" (TPR), were hammered out by FMCSA through a negotiated rulemaking process, and the final regulations were issued in December 2016. Most importantly, now, after several years of delay, they're scheduled to take effect on February 7, 2022.

What's You Need to Know

- Starting on February 7, states cannot issue new CDLs, or new P, H or S endorsements to CDLs, to anyone who has not completed an entry-level driver training program that complies with these rules.
- FMCSA-compliant entry-level driver training programs must be registered with FMCSA through its Training Provider Registry.
- Driver-trainees seeking to receive their first CDL and/or first P, H or S endorsement to their CDL are entered in the federal TPR as well, once they've successfully completed their training program. This information is then transmitted to state driver licensing agencies as part of the CDL licensing process.

How is this Different?

Until now, the content of CDL training has not been federally regulated. Those companies and organizations that train drivers in preparation for their initial CDLs need to take a close look at their training programs, to be sure they match up to FMCSA's new

requirements. The impact of these changes on CDL training entities is just now coming into focus.

CDL training entities might not like the idea of having to register with FMCSA, and may not like the idea of using the FMCSA Training Provider Registry to convey their students' information to state driver licensing agencies. Regardless of training entities' attitudes toward federal mandates, participation in the TPR is likely some degree of administrative burden to the routine operations of these training entities.

Looking at this from the enforcement perspective, FMCSA doesn't have a program of ongoing reviews or oversight of training entities registered in its TPR system, but does assert the right to conduct investigations and audits.



FMCSA's Entry-Level Driver Training Rule will be a challenge for many in-house and informal new-hire training programs.

What Doesn't Change Under this Rule?

- This regulation does not change anything about refresher or renewal training for persons who already hold their CDLs and/or their P, H or S endorsements.
- This rule does not address any element of ongoing driver training programs; it's directed only at the training of persons in preparation for their initial CDL or P, H or S endorsement.
- The core components and concepts of CDL training and licensure continue to be focused primarily on the safe driving and control of trucks and similar vehicles, with a limited amount of bus-specific driving skills and theory incorporated in the training requirements for initial passenger (P) and school bus (S) endorsements.

What's a Transit Agency to Do?

Do you currently have a training program that's designed to prepare people for their initial CDLs? If not, nothing you're doing needs to change on account of this rule.

Is training people for their initial CDLs a minor or infrequent part of your training program? If so, look carefully at the curriculum and registration requirements associated with this rule. You can look up these details by checking out the "Related Links" at FMCSA's ELDT webpage, <https://www.fmcsa.dot.gov/registration/commercial-drivers->

[license/entry-level-driver-training-eldt](#). Perhaps you can adjust your program and practices to fit these requirements, or perhaps you'll find it makes more sense to have new-hire drivers receive their CDL training from some other provider.

If you currently do a fair amount of new-hire CDL training, which you plan to keep doing in 2022 and beyond? If so, you must ensure your training program fits FMCSA's curriculum, and that you register your entity in the TPR system.

How Does This Relate to the CDL Driver Shortage?

The timing of the implementation of this rule couldn't be worse. There is a critical shortage of qualified commercial motor vehicle operators, including CDL-holding drivers, in the US. That was less of an issue in 2012, despite assertions by the American Trucking Associations and other industry groups who've reported that the transportation industry has been shedding CDL-holding drivers ever since the economic downturn of 2008 – 2009.

On one hand, it's possible that this regularized curriculum and training registry regime may help employers and third-party CDL training companies successfully promote their services and attract growing numbers of workers to CDL-requiring trucking and bus operations.

On the other hand, a lot of smaller entities that historically could attract new workers through flexible and customized CDL training are likely to find that this flexibility and customization is disallowed by FMCSA's CDL curriculum requirements. Some in-house new-hire CDL training programs will succeed in adapting to these new requirements and procedures, but many other in-house new-hire training programs are likely to find they no longer can do the CDL training their prospective workers need to receive before working in revenue service.

In quite a few cases, transit agencies eager (or sometimes desperate) for entry-level CDL-holding drivers will need to find new paths to success in their CDL training, such as by adjusting their training programs to fit FMCSA requirements and registering through the TPR, or by entering into strategic partnerships with workforce development programs, community college or other technical training programs, or with private companies that focus exclusively on entry-level CDL training.

CTAA and its members are rightfully concerned about any regulatory changes that make it more difficult, more time consuming and more expensive to train new drivers in the midst of unprecedented driver shortages throughout the public transit and NEMT fields.