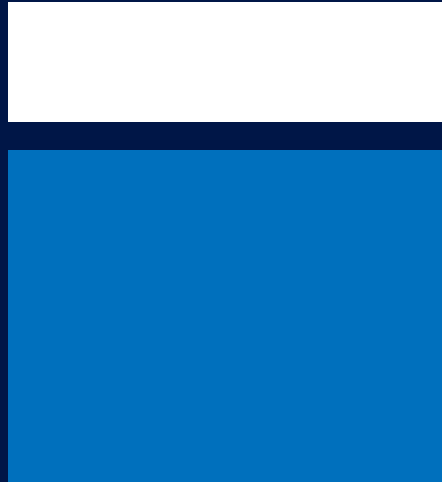


# Federal Motor Carrier Safety Administration



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



**Bus Industry Safety Council  
FMCSA Update  
June 2022**

**Passenger Carrier Safety Division**



# Federal Emergency Declarations by FMCSA

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- Extension of the Modified Emergency Declaration No. 2020-002 Under 49 CFR § 390.25
- Effective: 05/27/2022 | Expires on: 08/31/2022
  - In accordance with 49 CFR § 390.25, this extension of the modified Emergency Declaration No. 2020-002 is effective at 12:00 A.M. (ET), June 1, 2022, and shall remain in effect until 11:59 P.M. (ET), August 31, 2022, unless modified or terminated sooner by FMCSA.
  - FMCSA Coronavirus (COVID-19) Information & Resources:
    - <https://www.fmcsa.dot.gov/COVID-19>

# Pandemic Emergency Related Waivers

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Enforcement - FMCSA *will exercise discretion* and may not take an action for the following:

- All CLP holders, CDL holders, and non-CDL drivers...
  - Whose licenses were issued for less than the maximum period established by 49 CFR §§ 383.25 and 383.73.
  - Was valid on February 29, 2020 and expired on or after March 1, 2020.
  - Whose medical certification or medical variance expired on or after December 1, 2021.

# CDL Downgrades for Drug & Alcohol Violations

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- FMCSA published a final rule prohibiting State driver's licensing agencies (SDLAs) from issuing a CDL to individuals prohibited from performing safety-sensitive functions due to drug and alcohol violations, as reported to the Drug and Alcohol Clearinghouse (DACH). (Full implementation planned for November 18, 2024)
- SDLAs must...
  - Query the DACH prior to issuing, renewing, transferring, or upgrading a CDL or CLP.
  - Remove a CLP or CDL privilege (downgrade) when notified of a driver's DACH violation by FMCSA.
- FMCSA will notify the SDLA when a driver completes the return to duty requirements and is no longer prohibited.

## ELDs Relying on 3G Network

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- **3G Sunset Dates Announced by cellular providers are:**
  - AT&T 3G: February 22, 2022 (*completed*)
  - Sprint 3G (T-Mobile): March 31, 2022 (*delayed*)
  - Sprint LTE (T-Mobile): June 30, 2022
  - T-Mobile 3G: July 1, 2022
  - Verizon 3G: December 31, 2022
- If your cellular provider is not listed above, your ELD may still be affected. Many carriers, such as Cricket, Boost, Straight Talk, and several Lifeline mobile service providers utilize the network listed above.

\*Previously issued FMCSA ELD provider extensions have expired.

# Federal Register Publication 3/9/2022

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- Record of Violations [Docket No. FMCSA-2018-0224]
  - Amends regulations to eliminate the requirement that **drivers** prepare and submit a list of their convictions for traffic violations to their employers annually.
  - Requires motor carriers to continue to make an annual inquiry to each driver's State licensing agency per 391.25(a).
  - Removes section 391.27 (Motor carrier and driver requirements are removed.)
  - **Effective May 9, 2022**

# Speed Limiting Devices

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- FMCSA published an advance notice of supplemental proposed rulemaking announcing its intent to proceed with a speed limiter rulemaking. A follow-up to FMCSA's and NHTSA's joint action in 2016.
  - Questions are asked to obtain relevant information.
  - Comment period was extended to July 18, 2022. (>14,500 comments)
- Proposes that motor carriers operating CMVs in interstate commerce, with a GVWR of 26,001 pounds or more, equipped with an electronic engine control unit (ECU) capable of governing the maximum speed, be required to limit the CMV to a speed determined by rulemaking.
  - Comments will be requested about draft regulatory standards in a future publication.



# State Inspection Programs for Passenger-Carrying Vehicles

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- Section 23008 of the Infrastructure Investment and Jobs Act directed FMCSA to seek additional comments on State Inspection Programs for passenger-carrying commercial vehicles.
- On May 10, FMCSA requested additional comments on our 2016 advance notice of proposed rulemaking to establish requirements for States to implement annual inspection programs for passenger-carrying commercial vehicles.
- Comment period closed on June 9, 2022.
- 22 comments were received.

# Drug and Alcohol Clearinghouse Violations

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**Queries** - Two types of queries are required:

**1 - 382.701(a) - Pre-employment queries** must be conducted before placing any driver to perform safety-sensitive functions.

- When a query is submitted to the Clearinghouse, the driver must approve the release of the information electronically.

**2 - 382.701(b) - Annual queries** are required at least once a year (after January 6, 2020) on each driver employed by the motor carrier.

- Limited query may be done in lieu of a full query.
  - A Limited query will report if any new information is in the Clearinghouse but will not release the information.
  - Must run a full query within 24 hours of receiving new information result.

# Drug and Alcohol Clearinghouse Violations

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## Clearinghouse registration

§ 382.711(b) – Employer failing to register when required or failing to verify required information.

- (1) Employer Clearinghouse registration must include:
  - (i) Name, address, and telephone number;
  - (ii) USDOT number or other information to verify identity if no USDOT number; and
  - (iii) Name of the person(s) who the employer authorizes to report information to or obtain information from the Clearinghouse and any additional information FMCSA needs to validate his or her identity.
- (2) Employers must verify the names of the authorized person(s) annually.
- (3) Identification of the C/TPA or other service agent used to comply with the requirements of this part, if applicable, and authorization for the C/TPA to query or report information to the Clearinghouse. Employers must update any changes to this information within 10 days

# Drug and Alcohol Clearinghouse - Notifications

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- Clearinghouse does not link employers to drivers.
- Notification provided only for pre-employment queries.
  - No more than 30 days after the inquiry
  - Notification set up in the Clearinghouse Account
    - Email notification
    - Bell Icon - indicates the number of notifications



# **Emergency Egress Requirements and the Out-of-Service Criteria**

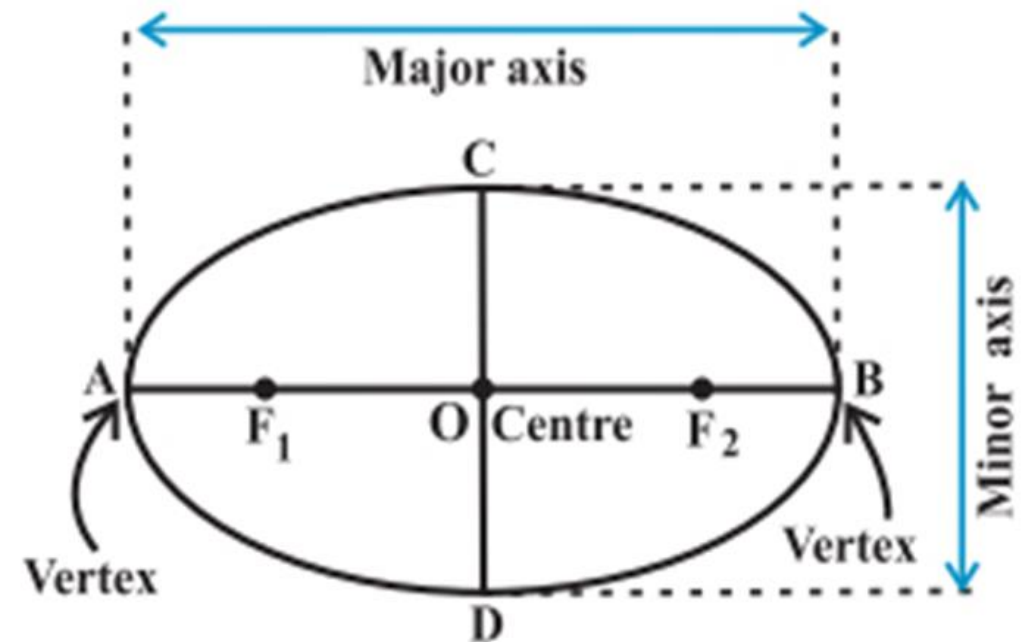
# Emergency Egress Compliance

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- Emergency exits only apply to vehicles that meet the definition of a bus in FMVSS 571.3:
  - “Bus means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons.”
- Must comply with one of two provisions of emergency egress:
  - Method One – Buses other than a school bus
  - Method Two (Option A or Option B) – School bus requirements
- Buses with a GVWR of 10,000 or less.
  - May meet the unobstructed openings requirements of Method One by –
    - Providing emergency exit releases (handles, latches, etc.) without using remote controls or central power.
    - Manual windows that can open to the required size.

# Emergency Egress Compliance

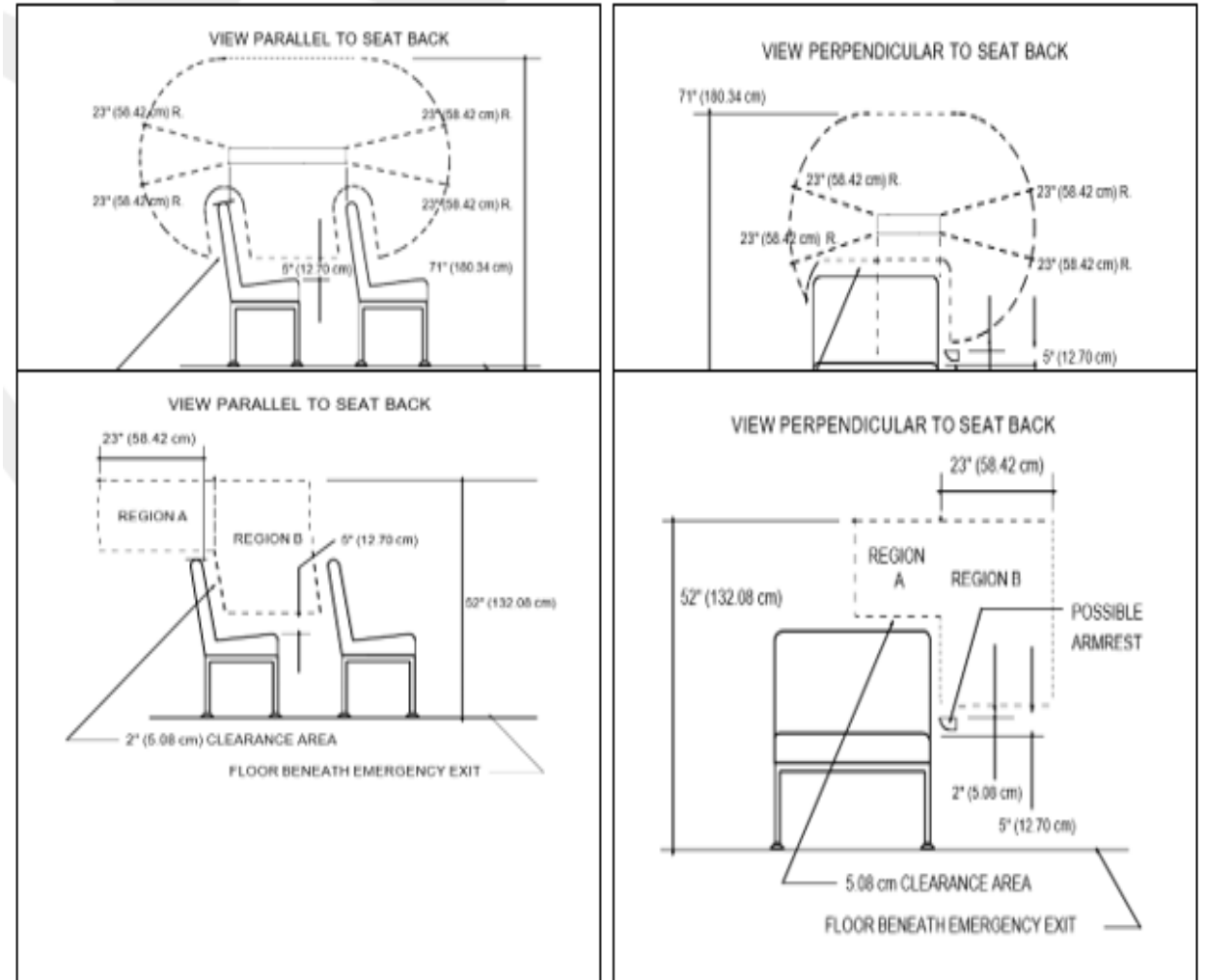
- Required Emergency Exits Must:
  - Open and close securely as designed.
  - Allow opening by a single occupant.
  - Open to allow for passage meeting the required space.
  - Meet marking and marking visibility requirements.
- What is the required space?
  - A football shape 19.7" X 13" must pass through the opening.



# Emergency Exit Compliance

## Emergency exit release mechanism.

- Must be released by operating one or two mechanisms ***located above the seat or arm rest*** within that exit space, whichever is higher.
- An emergency exit ***may not be opened with a tool*** or remote control.





# Marking Identification and Labeling

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**Requirement 1** - Each required emergency exit shall have the designation "Emergency Door" or "Emergency Exit" as appropriate.



\* Buses 10,000 pounds or less are not subject to the marking requirements.

# Marking Identification and Labeling

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**Requirement 2** - Concise operating instructions describing the motions necessary to unlatch and open the emergency exit must be located within 6 inches (16 cm) of the release mechanism.



\* Buses 10,000 pounds or less are not subject to the marking requirements.

# Marking Identification and Labeling

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**Requirement 3** - If a release mechanism is not present *in the occupant space of a seat within the emergency exit area*, a label indicating the location of the *exit release mechanism*, must be placed within the occupant's space.



\* Buses 10,000 pounds or less are not subject to the marking requirements.



# Marking Identification and Labeling

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- **Legible Markings.** Each required exit marking must be legible and capable of being read or deciphered when the only source of light is *normal nighttime illumination* from all specified locations near the emergency exit. These locations are:
  1. The seat(s) adjacent to (within) the emergency exit space
  2. A seat beside the seat adjacent to the exit, and
  3. Standing in the aisle beside these seats even when they are occupied.
- If the exit has no seats within the exit space, they must meet the legibility requirements for occupants standing in the aisle nearest to the emergency exit.
  - \* Buses 10,000 pounds or less are not subject to the marking requirements.

# Marking Identification and Labeling

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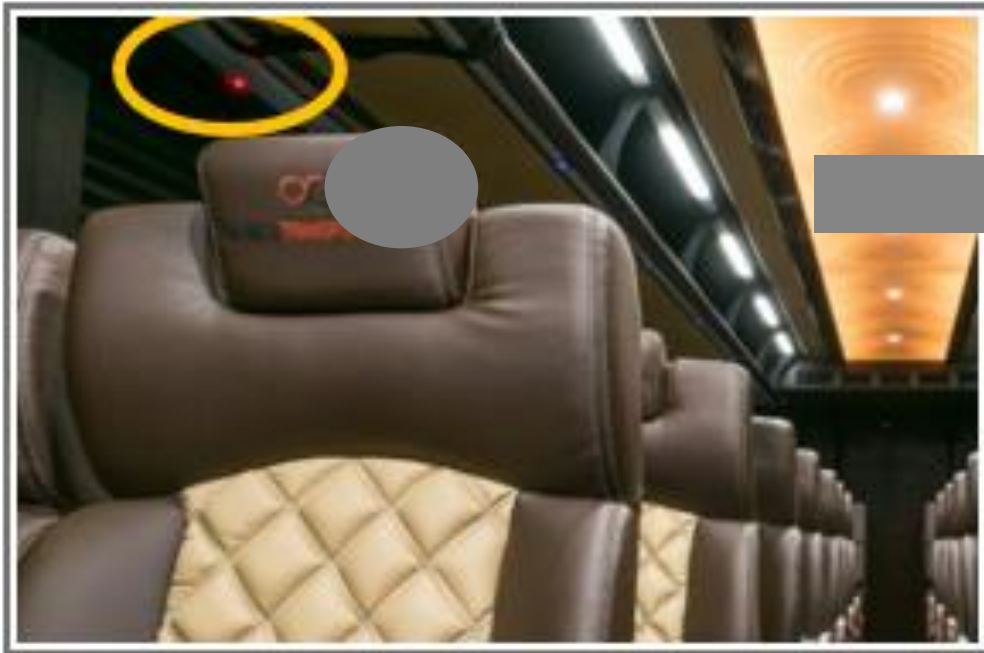
- ▶ Many manufacturers or motor carriers apply labels to non-opening and/or non-emergency exit windows to indicate the location of the nearest emergency exit. *This is not a marking requirement in the regulations or FMCSRs/FMVSS.*



# Marking Identification and Labeling

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Some secondary manufacturers of limousines and custom coaches are placing red lights over emergency exit windows in lieu of the designation marking. This may be done in addition to the required labeling but **does not meet the marking requirements in FMCSRs/FMVSS.**



# Exit Location, Type, Size and Operation

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- If no rear exit, a roof hatch in the rearmost part of the vehicle is required.



# Out-of-Service Criteria for Emergency Exits

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- A required emergency exit, as determined by the emergency exit calculation/formula, has one of the following conditions:
  - Missing
  - Inoperative (does not open, close and/or secure as designed)
  - Not properly marked
  - Obstructed (includes obstructions of the markings, release mechanism and/or the opening of the emergency exit)
- Also applicable to a marked emergency exit, provided in addition to the required exits
  - If marked with the emergency designation, it must comply with requirements.



# Avoiding Out-of-Service Conditions

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- Ensure each emergency exit is properly marked.
  - Marking meets the visibility requirements.
  - Marking conveys the proper message.
- Add Emergency Exits to pre-trip inspections.
  - Ensure all drivers know how to operate each type of emergency exit.  
*(ESPECIALLY ROOF HATCHES!)*
  - *Train drivers* on how to inspect exit condition (open and close) and markings.
  - *Require a walk-through inspection of exits* by the driver after dropping off groups.
  - Ensure each bus/coach has *a supply of markings on board* to replace missing or damaged markings that may occur during trips.



# Americans with Disabilities Act (ADA)

# ADA Related Employee Training

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- Some motorcoach drivers have returned to your company after a pandemic related layoff.
- Your company may have hired new motorcoach drivers with the improving business conditions.
- With these circumstances, driver training is important.
- Conduct initial or refresher training to ensure drivers are proficient with operating wheelchair lifts and securing an occupied wheelchair on a motorcoach passenger deck.
- Inspect your motorcoaches to ensure that securement devices (hardware with straps) are present and in good condition.

# United States Access Board

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- Formal Agency name is the Architectural and Transportation Barriers Compliance Board which is an independent Federal Agency.
  - Known as the "Access Board" for short.
- Access Board Guidelines address access to transportation vehicles.
- U.S. Department of Transportation enforces its own accessibility standards for transportation vehicles that are based on the Access Board's ADA Accessibility Guidelines for transportation vehicles.
- The Access Board issued its final rule updating bus and van accessibility standards in December 2016.
  - This rule is applicable to over-the-road buses (OTRBs)

# Access Board Related Rulemaking

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- Federal Transit Administration will lead a rulemaking to adopt these new accessibility standards into USDOT regulations.
  - These regulations will apply to over-the-road buses (OTRBs) operated by private sector entities.
- A proposed rule, will be published soon, will address:
  1. Designation of a specific number of priority seats for passengers with disabilities on OTRBs used in fixed route service;
  2. Required signs about priority seats on OTRBs;
  3. Destination and route sign standards for front and boarding side of OTRBs;
  4. Automated stop announcement and route identification systems on OTRBs operated in fixed route service with multiple designated stops;

# Access Board Related Rulemaking

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Continued...

5. Stop request systems for OTRBs operated in fixed route service with multiple designated stops;
6. Whether movable seating in wheelchair securement locations on OTRBs is allowed; and
7. Identification of wheelchair securement locations on OTRBs with the International Symbol of Accessibility.

If you have concerns about any of these proposed standards, it is **very important** that you submit comments to the proposed rule docket!

# Entry Level Driver Training – Beginning February 7, 2022

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The Entry Level Driver Training (ELDT) regulations establish new minimum training standards for entry-level drivers including 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**

# Entry Level Driver Training – Class C Vehicle

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- No Curriculum is specified for a Class C – CDL Vehicle.
  - FMCSA believes that Class C license holders will receive the appropriate training required for any of the three endorsements applicable to a Class C license.
    - Passenger Endorsement – Knowledge and Passenger specific BTW
    - School Bus Endorsement – Knowledge and School Bus specific BTW
    - Hazardous Materials Endorsement – Knowledge only.



## What training must an entry-level driver complete to be eligible to take a CDL skills or knowledge test?

License/ Endorsement	ELDT Verification Occurs Before:	Is Theory Training Required?	Is Behind-the- Wheel (BTW) Training Required?
Class A CDL (new or upgrade)	CDL skills test	Yes	Yes – Range <b>and</b> Public Road
Class B CDL	CDL skills test	Yes	Yes – Range <b>and</b> Public Road
Passenger (P) endorsement	P skills test	Yes	Yes – Range <i>or</i> Public Road
School bus (S) endorsement	S skills test	Yes	Yes – Range <i>or</i> Public Road
Hazardous materials (H) endorsement	H knowledge test	Yes	No



**Both portions** of BTW must be completed with and entered by the **same provider**



Theory and BTW must be completed **within one year** of each other

# ELDT – Commercial Learner’s Permit (CLP) Driver Requirements

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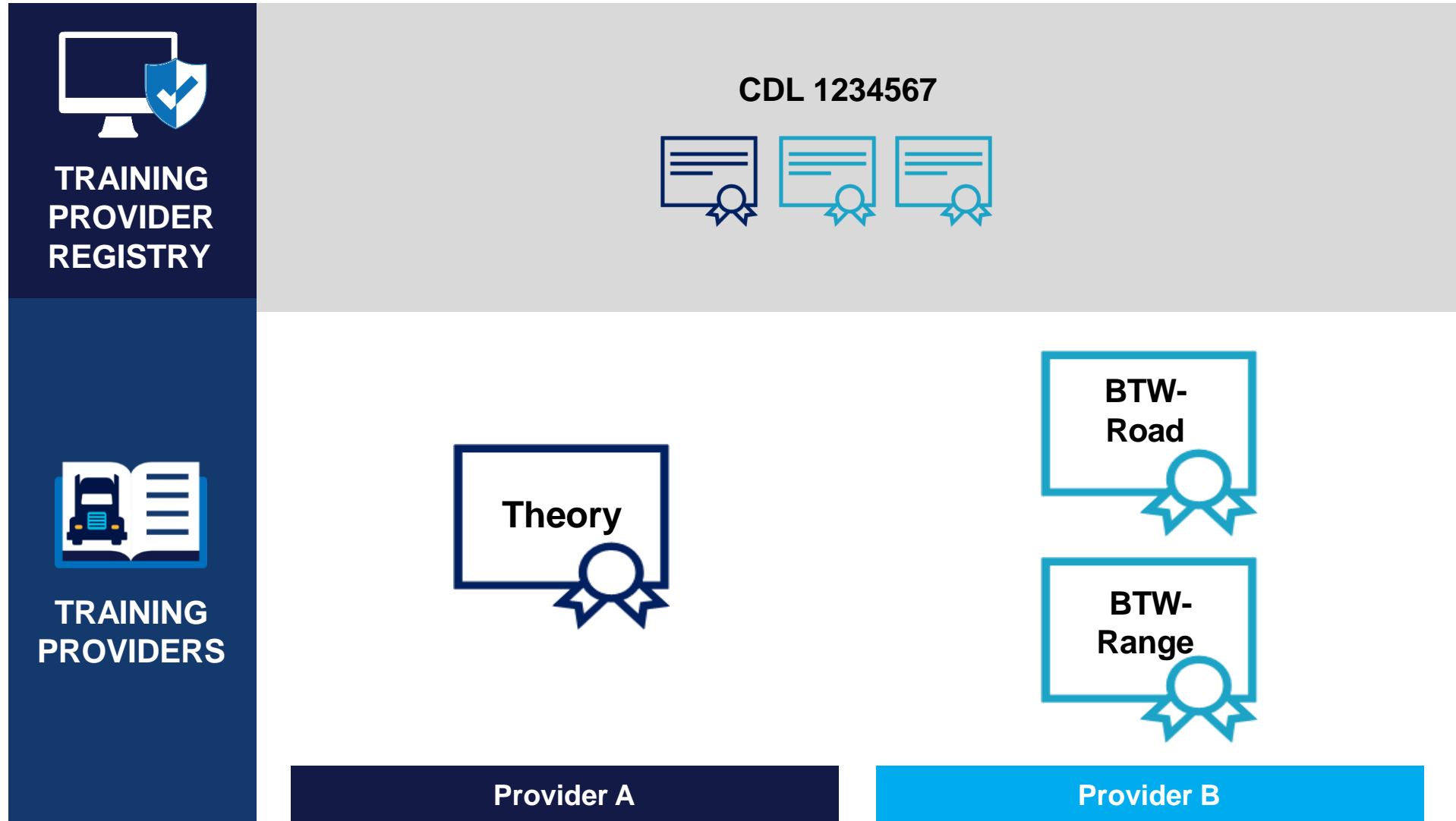
- Individuals who obtained a CLP **before February 7, 2022**, are not subject to the new ELDT regulations for obtaining a CDL, if they obtained a CDL and/or endorsement before their CLP (or renewed CLP) expired.
- Individuals who obtained a CLP **on or after February 7, 2022**, are required to comply with the ELDT regulations.
- Entry-level drivers must complete the applicable training from a **registered training provider**.
  - Must be completed prior to taking a CDL skills or knowledge test.
  - Training provider must submit training information electronically.

# ELDT – Training Provider Requirements

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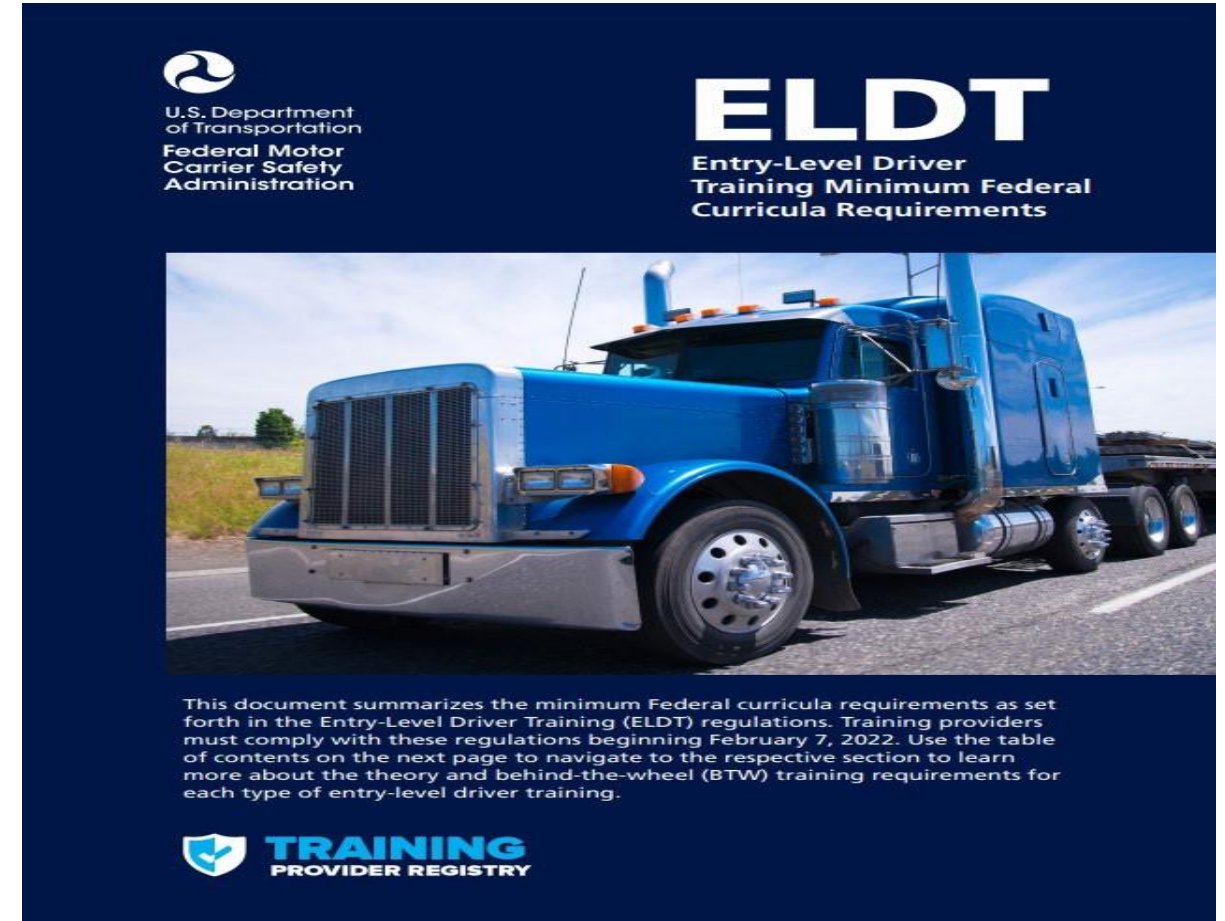
- Training providers wishing to provide entry-level driver training must:
  - Register on the Training Provider Registry (TPR), and
  - Self-certify they meet all FMCSA and State requirements, see 49 CFR Part 380, Subpart G.
  - TPR is free.
- After a driver successfully completes the required training, the training provider must electronically submit the driver-trainee's training certification information to the TPR.

# How the Training Provider Registry Works



## Will FMCSA provide any training materials for any of the various ELDT curricula in the regulations?

- No. FMCSA does not provide written or electronic training materials for any of the [curricula](#) set forth in the regulations, nor will the Agency endorse specific materials or vendors.



# Resources for Training Providers

Training Providers Page: <https://tpr.fmcsa.dot.gov/provider>

## REGISTRATION

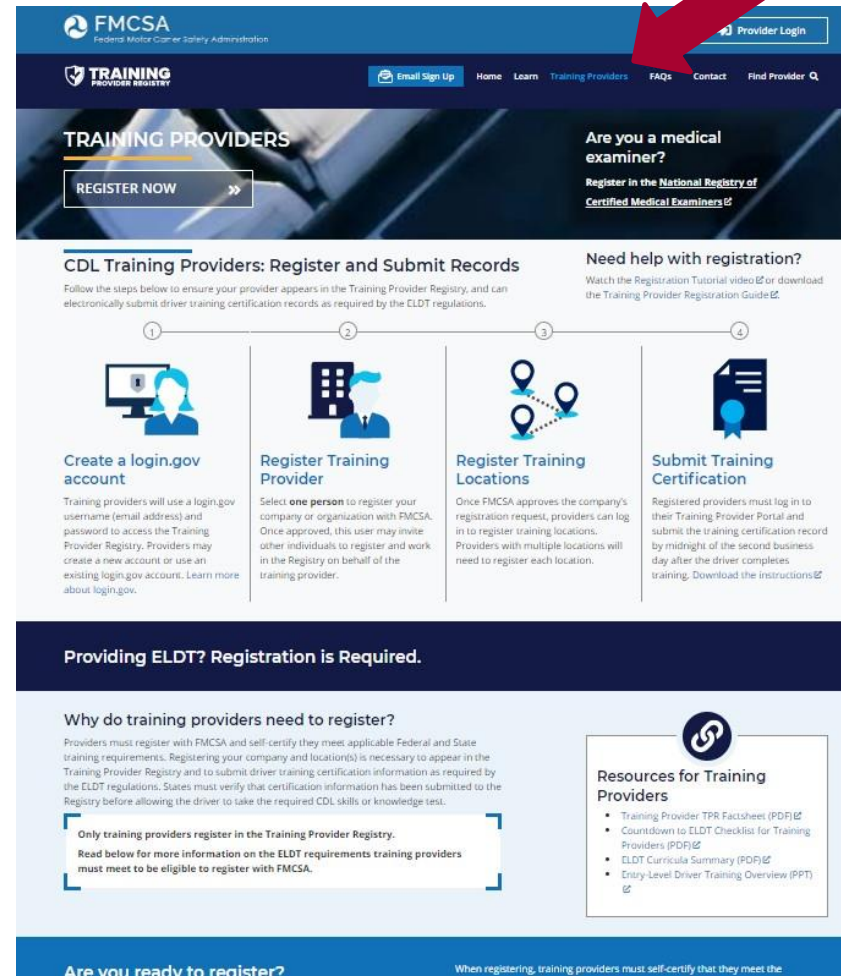
- Registration Tutorial Video
- Interactive Registration Q&A
- Training Provider Registration Guide

## CERTIFICATION

- How to Submit Driver Training Certification Records

## OTHER

- ELDT Curricula Summary



The screenshot shows the FMCSA Training Provider Registry website. At the top, there is a navigation bar with the FMCSA logo and the text 'Federal Motor Carrier Safety Administration'. Below this is a secondary navigation bar with the 'TRAINING PROVIDER REGISTRY' logo and links for 'Email Sign Up', 'Home', 'Learn', 'Training Providers', 'FAQs', 'Contact', and 'Find Provider'. A red arrow points to the 'Provider Login' button in the top right corner.

The main content area features a 'TRAINING PROVIDERS' header with a 'REGISTER NOW' button. Below this, there are two columns of content:

- CDL Training Providers: Register and Submit Records**: A section with a sub-header and a paragraph of text. Below it is a four-step process flow:
  - Create a login.gov account**: Training providers will use a login.gov username (email address) and password to access the Training Provider Registry. Providers may create a new account or use an existing login.gov account. Learn more about login.gov.
  - Register Training Provider**: Select **one person** to register your company or organization with FMCSA. Once approved, this user may invite other individuals to register and work in the Registry on behalf of the training provider.
  - 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.
  - Submit Training Certification**: Registered providers must log in to their Training Provider Portal and submit the training certification record by midnight of the second business day after the driver completes training. Download the instructions.
- Need help with registration?**: Watch the Registration Tutorial video or download the Training Provider Registration Guide.

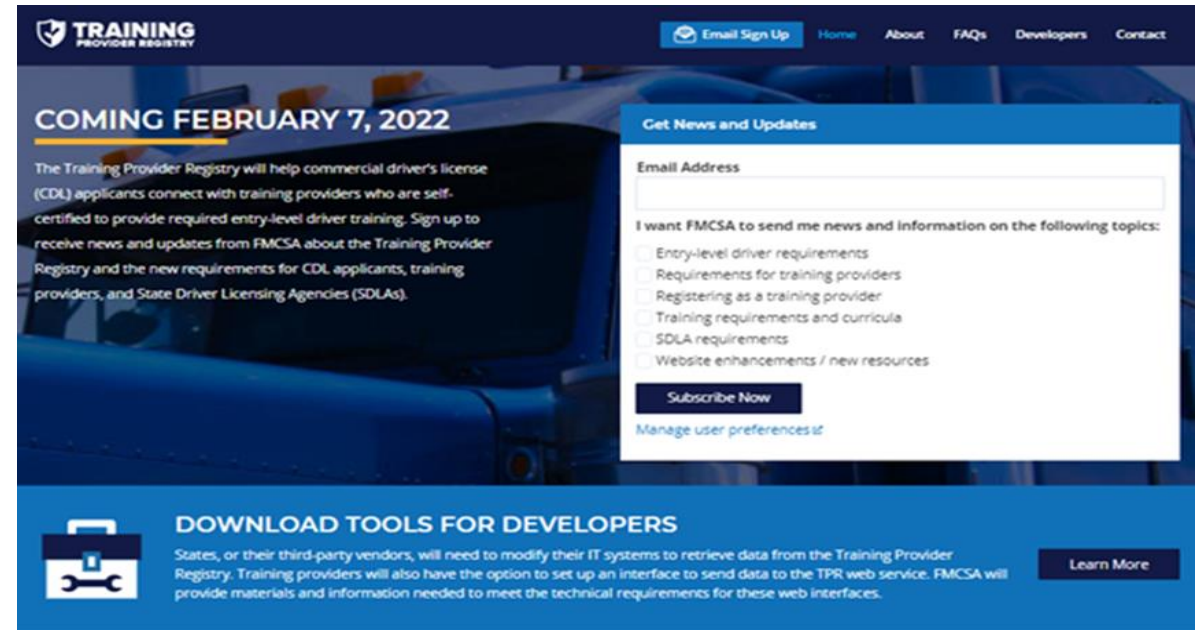
Below the process flow, there is a section titled 'Providing ELDT? Registration is Required.' followed by a section 'Why do training providers need to register?' which explains that providers must register with FMCSA and self-certify they meet applicable Federal and State training requirements. A callout box states: 'Only training providers register in the Training Provider Registry. Read below for more information on the ELDT requirements training providers must meet to be eligible to register with FMCSA.'

At the bottom right, there is a section 'Resources for Training Providers' with a list of links: 'Training Provider TPR Factsheet (PDF)', 'Countdown to ELDT Checklist for Training Providers (PDF)', 'ELDT Curricula Summary (PDF)', and 'Entry-Level Driver Training Overview (PPT)'.

The footer contains the text 'Are you ready to register?' and 'When registering, training providers must self-certify that they meet the'.

# ELDT – Training Provider Summary

- Training providers/prospective training providers should review the –
  - Registration guide,
  - The registration tutorial video,
  - The factsheet,
  - Checklist,
  - FAQs and more.
- <https://tpr.fmcsa.dot.gov>



The screenshot shows the homepage of the Training Provider Registry. At the top, there is a navigation bar with the logo "TRAINING PROVIDER REGISTRY" and links for "Email Sign Up", "Home", "About", "FAQs", "Developers", and "Contact". The main content area features a large blue banner with the text "COMING FEBRUARY 7, 2022" and a paragraph explaining the registry's purpose. To the right of the banner is a "Get News and Updates" form with an "Email Address" input field and a list of topics to subscribe to, including "Entry-level driver requirements", "Requirements for training providers", "Registering as a training provider", "Training requirements and curricula", "SDLA requirements", and "Website enhancements / new resources". Below the form is a "Subscribe Now" button and a link to "Manage user preferences". At the bottom of the banner, there is a section titled "DOWNLOAD TOOLS FOR DEVELOPERS" with a brief description and a "Learn More" button.

## 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.](#)

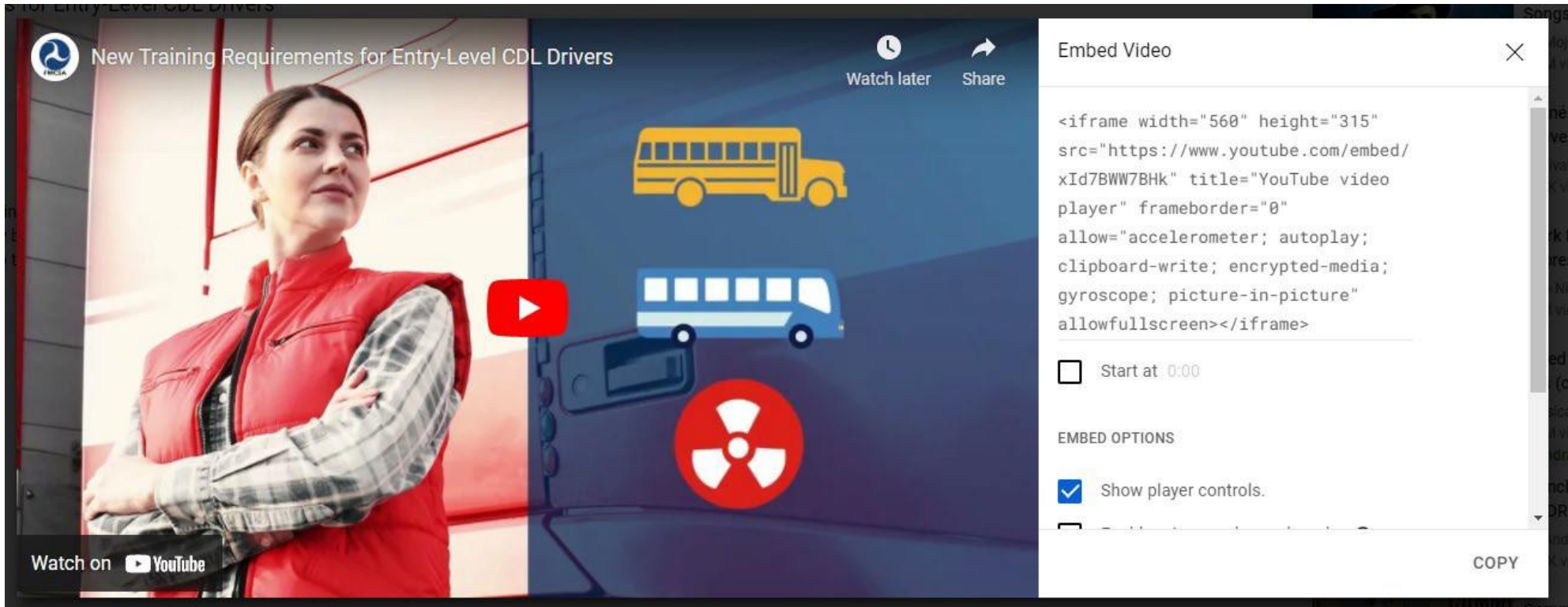


### ELDT Regulations

- 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 § 384.230: Entry-Level Driver Certification

## ELDT Video for Drivers

- Share: <https://youtu.be/xId7BWW7Bhk>
- Or embed (code available on YouTube page)



The image shows a YouTube video player interface. The video title is "New Training Requirements for Entry-Level CDL Drivers". The video content features a woman in a red vest and a blue background with icons of a yellow school bus, a blue bus, a smartphone, and a radiation symbol. A red play button is overlaid on the video. The "Embed Video" window is open on the right, showing the following code:

```
<iframe width="560" height="315"
src="https://www.youtube.com/embed/
xId7BWW7Bhk" title="YouTube video
player" frameborder="0"
allow="accelerometer; autoplay;
clipboard-write; encrypted-media;
gyroscope; picture-in-picture"
allowfullscreen></iframe>
```

Below the code, there is a checkbox for "Start at 0:00" which is unchecked. Under the "EMBED OPTIONS" section, there is a checked checkbox for "Show player controls." and a partially visible checkbox for "Start at 0:00". A "COPY" button is located at the bottom right of the embed window.



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