

FMCSA Update

**American Bus Association
Bus Industry Safety Council
February 4, 2023**

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Agenda

- Entry Level Driver Training Requirements
- Electronic Logging Device (ELD) Related News
- Drug and Alcohol Related Matters
- Access Board Guidelines Implementation Rulemaking
- Recent and Proposed Regulatory Changes, and Recent Publications

Entry Level Driver Training

The Entry Level Driver Training (ELDT) regulations establish 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

- 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

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

- 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**.
 - Training must be completed prior to taking a CDL skills or knowledge test.
 - Training provider must submit training information electronically.

ELDT – Facts that are good to know

- For Class A and B CDLs, Range and Road portions of the Behind the Wheel Training must be by the same training provider, but different locations of the same provider are okay
- Theory and Behind the Wheel Training must be completed within one year of each other
- Theory and Behind the Wheel Training can be from different training providers
 - There is no mandatory order for the types of training
 - However, Behind the Wheel training must be taken before taking a skills test

ELDT – Training Provider Website

- Training providers/prospective training providers should review the –
 - Registration guide,
 - Registration tutorial video,
 - Factsheet,
 - Checklist,
 - FAQs and more
- New section for entry-level drivers was added in December
- <https://tpr.fmcsa.dot.gov>
 - Subscribe to email updates

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

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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 § 384.230: Entry-Level Driver Certification

ELDs Relying on 3G Network

- Telecommunication companies shutting down 3G networks can affect electronic logging devices (ELDs) that rely on these networks.
- Bus companies should verify their ELDs continue to meet FMCSA technical standards to be compliant with the ELD regulations.
- A 3G ELD with no 3G network is a malfunctioning ELD. A bus company has eight days to get the malfunction resolved, in this case by replacement, unless an extension is granted.

FMCSA Removes Five ELDs from Registered ELDs List

FMCSA removed the following devices due to the company's failure to meet the minimum regulatory requirements:

1. ELD Name: ArionT ELD, Model Number: AT5000, ELD: AR1ONT
 - ELD Provider: Arion Tech Inc.
 2. ELD Name: ELDorado ELD, Model Number: ERS, ELD: ERS186
 - ELD Provider: ELDorado
 3. ELD Name: ELD ONE, Model Number: OELD01, ELD: OWLA01
 - ELD Provider: TMS ONE
 4. ELD Name: Nationwide ELD, Model Number: NWTELDV1.1, ELD: NWT001
 - ELD Provider: Nationwide Technologies Inc.
 5. ELD Name: ONE PLUS ELD, Model Number: ORS, ELD: ORS160
 - ELD Provider: ONE PLUS ELD (n/k/a 1 PL LOGS)
- Go to FMCSA's ELD webpage for guidance if you are using one of these ELDs – <https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-devices>

ELD Advance Proposed Rule

- On September 16, FMCSA requested comments on ways to improve the clarity of current ELD regulations and address certain concerns about the technical specifications raised by industry stakeholders.
 - Comment period closed on November 15.
- FMCSA sought comments in the following 5 specific areas in which the Agency is considering changes:
 1. Applicability to pre-2000 engines
 2. Addressing ELD malfunctions
 3. Removal process for ELD products from FMCSA's certified ELD list
 4. Technical specifications
 5. ELD certification

CDL Downgrades for Drug & Alcohol Violations

- 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.
- The final rule also requires SDLAs to remove CDL privileges from licenses of individuals prohibited from performing safety-sensitive functions.
- States must achieve substantial compliance as soon as possible, but no later than November 18, 2024.

CDL Downgrades for Drug & Alcohol Violations

- SDLAs must query the Clearinghouse prior to issuing, renewing, transferring, or upgrading a CDL.
- SDLAs must deny a commercial license transaction (non-issuance) if the Clearinghouse query shows the driver is prohibited.
- SDLAs must initiate the process to remove a CLP or CDL privilege (downgrade) when notified of a driver's Clearinghouse violation.
- FMCSA will notify the SDLA when a driver completes the Return to Duty requirements and is no longer prohibited.

Drug and Alcohol Clearinghouse Compliance

- When re-hiring a previously employed driver, it is required to do a pre-employment query on him/her before he/she starts driving for your company again.
 - A pre-employment query is always a full query.
 - When a query is submitted to the Clearinghouse, the driver must approve the release of the information electronically.
- Annual queries are required at least once a year (after January 6, 2020) on each driver employed by the motor carrier.
 - An annual query can be a limited query.
 - A limited query only reports whether there is any new information in the Clearinghouse but will not release the information.
 - A full query must be done within 24 hours of receiving a new information result.

Drug and Alcohol Clearinghouse - Notifications

- The Clearinghouse only links a driver to an employer for 30 days after a pre-employment query.
- Notification provided only for pre-employment queries.
 - No more than 30 days after the inquiry
 - Notification setup is necessary in the Clearinghouse Account
 - Email notification
 - Bell Icon – indicates the number of notifications



Drug and Alcohol Clearinghouse Compliance

- Employers of CDL drivers are required to conduct background investigations before hiring a driver.
- This process includes determining if the driver has violated the drug and alcohol regulations of any Department of Transportation mode within the past three years.
- This required employers or their designated consortia/third-party administrators to conduct both electronic queries in the Clearinghouse and manual inquiries with previous employers to meet the three-year time frame.
- A pre-employment Clearinghouse query satisfies the requirement to investigate a prospective driver's previous drug and alcohol program violations.

Drug and Alcohol Clearinghouse Compliance

A point to consider:

- The Clearinghouse contains only information about drivers employed by FMCSA-regulated employers.
- If a prospective employee was employed by an employer regulated by a DOT agency other than FMCSA (such as the Federal Railroad Administration, Federal Transit Administration, Federal Aviation Administration, etc.) during the three-year time frame, prospective employers will still be required to directly request drug and alcohol violation information from those DOT-regulated employers since this information is not reported to the Clearinghouse.

Drug and Alcohol Clearinghouse Compliance

- If you have a question, go to the Frequently Asked Questions (FAQs) on the Clearinghouse website <https://clearinghouse.fmcsa.dot.gov>
- Subscribe to email updates.
- Contact clearinghouse@dot.gov if you have an unanswered question.

Interpretive Rule about Passenger Carriers

- On November 15, FMCSA published an interpretive rule that clarified:
 - Interstate Commerce pertaining to passenger transportation to and from transportation stations such as airports, waterway port, or railroad station
 - Circumstances that constitute for-hire passenger transportation
 - Applicability of operating authority registration, insurance, and the safety regulations to passenger carriers whose primary business or activity is not passenger transportation

Interpretive Rule about Passenger Carriers

Information was provided about 19 passenger transportation scenarios in the following categories:

- Passengers using multiple transportation modes
- Hotel related passenger transportation
- Employer related passenger transportation
- Education related passenger transportation
- Faith based organization related passenger transportation
- Miscellaneous passenger transportation

Regulatory Removal

- Removal of Record of Violations Requirement
 - FMCSA amended its regulations to eliminate the requirement that drivers prepare and submit a list of their traffic violation convictions to their employer(s) annually.
 - Motor carriers are still required to make an annual inquiry to each driver's State driver licensing agency.
 - Removal became effective on May 9, 2022.

United States Access Board

- 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 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

- 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 and it will likely 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

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 after the proposed rule is published.

Speed Limiting Devices

- FMCSA published a notice announcing its intent to proceed with a speed limiter rulemaking and requested all interested parties to provide information to specific questions.
 - Over 14,000 comments received
- Applicable commercial vehicle standards were mentioned:
 - in interstate commerce,
 - GVWR of 26,001 pounds or more, and
 - equipped with an electronic engine control unit capable of governing the maximum speed
- No other draft regulatory standards were proposed in this notice.

Speed Limiting Devices

- FMCSA plans to publish a proposal in 2023 addressing speed limiters on commercial vehicles.
- When this proposal is published, the industry and the public will have another opportunity to comment.

State Inspection Programs for Passenger-Carrying Vehicles

- 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 its withdrawn 2016 advance proposed rule about requirements for the States to implement annual inspection programs for passenger-carrying commercial vehicles.
- 22 comments were received after comment period closed on June 9.
- After reviewing the additional comments, FMCSA determined there is not enough data and information available to support moving forward with a rulemaking action.

Unique Electronic Identification of Commercial Vehicles

- On September 23, FMCSA requested comments on whether its regulations should be revised to require every interstate commercial vehicle be equipped with electronic identification (ID) technology capable of wirelessly communicating a unique ID number when queried by a Federal or State official.
- This advance proposed rule is in response to a rulemaking petition from the Commercial Vehicle Safety Alliance (CVSA).
- FMCSA is considering such regulatory changes to improve the efficiency and effectiveness of the inspection program by more fully enabling enforcement agencies to focus their efforts at high-risk carriers and drivers.
- Comment period closed on November 22.

Revised Driver Vision Standard

- FMCSA amended its regulations to permit drivers who do not satisfy, with the worse eye, either the existing distant visual acuity standard with corrective lenses or the field of vision standard, or both, to be physically qualified to operate a commercial vehicle in interstate commerce under specified conditions.
- Previously, such drivers were prohibited from driving commercial vehicles in interstate commerce unless they obtained an exemption from FMCSA.
- This new vision standard replaces the vision exemption program as the basis for determining the physical qualification of these drivers.

CVSA Inspection Bulletin on Inspecting Emergency Exits

- CVSA created a new inspection bulletin providing guidance on the inspection of emergency exits in passenger carrier vehicles.
- All manufacturers of commercial passenger-carrying motor vehicles are required to meet NHTSA's Federal Motor Vehicle Safety Standards (FMVSS) for emergency egress in the U.S. and the Canadian Motor Vehicle Safety Standards in Canada.
- These standards minimize the likelihood of occupants being ejected from the vehicle in the event of an accident and provide a means of readily accessible emergency egress.
- FMCSA incorporated the FMVSS 217 Standard into its regulations in Part 393.

Modified and Customized Vehicles

- Many passenger carrier vehicles undergo construction by second-stage manufacturers or modifiers and such customizations may block or render inoperative required emergency exit windows, hatches, and/or doors.
- For these situations, calculating the exit space, and determining size and location of emergency exits is important for compliance.

Modified and Customized Vehicles

- If you operate a vehicle that had construction by a second-stage manufacturer, or you operate a vehicle that has been modified or customized after the original equipment manufacturer –
 - It is recommended that you go through emergency egress related inspection procedures to ensure your vehicle is compliant.
 - Doing so will help avoid a horrific safety problem in which passengers cannot exit the vehicle during an emergency or an inconvenience of the vehicle being placed out-of-service for being in violation.

Certified Medical Examiners - Refresher Training and Recertification Testing

- FMCSA recently announced implementation of the regulatory requirement that all medical examiners on the Agency's Certified Medical Examiner Registry maintain their certification by completing refresher training 4 to 5 and 9 to 10 years after certification and passing a recertification test 10 years after certification.
 - The 5-year refresher training has been implemented
 - FMCSA is now proceeding with the 10-year training and testing.

Certified Medical Examiners - Refresher Training and Recertification Testing

- The required 10-year refresher training will be delivered by private sector training organizations in the same manner as the initial Registry medical examiner training.
- The 10-year recertification test will be provided by the two FMCSA-approved testing organizations in the same manner as the initial Registry medical examiner certification test.
- Medical examiners can upload proof of completion of the 10-year training to their Registry accounts and can currently take the 10-year recertification test.

Clarification to the Applicability of Emergency Exemptions

- FMCSA has recently proposed to narrow the scope of regulations from which relief is provided automatically for motor carriers providing direct assistance when an emergency has been declared.
- The Agency also proposed revisions to the process for extending an automatic emergency exemption where circumstances warrant.
- Comments should be submitted by February 6.
- If you have a question after reviewing the proposed rule, please send an email to Kathryn.Sinniger@dot.gov

Clarification to the Applicability of Emergency Exemptions

FMCSA proposes to:

- narrow the automatic applicability of emergency regulatory relief to the hours-of-service (HOS) limitations
- modify the emergency definition to not include economic conditions that are caused by market forces including driver shortages, inflation, etc. unless such conditions or events cause an immediate threat to human life and result in a declaration of an emergency
- limit the regulatory relief that takes effect upon a regional declaration of an emergency by a Governor or FMCSA to 5 days and would exempt drivers only from the HOS limitations
- limit the regulatory relief for local emergencies by exempting drivers only from the HOS limitations

Motor Carrier Safety Planner

Motor Carrier Safety Planner – Online guide making it easier to understand and comply with safety regulations. You can customize and share the Planner with your team.



[The Motor Carrier Safety Planner \(dot.gov\) -
https://csa.fmcsa.dot.gov/safetyplanner/](https://csa.fmcsa.dot.gov/safetyplanner/)



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