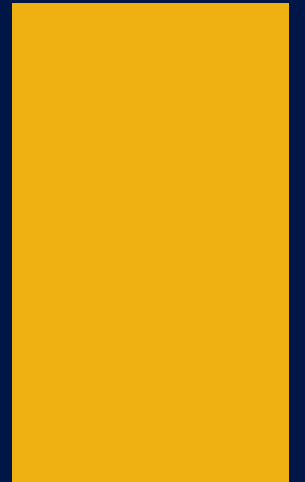


Federal Motor Carrier Safety Administration



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

January 2022



Bus Industry Safety Council

**Loretta G. Bitner, Chief
Passenger Carrier Safety Division**



Pandemic Emergency Related Waivers

Due to the pandemic national emergency:

- FMCSA issued a waiver that permits, but does not require, States to extend the validity of commercial driver's licenses (CDLs) and commercial learner's permits (CLPs) to interstate and intrastate CDL and CLP holders and to other interstate drivers operating commercial motor vehicles (CMVs).
- Effective December 1, 2021 – Expires:
 - February 28, 2022;
 - Upon revocation of the National Emergency Declaration; or
 - Upon early termination by FMCSA.
 - Whichever is soonest.

Pandemic Emergency Related Waivers

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

- A motor carrier that allows a CLP or CDL driver to operate a CMV during a period in which the driver does not have a current CLP or CDL, but only if, the CLP or CDL was valid on February 29, 2020 and expired on or after March 1, 2020.
- A motor carrier that allows a CMV driver to operate a CMV during a period in which the driver's operator license has expired, but only if the driver's license was valid on February 29, 2020, and expired on or after March 1, 2020, and the driver is otherwise physically qualified to drive.
- A motor carrier that allows a CMV driver to operate a CMV during a period in which the driver does not have the current medical certificate, if the driver has evidence of a valid medical certification or medical variance that expired on or after September 1, 2021.

Pandemic Emergency Related Waivers

Waives Certain Pre-trip Vehicle Inspection Skills Test Requirements

- Effective January 3, 2022 and expires on March 31, 2022.
- FMCSA permits, but does not require, States to waive the engine compartment part of the pre-trip vehicle inspection skills testing requirement, aka the “under-the-hood” component, for commercial driver’s license (CDL) applicants of the School bus (S) and Passenger (P) endorsements and Intrastate only (K) restriction.
- When issuing a K-restricted CDL with the S and P endorsements pursuant to this waiver, States must place a school bus only restriction on the CDL.

Pandemic Emergency Related Waivers

Waives Certain Pre-trip Vehicle Inspection Skills Test Requirements

- Applies to **intrastate** operation of school buses used to transport students from home to school, from school to home, or to and from school-sponsored events, as defined in 49 CFR 383.5.
- Waives the requirement that States administer a portion of the pre-trip vehicle inspection test in accordance with an FMCSA pre-approved examiner information manual.
- Response to multiple requests to provide regulatory relief addressing the shortage of school bus drivers exacerbated by COVID-19.

Entry Level Driver Training

Entry Level Driver Training – Beginning February 7, 2022

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

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

- Individuals who obtain a CLP before February 7, 2022, are not subject to the new ELDT regulations for obtaining a CDL, if they obtain a CDL and/or endorsement before their CLP (or renewed CLP) expires.
- Individuals who obtain 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.
 - ELDT must be completed prior to taking a CDL skills or knowledge test to obtain one of the licenses or endorsements.

ELDT – Training Provider Requirements

- 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.

ELDT – Training Provider Requirements

- Motorcoach companies providing in-house pre-CDL driver training must register with FMCSA via the TPR in advance of the compliance date.
- There are several steps to registration. FMCSA must review each submitted registration. Passenger/Motorcoach companies that are training providers to their own employees and/or outside drivers are encouraged to register now.
- To learn more about ELDT and the TPR, visit: <https://tpr.fmcsa.dot.gov> and subscribe to email updates.

Electronic Logging Device

Technical Notice about ELDs Relying on 3G Network

- On November 1, FMCSA provided notice on its website of issues related to telecommunication companies shutting down 3G networks.
- This affects electronic logging devices (ELDs) that rely on 3G networks.
- Motorcoach companies should verify their ELDs continue to meet FMCSA technical standards to be compliant with the ELD regulations.
- Expect 3G networks changes to begin in February 2022.
- A 3G ELD with no 3G network is a malfunctioning ELD.
 - A motorcoach company has eight days to get the malfunction resolved, in this case by replacement, unless an extension is granted.

Technical Notice about ELDs Relying on 3G Network

FMCSA recommends motor carriers take the following actions to make sure their ELDs will continue to work:

- Confirm whether your ELD relies on a 3G network.
 - If you are unsure, contact your ELD provider.
 - If your ELD does not rely on 3G and meets all minimum requirements, no further action is needed.
- Ask your provider for its upgrade or replacement plan.
 - If your ELD relies on a 3G network, ask your ELD provider about its plan for upgrading or replacing your device to one that will be supported after the 3G sunset.
 - Complete the necessary actions as soon as possible.

ELDs and the Semiconductor Shortage

- The chip shortage has resulted in delays with manufacturing ELDs.
- If a company purchases new vehicles and cannot obtain the ELDs of their choosing due to a delay in shipping or a back-ordering issue, the regulations are clear - - FMCSA will not permit any waivers due to problems obtaining an ELD.
- However, there are some options:
 - Operate under the short-haul exception (150-air miles) until the ELDs are properly installed in the vehicles.
 - Driver(s) are allowed to operate on paper RODS for no more than 8-days in a 30-day period until the ELDs are properly installed.
 - Find another ELD that is not backordered or will be delivered quicker.

Commercial Drivers License

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 (DACH).
- 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.

Final Rule Highlights

- SDLAs must query the DACH prior to issuing, renewing, transferring, or upgrading a CDL.
- SDLAs must deny a commercial license transaction (non-issuance) if the DACH query shows the driver is prohibited.
- FMCSA to push notifications to SDLAs.
- SDLAs must initiate the process to remove a CLP or CDL privilege (downgrade) when notified of a driver's DACH violation.
- FMCSA will notify the SDLA when a driver completes the return to duty requirements and is no longer prohibited.
- CLP holders are covered by the requirements of this rule.

Extension of Compliance Dates for Medical Examiner's Certification Integration into CDL

- FMCSA extended the compliance date from June 22, 2021, to June 23, 2025, for several provisions of its Medical Examiner's Certification Integration final rule.
- This action was taken to provide:
 - FMCSA time to complete certain information technology (IT) system development tasks for its National Registry of Certified Medical Examiners; and
 - To provide the SDLAs time to make the necessary IT programming changes when the new National Registry system is completed and available.

Investigations

What Prompts an Investigation?

SMS BASICs information

Program (i.e.; MAP-21)

Crash/Hazardous Materials (HM) incident

Special project

Complaints



Types of Investigations

Comprehensive Investigation

All applicable regulations

Focused Investigation

Specific to BASICs above thresholds

Crash investigation

Specific to area of complaint

Offsite Investigation

Similar to the Focused



Investigations Start with a Data Intake Process

Investigations begin with a **Risk Assessment**, a simple intake process to collect documentation and data electronically.

1. Safety Investigators send letters requesting documentation to prioritized carriers.
2. Carriers upload documents using the new SMS Carrier Dashboard.
3. Safety Investigators review documents for specific safety compliance problems related to BASICs-above-threshold.
4. Throughout the investigation, carriers and Safety Investigators review, track, and communicate about the investigation process.
5. At the end of the investigations, carriers and Safety Investigators discuss process breakdowns, remedies, and how to improve safety compliance.

Vehicle Inspections

- Investigations may require vehicle inspections
 - Conducted by Federal or State Partners
- CVSA Operational Policy 13 requires that the vehicles being selected are on the “ready line awaiting dispatch” or “vehicles not slated for maintenance.”
- Ensure you have a proper system to identify these vehicles that have not been in service and ensure this information is conveyed to inspectors.



Summary of Investigation Types

	Investigation Location	Closeout Locations	Ratings
Comprehensive	Onsite required	Onsite preferred Remote permitted if necessary	Not Rated Unsatisfactory Conditional Satisfactory
Focused	Onsite or Remote	Onsite or Remote	Not Rated Unsatisfactory Conditional
Offsite	Remote	Remote	Not Rated



Investigation location is determined by FMCSA



Electronic Recordkeeping

Electronic Signatures and Documents

- To comply with FMCSA regulations, documents may be stored electronically if the documents can be produced as required.
 - Without risk of losing or altering data
 - Immediately or within the time frame specified
 - May be required to produce paper copies of electronically-stored records
- Scanned or other “image capture” records, including a verifiable signature, fulfills the requirements of § 390.31 and the original paper documents may be destroyed per § 390.31(c).

Electronic Signatures and Documents

- Establish a Quality Control Process
- Scanning and other “image capture” process
 - Remove staples
 - Remove post-it notes that may cover information
 - Ensure documents did not double feed
 - Visual inspection to ensure image is complete, clear and easy to read



Investigation Record Retention

- Electronic documentation uploaded at the request of an authorized safety official are governed by Records Management Policies and Laws.
 - Includes use and destruction of Federal records
 - Record retention varies depending on investigation type, investigation outcome, enforcement action, etc.





Need Help?

Contact the
FMCSA
Division Office
in your state



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

General Information

Infrastructure Investment and Jobs Act

<https://www.transportation.gov/bipartisan-infrastructure-law>



Motor Carrier Safety Planner

Motor Carrier Safety Planner – Online manual 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/)



Contact and Website Information

Federal Motor Carrier Safety Administration - [Federal Motor Carrier Safety Administration \(dot.gov\)](https://www.fmcsa.dot.gov/) - <https://www.fmcsa.dot.gov/>

FMCSA's Medical Program - If you have a question about FMCSA's medical program, please send an email to FMCSAMEDICAL@DOT.GOV

Drug and Alcohol Clearinghouse (DACH) - Frequently Asked Questions (FAQs) on the website: <https://clearinghouse.fmcsa.dot.gov/>; subscribe to email updates; email clearinghouse@dot.gov.

Entry Level Driver Training - Training Provider Registry - <https://tpr.fmcsa.dot.gov>

Contact and Website Information

Compliance, Safety, Accountability (CSA)

- <https://csa.fmcsa.dot.gov>

Passenger Carrier Safety Information

- <https://www.fmcsa.dot.gov/safety/passenger-safety/passenger-carrier-safety-information>

Crash Preventability Determination Program (CPDP)

- <https://www.fmcsa.dot.gov/crash-preventability-determination-program>

Analysis, Research, and Technology

- <https://www.fmcsa.dot.gov/safety/analysis-research-technology>

Peter.Chandler@dot.gov

Danielle.Smith@dot.gov

MC-ECP@dot.gov