



## 2021 CVTA Legislative Primer

### 1. Entry-Level Driver Training (ELDT) – Timely Implementation

CVTA supports the timely implementation of ELDT. The new federally mandated curriculum will become an industry requirement on February 7, 2022. The curriculum will require:

- All students to undergo a three-part curriculum comprised of classroom (theory) and behind-the-wheel training (range), and behind-the-wheel training (road).
- All training providers to register, be approved, and listed on the FMCSA's Training Provider Registry (TPR) and teach the ELDT curriculum.
- All training providers to certify its students are "proficient" in the skills curriculum based on their performance before taking the CDL skills exam.
- While there are no federal minimum hours of BTW training, all training providers must disclose how many BTW hours the student completed on the student's certificate.

Up until very recently ELDT has faced delay after delay:

- Congress told the FMCSA to create ELDT in 2012, and after subsequent delay, the rule was supposed to be mandatory as of Feb 7, 2020.
- Instead, on February 4, 2020, citing state delay and nonspecific IT issues, the FMCSA delayed the entire ELDT regulation for an additional two additional years, until February 7, 2022.
- In **H.R. 2, the INVEST Act**, the House passed the bipartisan supported, **Section 4303**, to require the FMCSA to:
  - Provide aggressive status updates until ELDT was fully implemented
  - Detail the precise schedule with benchmarks
  - Anticipate delays and remedy them
  - Outline the progress of the necessary IT system infrastructure
  - Report on states that have adopted state laws and regs referencing ELDT
  - Report on which states have implemented ELDT
- CVTA continues to monitor the situation with states; many have adopted state regulations and legislation in advance of 2022, but many have not.

**CVTA urges Congress to:**

- **Pass legislation in the upcoming surface transportation bill that conforms to section 4303 of the INVEST Act, or similar**
- **Continue to encourage and pressure the FMCSA to proceed with their numerous activities in anticipation of February 7, 2022.**
- **Potentially restrict the FMCSA's funding with a "no funds shall be spent" clause, if it becomes clear (prior to the passage of the surface transportation bill) that FMCSA will not implement ELDT on time.**

## 2. Skills Testing Delays – Third Party Testing

- In 2015, the General Accounting Office (GAO) found that 15 States had CDL skills testing delays and backlogs that left students waiting 14 days or more to test for their CDL.
- Most importantly, because 20-50% of students fail their initial CDL skills test, students in states with testing delays are forced to forgo income for additional weeks or months while waiting for a retest appointment to become available.
- Delays are primarily due to lack of testing sites and personnel to meet demand. States are either unable to expend additional budget resources to solve its delay problem or unwilling to adopt or expand third party testing to reduce testing backlogs.
- Commercial driver testing delays resulted in \$1.5 billion in economic losses across the United States. \$1.1 billion of this \$1.5 billion was in direct lost wages attributed to testing delays.
- Federal and local governments lost out on over \$342 million in income and sales tax revenue in 2016.
- 258,744 potential workforce entrants impacted by testing delays. 6.4 million days of delays for new commercial drivers.

In **H.R. 2, the *INVEST Act***, the House passed the bipartisan supported, **Section 4101**, to:

- establish conditions for Commercial Driver License Program Implementation (CDLPI) grant funds:
  - CDLPI grant funds would be restricted to no more than \$250,000 for States
    - that prohibit private commercial driving schools, or independent test centers from acting as third party testers.
    - that fail to report their skills testing delays to the FMCSA as part of the yearly federal reporting requirement

**CVTA urges Congress to:**

- **Pass legislation in the upcoming surface transportation bill that conforms to section 4101 of the *INVEST Act*, or similar**

## 3. Workforce Innovation and Opportunity Act (WIOA Funding)

- WIOA funds enable unemployed and underemployed individuals to receive training in “in-demand” careers.
- Congress must continue to fully fund WIOA programs.
- Without robust funding, CVTA fears that fewer individuals will look to commercial trucking as a career option, thereby exacerbating the driver shortage.
- WIOA is scheduled for Congressional reauthorization in 2020. This is an ideal opportunity for Congress to address WIOA’s shortcomings.

#### CVTA urges Congress to:

- **Increase WIOA authorized funding levels;**
- Establish a system that recognizes nationally in-demand jobs so that WIBs have more career training opportunities for jobseekers to pursue;
- Establish a uniform data system that allows WIBs and employers to track the long-term career progress of WIOA recipients after they enter the workforce;
- Establish vetting and assessment guidelines for WIOA applicants to ensure WIOA recipients that enter training have the aptitude to complete training and are employable upon completion of training; and
- Explore other innovative funding ideas for training. Carriers with tuition reimbursement programs could also repay WIOA grants to a WIB or to the Department of Labor, thereby recycling funds back into the system to pay for more jobseekers to get trained as truck drivers.

#### 4. 18-20 Year Old Drivers

- Department of Transportation regulations require a driver to be 21 or older in order to operate a Commercial Motor Vehicle (CMV) in interstate commerce.
- An 18- to 20-year old, who has the skills and maturity to obtain a CDL and begin working as a commercial driver can drive 750 miles from El Paso, TX to Houston, TX but that same driver is barred from Alexandria, VA to Baltimore, MD.
- Moreover, federal law bars drivers under 21 from driving a truck within any state's borders if the cargo on that truck originated outside of the state or will eventually leave the state by any mode (otherwise classified as "interstate" cargo).
- The age restriction is particularly problematic given the growing shortage of drivers in the trucking industry is approximately 60,000 drivers short of what is necessary to fill empty trucks.
- Congress included a provision in the Fixing America's Surface Transportation Act (FAST Act),<sup>38</sup> which creates a pilot program that allows certain veterans from ages 18-20 to drive commercial motor vehicles in both interstate and intrastate commerce.

#### CVTA urges Congress to support the DRIVE Safe ACT:

- **the DRIVE SAFE Act**, which is bipartisan legislation introduced in the Senate and House that
  - would lower the driving age for interstate commercial drivers while
  - requiring motor carriers to develop a 400-hour post CDL apprenticeship program for these drivers, and also
  - require motor carriers to utilize trucks with the latest safety technology.
  - CVTA is advocating for its inclusion in the upcoming Highway Bill.

#### 5. Automated Vehicle Policy

- Advanced Driver Assisted Systems (ADAS) and Highly Autonomous Vehicle (HAV) technology has evolved from a curious experiment years ago into a real and ambitious commitment by the transportation industry.

- There are already passenger vehicles currently available to the public that have some autonomous capabilities (SAE Level 2) such as adaptive cruise control, automatic braking, and lane departure warning systems.
- CVTA supports preemption of the current patch work of individual state laws currently governing this technology. We believe this will speed up the deployment of life-saving technologies.
- **CVTA proposes a five-point, common-sense approach as part of a broader federal framework for autonomous vehicle technology.**
  - **Require A Driver:** Any legislation addressing highly automated commercial vehicles needs to require the presence of a driver/operator/ pilot/technician (driver), who has had formal training that meets the operational and safety needs of this new technology. their ability to do their job.
  - **Create an Advisory Committee, To Advise the Secretary on Training, Testing and Licensing:** Training is an essential part of safety and training institutions must be considered when establishing the framework for ADAS and automated technologies
  - **Allow Drivers Age 18 and Older:** ADAS and automated vehicle legislation in Congress presents an opportunity to mitigate the truck driver shortage by requiring the Secretary to develop minimum licensure standards for 18- to-21-year-old drivers to operate in interstate commerce
  - **ADA Considerations:** Automated technologies hold promise for persons with disabilities. Currently, the FMCSA has granted certain persons with disabilities medical waivers to hold a CDL. CVTA would like the FMCSA to identify specific technological advancements that recognizes an individual with disabilities to be as safe or safer to drive upon being granted a medical waiver to receive or renew a CDL. Currently, the FMCSA is not required to identify these technologies and schools are unclear how to provide the training, particularly the over the road training to certain individuals with disabilities.
  - **Preserve 5.9 GHz for Transportation & Safety:** Vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) communications technology will play a critical role in improving highway safety. We urge Congress to include language in the Highway Bill to preserve the full 70 MHz of this spectrum and all 7 channels of 5.9 GHz broadband spectrum dedicated as Safety Spectrum.