



LEGISLATIVE AGENDA: 2021



2021 LEGISLATIVE AGENDA

TABLE OF CONTENTS

A Letter from CVTA Chairman, Larry Marsh	1
CVTA School Facts & The Commercial Trucking Industry	4
Entry-Level Driver Training (ELDT) Final Rule	6
Commercial Driver's License (CDL) Testing Delays	8
Workforce Innovation & Opportunity (WIOA) Grants	10
18-to-20 Year Old Drivers	12
Automated Vehicle Policy	16

A LETTER FROM CVTA CHAIRMAN, LARRY MARSH

We all learned a lot from 2020 in the truck driver training community. We emerge renewed in our understanding of the critical role that truck drivers play in keeping America running and the notion that safely trained professional drivers are the heart of that role. We look forward to a year filled with opportunity to bolster safety and to remove barriers to entry into this critical workforce.

America was experiencing a critical driver shortage prior to the COVID crisis and with the events of 2020 that need is even greater. Recent reports suggest that the industry is lacking 60,000 qualified drivers to keep up with demand and this shortage is expected grow as driver retirements, economic growth, and driver disqualifications grow in the future. As of 2014, commercial truck driving was the number one in-demand occupation in 29 states. As such, opportunities abound in the trucking industry, but these opportunities must be buoyed by professional training, robust funding options, and timely licensing at the state level.



CVTA's legislative agenda touches a host of issues that affect our schools. These issues are at the crossroads of education and transportation at both the federal and state levels. CVTA works to ensure that students can enter and exit training without any major impediments and our member institutions provide students with quality training and equip them with a skillset to enter and succeed in transportation. Therefore, CVTA's legislative agenda is primarily concerned with the aspects related to training, student funding, and sensible regulations that allow students to equip themselves with the skills needed in their future profession.

For drivers to get the necessary training, schools and motor carriers must have the right policies in place to ensure success. The policies outlined in this document reflect, in our members' judgement, the right policies to ensure that students succeed, in turn ensuring the success of the trucking industry.

Thank you all for your continued efforts in training such an important workforce for the nation. We appreciate your continued interest in promoting the shared goals of CVTA and in creating a policy environment where entry-level drivers can thrive and endure.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Larry Marsh'. The signature is fluid and cursive, written over a light-colored background.

Larry Marsh

ABOUT CVTA

The Commercial Vehicle Training Association (CVTA) is the largest association representing commercial truck driver training programs in the United States. CVTA members represent over 225 training locations in 43 states, training 60,000 commercial driving students annually. Advancing the interests of trucking's workforce providers and employers, CVTA advocates for policies that enhance safety through commercial driver training, enable students to secure employment within the trucking and bus industries, thus further advancing driver professionalism.

Cindy Atwood
Vice President

(703) 642-9444 ext. 102
ccatwood@cvta.org

Andrew Poliakoff
Director of Government Affairs

(703) 642-9444 ext. 103
andrew.poliakoff@cvta.org

2021 LEGISLATIVE AGENDA

CVTA's 2021 Legislative Agenda embraces three primary themes, in order of importance to our members: **Promoting Safety**, **Removing Barriers to Entry**, and **Protecting Workforce Education Investment**. This agenda will allow students to succeed and create safer roads for everyone to use. When our students succeed, America's economy grows stronger to the benefit of all Americans.

PROMOTING SAFETY

The Commercial Vehicle Training Association is the nation's largest association representing truck driver training providers in the United States. We represent over 250 private and public truck driving schools and motor carrier training programs in 43 states that train approximately 60,000 CDL students annually. CVTA promotes driver education, which serves as the foundation of the safe and efficient operation of commercial trucks and ensures the safety of all roadway users.

The education and training our students receive from our members ensure those individuals are equipped with a lifetime skillset that employers demand. Our commitment to safety is demonstrated by CVTA's ongoing collaboration with the U.S. Department of Transportation on the implementation of federal entry-level driver training standards, our school and finishing school instructor certification programs, and the promotion of policies which recognize commercial driving as a skilled profession.

REMOVING BARRIERS TO ENTRY

Truck driving is one of the most in-demand jobs in the United States and is critical to keeping the economy moving. At the end of 2018, the trucking industry fell short approximately 60,000 drivers of what motor carriers needed to fill every cab in their fleets. However, there are regulatory barriers that prevent drivers from entering the industry. CVTA members play a central role in fulfilling workforce needed by employers.

CVTA works to promote policies that improve efficiency in the process of obtaining a commercial driver's license without compromising safety. We believe we can achieve this by working with federal, state, and local governments to reduce barriers to securing a CDL upon successful demonstration of the skills needed to obtain a CDL.

PROTECTING WORKFORCE EDUCATION INVESTMENT

Paying for education and training can be complicated for many jobseekers. The inability to pay for an education is a significant impediment to job creation. While a variety of financing options are available, many students depend on publicly-funded grants to pay for training. CVTA believes that these programs are vital part in directing more Americans toward commercial driving as a stable and fulfilling career. Consequently, we work to protect funding sources to ensure America has drivers to deliver our freight.

ACRONYMS

ADAS	Advanced Driver Assisted Systems
AV START	American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act
BTW	Behind the Wheel
CDL	Commercial Driver's License
CLP	Commercial Learner's Permit
CMV	Commercial Motor Vehicle
DOT	Department of Transportation
DSRC	Dedicated Short-Range Communication
ELDT	Entry-Level Driver Training
ELDTAC	Entry-Level Driver Training Advisory Committee
FCC	Federal Communications Commission
FMCSA	Federal Motor Carrier Safety Administration
GAO	General Accounting Office
HAV	Highly Autonomous Vehicle
ICC	Interstate Commerce Commission
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IT	Information Technology
MAP-21	Moving Ahead for Progress in the Twenty-First Century Act of 2012
MCA	Motor Carrier Act of 1935
NPRM	Notice of Proposed Rule-Making
OEM	Original Equipment Manufacturers
SDLA	State Driver's License Authorities
SELF DRIVE	Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution Act
TPR	Training Provider Registry
V2I	Vehicle-to-Infrastructure
V2V	Vehicle-to-Vehicle
WIA	Workforce Innovation Act
WIB	Workforce Investment Boards
WIOA	Workforce Innovation and Opportunity Act

CVTA SCHOOL FACTS

- Train 60,000 students annually
- 225 training locations in 43 states
- Average student age is 35
- Enrollment is 89% male and 11% female (2018)
- 5,443 truck driver trainees funded with WIOA¹
- CVTA membership is the largest collective source of entry-level truck drivers recruited in the United States

TRUCKING INDUSTRY FACTS

- 70.6% of freight tonnage in the United States moves by truck; this accounts for 10.5 billion tons of goods worth
- \$738.9 billion (81.5% of the nation's freight bill).²
- 3.9 million commercial motor vehicle operators are employed by interstate motor carriers.³
- The trucking industry will have been short the 60,800 qualified drivers needed to fill every truck in their fleets in 2018; this number is expected to increase to 160,000 by 2028.⁴
- Entry-level truck drivers are often pre-hired before beginning their driver training, thus they begin working almost immediately after completing their training. They make up 49% of new hires in the trucking industry.⁵
- Entry-level drivers enjoy an average starting salary of \$41,000-\$45,000 per year plus benefits, as well as bonuses and tuition reimbursement.
- The truck driver occupation is listed as an “occupation with the most growth” by the Department of Labor, Bureau of Labor Statistics.
- The truck driver workforce is expected to grow 6% by 2026.⁶
- The average age of a truck driver is 55 years old.⁷

¹ Based on a 2019 survey of CVTA members.

² American Trucking Associations, *Industry Fact Sheet* (2016), available at http://www.trucking.org/ata%20docs/what%20we%20do/image%20and%20outreach%20programs/misc%20documents/pro%20Truck%20Drivers_final.pdf

³ FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, *2017 Pocket Guide to Large Truck and Bus Statistics* (2017), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/safety/data-and-statistics/81121/2017-pocket-guide-large-truck-and-bus-statistics-final-508c-0001.pdf>

⁴ American Trucking Associations, *Truck Driver Shortage Analysis 2019* (2019), available at <https://www.trucking.org/ATA%20Docs/News%20and%20Information/Reports%20Trends%20and%20Statistics/ATAs%20Driver%20Shortage%20Report%202019%20with%20cover.pdf>

⁵ National Public Radio, *Facing a Critical Shortage of Drivers, the Trucking Industry is Changing* (Feb. 11, 2019) available at <https://www.npr.org/2019/02/11/691673201/facing-a-critical-shortage-of-drivers-the-trucking-industry-is-changing>

⁶ BUREAU OF LABOR STATISTICS, *Occupations with the Most Job Growth* (2016) available at https://www.bls.gov/emp/ep_table_104.htm

⁷ National Public Radio, *Trucking Industry Struggles with Growing Driver Shortage* (Jan. 9, 2018) available at <https://www.npr.org/2018/01/09/576752327/trucking-industry-struggles-with-growing-driver-shortage>

ENTRY LEVEL DRIVER TRAINING

BACKGROUND

Since the passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Congress and the Department of Transportation (DOT) have sought to put forth a regulation that requires anyone seeking a commercial driver's license (CDL) to obtain formal training before taking the CDL skills test.⁸ After years of back and forth between the agency and the courts, Congress again required the DOT to promulgate a regulation on entry-level driver training (ELDT) via the Moving Ahead for Progress in the Twenty-First Century Act of 2012 (MAP-21).⁹ In response, the Federal Motor Carrier Safety Administration (FMCSA) held a negotiated rulemaking in 2015. CVTA and 25 other industry leaders were chosen as participants in the Entry-Level Driver Training Advisory Committee (ELDTAC).

The negotiated rule produced by the ELDTAC served as the blueprint for the Final regulation, issued in December 2016, which was set to require full compliance by States and training providers as of February 7, 2020.¹⁰ **Due to subsequent delays, the final rule is now set to become mandatory on February 7, 2022.**

When fully implemented, all States, at a minimum, must require:

- All students to undergo a three-part curriculum comprised of classroom (theory) and behind-the-wheel (range and road). This collectively embodies approximately 30 subjects and requires students to demonstrate proficiency in all subjects and skills.
- All training providers to certify its students are “proficient” in the skills curriculum based on their performance before taking the CDL exam.
- Instructors must have two years teaching or industry experience.
- All training providers to register, be approved, and listed on the FMCSA's Training Provider Registry (TPR) (students who are not certified by a school on the TPR will not be able to test for a CDL).
- 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.
- State driver's license authorities (SDLAs) to modify their data systems to be able to record BTW curriculum hours completed by each CDL applicant.

⁸ The Intermodal Surface Transportation Efficiency Act of 1991 § 4007, Pub. L. 102-240 (1991), 49 U.S.C. §§ 31701 et seq (1991).

⁹ The Moving Ahead for Progress in the 21st Century Act § 32304, 49 U.S.C. § 31305 (2012).

¹⁰ *Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators*, 81 Fed. Reg. 88732 (December 8, 2016) (to be codified at 49 CFR Parts 380, 383, and 384) available at <https://www.federalregister.gov/documents/2016/12/08/2016-28012/minimum-training-requirements-for-entry-level-commercial-motor-vehicle-operators>

ENTRY LEVEL DRIVER TRAINING

RECENT DEVELOPMENTS

Regrettably, in July 2019 the FMCSA delayed portions of rule pertaining to State enforcement and information collection, citing nonspecific IT problems and state preparedness issues.¹¹ In response, in November 2019, House Transportation and Infrastructure leadership (Reps. Holmes Norton and Davis) sent the FMCSA a bipartisan letter requesting clarification on the underlying issues causing delay and answers on how the FMCSA would course-correct to meet the pending deadline.¹² Later, on February 4, 2020, the FMCSA imposed a two-year delay, this time on the entire rule, again citing nonspecific IT issues that prevented the creation of the online Training Provider Registry.¹³ Thankfully, last year, in advance of the 2022 rollout date, the FMCSA began to take action to bring the TPR online and to move ahead with testing and outreach. As well, last year the House passed a provision which had gained bipartisan support that would compel the agency to proceed with this important training requirement.

In the *INVEST Act*, Sec 4303 outlined the following requirements on the FMCSA

- Provide aggressive status updates until ELDT was fully implemented;
- Detail the agency's 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'S POSITION

CVTA strongly supports the Final Rule as it is written. This Final Rule sets forth a comprehensive classroom and behind the wheel curriculum and requires individuals to demonstrate proficiency before being able to proceed to their state CDL exam. While FMCSA did not incorporate all of the ELDTAC's recommendations into its Final Rule, specifically an agreed upon minimum of 30-hours of required BTW training for Class A programs, CVTA believes it will greatly enhance highway safety because the curriculum requirements and demonstration of student skills performance far exceeds what most states currently require. For too long, substandard training providers ("CDL Mills") have been able to exist with little or no oversight, existing with the express purpose of simply preparing CDL applicants for the skills test without adequate training.

CVTA urges Congress to pass legislation in the upcoming surface transportation bill that conforms to section 4303 of the INVEST Act (or similar) and 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. At all times, CVTA urges Congress to continue to encourage and pressure the FMCSA to proceed with their numerous activities in anticipation of February 7, 2022.

¹¹ *Partial Extension of Compliance Date for Entry-Level Driver Training*; 84 Fed. Reg. 34324 (July 18, 2019).

¹² Reps. Rodney Davis & Eleanor Holmes Norton, Letter to FMCSA Re: Entry-Level Driver Training Delay (Nov. 15, 2019) available at <https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3A1ba16ad5-da3a-43dc-aa7f-c37aca35bc86>

¹³ *Extension of Compliance Date for Entry-Level Driver Training*; 85 Fed. Reg. 6088 (Feb. 4, 2020).

SKILLS TESTING DELAYS

BACKGROUND

To obtain a commercial driver's license (CDL), a student driver must follow a two-step process like that for a traditional driver's license. First, the driver must pass a written knowledge test to obtain his or her Commercial Learner's Permit (CLP). The CLP holder must then wait a minimum of 14 days to take the behind-the-wheel CDL skills test.¹⁴

After successfully passing the skills exam and obtaining a CDL, the new driver is ready to begin their new career. Upon satisfying all requirements, new CDL drivers have little, if any trouble, getting placed in a well-paying job operating a truck or bus. This is because the truck industry is experiencing a severe driver shortage, lacking upwards of 60,000 qualified drivers necessary to meet current and future demand.¹⁵

The Federal Motor Carrier Safety Administration (FMCSA) sets minimum CDL testing standards for all states. While all states must meet or exceed these minimum testing standards in terms of content, states are currently free to determine the entity that administers or conducts the CDL skills exam within their borders. States can either use state employees, such as examiners within its Department of Motor Vehicles (or equivalent agency), and/or delegate the testing function, in part or whole, to a state-certified third party, including commercial driving schools, trucking companies, municipalities, or independent test centers. The practice of allowing a nonstate entities to conduct skills testing is referred to as "third party testing." Forty states have adopted some form of third-party testing to ensure that there are enough personnel, testing sites and resources to test students expeditiously.¹⁶ Though states are not required to test students within a certain amount of time, delays in offering a skills test within a timely manner can create substantial hardships to students, motor carriers, and schools.

ONGOING PROBLEM

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. Students in eight of these states wait more than 21 days to take their initial CDL test. Most importantly, because 20-50% of students fail their initial CDL skills test, students in states with testing delays are often forced to forgo income for additional weeks or months while waiting for a retest appointment to become available.¹⁷ These delays are exacerbated by the fact that some states are closing state run testing facilities either for budgetary reasons or due to their failure to meet increased size requirements for testing facilities. The COVID pandemic further exacerbated the current delay crisis and

Delays are primarily due to lack of testing sites and personnel to meet demand. States are either unable or unwilling to either expend additional budget resources to solve its delay problem or adopt or expand third party testing to reduce backlogs of CDL applicants awaiting a CDL skills test appointment. The result is that new drivers in many states are not able to take their CDL skills test or retest in a timely manner. These delays also delay a driver's entry into the job market and receiving income. During COVID these delays have become

¹⁴ *Commercial Driver's License Testing and Commercial Learner's Permit Standards*, 76 Fed. Reg. 26853 (May 9, 2011).

¹⁵ American Trucking Associations, *Truck Driver Shortage Analysis 2019* (2019), available at <https://www.trucking.org/ATA%20Docs/News%20and%20Information/Reports%20Trends%20and%20Statistics/ATAs%20Driver%20Shortage%20Report%202019%20with%20cover.pdf>

¹⁶ See U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-15-607, *COMMERCIAL DRIVER'S LICENSES: FEDERAL OVERSIGHT OF STATE PROGRAMS COULD BE IMPROVED* (2015), 19-21 (Fig. 3) (noting that states reported using third-party testing in order to increase availability or access to skills tests for prospective students, supplement state testing resources, cut costs, and reduce testing wait times).

¹⁷ Pham, Nam D. and Donovan, Mary. *Economic Impact of Wait Times for Commercial Driver's License Skills Tests*. NDP Analytics (December 2018).

SKILLS TESTING DELAYS

Pursuant to Section 5506 of the FAST Act, the FMCSA released the *Commercial Driver's License Skills Test Delays Report -Calendar Year 2016*.¹⁸ This report disclosed skills testing delay times by state. The economic impact caused by skills testing delays are real and quantifiable. An independent analysis (Economic Analysis)¹⁹ commissioned by CVTA in 2018 examined the data from the Skills Test Delays Report and concluded:

- Commercial driver testing delays resulted in \$1.5 billion in economic losses across the United States.
- \$1.1 billion in direct lost wages can be 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.

FEDERAL AND STATE ACTION

CVTA has made significant progress on the state level to also address this problem. We have:

- requested a GAO Report (2015),
- Implemented legislation in the Highway bill to require annual state disclosure of skills testing delays (2015)²⁰
- introduced subsequent legislation requiring all states to provide testing with 7 days of request (2017)²¹
- worked directly with the Texas governor's office to implement third-party CDL testing in 2017.
- sponsored legislation (AB 301) in the California State Assembly to reduce wait times to seven days or less.
- succeeded in getting legislation passed in Oklahoma, Missouri, and Virginia requiring state driver's license authorities to allow truck driving schools to become third-party testers.

CVTA'S POSITION

CVTA's Economic Analysis confirms that skills testing delays are causing real economic harm to future drivers and impact interstate commerce. The significant impact this has on interstate commerce demonstrates that this problem is national in scope and requires a national solution.

CVTA was pleased to see that the House pass Section 4101 included in H.R. 2, the *INVEST Act*, which would:

- 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, and

¹⁸ FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, *Commercial Driver's License Skills Test Delays Report to Congress-Calendar Year 2016*, (September 2018).

¹⁹ Pham, Nam D. and Donovan, Mary. *Economic Impact of Wait Times for Commercial Driver's License Skills Tests*. NDP Analytics (December 2018).

²⁰ Fixing America's Surface Transportation Act ("FAST Act"), § 5506, Pub. L. 114-94 (December 4, 2015).

²¹ H.R. 4719, 115th Cong. (2017).

SKILLS TESTING DELAYS

- - 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. CVTA believes utilizing Commercial Driver License Program Implementation (CDLPI) grant funds, available to States, may act a means of overcoming program inefficiencies if those grants are conditioned on utilizing best practices and proper delay-reporting.

WORKFORCE INNOVATION AND OPPORTUNITY (WIOA) GRANTS

BACKGROUND

Congress reauthorized federal workforce programs funded under the Workforce Investment Act (WIA) through the passage of the 2014 Workforce Innovation and Opportunity Act (WIOA). As with WIA, WIOA allocates federal funds to states, which then push these funds into their local workforce through state “one-stop” workforce centers. WIOA funds enable unemployed and underemployed individuals to receive training in “in- demand” careers. Over the years, WIA/ WIOA grants have allowed thousands of individuals to attend truck driver training schools and begin their careers as commercial drivers. In fact, it is estimated that WIOA recipients make up approximately 10,000-15,000 transportation workers annually.²²

Program Year	2012	2013	2014	2015	2016-2017
TOTAL WIOA Trained	123,037	107,302	107,034	100,089	60,117
Transportation %	11.8	11.7	14.8	16.1	17.7
Total students in trans	14,518	12,554	15,841	16,114	10,641

Under WIOA, the “in-demand” occupation status requires state and local workforce boards to determine what occupations are in high demand based on local, state, or regional jobs data. In other words, under WIOA, grants will be awarded to pay for training programs only if state and local workforce boards have already determined that the applicant’s target industry has adequate job openings in that state or locality.²³

Truck driving is not only an in-demand occupation, it is economically integral to the movement of U.S. commerce and the ability for consumer demand of goods and services to be fulfilled. WIOA is an important resource for many jobseekers looking to start a career in this high-demand and economically important industry.

CURRENT PROBLEM

WIOA grants remain a major source of funding for individuals to enter careers in truck driving. In 2018, WIOA grants enabled 5,443 individuals to attend training at CVTA schools and gain critical job skills that keep them competitive in the job market. 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.

²² DEPARTMENT OF LABOR: EMPLOYMENT AND TRAINING ADMINISTRATION, *PY2016 Data Book*, p.57 (June 2018).

²³ See Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. § 3102(23)(B) (2014), also see <http://www.doleta.gov/wioa>

WORKFORCE INNOVATION AND OPPORTUNITY (WIOA) GRANTS

Additionally, CVTA is concerned about inefficiencies in the WIOA structure that puts the program's success at risk:

1. There are a few Workforce Investment Boards (WIBs) that do not classify truck driving as an "in demand" occupation because the criteria used by WIBs to determine workforce demand is based solely on local data. Although WIOA allows state workforce boards to choose which data they will use when determining jobs that are "in-demand," CVTA fears that too much reliance on state and local data at the expense of national data may unintentionally discriminate against non-domiciled trucking companies. As such, this risks exacerbating the driver shortage.
2. It is difficult to track WIOA recipients after they enter the workforce. Data is limited in terms of tracking how long WIOA recipients stay in the workforce in their chosen career field. Furthermore, WIOA program metrics may need to be adjusted to capture those residents who are employed by out of state companies but remain a resident of their state. Being able to track career progress of WIOA recipients allows WIBs and employers to quantify how long WIOA recipients remain in the workforce in their given profession.
3. Truck driving schools need to be able to accommodate all WIOA recipients sent by WIBs. Truck driving schools may have a difficult time accommodating WIOA recipients because of capacity, the aptitude of some of the students, or a criminal background that might make it unusually difficult for the student to find work with a carrier after completion of training.

CVTA'S POSITION

WIOA is scheduled for Congressional reauthorization in 2020. This is an ideal opportunity for Congress to address WIOA's shortcomings. To ensure that qualified job seekers in each state have access to driver training programs, it is imperative that all governors and workforce boards understand the current driver shortage and recognize that many trucking companies will hire from any state in the

U.S. Therefore, CVTA urges members of Congress to:

1. Fully fund WIOA appropriations at authorized levels;
2. Establish a system that recognizes nationally in-demand jobs so that WIBs have more career training opportunities for jobseekers to pursue;
3. 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;
4. 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
5. Explore other innovative funding ideas for training, such as a using the proposed national infrastructure bank to provide loans for truck driver 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.

18 TO 20 YEAR OLD DRIVERS

BACKGROUND

Current Department of Transportation regulations require a driver to be 21 or older in order to operate a Commercial Motor Vehicle (CMV) in interstate commerce.²⁴ The Motor Carrier Act of 1935 (“MCA”) created the Interstate Commerce Commission (ICC), which was responsible for regulating the transportation of passengers and property by motor carriers operating in interstate or foreign commerce.²⁵ In 1937, the ICC created and implemented safety regulations for commercial drivers, which included a minimum age of 21 years old.²⁶

Therefore, 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 250 miles from Kansas City, MO to St. Louis, MO, but that same driver is barred from simply crossing the Missouri river from Kansas City, MO to Kansas City, KS. 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).²⁷

Since the requirement for interstate drivers to be 21 years of age or older is a regulation, not a law, the Department of Transportation can amend the regulation to allow drivers from 18- to 20-years of age to operate in interstate commerce through the rulemaking process.

CURRENT PROBLEM

Current limitations on commercial drivers under 21 are impractical considering under-21 drivers are permitted to drive intrastate trucks within their own home state boundaries. 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.²⁸ This shortage is expected to increase rapidly over the next decade because of retirements and industry growth. In fact, this shortage is expected to increase so dramatically that trucking companies will have to recruit an estimated 89,000 new drivers (net) each year over the next decade to meet these growing demands.²⁹

²⁴ 49 C.F.R. 391.11(b)(1) (2019).

²⁵ Motor Carrier Act of 1935, Section 204(a)(1)-(2), Pub. L. 74-255, 49 Stat. 543 (1935) (granted the ICC powers under section 204 created the ICC, which was a precursor of what is now the FMCSA).

²⁶ Fed. Reg. 110 (Jan. 22, 1937).

²⁷ See FMCSA Frequently Asked Questions: What is the age for operating a CMV in Interstate Commerce?, <https://www.fmcsa.dot.gov/faq/what-age-requirement-operating-cmv-interstate-commerce> (last visited Feb. 6, 2017) (stating that individuals must be 21 to operate a CMV in interstate commerce); see also guidance relating to 49 C.F.R. § 390.5 (stating that the Federal Motor Carrier Safety Regulations are only “applicable to drivers and CMVs in interstate commerce which transport property” and therefore, even “a driver transporting an empty CMV across State lines for purposes of repair and maintenance would be considered interstate commerce.”)

²⁸ American Trucking Associations, Truck Driver Shortage Analysis 2019 (2019), available at <https://www.trucking.org/ATA%20Docs/News%20and%20Information/Reports%20Trends%20and%20Statistics/ATAs%20Driver%20Shortage%20Report%202019%20with%20cover.pdf>

²⁹ Id.

18 TO 20 YEAR OLD DRIVERS

RECENT DEVELOPMENTS

Congress included a provision in the Fixing America's Surface Transportation Act (FAST Act),³⁰ which creates a pilot program that allows certain veterans from ages 18-20 to drive commercial motor vehicles in both interstate and intrastate commerce. The Federal Motor Carrier Safety Administration (FMCSA) published a request for comments in which CVTA urged the administration to adopt performance-based training requirements as proposed in the Entry-Level Driver Training Proposed Rule.³¹ CVTA also commented that the same training or types of equipment should be used by both the test group (18- to 21-year-olds) and the control group (comprised of 21- to 26-year-old drivers). This ensures consistency in the type of equipment being operated, which in turn ensures consistency in how drivers in the control and test groups are compared.

In the meantime, the DRIVE Safe Act, bipartisan legislation introduced in the Senate by Senators Todd Young (R-IN) and Jon Tester (D-MT), allows motor carriers to develop a 400-hour apprenticeship program for 18-20 year-old truck drivers. CVTA supports this legislation and is advocating for its timely passage.

³⁰ Fixing America's Surface Transportation Act, Pub. L. No. 114-94, § 5404, 129 Stat. 1311, 1549-50 (2015).

³¹ *Commercial Driver's Licenses; Proposed Pilot Program To Allow Persons Between the Ages of 18 and 21 With Military Driving Experience To Operate Commercial Motor Vehicles in Interstate Commerce*, 81 Fed. Reg. 56745 (Aug. 22, 2016).

AUTOMATED VEHICLE POLICY

BACKGROUND

Advanced Driver Assisted Systems (ADAS) and Highly Autonomous Vehicle (HAV) technology has evolved from a curious experiment undertaken by Silicon Valley years ago into a real and ambitious commitment by the information technology (IT) sector, original equipment manufacturers (OEMs), and the broader ground transportation industry. As recently as a few years ago, it was assumed that automated vehicles would not be commercially viable until well into the mid-21st century. However, we can expect this technology to be deployed by the driving public much sooner given recent technological breakthroughs. 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. Commercial trucks are also adopting this technology. New technologies are advancing at an exceptionally rapid pace. If automated vehicles are the future of ground transportation – and there is little doubt that they are – all segments of the transportation economy need to play a role in guiding its development and influencing the policies that will regulate this new technology.

In 2017, two bills were introduced in Congress to establish a regulatory framework for autonomous vehicles. H.R. 3388, the [Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution](#) (SELF DRIVE) Act passed the House on September 6, 2017, but was stalled in the Senate. Companion legislation in the Senate titled the [American Vision for Safer Transportation through Advancement of Revolutionary Technologies](#) (AV START) Act likewise set up a regulatory framework for automated vehicles. Both bills died at the end of the 115th Congress. While the public dialogue focuses mainly on passenger automobiles, it will likely set the foundation for future legislation addressing automated commercial vehicles.

CURRENT PROBLEM

For now, OEMs and technology firms, particularly car and light truck manufacturers, are taking the lead in developing automated vehicle technology. CVTA supports preemption of the current patchwork of individual state laws currently governing this technology. We believe this will speed up the deployment of life-saving technologies. However, CVTA has several concerns that we believe must also be addressed in concert with any legislation establishing a national framework for manufacturing, testing, and deployment of ADAS or automated technologies.

AUTOMATED VEHICLE POLICY

With the entry-level driver training (ELDT) final rule scheduled to be implemented in 2020, it may be necessary to amend the ELDT final rule every 2-3 years to ensure the curriculum and training requirements match the deployment of the technology. At the very least, the Department of Transportation (DOT) may need to determine whether a person operating a highly automated truck needs an endorsement or restriction on his or her CDL.

CVTA'S PROPOSAL

CVTA proposes a five-point, common-sense approach as part of a broader federal framework for autonomous vehicle technology.

1. 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. Current law is silent as to whether a driver is required if a commercial motor vehicle (CMV) can drive itself. While industry experts believe drivers will maintain an active role in operating CMVs, there is still uncertainty. Therefore, CVTA believes that Congress should require a driver in any legislation. Doing so reaffirms the important role of the operator, while significantly mitigating cybersecurity or other system malfunction risks if encountered. Most importantly, it also provides short-term certainty for new entrants that this career will remain viable for the foreseeable future, a sentiment that most industry stakeholders share. Several CVTA school members have encountered individuals who are reluctant to enter the trucking industry because of the perceived threat that this will replace drivers, not enhance their ability to do their job.

2. 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. What is currently required to obtain a Commercial Driver's License (CDL) may change in the next 10 years. Therefore, CVTA believes a federal advisory committee should be created to proactively deliver recommendations to the Secretary of Transportation (Secretary) on commercial driver training, CDL testing, and CDL licensing reforms that will be needed as a result of ADAS and autonomous technologies. This advisory committee must include key stakeholders from the commercial driver training industry, truck and bus industries, safety groups, labor groups, motor vehicle administrators, state government, law enforcement, and CMV manufacturers.

AUTOMATED VEHICLE POLICY

3. 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 inter- state commerce. Currently, 48 states (lower 48) allow all drivers to drive CMVs in intrastate commerce. Requiring the Secretary to conduct a rulemaking to allow 18-year-old drivers to operate in interstate commerce when safety conditions dictate is sensible. Congress and the trucking industry will be able to fulfill current and future workforce needs, adapt to advancing technologies, and provide good paying jobs to a new generation of professional drivers.

4. ADA Provisions

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. We believe that adding this requirement helps training institutions evaluate whether they can deliver such training in a safe manner by identifying new technology to accommodate individuals with disabilities.

5. Create V2V and V2I certainty by requiring the FCC to act

Vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) communications technology will play a critical role in improving highway safety. Sufficient broadband spectrum must be allotted exclusively for the use of dedicated short- range communication (DSRC) between vehicles and surrounding infrastructure to ensure safe transportation. The Federal Communications Commission (FCC) should be required to reserve all 7 channels of 5.9 GHz broadband spectrum dedicated as Safety Spectrum. To date, FCC has failed to act, and we believe this will greatly increase the chances of having zero accidents in future years.

NOTES	

NOTES	



44 CANAL CENTER PLAZA, SUITE 120

ALEXANDRIA, VA 22314

WWW.CVTA.ORG