



March 17, 2020

Mr. Jim Mullen
Acting-Administrator,
Federal Motor Carrier Safety Administration,
1200 New Jersey Ave., SE.,
Washington, DC 20590-0001

Administrator Mullen,

I wanted to provide you with a view from our school and motor carrier members and offer a couple of points to consider should the FMCSA considers additional steps moving forward. While conditions in response to the COVID-19 (coronavirus) pandemic are changing by the hour, we are seeing states begin to limit or outright close DMVs. This means no students are being issued CLPs, CDLs, and no new drivers are being created.

I wanted to highlight a couple of observations and make some short-term recommendations.

SHORT TERM RECOMMENDATIONS

- **Ensure States continue are issuing CLPs**
- **Issue 14-Day CLP Regulation Waiver**
- **Continue CDL Skills Tests**

CLP ISSUANCE IS CRITICAL

The ability of students to take the Commercial Learner's Permit (CLP) knowledge exam is critical in ensuring the security of our supply chain. In order for a driver to operate on a public road, the "CLP holder is at all times accompanied by the holder of a valid CDL who has the proper CDL group and endorsement(s) necessary to operate the CMV. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder...." ¹ Training is not possible without a CLP. Therefore, it is paramount that states continue to issue CLPs.

CDL Schools "essential service" to Supply Chain

Drivers, including future drivers, are as critical to our nation's commerce as the trucks they drive. In at least one state so far, state officials do not consider CDL schools as an "essential service" based on the state considerations. CVTA requests that if there is any federal designation of "essential services" to transportation (as considered vital to interstate commerce/national interest), we request that CDL training schools be added to such a list. I get that one state does not see the impact. However, if all 50 do the same thing, then we have a larger problem on our hands and impact on interstate commerce. Approximately 40,000 CDLs (Class A & B) are issued each month throughout the United States. The impact of state DMV closures (or even limited service) will have major impacts on our schools and the trucking industry. Keeping CDL schools

¹ 49 C.F.R. § 383.25(a)(1).

open because they are essential to both short term needs for drivers moving interstate freight, but also longer term needs of the industry's ability to grow once the crisis is over and we emerge from our coronavirus hibernation.

America's driver population is also aging. With the coronavirus impacting older Americans, there is a real danger that those who are moving are freight face a higher danger if infected by coronavirus. CVTA schools' student's average age is 34. At this age, the complications facing such individuals is greatly reduced. Ensuring schools can train and test younger drivers remains critical to our nation's ability to move goods.

Last, given the financial impact caused by the coronavirus, we also feel that trucking is one industry that can offer employment in this time where hourly workers or other gig economy workers are not working. However, in order to get into trucking, getting training is necessary. CVTA requests, therefore, that if there is any federal designation of those "essential services" to transportation (as considered vital to interstate commerce/national interest), we request that CDL schools be added to such a list. Another recommendation to explore is whether states could allow individuals to access the CLP knowledge exam online. We understand that it is not a perfect solution and a short-term fix, but it would enable those seeking a CLP to move forward.

14-DAY CLP REGULATION WAIVER

Federal regulations require a "CLP holder is not eligible to take the CDL skills test in the first 14 days after initial issuance of the CLP." ² The FMCSA experienced a similar event in late 2019, when the State of Louisiana encountered a government wide ransomware attack. This impacted the Louisiana DMV. In that case, CVTA was able to work with the FMCSA to get waivers for students to the 14-day CLP regulation. We recommend that the FMCSA provide a similar waiver for those states or students who may be impacted resulting from the coronavirus. Should a waiver be needed for the individual school or student, CVTA is happy to make our waiver request a form for the FMCSA to put up on its website.

CDL SKILLS TEST CRITICAL

If DMV's are closed, SDLAs cannot conduct CDL skills exams at state locations. Even if actual licenses cannot be issued due to SDLA closures, we encourage the FMCSA to ensure that skills testing of individuals continues. One option would be to allow third party examiners to continue even if the state SDLAs are closed. Previous FMCSA decisions (and exemptions) could then be instituted to allow those who have passed their CDL skills exam, but do not possess the actual physical license, to legally drive.

In 2015, the FMCSA issued an exemption request to C.R. England (Docket No. FMCSA-2014-0406). FMCSA granted C.R. England, Inc. (C.R. England) an exemption from the provisions in 49 CFR 383.25(a)(1) that require a commercial learner's permit (CLP) holder to be accompanied by a commercial driver's license (CDL) holder with the proper CDL class and endorsements, seated in the front seat of the vehicle while the CLP holder performs behind-the-wheel training on public roads or highways. Under the terms and conditions of this exemption, a CLP holder who has

² 49 C.F.R. § 383.25(e)

documentation of passing the CDL skills test may drive a commercial motor vehicle for C.R. England without being accompanied by a CDL holder in the front seat. The exemption enables CLP holders to drive as part of a team and have the same regulatory flexibility that 49 CFR 383 provides for C.R. England's team drivers with CDLs.³ CVTA believes the FMCSA could issue such a waiver (or equivalent thereof) for 60-90 days and maintain safety.

We thank you for consideration of our ideas and stand ready to help you or anyone at the FMCSA get through this crisis.

All the best-

A handwritten signature in black ink, appearing to read "Don Lefevé", with a stylized flourish at the end.

Don Lefevé,
President & CEO

³ 80 Fed. Reg. 33329 (2015).