

Entry-Level Driver Training Regulation: Best Practices



INTRODUCTION TO BEST PRACTICES

In September 2018, eight CVTA members volunteered to evaluate their current CDL training operations and record keeping processes for compliance under the Entry Level Driver Training Regulation as it is written, effective February 7, 2020.

The Entry Level Driver Training Pilot Program Committee (“ELDT Pilot Program” or “Committee”) completed its initial work in April 2019. The goal of the ELDT pilot program was to explore what the regulation required, then develop best practices for compliance.

The Committee addressed the regulation in two distinct phases: Behind the Wheel (BTW) and Theory.

The first phase (BTW) focused on process, procedures, documentation, and other elements necessary to track both Range and Public Road BTW. The second phase focused on Theory, as members were asked to map their curricula to the requirements under the regulation. Phase two involved reviewing program lesson plans, evaluating instructor credentials, and considering the record retention requirements of the regulation. Lastly, members determined whether any programmatic or systemic changes were required, including process and procedures for maintaining compliance.

These Best Practices are the work product developed by Committee members, who are sharing their experience and recommendations to help fellow CVTA members save time and expense, while understanding the time commitment needed to effectively prepare and develop their ELDT compliance. Because our members have the benefit of hindsight, their recommendations are the result of trial and error, and thoughtful consideration on how to approach ELDT.

Members will note that in the course of reviewing and implementing these Best Practices, the Committee has not addressed certain aspects of the regulation (e.g. theory assessment). Moreover, when you begin your compliance, you may encounter or find certain provisions ambiguous and in need of clarification. We would ask that you submit any such questions to CVTA as we are creating a list of items that we believe the FMCSA should clarify in guidance. Moreover, beyond simply spotting potential items that need clarification, we will also seek to provide suggested ways how our members feel it should be interpreted.

Should you have any questions, we are here to help so please engage us when needed.

Sincerely,



Don Lefevé

STEP 1. GATHERING YOUR LESSON PLANS, SYLLABUS, AND CURRICULUM

The Committee recommends starting your compliance by gathering your lesson plans, syllabus, and curriculum. If you do not have a lesson plan, your first step is to create one. A lesson plan should outline the specifics of what topics and sub-topics are taught on each day of your program. ELDT requires a lesson plan, which is why you need to create one if you don't have one. A lesson plan is also what is needed to "map" what you currently teach in your program to the minimum subjects outlined in ELDT.

The Committee recommends that you select a lead instructor, or another knowledgeable person, who will be responsible for outlining all the subjects you teach throughout your program. First, they are the most knowledgeable on these subjects and know best when they are taught. Second, if they are taught, but not reflected in your lesson plans, you will want to update these lesson plans to reflect what is taught. If you are not teaching a particular subject required by ELDT, lead instructors are often the best people to tell you when or where such subjects can be taught in your program.

Similarly, your lead instructor also knows what materials (primary and supplemental) you are using throughout your program. Having them involved will save you time and effort.

Estimated Time to Create Lesson Plan: 30-40 hours

STEP 2. MAP YOUR CURRICULUM

Using CVTA's Forms, please "Map" where you teach the subjects listed in the regulation and indicate the specific day and lesson where you teach these subjects. Once completed, you will be able to identify any required subjects that you are not currently teaching. You will need to add to these subjects to your curriculum and lesson plans. You may also need to increase your total program length and notify the state if you're adding additional hours to your program.

Nearly all Committee members were teaching 97-99% of all the ELDT subjects. We do not anticipate that CVTA members will need to substantially add additional subjects. However, the one curriculum subject that several members acknowledged they needed to add was "Environmental Compliance."

Estimated Time with Lesson Plan: 10-12 hours

STEP 3. IDENTIFY WHO WILL BE RESPONSIBLE FOR COMPLIANCE

The Committee also recommends identifying the specific person within your team who has the answers or knows where to get them. This could involve others beyond your lead instructor and may include any administrative personnel that you employ. Because the regulation requires training providers to retain instructor, student, and institutional records, meet state and local law regarding facilities, and maintain an equipment list, it is critical to have someone who knows where all these records are kept.

STEP 4. ESTABLISH STANDARD FOR ASSESSING STUDENT PROFICIENCY ON RANGE & PUBLIC ROAD

ELDT neither defines “proficiency” nor establishes an objective test to determine it. Rather, it relies upon the instructor’s subjective determination as to whether the student has reached this level. Committee members were asked to apply an “Objective Test” to determine proficiency. CVTA schools assessed a student’s proficiency as meeting this standard if the student achieved:

“a level of demonstrated skill when the student driver’s performance demonstrates that he or she is regularly capable of performing the requisite skills (as outlined in the curriculum) and can safely operate a commercial motor vehicle on the highway. Proficiency implies a competence derived from training and practice; therefore, students must demonstrate skill competency repeatedly.”

Members assessed proficiency in a number of ways. The most common was conducting a mock CDL skills exam at the conclusion of training. This determined whether the institution would allow the student to move forward with the CDL skills exam. Other ways of assessing proficiency were conducted weekly. Some assessed the individual by conducting an exam on specific parts of the CDL exam on a weekly basis to determine whether the student’s proficiency merited advancement to the next level in the training program, or whether additional training was warranted to master specific skills. Others did not halt advancement, but instead used these assessments to determine specific areas of proficiency and other areas in which the student needed further attention. Again, all Pilot Program members performed the mock CDL skills exams at the completion of the program to determine whether the student should sit for the licensing exam.

STEP 5. ENSURE YOU HAVE BTW DOCUMENTS TO CAPTURE STUDENT PROGRESS, AND DOCUMENT DAILY OR SEVERAL TIMES WEEKLY

Members need to be aware that in addition to supplying quality training, it is essential to regularly documenting that training to maintain compliance with the regulation. Committee members were required to determine if their paperwork “captured”

proficiency. Schools were asked to document the student's proficiency through routine and regular documentation that charted the individual's progress. Most members did this through routine grading, daily trip sheets, documenting as part of a master file or chart, or other documentation. All kept routine and regular documentation, which established a foundation to chart the student's proficiency. Again, since Pilot Program schools were already doing this as a normal course of business, capturing the student's ability wasn't an issue for the schools.

Best Practice: Make sure that schools use daily logs and trip sheets, conduct mock CDL exams weekly, and capture and store all of this documentation in each student's file.

STEP 6. ENSURE INFORMATION TECHNOLOGY SYSTEMS CAN EASILY COLLECT, STORE AND REPORT STUDENT BTW DATA IN A CENTRAL LOCATION

ELDT requires all training providers to disclose the number of BTW hours (Range and Public Road) that each student completed. Members stated that the most difficult part of ELDT's BTW requirement was ensuring that the paperwork was deposited in one central location. Before this pilot program, members documented their students' progress. However, putting all of this information in one place was a challenge for most. Committee members believe that integrating your IT systems to house, feed, capture, or report data on each student is essential since the FMCSA will require reporting for each student. Moreover, if audited, members will be able to access or pull these documents from a centralized student file.

Another aspect to IT system compliance is developing an internal process of capturing the data from the BTW documents (e.g. daily trip sheets, daily grades, log books, weekly CDL exams, etc.), and either requiring administrative staff to upload these paper documents, or creating a paperless system that automatically adds these documents to the student's file. Whatever your process is, members need to make it workable with administrative staff and track hours via daily trip sheets, log books, etc.

Best Practice: Ensure that all IT systems are feeding or capturing these documents into a centralized student file that can be easily accessed or printed out for auditors.

STEP 7. ESTABLISH PROCESS & PROCEDURES FOR TRACKING HOURS

Given that training providers must disclose the number of BTW hours (Range and Public Road) that each student completes, members were asked to track the specific number of hours each individual spent on BTW time. Some looked at this as only "hands on wheel time" while others included a portion of pre-trip/post-trip & coupling/uncoupling. The method for tracking hours varied.

One school had a system where students rotated on the hour from station to station. One group conducted Range Training/Public Road Training (depending on what section they

were attending inside of their program), another group of students practiced on the simulator, and the last group conducted Pre-Trip/Coupling for one hour and then rotated every hour. This proved to be an easy method for tracking student hours.

Another school tracked Range hours and rotated students in 10-minute intervals (3 students to 1 truck). Other schools had time periods of 15 or 20 minutes. For these schools, each student received 15 or 20 minutes of training for each hour depending on the ratios applied. For the school that conducted their training in 10-minute intervals, the member noted that this pace was a bit more complex to manage as this school asked the students to successfully complete as many maneuvers within the 10-minute period as could be accomplished. This same school broke their Road segments into 30-minute periods. The member stated that tracking Public Road training time was not a problem. Others simply had the students drive OTR for 1 hour and switched students.

Members differed on whether instructors or students recorded the relevant time logs. Some members had their instructors keep time records or student training rotations on their grading sheets. Alternatively, some schools required their students to keep time in log books. Some schools had instructors and students track the training data. One important note is that schools who implement a rotation-based process need to make sure they capture the number of trucks that are operational each day, as the student ratios per truck will vary accordingly.

Best Practice: Have a defined method or process to track student hours and do not deviate from it.

STEP 8. KNOW THE RISKS ASSOCIATED WITH ELECTRONIC BTW TRACKING

Some members attempted to track the student's time with ELDs. One issue discovered by members was that ELDs needed to be adjusted to conform with Range training. Currently, ELDs couldn't pick up small movements at a low speed and therefore never tracked the students time.

Best Practice: If you plan to track Range BTW via an ELD, ensure that the system is capable of picking up small movements. [Certain ELD systems can be set manually to pick up 1 mile per hour vehicle movements].

STEP 9. UNDERSTAND THE DIFFERENCE BETWEEN TOTAL TIME AND REPORTED TIME

The Pilot Program indicated that CVTA members will need to understand the difference between total time (including observation) and reported time (BTW hours Range, Public Road, Pre-Trip/Coupling). As an initial matter, ELDT requires training providers to submit BTW time in 60-minute increments. Notably, while CVTA will require members to submit data under the specific categories of Range, Public Road, Coupling/Uncoupling, and Pre-

Trip/Post-Trip, ELDT requires that these separate events be submitted in only one number as “BTW.” Moreover, members need to know that for reporting purposes, any Coupling/Uncoupling and Pre-Trip/Post-Trip time segments should be only report those hours which the individual delivered, not observation time.

At present, the ELDT regulation is not clear whether Coupling/Uncoupling and Pre-Trip/Post-Trip should be reported in the BTW number to the FMCSA. Since CVTA helped craft this portion of the regulation, and because these subjects are part of the “Range” curriculum, we do feel it is appropriate to count in BTW, which is why CVTA has adopted it as part of its member reporting.

STEP 10. UNDERSTAND STATE LAW

ELDT asks training providers to comply with their state’s regulations and the new federal regulation at the same time. To be sure, ELDT was written to compel minimum training standards that were already encompassed in the laws of many states, and in the practices of many CVTA members. However, in doing so, the new federal rule necessarily heightens the need for certainty as to state compliance. Now, more than ever, it is critical for members to revisit the regulations for states where they train drivers, and to seek the advice of a professional to clarify any uncertainty.

State Program Requirements

ELDT requires that all training providers are “licensed, certified, registered, or authorized to provide training in accordance with the applicable laws and regulations of any State where in-person training is conducted.” To comply with ELDT then, members must simultaneously be in compliance with state law, and must therefore understand their state requirements for providing training. For example, does the state mandate a particular number of total program hours? Or Behind the Wheel (BTW) hours? If so, members will need to adhere to their state’s hourly requirements whilst training students to meet their instructor’s requirements for proficiency (described in Step 4.). While your state may require a student to complete your hourly program as advertised, ELDT requires you to certify that student based on performance. Therefore, if an entry-level student is not proficient after 160 hours, they are not certified to proceed under ELDT, and you will need them to complete more training until they can demonstrate proficiency.

Completion Dates

This new framework will also require flexibility with respect to completion dates. While most students may reach proficiency within the hourly timeframe allotted by a state, members should prepare their administrative staff for graduation dates that can be altered as need be. Are your completion dates rigid, or can they be adjusted to accommodate the student’s actual progress towards proficiency?

Instructor Standards

Just as states may enforce hourly standards alongside federal proficiency requirements, so too may states require that instructors possess higher vocational or academic credentials than required by federal law. ELDT mandates that BTW instructors (1) hold a CDL at or above the endorsement level at which they instruct, (2) have two-years' experience driving at that level, and (3) meet any additional requirements under state laws governing CMV instructors. It follows that states could demand experience more than two years or mandate additional education certificates as a prerequisite for training instructors. As to penalties for instructors, under ELDT, alcohol-related CMV driving infractions and other disqualifying offenses suspend an instructor from teaching for two years. Again, it is possible that states could increase suspension times or tighten other restrictions based on state policy.

Equipment & Facilities Requirements

ELDT created no substantive changes to the law governing facilities, and instead points BTW training providers back to federal and state laws already in effect. There is, however, an issue that CVTA believes the FMCSA needs to clarify regarding a distinction between a "range" truck and "road truck." Currently, as drafted, there isn't a distinction. CVTA believes that this may need to be clarified through guidance as several members use different vehicles for their "range" vehicles.