



January 11, 2022

The Honorable Meera Joshi  
Acting Administrator and Deputy Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590-0001

Re: New Training and Registration Requirements for Entry-Level CDL Training

Dear Administrator Joshi:

The American Public Transportation Association (APTA) and the Community Transportation Association of America (CTAA) request a waiver of the effective date of 49 C.F.R. § 380, subpart G regarding the new training and registration requirements for entry-level commercial driver's license (CDL) training. APTA and CTAA urge the Federal Motor Carrier Safety Administration (FMCSA) to grant a three-month waiver pursuant to its authority under 49 U.S.C. §31136 to the transit industry because it has experienced a nationwide driver shortage due to the COVID-19 public health emergency.

#### **About APTA and CTAA**

APTA is a nonprofit international association of 1,500 public- and private-sector organizations, which represents an \$80 billion-dollar industry that directly employs almost 450,000 people and supports millions of private-sector jobs. APTA members are engaged in the areas of bus, paratransit, light rail, commuter rail, subways, waterborne services, and intercity and high-speed passenger rail. This includes transit systems; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations; and state departments of transportation. APTA is the only association in North America that represents all modes of public transportation. APTA members serve the public interest by providing safe, efficient, and economical transit services and products.

CTAA is a national professional association with 1,000 members, including governmental and private sector providers of public transportation services in most of the country's rural areas, smaller urban areas and tribal nations. CTAA and its members believe that mobility is a basic human right. From work and education to life-sustaining health care and human services

programs to shopping and visiting with family and friends, mobility directly impacts quality of life. CTAA members are in the business of moving people – efficiently and cost-effectively. CTAA staff, board and state/tribal delegates are dedicated to ensuring that all Americans, regardless of age, ability, geography, or income, have access to safe, affordable, and reliable transportation. Our priority is our members and the communities and passengers they serve.

### **Request for Waiver**

APTA and CTAA request a waiver because there is a dire shortage of transit bus drivers across the country and compliance with § 380 at this time could adversely impact transit systems' ability to hire transit drivers. Furthermore, a grant of a three-month waiver is in the public interest and would not result in a degradation of safety.

As noted in FMCSA's recent grant of waiver to States for under-the-hood component of CDL testing for school bus drivers, FMCSA noted "the Agency also recognizes that alleviating the school bus driver shortage plays an important role in contributing to the economy by allowing parent and caretakers to get back to work. FMCSA issues this waiver in response to the unique circumstances resulting from the existing school bus driver shortage and its subsequent worsening caused by the COVID-19 public health emergency." Similarly, APTA and CTAA believe the timing of the implementation of this rule could not be worse for the public transit industry. There is a critical shortage of qualified commercial motor vehicle operators, including CDL-holding drivers, in the United States. Many transit systems are experiencing unprecedented levels of shortages due to drivers being exposed to COVID-19 or refusing to be vaccinated in accordance with Federal, state, or local requirements. For example, the Washington Metropolitan Transportation Authority (WMATA) reported on January 10, 2022, that it has more than 2 thousand employees have COVID-19 or were exposed to COVID-19 requiring quarantine. The result is that WMATA must resort to Saturday schedule in order to provide reliable service. Grand Valley Transit in Grand Junction Colorado has adopted a similar solution to address their staffing shortages. And, in North Carolina, The Daily Tar Heel reported on January 10, 2022, that the Chapel Hill Transit reduced service due to staffing shortages because of COVID-19. The Chapel Hill Transit Director reported that COVID-19 impacts coupled with unfilled positions from hiring challenges has resulted in a staff roughly 40 percent below its normal capacity.

It is worth noting that, transit, too, plays a vital role in transporting children to and from school and school activities, and it has a broader reach by transporting essential workers to hospitals, grocery stores, and other vital services upon which the public is vitally dependent. It also is a key contributor to keeping the economy open and thriving. Furthermore, transit is a highly regulated industry whose vehicles are rigorously test for safety, making travel by transit one of the safest

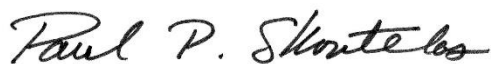
modes of transportation. In fact, public transit is ten times safer per mile than travelling by car because it has less than a tenth the per-mile traffic casualty (injury or death) rate.<sup>1</sup>

### **Outreach to Transit Systems**

APTA and CTAA can confirm that if this waiver request is granted, we would partner with FMCSA and the Federal Transit Administration (FTA) to conduct broad outreach to public transit systems regarding the new training and registration requirements. This would ensure that those FTA grantees and subrecipients who have—mainly on account of COVID-19—not yet been able to register their entry-level driver training programs into the training provider registry would be able to do so. We would also provide outreach and technical assistance necessary to help the affected grantees and subrecipients stand up and register compliant programs with FMCSA and help them to identify and arrange reasonable and compliant alternative approaches for their new-hire vehicle operators who do not already possess valid CDLs with a "P" endorsement.

APTA and CTAA greatly appreciate FMCSA considering this waiver request for transit systems. Should you have any questions about this request, feel free to reach out to APTA's General Counsel, Linda Ford at [lford@apta.com](mailto:lford@apta.com) or CTAA's Chris Zeilinger at [zeilinger@ctaa.org](mailto:zeilinger@ctaa.org).

Sincerely,



Paul P. Skoutelas  
APTA President and CEO



Scott Bogren  
CTAA Executive Director

Cc: Nuria Fernandez, Federal Transit Administrator

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<sup>1</sup> Public Transportation Fact Book, 72<sup>nd</sup> Edition, May 2021 (page 24).