



A bold voice for transportation workers

August 5, 2022

Larry W. Minor
Associate Administrator for Policy
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Mr. Minor,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Motor Carrier Safety Administration's (FMCSA) notice regarding the state of Alaska's petition for a partial exemption from certain components of the FMCSA's Entry-Level Driver Training (ELDT) requirements, as set forth in 49 CFR 380 Appendix A, Section A3.1, necessary to obtain a Class A license. TTD consists of 37 affiliate unions representing millions of transportation workers, including commercial motor vehicle (CMV) operators, who are subject to the FMCSA's Commercial Driver's License (CDL) requirements¹.

In its application, Alaska requests exemption from FMCSA's requirements that Class A CDL applicants demonstrate proficiency in proper techniques for initiating vehicle movement, executing left and right turns, changing lanes, navigating curves at speed, entry and exit on the interstate or controlled access highway, and stopping the vehicle in a controlled manner. The request was prompted by regulatory changes that became effective earlier this year regarding off-highway licenses. Under the recent changes, the existing off-highway license program can only apply to roads with daily traffic up to 499 vehicles. This change apparently affects potential new Class A drivers in some 300 rural Alaskan communities not connected to the national highway system and thus previously exempt from the ELDT regulations.

While TTD is sensitive to the unique geographical concerns present in Alaska, we **oppose** this exemption as proposed. There are alternatives that would ensure equivalent levels of safety without undermining the integrity of ELDT requirements that are designed to protect workers and the public.

¹ Attached is a list of TTD's affiliated unions.

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Greg Regan, President / Shari Semelsberger, Secretary-Treasurer



Indeed, the state's partial waiver requests apply to some of the most fundamental and essential skills necessary to safely operate a CMV. Because Class A CDL holders can drive from rural to more densely populated areas in Alaska that include parts of the national highway system, and often do travel from one state to another, it is necessary to ensure that all CDL-holders are equipped and trained to respond to any environment that they may encounter. Even within a largely-rural state such as Alaska, drivers may encounter a variety of urban and rural road conditions.

As it is written, Alaska's request for exemption goes far beyond creating a limited geographically defined state-specific, off-highway license program with robust oversight. If granted as requested, the open-ended exemption would allow CDL applicants in Anchorage, Juneau, and Fairbanks – which do have higher capacity roads – to avoid training in basic CMV functions such as turning, navigating curves, and changing lanes.

Unfortunately, the state's brief request letter does not offer any evidence that such an exemption would provide an equivalent level of safety for drivers and other road users. The only evidence offered in support of this exemption is the difficulty that rural communities have in finding opportunities to be trained on and practice highway driving. Again, TTD is sensitive to the needs of all rural communities; however, there are other solutions that can address these challenges without eroding the safety standards of entry-level driver training programs.

Further, such a broad exemption could allow such CDL-holders to move to a different state, pursue a CDL in that state, and potentially not be required to perform a behind-the-wheel test or written test because they have previously held a CDL. Drivers who are granted a CDL under this exemption should be prohibited from using the CDL in other states.

TTD would be willing to discuss a more tailored program similar to what Governor Dunleavy mentions in his request letter – a program that has existed for more than 30 years and allows Alaska residents in rural communities and villages to receive CDLs with restrictions that do not allow such holders to drive on highways and limits their operation within the State. This type of state-specific program can serve as an acceptable compromise between the need to maintain roadway safety while ensuring that drivers in remote villages can access good-paying jobs to provide for their families. Further, any such "limited exception" should acknowledge the unique geographical challenges in Alaska, and should not be considered as a precedent for other states. We are open to working with Alaska and FMCSA to identify ways that such a program can be re-established under the recent updates to regulations concerning off-highway licenses under 49 CFR 383.

Allowing Alaska, or any locality within the state, to move forward with an exemption from such basic ELDT requirements would undermine the intent of the ELDT program to prepare commercial drivers to respond safely in situations that they will encounter while driving. Given the unique geography of Alaska, we understand the hardship that travel and training could put upon workers, but a waiver from fundamental driving skills is not the solution. Instead, we urge

FMCSA to work with Alaska and other stakeholders, including labor unions, to find an alternative that maintains equivalent levels of safety for all road users while meeting the unique needs of rural communities in Alaska.

We appreciate the opportunity to comment on this docket and look forward to working with FMCSA and Alaska in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Regan', written over a circular stamp or mark.

Greg Regan
President