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Newsletter

WELCOME TO
Hagerstown
INDIANA



People and Places



November Edition

CHRIS LAMAR : HAGERSTOWN TOWN MANAGER

Mr. Christopher W. LaMar, registered architect, was appointed Town Manager in August 2014. He has both a Bachelor of Architecture degree and a Bachelor of Science in Environmental Design degree from Ball State University. Mr. LaMar has over twenty years of experience working with construction projects in communities throughout Indiana where he is licensed as an architect. Chris graduated from Hagerstown Jr.-Sr. High School and has lived in the Hagerstown area over 30 years.

HAGERSTOWN UTILITY SERVICES

The Town of Hagerstown manages the electric, water and sewer utilities as well as the street department and the cemetery.

TOWN HALL STAFF

The Hagerstown Town Hall staff members assist in on call emergency support duties and communication with citizens and businesses, utility customers and emergency service vendors during weather related utility service disruptions and other town council or town manager-declared emergencies.

Historical Facts of Hagerstown, Indiana

- About 1822 Jefferson Township began to grow in population. The town of Hagerstown was platted in 1832. By 1834 enough people lived in the community to want their own township.
- The Big Four Railroad was built on the old towpath of the old canal with the terminus located at Hagerstown. Passenger service was discontinued in the 1920's but freight service on the Big Four continued until 1931. The Pennsylvania railroad line from Chicago to Cincinnati also came through Hagerstown and the line now is called the Norfolk Southern Railway.
- In 1895 a new Hagerstown business was organized, the Railway Cycle Manufacturing Company. Charles N. Teetor invented a "railway cycle" which became the Light Inspection Car for inspecting railroad tracks. Later the company (Teetor-Hartley Motor Company, 1914) manufactured automobile motors.
- Hagerstown is best known for Perfect Circle, Tedco, Welliver's Restaurant, the Nettle Creek Players and Abbot's Candy. Several new shops and restaurants have opened downtown in the past few years. The Library built an addition in 1989 and the new city building was built in 1992.

eSource – New Federal Rule for Entry-level CDL Training Goes into Effect in February

New federal requirements for entry-level driver training for the commercial driver license (CDL) go into effect on February 7, 2022.

Federal Motor Carrier Safety Administration (FMCSA) regulations for entry-level driver training (ELDT) for CDL licenses were mandated under the Moving Ahead for Progress in the 21 Century Act (MAP-21).

ELDT regulations establish the baseline for training required for entry-level drivers. They apply to anyone:

- seeking a Class A or Class B CDL for the first time
- upgrading an existing Class B CDL to Class A CDL
- obtaining a first-time school bus (S), passenger (P) or hazardous materials (H) endorsement.

The regulations require entry-level drivers to complete their training from a provider listed on a Training Provider Registry that is to be available by Feb. 7, according to a registry information page.

The regulations are not retroactive so they do not apply to people who hold these licenses or endorsements prior to Feb. 7 or who renew them prior to expiration. People exempt from the skills test in 49 CFR Part 383 are also exempt from the requirements, according to the ELDT regulations. The Training Provider Registry was established to support “FMCSA’s goal of ensuring that only qualified drivers are behind the wheel of commercial motor vehicles (CMVs),” according to information at the registry home page. That page provides a link for training providers to sign up to be listed on the registry as well as information about training and an option to sign up for updates relative to training and the registry. The changes are part of the FMCSA Final Rule of December 2016. The Final Rule document provides an overview of the process.



When the FMCSA Training Provider Registry is in place, it will keep a record of CDL applicants that have met the ELDT regulations for training and certification and be accessible to states.

IMPORTANT DATES AND RESOURCES

Compliance with the requirements is required as of February 7, 2022.

The 72-page final rule may be accessed via the [Federal Register website](#).

The first part of the document (pages 88732-88790) provides the background and analysis of the requirements. The actual regulations and curriculum (Part 380, Subparts E, F, and G and Appendix A, B, C, D, and E to Part 380) begin on page 88790.

Also, additional resources addressing the entry-level driver training rule are available via <https://tpr.fmcsa.dot.gov/>.



From My Desk

Duane Richardson, IMEA Executive Director

SIGNIFICANT CHANGES FOR CDL ENTRY-LEVEL DRIVER TRAINING

As of February 7, 2022, compliance with all aspects of the entry-level driver training rule is required. The entry-level driver training rule establishes minimum training standards for drivers:

- Applying for their initial CDL;
- Upgrading their current CDL; or
- Obtaining a passenger, school bus, or hazardous materials endorsement for the first time.

NOTE: If you have an existing CDL license, the changes do not impact you unless you upgrade or add an endorsement to your current license.

An entry-level driver must complete a prescribed program of theory and behind-the-wheel instruction provided by a school or other entity listed on the Federal Motor Carrier Safety Administration's (FMCSA) Training Provider Registry (TPR) prior to taking a skills test for a:

- Class A CDL
- Class B CDL
- Passenger endorsement, or
- School bus endorsement

Getting a CDL for a new or current employee is going to be more challenging and costly. IMEA and the Ice Miller Legislative Team have been researching the possibilities for an exemption for municipal employees. Unfortunately, states are only given the authority to grant a blanket exemption to certain military vehicles and firefighting and emergency equipment under 49 CFR 383(d). Based on the definition of the term ***emergency vehicles below***, we don't think municipal utility trucks would qualify because they are subject to normal traffic regulation; however, we have reached out APPA for assistance at the federal level.

IN.gov states "A CDL is required to operate a commercial motor vehicle (determined by GVWR ***and*** usage)". Federal law defines a commercial motor vehicle as a "motor vehicle used in commerce ***to transport*** passengers or property".

All the registrations I've viewed that are commercial vehicles (by GVWR standards) owned and operated by municipals, list the **Registration Type** as "municipally owned" and no weights listed.



The commercial vehicle registrations I've seen list the **Registration Type** as "commercial" with a GVWR listed.

So, we still have a few avenues to explore for an exemption which includes working with APPA at the federal level for a blanket waiver. In the meantime, we are actively searching for a certified/approved instructor to provide the required training to IMEA Members.

See the federal exception definitions below:

Exception for farmers, firefighters, emergency response vehicle drivers, and drivers removing snow and ice. A State may, at its discretion, exempt individuals identified in paragraphs (d)(1), (d)(2), and (d)(3) of this section from the requirements of this part. The use of this waiver is limited to the driver's home State unless there is a reciprocity agreement with adjoining States.

(1) Operators of a farm vehicle which is:

- (i) Controlled and operated by a farmer, including operation by employees or family members;
- (ii) Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- (iii) Not used in the operations of a for-hire motor carrier, except for an exempt motor carrier as defined in § 390.5 of this subchapter; and
- (iv) Used within 241 kilometers (150 miles) of the farmer's farm.

(Continued, Page 4)

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(2) Firefighters and other persons who operate CMVs which are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances, or other vehicles that are used in response to emergencies.

(3)

(i) A driver, employed by an eligible unit of local government, operating a commercial motor vehicle within the boundaries of that unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, if

(A) The properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle; or

(B) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance.

(ii) This exemption shall not preempt State laws and regulations concerning the safe operation of commercial motor vehicles.

The FMSCA also provides a path for requesting waivers and exemptions under 49 U.S.C. 31136(e) and 31315, and 49 CFR 1.87. The details are listed here:

<https://ecfr.federalregister.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-381>

However, the waivers are for individuals on a case-by-case basis. The waivers also appear to be temporary. There is an application process that is detailed out, with a response given within 180 days.

By way of examples, the exemptions that are currently in effect under this section are listed here:

https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/FMCSA_Exemptions_10_25_2017.pdf You can see that

they are very fact specific.

If you need additional information or have any questions, please don't hesitate to contact me

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Executive Director

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THANK YOU TO OUR NEWEST ASSOCIATE MEMBER!

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