



August 7, 2024

Jennifer Weatherly
Freedom of Information Act Officer
Federal Motor Carrier Safety Administration Attn:
FOIA Team MC-MMI
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Freedom of Information Act Request

Dear Ms. Weatherly:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), I am specifically requesting the following information from the Federal Motor Carrier Safety Administration (“FMCSA”):

1. On February 7, 2022, the FMCSA Entry-Level Driver Training (“ELDT”) rule went into effect. This rule requires all entry level drivers of commercial motor vehicles who are subject to ELDT regulations to receive training from a provider listed on FMCSA’s Training Provider Registry (“TPR”).¹ In 2022 according to the NHTSA, there were roughly 6,000 heavy truck fatalities in the United States. For each heavy truck driver fatality in the U.S., please provide all information concerning the training provider that electronically submitted the driver’s certification information into the TPR, including the following: (a) the identity of the driver’s training provider; (b) the completion and certification date of the driver’s ELDT; (c) the driver’s training location (city and state); and (d) the license type(s) for which the driver was certified.
2. To be listed in the FMCSA TPR, training providers must self-certify that they meet all FMCSA requirements with respect to: (1) curricula; (2) facilities; (3) vehicles; (4) training instructors; and (5) State-based requirements (as applicable). Relatedly, FMCSA sets forth a process for individual States to report training providers that, despite their TPR self-certification, do not meet the applicable State requirements to deliver ELDT. Under this process, States may also request a training provider’s removal from the TPR. Please provide a copy of all records, documents, and communications submitted by individual States asserting that a training provider does not meet the applicable State requirements to deliver ELDT after February 7, 2022.
3. Please provide a copy of each State’s requests to remove a training provider from the TPR since February 7, 2022, along with all documents, records, and communications related thereto.

¹ Commercial learning permit and commercial driver’s license training providers are hereinafter referred to as “training providers.”



4. Please provide a copy of each request, report, or notification received since February 7, 2022, in which an entity, person, or third party other than a State reported that a training provider does not meet the FMCSA requirements for certification and registry in the TPR, including a copy of all records, documents, and communications related thereto. Relatedly, please provide copies of all documentation reflecting the Agency's responses or communications to such requests, reports, or notifications.
5. Pursuant to 49 C.F.R. § 380.703(a)(6), for a registrant to be eligible for listing on the TPR, an entity must “[a]llow FMCSA or its authorized representative to audit or investigate the training provider's operations to ensure that the provider meets the criteria set forth in this section.” Further, pursuant to 49 C.F.R. § 380.719(a)(5), for a registrant to continue to be listed on the TPR, the entity must “[a]llow an audit or investigation of the training provider to be completed by FMCSA or its authorized representative, if requested.” Please provide all FMCSA audit reports for all audits conducted to verify the accuracy of training providers' self-attestations in the TPR; along with all documents, records, and communications related thereto, including the identity of any States or any third party who initially provided any information that led to the audit, the identities of any “authorized representative” of the FMCSA who conducted the audit, and documentation reflecting any response or communications by the training provider(s) to the audit.
6. Please explain how many audits of the TPR FMCSA (or any entity on FMCSA's behalf) has conducted since February 7, 2022, and FMCSA's criteria for conducting an audit of the TPR.
7. Please provide all FMCSA reports of investigation for all investigations conducted to verify the accuracy of training providers' self-attestations in the TPR; along with all documents, records, and communications related thereto, including the identity of any States or any third party who initially provided any information that led to the investigation, the identities of any “authorized representative” of the FMCSA who conducted the investigation, and documentation reflecting any response or communications by the training provider(s) to the investigation.
8. Please explain how many investigations of the TPR FMCSA (or any entity on FMCSA's behalf) has conducted since February 7, 2022, and FMCSA's criteria for conducting an investigation.
9. Pursuant to 49 C.F.R. § 380.721, FMCSA may remove a provider from the TPR when a provider fails to meet or maintain any of the qualifications established by the FMCSA's relevant regulations or the requirements of other State and Federal regulations applicable to the provider. Pursuant to 49 C.F.R. § 380.721(b), “[i]n instances of fraud or other criminal behavior by a training provider in which driver-trainees have knowingly participated, FMCSA reserves the right, on a case-by-case basis, to retroactively invalidate training conducted.” Please provide a copy of all records, documents, and communications reflecting how, when, and why any training provider has been removed from the TPR after February 7, 2022, including all records documents, and communications reflecting whether or not the reason for removal involved instances of fraud or other criminal behavior by the training provider, as well as whether or not the removal of the training provider resulted in retroactive invalidation of the training conducted.



10. Ancora is a training provider in the TPR. Please provide all records demonstrating that Ancora meets each FMCSA requirement for certification and registry in the TPR including, among other records demonstrating that: (a) each of Ancora's trainees satisfy the 80% proficiency requirements as set forth in the "ELDT Minimum Federal Curricula Requirements;" (b) each instructor had at least two years of driving experience; (c) that training was actually provided by Ancora and no other party prior to Ancora entering the student into the TPR; (d) information entered into the TPR was entered and certified by the Private Entity represented in the TPR; and (e) the training occurred at each address that Ancora attested to in the TPR.

For purposes of the aforementioned requests, and as provided in 5 U.S.C. § 552(f)(2), the term "records" includes any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format. Additionally, the definition of the term "records" is the same under 5 U.S.C. § 552(f)(2) notwithstanding whether FMCSA maintains the records itself, or the information is maintained for FMCSA by another federal entity or a private entity under a government contract, for the purposes of records management.

I understand there may be research, copying, and other costs associated with this request. I would prefer to receive all responsive records electronically. I will also work with you to help clarify any request that you consider to be unclear. I am willing to pay fees up to five hundred dollars \$500. Please contact me if costs are expected to exceed five hundred dollars (\$500.00) or if you need additional information. I can be reached at (312) 543-6963, or via email at steve@160drivingacademy.com. Thank you for your consideration of my request and I look forward to FMCSA's response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Gold'.

Steve Gold
Founder and CEO
160 Driving Academy
Email: steve@160drivingacademy.com
Phone No.: (312) 543-6963