

COMMERCIAL DRIVER'S LICENSE SKILLS TEST DELAYS REPORT TO CONGRESS – CALENDAR YEAR 2016

Pursuant to Section 5506 of the
Fixing America's Surface Transportation Act, 2015 (P.L. 114-94)
September 2018

Section 5506 of the Fixing America's Surface Transportation Act, 2015 (FAST Act) requires that the Administrator of the Federal Motor Carrier Safety Administration (FMCSA) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, for each State, the status of skills testing for applicants for a commercial driver's license (CDL). (P.L. 114-94, Dec 4, 2015, 49 U.S.C. 31305 note).

BACKGROUND

On October 27, 1986, the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) was signed into law.¹ This act required regulatory action to establish minimum testing standards for those applicants wishing to obtain a CDL. As a result, on July 21, 1988, the Federal Highway Administration (FHWA) issued a final rule establishing minimum standards for:

- State testing and licensing of commercial motor vehicle (CMV) drivers;
- knowledge, skills, and abilities which drivers of different types of CMVs must possess (including qualifications for endorsements); and
- the information to be contained on State-issued CDLs.²

A 2015 Government Accountability Office (GAO) report to Congress³ revealed significant variance between States' CDL skills test delays (the time between when a CDL applicant initially requests to take the skills test and the first opportunity offered to them). The report found several possible causes of these delays. Not all States track these delays. Possible impacts of having to wait to complete the CDL skills test, according to the GAO report, include:

- The expiration of an applicant's commercial learner's permit (CLP), requiring the applicant to renew the permit.
- Financial hardship due to training costs and the wait time before acquiring a paying job of driving with a CDL.
- A loss of potential CMV drivers who find alternate employment before obtaining a CDL.

Pursuant to Section 5506 of the FAST Act, FMCSA surveyed each State and the District of Columbia on the status of skills testing for CDL applicants. The FAST Act required status

1 Pub. L. 99-570, 100 Stat. 3207-170, October 27, 1986.

2 49 CFR part 383, subparts E-J (53 FR 27628, July 21, 1988)

3 <http://www.gao.gov/assets/680/671429.pdf>

information on wait times for initial skills tests and re-tests, the number of qualified CDL examiners available to test applicants, and the number of testing sites available in each State.

Table 1. CDL skills testing status information required by Section 5506 of the FAST Act.

Section	CDL Skills Testing Status Information
Sec. 5506(1)(A)	The average wait time from the date an applicant requests to take a skills test to the date the applicant has the opportunity to complete such test.
Sec. 5506(1)(B)	The average wait time from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant has the opportunity to complete such retest.
Sec. 5506(1)(C)	The actual number of qualified CDL examiners available to test applicants.
Sec. 5506(1)(D)	The number of testing sites available through the State department of motor vehicles and whether this number increased or decreased from the previous year.

SURVEY RESPONSES

The survey was sent to all 50 States and the District of Columbia; of those, 46 responded. Responses were of varying levels of detail: two States provided only general comments, one State provided data from a few of its test locations, two States provided detailed information on each segment of the CDL skills test, while the remaining 41 States provided the majority of information requested.

States were asked to report their usage of State resources, defined as official government agencies or contractors who report directly to these agencies, and third-party resources, defined as non-governmental organizations. Common State resources include State licensing agencies and State law enforcement agencies, while common third-party resources include commercial vehicle training schools, community colleges, and motor carriers allowed to test their own employees. Nine States do not use third-party resources, nine States use only third-party resources, and 27 States use both State and third-party resources. Six States did not respond or provided only general comments and feedback. Figure 1 shows what types of CDL skills testing resources each State offers.

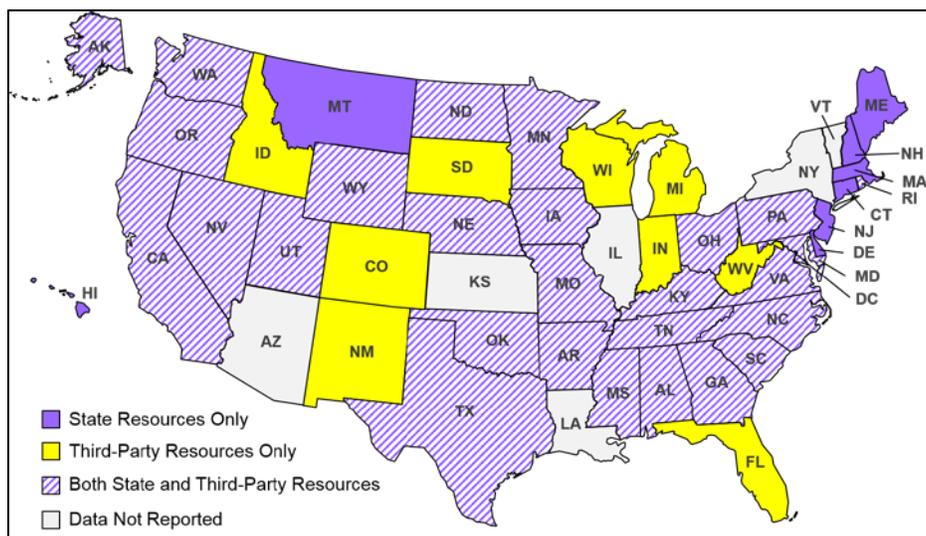


Figure 1. Map. Available CDL skills testing resources by State, as of January 1, 2017.

SURVEY FINDINGS

Table 2 provides key findings from the 2017 survey.

Table 2. Number of Skills Tests, CDL Skills Testing Wait Times, Number of Qualified Examiners, and Number of Testing Sites, by State, January 1 – December 30, 2016.

State	Number of Initial Tests	Initial CDL Skills Test Net Wait Times* Sec. 5506(1)(A)	Number of Re-Tests	CDL Skills Re-Test Net Wait Times* Sec. 5506(1)(B)	Number of Qualified Examiners Sec. 5506(1)(C)	Number of Testing Sites Available Sec. 5506(1)(D)	Increase or Decrease in Number of Sites from Previous Year Sec. 5506(1)(D)
Alabama	Not Reported	0 days	Not Reported	13 days	155	23	No Change
Alaska	Not Reported	25 days	Not Reported	32 days	137	43	Increased
Arkansas	Not Reported	1 day	Not Reported	5 days	53	40	Decreased
California	Not Reported	23 days	Not Reported	37 days	514	148	Decreased
Colorado	8,108	0 days	1,351	0 days	230	90	Decreased
Connecticut	5,781	2 days	1,734	2 days	25	3	No Change
District of Columbia	Not Reported	0 days	Not Reported	27 days	4	1	No Change
Florida	69,926	0 days	5,131	0 days	396	200	No Change
Georgia	16,990	0 days	5,950	7 days	262	94	No Change
Hawaii	Not Reported	0 days	Not Reported	7 days	9	7	No Change
Idaho	Not Reported	0 days	Not Reported	0 days	Not Reported	Not Reported	Not Reported
Illinois	Not Reported	5 days	Not Reported	5 days	Not Reported	Not Reported	Not Reported
Indiana	13,985	0 days	Not Reported	8 days	38	11	Decreased
Iowa	27,879	4 days	3,702	13 days	262	47	Decreased
Kentucky	4,804	0 days	2,354	2 days	40	34	No Change
Maine	2,440	0 days	1,583	15 days	24	21	No Change
Maryland	6,605	11 days	1,595	25 days	145	28	No Change
Massachusetts	Not Reported	16 days	Not Reported	30 days	26	18	No Change
Michigan	Not Reported	0 days	Not Reported	3 days	90	69	Decreased
Minnesota	2,094	1 day	Not Reported	1 day	190	80	No Change
Mississippi	Not Reported	3 days	Not Reported	18 days	Not Reported	Not Reported	Not Reported
Missouri	Not Reported	0 days	Not Reported	4 days	84	22	No Change
Montana	6,453	6 days	Not Reported	13 days	59	20	No Change
Nebraska	3,499	0 days	3,732	Not Reported	177	61	Increased
Nevada	13,466	0 days	1,166	7 days	73	33	Decreased
New Hampshire	1,967	0 days	Not Reported	4 days	9	5	No Change
New Jersey	16,969	47 days	5,000	31 days	110	12	No Change
New Mexico	2,125	0 days	565	2 days	90	64	Increased
North Carolina	25,760	0 days	3,183	9 days	359	217	No Change
North Dakota	2,960	2 days	Not Reported	16 days	40	11	No Change
Ohio	Not Reported	0 days	Not Reported	0 days	49	11	No Change
Oklahoma	15,058	0 days	6,274	5 days	30	23	Decreased
Oregon	4,619	13 days	1,004	17 days	128	230	Increased
Pennsylvania	30,985	0 days	12,530	0 days	451	143	Increased
Rhode Island	1,396	0 days	Not Reported	0 days	5	1	No Change

State	Number of Initial Tests	Initial CDL Skills Test Net Wait Times* Sec. 5506(1)(A)	Number of Re-Tests	CDL Skills Re-Test Net Wait Times* Sec. 5506(1)(B)	Number of Qualified Examiners Sec. 5506(1)(C)	Number of Testing Sites Available Sec. 5506(1)(D)	Increase or Decrease in Number of Sites from Previous Year Sec. 5506(1)(D)
South Carolina	6,792	0 days	Not Reported	0 days	65	113	Increased
South Dakota	1,585	0 days	Not Reported	1 day	21	40	No Change
Tennessee	22,547	0 days	5,997	7 days	122	71	No Change
Texas	Not Reported	14 days	Not Reported	27 days	160	Not Reported	Not Reported
Utah	9,304	0 days	2,158	10 days	201	228	Increased
Virginia	Not Reported	0 days	Not Reported	7 days	197	165	No Change
Washington	7,786	0 days	3,225	4 days	123	106	No Change
West Virginia	3,271	0 days	409	0 days	26	26	No Change
Wisconsin	28,577	0 days	7,961	0 days	224	103	Decreased
Wyoming	Not Reported	0 days	Not Reported	4 days	61	78	No Change

*The net wait time is reported as the total scheduling wait time minus any Federal or State mandated waiting period, since applicants can schedule their test while they are still in the mandatory waiting period.

Overview

CDL skills testing wait times were broken out by initial exams as compared to re-tests after a failure. Mandatory wait times were considered separately from scheduled wait times, as these periods of time would frequently overlap (i.e., nothing precludes an applicant from scheduling a skills test once they have received their CLP despite the mandatory 14-day waiting period before they can actually attempt the skills test). Personal preference on the date for a skills test was not included as part of the reported wait times, as this is out of the control of the State and there would be no available data as to the reason or rationale.

Delays for Initial CDL Skills Tests and Re-tests

Federal regulations require that an applicant hold a CLP for a minimum of 14 days before taking an initial CDL skills test. Each State decides whether to adhere to this Federal minimum or to impose a longer waiting period; most responding States adhered to the Federal minimum. Three States reported imposing a longer period, ranging from an additional day to an additional 16 days.

Mandatory waiting periods for CDL skills re-tests (after experiencing one or more failures) are largely the result of individual State regulations. There is a Federal requirement that third-party tests be scheduled with 48-hours' notice to the State, but any other waiting periods are State imposed and vary among States, which is why the net scheduling wait time (total wait time less any mandatory waiting period) is used.

The net wait time for scheduling a CDL skills test or re-test was determined by subtracting the mandatory Federal and, if applicable, additional State waiting period from the total scheduling wait period at testing locations. For example, if a testing location had a scheduling wait of 14

days and a mandatory waiting period of 14 days, the net wait time experienced by the applicant was zero days. Table 2 shows net wait times, by State, for initial tests and re-tests.

CDL Skills Testing Resources

States were asked to report the number of qualified examiners as of January 1, 2017, as well as the number of available testing locations as of January 1, 2016, to see whether the number of testing locations was increasing or decreasing from year to year. Overall, the number of available testing locations remained more consistent across State facilities than for third-party facilities.

Table 3 summarizes the States' responses regarding CDL skills testing resources. States that did not provide this information (Arizona, Delaware, Illinois, Kansas, Louisiana, New York, and Vermont) are omitted from the table. It should be noted that the numbers reported for Mississippi are for 2016; the State did not report numbers for 2017. Additionally, Wisconsin utilizes only third-party resources for conducting CDL skills tests, in conjunction with six State personnel who audit the third-party testing system, conduct medical re-examinations, re-test customers, and conduct Federal skill performance exams under 49 CFR 391.49.

Table 3. Number of qualified examiners and available testing sites as of January 1, 2017, and whether the number of available testing sites has increased or decreased in the previous year, by State.

State	State Resources			Third-Party Resources		
	Number of Qualified Examiners	Testing Sites Available	Increase or Decrease in Testing Sites	Number of Qualified Examiners	Testing Sites Available	Increase or Decrease in Testing Sites
Alabama	121	12	No Change	34	11	No Change
Alaska	44	15	No Change	93	29	Increased (+1)
Arkansas	16	6	No Change	37	34	Decreased (-5)
California	165	23	Decreased (-2)	349	125	No Change
Colorado	—*	—	—	230	90	Decreased (-8)
Connecticut	25	3	No Change	—	—	—
District of Columbia	4	1	No Change	—	—	—
Florida	—	—	—	396	200	No Change
Georgia	101	9	No Change	161	85	No Change
Hawaii	9	7	No Change	—	—	—
Idaho	—	—	—	Not Reported	Not Reported	Not Reported
Indiana	—	—	—	38	11	Decreased (-2)
Iowa	211	32	Decreased (-3)	51	15	No Change
Kentucky	16	10	Increased (+1)	24	24	No Change
Maine	24	21	No Change	—	—	—
Maryland	95	13	No Change	50	15	No Change
Massachusetts	26	18	No Change	—	—	—
Michigan	—	—	—	90	69	Decreased (-3)
Minnesota	133	34	No Change	57	46	No Change

State	State Resources			Third-Party Resources		
	Number of Qualified Examiners	Testing Sites Available	Increase or Decrease in Testing Sites	Number of Qualified Examiners	Testing Sites Available	Increase or Decrease in Testing Sites
Mississippi	Not Reported	12	Not Reported	Not Reported	32	Not Reported
Missouri	75	13	No Change	9	9	No Change
Montana	59	20	No Change	—	—	—
Nebraska	111	22	No Change	66	39	Increased (+2)
Nevada	16	5	No Change	57	28	Decreased (-20)
New Hampshire	9	5	No Change	—	—	—
New Jersey	110	12	No Change	—	—	—
New Mexico	—	—	—	90	64	Increased (+6)
North Carolina	197	119	No Change	162	98	No Change
North Dakota	37	8	No Change	3	3	No Change
Ohio	10	3	No Change	39	8	No Change
Oklahoma	22	15	No Change	8	8	Decreased (-1)
Oregon	18	10	No Change	110	220	Increased (+87)
Pennsylvania	143	27	No Change	308	116	Increased (+4)
Rhode Island	5	0	No Change	0	1	No Change
South Carolina	65	9	No Change	0	104	Increased (+3)
South Dakota	—	—	—	21	40	No Change
Tennessee	16	4	No Change	106	67	No Change
Texas	160	27	Not Reported	Not Reported	Not reported	Not Reported
Utah	30	12	Increased (+1)	171	216	Increased (+31)
Virginia	32	9	No Change	165	156	No Change
Washington	6	3	No Change	117	103	No Change
West Virginia	—	—	—	26	26	No Change
Wisconsin	6	Not Reported	Not Reported	218	103	Decreased (-3)
Wyoming	6	13	No Change	55	65	No Change

*A “—” indicates that a State does not use that type of resource for CDL skills testing.

STEPS BEING TAKEN TO ADDRESS SKILLS TESTING DELAYS

The Agency offers Commercial Driver’s License Program Implementation (CDLPI) discretionary grant funding to support organizations that are responsible for the development, implementation, and maintenance of all or part of the CDL program or that have a direct impact on a State’s compliance with the provisions of 49 CFR parts 383 and 384. CDLPI grants may be provided to States that focus on delivering knowledge and skills testing. Hiring additional staff to assist States in delivering the knowledge and skills testing is an eligible expense under the CDLPI Grant Program. Even though FMCSA has no regulatory oversight regarding the speed at which States schedule and conduct CDL skills tests, the Agency continues to encourage States to apply for CDLPI grant funds to expand their CDL program testing capacity.