

COMMERCIAL DRIVER'S LICENSE PASSENGER ENDORSEMENT REQUIREMENTS REPORT TO CONGRESS

Pursuant to Section 32709 of the Moving Ahead for Progress in the 21st Century Act
March 2015

INTRODUCTION

The U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) provide this report pursuant to section 32709 of the Moving Ahead for Progress in the 21st Century Act, P.L. 112-141 (MAP-21). Section 32709 required the Secretary to review and assess the current knowledge and skill testing requirements for a commercial driver's license (CDL) passenger endorsement to determine what improvements to the knowledge test, the examination of driving skills, and the application of such requirements, are necessary to ensure the safe operation of commercial motor vehicles designed or used to transport passengers.

BACKGROUND

In October 1986, Congress passed the Commercial Motor Vehicle Safety Act, P.L. 99-570. This Act included a provision that by April 1, 1992, all commercial drivers had to pass knowledge and skills tests that met standards established by the Federal Highway Administration (FHWA), FMCSA's predecessor agency. At that time, FHWA began working with the American Association of Motor Vehicle Administrators (AAMVA) to develop and maintain a CDL test system.

As a result of this work, "Requirements for a CDL Test Maintenance System" was developed. This document required that a CDL knowledge test meet the requirements in DOT regulations¹ and AAMVA's "Manual for the Administration and Development of CDL Knowledge Test." Additionally, AAMVA and FHWA developed the "Requirements Document for the Development of Computer-Generated Multiple Choice CDL Knowledge Tests." This document was used by AAMVA to select vendors for their use in bidding on the development of automated testing software. AAMVA awarded a contract to one of the vendors to develop software that jurisdictions could use to generate printed and electronic tests for CDL knowledge testing.

The contractor developed software that generated tests from a pool of 600 questions. Requirements of the algorithm for each test included that the difficulty level must fall within a 10-point range determined by AAMVA, each test had to contain 25 percent new questions from the previous test, and the locations of identical questions had to be different from the previous test.

In 1998, Congress passed the Transportation Equity Act for the 21st Century, P.L. 105-178, which mandated that the Secretary evaluate current CDL testing practices to determine if they

¹ 49 C.F.R. 383, Subpart G - Required Knowledge and Skills

were an accurate reflection of the knowledge and skills required by CDL drivers. As a result, in 2000, an analysis was completed indicating a need to update the 600-question pool with additional knowledge areas including the following:

- Dealing with aggressive drivers, road rage, and running red lights.
- Dealing with distractions in the vehicle, such as cell phones, on-board records, and Intelligent Transportation Systems equipment.
- Driver fatigue, sleep, and rest.
- Anti-lock braking systems.

2005 TEST SYSTEM

In 2005, AAMVA released the updated version of the CDL knowledge testing system and question pool. The 2005 CDL Test System was the result of 6 years of research by AAMVA, with assistance from several State Driver Licensing Agencies (SDLA) and driver training schools. The test was piloted by Delaware, Indiana, and New York.

The scoring of all three parts of the skills test, including the passenger endorsement skills test, was revised to require the applicant to be more precise in demonstrating his or her skills in operating a commercial motor vehicle. After the 2005 CDL Test System was developed, the SDLAs were given opportunities in 2008 and 2009 to review and suggest edits and revisions before the 2010 version was released.

FMCSA RULEMAKING

On April 9, 2008, FMCSA published a notice of proposed rulemaking (NPRM) titled, "Commercial Driver's Licensing Testing and Commercial Learner's Permit Standards."² The comment period was extended to July 8, 2008. The NPRM proposed requiring the States to fully implement the July 2010 version of the 2005 CDL Test System.

The May 9, 2011, final rule added more CDL driver restrictions for applicants who took a skills test in vehicles without a full air brake system and/or without a manual transmission.³ The final rule also reemphasized the fact that a passenger endorsement is class specific. The rule also required SDLAs to restrict applicants for a passenger endorsement to the class of passenger vehicle they skills tested in, and any lower class of passenger vehicle.

The final rule required States to be in compliance with the new regulations⁴ by July 8, 2014. The Agency received 34 petitions for reconsideration of the rule. As a result, on March 25, 2013, the Agency published a final rule that revised the May 2011 rule, and set a new compliance date for these requirements of July 8, 2015.⁵

² 73 FR 19282.

³ 76 FR 26854.

⁴ 49 CFR Part 384 Subpart B – Minimum Standards for Substantial Compliance by States

⁵ 78 FR 17875.

CURRENT REVIEW

Even though the 2010 testing version is not yet fully implemented, FMCSA asked AAMVA to convene its Test Maintenance Subcommittee to review the passenger endorsement requirements in order to address the MAP-21 requirement. In September 2013, AAMVA's Test Maintenance Subcommittee initiated a review of the existing requirements. In April 2014, AAMVA provided the Agency with a letter (Appendix A) advising that modifying the testing process for the "P" endorsement will not have a significant impact on crash reduction, as most crashes, passenger vehicles included, are attributable to driver error (e.g., distraction, fatigue, and speed).

The April 2014 letter from AAMVA indicated that the current knowledge and skills tests for the passenger endorsement are valid to ensure that an applicant has acquired the requisite knowledge and skills through instruction and practice. However, AAMVA noted that even the most thorough test only samples the knowledge and skills required to drive a vehicle safely.

As a result, in its letter, AAMVA and its Test Maintenance Subcommittee recommended that following the July 8, 2015, compliance date of the "Commercial Driver's Licensing Testing and Commercial Learner's Permit Standards" final rule, additional research into the causes of crashes should be performed. If an analysis of the commercial passenger vehicle crashes indicates additional changes would improve safety, then the Test Maintenance Subcommittee will develop the necessary edits and updates at that time.

On September 16, 2014, FMCSA published a Federal Register notice⁶ requesting public comments concerning the current knowledge and skills testing requirements for a CDL passenger endorsement to determine whether improvements to the knowledge test, the examination of driving skills, and the application of the requirements are necessary to ensure the safe operation of commercial motor vehicles designed or used to transport passengers. The Agency received five comments related to the notice from AAMVA, Deb Carlson, Greyhound, Majestic Bus Service, Inc., the National School Transportation Association, and Advocates for Highway and Auto Safety (Advocates). Four commenters expressly supported allowing the current requirements to be fully implemented before making any additional changes. Advocates did not discuss the current rule's implementation, but supported AAMVA's position that crash data should be used in determining any additional areas for testing.

CONCLUSION

Based on the comments received in response to the Agency's September 16, 2014, Federal Register notice, AAMVA's 2014 letter, and the considerable research and testing completed to establish the standard incorporated in the May 2011 final rule, FMCSA has no further recommendations at this time. However, the Agency will assess the impacts of the changes after the rule has been in effect for an appropriate amount of time after the July 2015 compliance date.

⁶ 79 FR 55526

Appendix A



American Association of Motor Vehicle Administrators

MEMO

TO: Selden Fritschner, Chief, Commercial Driver's License Division, FMCSA

FROM: Kevin Lewis, Director, Driver Programs, AAMVA

DATE: April 25, 2014

RE: AAMVA Test Maintenance Subcommittee comments on MAP-21 Passenger Endorsement Review

The MAP-21 reauthorization requires the Secretary of Transportation to perform a CDL Passenger Endorsement ("P") Requirements Review that assesses the current knowledge and skill testing requirements for a CDL passenger endorsement and determine what improvements to the knowledge test, the examination of driving skills, and the application of such requirements are necessary to ensure the safe operation of commercial motor vehicles designed or used to transport passengers.

In accordance with the MAP-21 requirements, the AAMVA Test Maintenance Subcommittee (TMS) reviewed the "P" endorsement and current testing protocol at its September 2013 meeting. The Subcommittee considered possible improvements to both the knowledge test and skills tests currently in place for the Passenger endorsement.

The TMS concluded that due to the expansive improvements to CDL testing contained in the July 2014 version of the 2005 Model CDL Test Program, the TMS feels it is premature to make changes to the "P" endorsement testing criteria, as a substantial number of states have yet to fully implement the recently updated testing program. AAMVA recommends that modifications to the "P" endorsement testing should be delayed until after July 8, 2015, which is the date that all states must comply with the new CDL testing regulations.

The TMS also feels that modifying the testing process for the "P" endorsement will not have a significant impact on crash reduction, as most crashes, passenger vehicles included, are attributable to driver error (distraction, fatigue, speed, etc.). The current knowledge and skills testing in place for the passenger endorsement has been validated to ensure an applicant has acquired the requisite knowledge and skills through instruction and practice. However, even the most thorough test only samples the knowledge and skills that are required to drive a vehicle safely. It is also true that licensing tests cannot predict how safely people actually drive when they are not being tested. The way individuals behave on the highway is determined by attitudes and habits that are seldom revealed in the presence of a license examiner. Those attitudes and habits are shaped by the education and training processes or lack thereof, that a driver has been exposed to.

American Association of Motor Vehicle Administrators



AAMVA and its Test Maintenance Subcommittee recommend that following the full implementation of the July 8, 2015 testing compliance date, additional research into the cause of crashes should be performed. If an analysis of the passenger vehicle crashes indicates additional changes need to be done, the TMS will develop the necessary edits and updates at that time.

In reaching their decision the TMS considered the following information:

August 2005

TMS delivered a new 2005 Model CDL testing program to every US jurisdiction. The Model CDL Testing System is reviewed yearly and a new version is released each July if updates are required due to regulatory changes.

Revisions included:

- Revised Class B vehicles testing procedures for straight trucks, transit buses, over-the-road buses, and school buses;
- Revised knowledge and skills Tests; and
- Adding the school bus “S” endorsement test to the set of CDL knowledge tests.

The CDL general knowledge test, which all CDL license applicants must pass, made numerous changes to the previous CDL testing model. Forty (40) new questions (based on technological changes in truck and bus operations as well as new research on truck and bus operator performance) were added to the general knowledge test question pool.

Many of the new questions centered on driver fatigue, hours of service, driver distractions, and aggressive driving. Current research showing the effects of fatigue, sleep debt, and hours of service indicated that items within these areas needed to be included in the revised test. In addition, with the advent of cell phones, other electronic devices, and new data on aggressive driving, it was determined that drivers needed to be specifically tested on good driving practices that reflected knowledge about driving distractions.

The Revised Skills Test Program (Updated in 2014)

The revised vehicle inspection test: currently includes three different test versions for Class B license applicants that can be randomly administered to preclude applicants from rote memorizing the inspecting process without actually understanding it. Additional pre-trip inspection items were added for passenger “P” vehicles and school “S” buses.

The revised basic skills test: Six basic control exercises are now included in three categories that progress in level of difficulty, and are in-line with current industry driver training and testing best practices. The updated “P” testing model now assures the applicant driver must successfully complete one exercise from each category.

American Association of Motor Vehicle Administrators



The revised road test: The road test for acquiring a “P” endorsement has been updated and expanded to include additional turns, intersections, curves, signs and urban, rural and expressway driving, thus providing examiners with the opportunity to score a greater number of driving maneuvers. In addition, a new score sheet has been developed for CDL examiners to more accurately assess each applicant’s driving performance. An extensive simulated student discharge exercise was added to the school bus road test as well.

Possible Solutions to be considered by FMCSA

The jurisdictional CDL Coordinators have suggested a possible method to assess the competency of a driver with a passenger endorsement is to institute a mandatory skills test for all drivers who possess a passenger endorsement every 2 years rather than just the one time when they complete their initial CDL skills testing, which is the current policy. If testing every 2 years was implemented and the driver passed the “P” endorsement skills test they keep their passenger endorsement. If they fail, the driver would lose their passenger endorsement and would be required to successfully retest in order to re-obtain their passenger endorsement. This will keep the drivers sharp because they know they need to test every two years. The retest every two years will also weed out drivers who don’t currently utilize the endorsement thus making the drivers drop the endorsement and taking them out of the passenger endorsement pool. This solution could cause considerable impact to the jurisdictions current CDL testing schedule and customer service with the testing being done every two years. It may also require FMCSA to initiate new rulemaking since there is no requirement in the current FMCSA testing regulations for CDL holders with passenger endorsements to undergo skills retesting.

Another possibility would be to require mandatory skills testing for passenger endorsement holders upon each CDL renewal. This would lessen the impact on the jurisdictions CDL testing system and customer service areas while still requiring the passenger endorsement holders to undergo refresher testing in order to keep their passenger endorsement. This may also require FMCSA to initiate new rulemaking since there is no requirement in the current FMCSA testing regulations for CDL holders with passenger endorsements to undergo skills retesting.

If you have any questions regarding this matter please do not hesitate to contact me. I can be reached via e-mail at klewis@aamva.org or via phone at (703)-908-2823.