

STATEMENT OF  
THOMAS D. LARSON  
FEDERAL HIGHWAY ADMINISTRATOR  
BEFORE  
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION  
SUBCOMMITTEE ON SURFACE TRANSPORTATION  
HOUSE OF REPRESENTATIVES  
ON  
THE COMMERCIAL DRIVER'S LICENSE PROGRAM

February 5, 1992

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Mr. Chairman and Members of the Subcommittee, I am pleased to be here to discuss the progress and status of the commercial driver's license program with you, our partners in the creation and direction of the endeavor. With me is Richard P. Landis, the Associate Administrator for Motor Carriers, from the Federal Highway Administration office directly responsible for all aspects of the "CDL," as everybody involved commonly refers to it.

Mr. Chairman, we continue to believe that the CDL program has the potential of being the single most important program yet devised to improve commercial vehicle safety by eliminating multiple licenses and multiple driving records and requiring drivers to demonstrate their knowledge and skills in safely driving commercial vehicles.

Because of the single-license, single-driving record requirement, no longer can unscrupulous drivers carry a wallet full of licenses from various States in order to conceal unsafe driving records. All drivers must pass a knowledge test that meets Federal minimum standards, plus a comprehensive skills test or its equivalent, in order to demonstrate the ability to operate their truck or bus safely. Driver records are being electronically checked through the National Drivers Register and the Commercial Driver's License Information System (CDLIS) before a license is issued to ensure that each applicant only holds a single CDL. Once a CDL is issued, all States are required to honor it.

All drivers must possess the new CDL, issued by their home State, after April 1 of this year. That date is specified in the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570) and we think this deadline can be met.

All parties involved--particularly the individual States--have made very impressive progress since the Act was signed into law, October 27, 1986.

First, on June 1, 1987, we issued the regulation (52 Fed. Reg. 20574), implementing the statutory mandate that no commercial vehicle driver could legally possess more than one operator's license. The regulation is codified at 49 CFR Part 383.

Second, in July of 1988, we issued the standards (53 Fed. Reg. 27628), to explain to States the process to be used in issuing CDLs. Then, each State and the District of Columbia followed up by enacting its own conforming legislation in an unusually brief time frame. Getting uniform legislation introduced, considered, passed, and signed in 51 jurisdictions was the first big hurdle that was successfully completed in the program.

With State legislation in place, State motor vehicle licensing agencies moved to the testing phase. The minimum Federal standards require each driver, veteran and new applicant alike, to score at least 80 percent on a knowledge test of at least 30 questions covering safe operating regulations, vehicle safety control systems, vehicle control, relationship of cargo to vehicle control, and vehicle inspections. Additional knowledge tests must be passed to receive endorsements to operate double or triple trailers, tank vehicles, and buses. A separate endorsement is required to transport hazardous materials. States have the discretion of going beyond the Federal minimum standards and also the choice of administering the general knowledge examinations in writing, orally, or by computer, and in other languages besides English.

A second test is of a driver's operating skills. At the discretion of a State, this test may be waived for some truck or bus operators.

To qualify for the waiver, an operator must have a valid license and a good driving record, plus either have passed an acceptable skills test or have commercial driving experience for at least two years. Prior to actually issuing licenses to drivers that pass the tests, a State must acquire the equipment and develop the software to join a new national computer network--the Commercial Driver's License Information System. Not only does CDLIS serve to check on driver violations and convictions, it will also disclose the existence of any other CDL a driver may already have, as well as a suspended, canceled, or revoked CDL. A State also is required to check the National Driver Register to determine whether a driver has been disqualified or has had a license to operate any type of vehicle suspended, revoked, or canceled.

As for the status of the program, progress has been impressive, as I stated. As of January 31, almost 3 1/2 million drivers possess CDLs, leaving approximately 750,000 to 1 million yet to be issued. While that may sound like a large number of CDLs left unissued, many drivers have taken the tests, but have not yet been issued CDLs because some State computers have not been connected to the CDLIS network. We have provided supplemental funding and technical assistance to the six jurisdictions (Connecticut, Massachusetts, Mississippi, New Mexico, Rhode Island and the District of Columbia) that have not been able yet to connect to the CDLIS; we expect the remaining six to be on-line within days. The people in charge of operating CDLIS assure us that they

anticipate no problem in processing large batches of driver inquiries when those States get on board. Thus, we fully expect every driver intending to remain active in the motor carrier industry will be able to be licensed by April.

Should a driver not be licensed by then, for whatever reason, the driver cannot legally drive a commercial vehicle subject to the Act. Under the statute, no employer shall knowingly allow such person to drive. Federal civil or criminal penalties (49 USC § 521(b)) can be imposed in addition to penalties States have enacted for operating without a license or with an improper license.

We are aware of suggestions to extend the statutory April 1 deadline across the board. The FHWA sees no reason whatsoever to do that. To do so would severely damage the credibility of the entire endeavor by sending a message that it is all right to relax the requirements. There has been ample time since 1986 for every person intending to stay in the business to learn about and to qualify for a CDL. Furthermore, it would be difficult, if not impossible, for State legislatures to enact the necessary conforming legislation to extend the April 1 deadline; therefore, individual State penalties would remain in place.

Together with the States, various industry organizations, and the Interstate Commerce Commission, we have conducted the most massive public education program in memory to inform every State, every

truck and bus driver, and every carrier about both the requirements for the CDL and the deadline date.

Similarly, we continue to support the two-pronged test of safety and the public interest that the Congress specified in the legislation as a condition for exemptions or waivers. The FHWA has granted only one Federal blanket waiver and that was to military personnel operating military vehicles. Additionally, the FHWA granted the States the very limited option of exempting two classes of drivers: (1) drivers of emergency or fire equipment and (2) operators of certain farm vehicles. Recently, as part of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240 § 4010), the Congress clarified that custom harvesting machinery is not within the definition of a commercial motor vehicle; therefore, drivers do not need a CDL to operate such machinery.

Other driver interest groups--municipal utilities, transit and school bus operators, and local government employees, to name some--have petitioned for waivers. As noted in an attachment to my statement, all have been denied because they provided no satisfactory safety or public interest rationale justifying a waiver. They did not meet the statutory two-pronged test. Your Committee was quite clear, stating in your report accompanying the legislation (House Report 99-901, p. 15) that, "The waiver cannot be contrary to the public interest and must be consistent with the safe operation of commercial motor vehicles."

To summarize, the FHWA believes that the CDL program is right on target. It brings true professionalism to the industry and will result in improved highway safety for all users. My message and request to you today are strong and clear. We -- the FHWA, the States, and the industry are getting the job done. The April 1 requirement can be met. We do not want to weaken the power of that deadline by entertaining any thought of an extension.

Mr. Chairman, that concludes my statement. Mr. Landis and I will be pleased to answer any questions you may have.

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