

**STATEMENT OF JAMES E. SCAPELLATO
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FEDERAL HIGHWAY ADMINISTRATION
BEFORE THE
SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

COMMERCIAL DRIVER LICENSING REQUIREMENTS
FOR
PERSONS OPERATING SCHOOL BUSES**

April 2, 1996

Opening Remarks

It is a pleasure to appear before you today to discuss a program very important to us, that being the Commercial Driver Licensing program, commonly referred to as CDL, and its impact on school bus transportation. Accompanying me at the witness table is Mr. Phil Forjan, a Transportation Specialist in the Office of Motor Carrier's Driver Standards Division. Upon conclusion of my remarks, Mr. Forjan and I will attempt to answer any questions that you may have.

My formal presentation will center around three areas: first, a retrospective view of the CDL program, second, the interface of the CDL program with school bus transportation, and lastly, based on the Committee's request, a discussion of various CDL/school bus options.

Retrospective View of The CDL Program

One of the Federal Highway Administration's (FHWA's) key missions is to reduce commercial motor vehicle crashes and resulting fatalities and injuries. To carry out that key mission, the FHWA has set an ultimate goal of creating a crash-

free environment where there are zero commercial motor vehicle (CMV) crashes, zero injuries and zero fatalities.

Prior to implementation of the Commercial Driver's License (CDL) program, any person having an automobile license could legally drive a tractor-trailer or a bus in 18 States and the District of Columbia. Although 32 other States had some form of a classified driver licensing system, only 12 of those States required a road skills test in a representative vehicle. The remaining 20 States only required a knowledge test and no road skills test. As a result, many unqualified drivers potentially were operating CMVs throughout the country. Moreover, many of these same drivers compounded the problem by being able to illegally obtain multiple driver's licenses, thereby hiding or spreading convictions for traffic violations among several driving records, thus enabling them to continue to drive.

Under the Commercial Motor Vehicle Safety Act of 1986, much has been accomplished to improve CMV safety through the delivery of the CDL program. The goal of the CDL program is to ensure that drivers of CMVs have the knowledge and skills to drive the vehicle of their choice and have only one license, and to ensure that problem drivers are removed from the highways. To achieve this end, the FHWA, in cooperation with the States, embarked on establishing:

- o A national system of uniform licensing and testing for all 50 States and the District of Columbia, and a national network for the exchange of electronic data to monitor on-the-road driver performance, improve timely licensing decisions and provide enhanced customer service.

As a result of this effort, the States have:

- o Issued over 7.5 million CDLs meeting the new testing and licensing requirements, of which approximately 742,000 are held by school bus operators. Moreover, these same drivers are subject to an employer-based alcohol and controlled substance testing program as a result of the mandates contained in the Omnibus Transportation Employee Testing Act of 1991.

The 1986 Act also established minimum national standards that CMV drivers, employers, and States had to meet which:

- o made it illegal for a CMV driver to hold more than one license and have more than one driving record;
- o made it a requirement for States to adopt testing and licensing standards that ensure that a driver is qualified to operate the type of vehicle he or she plans to operate;
- o made it an employer's responsibility to know if an employee had a valid CDL; and
- o established a national clearinghouse for the electronic exchange of CMV driving records in all 50 States and the District of Columbia.

To implement the provisions of the Act, the FHWA developed and issued standards for States' testing and licensing CMV drivers. These standards require drivers to obtain a CDL if they are engaged in either interstate or intrastate commerce and drive:

- o A vehicle that has a gross combination weight rating (GCWR) of 26,001 or more pounds, inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) of more than 10,000 pounds; or
- o A vehicle that has a GVWR of 26,001 or more pounds; or
- o A vehicle that is designed to transport 16 or more passengers, including the driver; or
- o A vehicle of any size that is transporting hazardous materials in an amount that requires placarding.

In addition to the testing and licensing standards, minimum Federal penalties and sanctions were also developed and issued for CMV drivers, employers, or States that violate any of the CDL requirements.

As part of the FHWA's effort to develop comprehensive driver licensing standards, ideas and comments were solicited from the States, industry, labor and the public through the rulemaking process. In the initial CDL notice of proposed rulemaking (NPRM) in 1987, four vehicle classification groups were proposed:

- o Combination Vehicle;
- o Heavy Straight Truck;
- o Small Vehicle; and
- o Bus.

Since buses vary considerably by length of wheelbase and by height and weight, the FHWA raised the concern in the NPRM that the knowledge and skills which are needed to operate a large transit bus may be significantly different from

those needed to operate a large van, a small school bus, or a large intercity motorcoach, and requested comments on the feasibility of further subdividing the bus group by passenger capacity or by some other means. Based on comments to the NPRM, the FHWA decided, in the final rule of 1988, to go with a passenger endorsement, rather than a separate bus classification group, which could be superimposed on the three vehicle classification groups. This decision supported the classification of CMVs according to weight and number of articulation points as opposed to vehicle type. This decision was consistent with comments submitted to the docket by the American Association of Motor Vehicle Administrators (AAMVA), the American Automobile Association (AAA), the American Trucking Associations (ATA), and the Highway Users Federation for Safety and Mobility (HUFSA).

Thus, the three vehicle classification groups established by the final rule are:

Class A with P Endorsement: A large tractor-trailer type passenger vehicle with a GCWR over 26,000 pounds with a towed unit over 10,000 pounds GVWR and designed to transport 16 or more passengers, including the driver; or

Class B with P Endorsement: A large passenger vehicle with a GVWR over 26,000 pounds and designed to transport 16 or more passengers, including the driver; or

Class C with P Endorsement: A small passenger vehicle with a GVWR under 26,001 pounds, but designed to transport 16 or more passengers, including the driver.

The CDL Program's Contribution to School Bus Safety

In regard to school bus safety, all experts agree that school buses are one of the safest modes of transportation. According to the National Highway Traffic Safety Administration (NHTSA) statistics, between 1984 and 1994, there have been approximately 428,000 fatal traffic crashes. During this 11-year period, less than 0.4 percent of all highway fatalities, or 1,517 deaths, have resulted from school bus related crashes. This is an average of 138 fatalities per year. Let me emphasize that while this is a relatively small number, any highway-related death, especially that of a school child, is a tragedy, and we are striving to eliminate them all.

NHTSA research and crash data generally indicate that children are at greater risk in school bus loading zones than on board the buses. My colleagues from NHTSA are here today to discuss their research and data on this issue.

As required by the Intermodal Surface Transportation Efficiency Act of 1991, the FHWA recently completed a study to assess the adequacy of CMV entry level training by the private sector. This study evaluated private sector training for heavy trucks, motorcoaches and school buses. The results of the study unfortunately indicate that entry level training for all three types of CMVs is not effective. Prior to initiating a rulemaking on this subject, the FHWA will shortly seek public comment on these study findings by publishing a Federal Register notice of the study availability.

Need for Additional Focus on School Bus Drivers in CDL Program

Based on the current CDL standards and the FHWA's ongoing efforts to enhance CDL effectiveness, among other activities, including NHTSA's efforts in school bus specific issues, the FHWA does not believe, at this time, that there is a compelling need for any additional CDL program changes directed specifically at school bus drivers. The FHWA arrives at this conclusion based on the existing requirements that a driver must meet in order to obtain a CDL and passenger endorsement to operate a school bus. These requirements do ensure that school bus operators have the requisite knowledge and skills to operate a school bus safely.

First, the applicant must certify that he or she:

1. Only has one driver's license;
2. Is not subject to any disqualification, suspension, revocation or cancellation;
3. Meets the Federal driver qualification standards, if engaged in interstate commerce; or
4. Meets the State qualification requirements for intrastate commerce; and
5. That the vehicle being used for the driving skills test is representative of the type of CMV that person intends to drive.

Next, the State is required to verify the applicant's certification by checking his or her driving record as maintained by the current State of licensure, the CDLIS and the National Driver Register (NDR).

In addition to passing the general knowledge test given to all CDL applicants

on the safe operation and control of a CMV, a school bus driver, like any other driver who intends to operate a passenger vehicle, must pass the passenger endorsement knowledge and skills tests.

Finally, the driver applicant must also pass a driving skills test in a passenger vehicle that is representative of the vehicle classification group that he or she intends to drive. This skills test is usually broken down into three components: pre-trip vehicle inspection; basic vehicle control maneuvers; and on the street driving in actual traffic conditions. The applicant must successfully perform all the required skills to pass the test.

Therefore, the FHWA is of the opinion that the existing statutory and regulatory framework for the CDL program provides adequate testing of knowledge and skills for individuals desiring to operate school buses.

Available Options Under CDL

The FHWA has been asked by the Committee to discuss various options, should you decide to move forward with a different approach in this area.

Option 1: One possible option would be to submit materials on school bus safety to AAMVA's Test Maintenance Subcommittee for inclusion in the CDL driver manual and require the development of additional questions used for the existing passenger endorsement knowledge test. This is the easiest option to implement since an existing process would be utilized to achieve this purpose. No additional Federal or State legislation or rulemaking would be required and there would only be a small incremental burden placed on the State driver licensing

agencies to implement this option. Moreover, there would be no additional burden on the industry or its drivers. However, there is no material advantage to this option since it would merely duplicate the existing requirements contained under the passenger endorsement for the proper procedures for loading and unloading of passengers.

Option 2: A second potential option would be to require a separate school bus endorsement, thereby creating a separate school bus knowledge test. The advantages to this option would be to provide the opportunity to ask more specific school bus related questions and to have a separate section of study material in the driver manual. The potential disadvantages of this option would be the need for additional FHWA regulations to create the new endorsement and the corresponding burden placed on States to pass State legislation and to modify their existing CDL testing and licensing program to accommodate the new endorsement. It is anticipated, based on comments to the initial CDL rulemaking docket, that many State licensing agencies would oppose this option because of its increased burden. The industry may also oppose this option since employers and drivers would probably incur additional cost in taking the new endorsement test, and it may discourage individuals who want to become school bus drivers or retain such status.

Option 3: A third possible option would be to create a new school bus endorsement, as suggested in option 2, but to require States to issue the school bus endorsement after receipt of a certification presented to them by an employer

or driver after the driver has successfully completed school bus specific training from an approved training facility. As one advantage, State licensing agencies would be less resistant to this option since States would be relying on a driver training certification as the basis for issuing the new school bus endorsement. The disadvantages are the same as in option 2 in that a burden would be placed on the States to pass legislation and to modify their CDL licensing program to accommodate the new endorsement. An additional financial burden would be imposed on the employers and drivers to pay for additional training and the upgraded endorsement; in addition, it would discourage those who want to become school bus drivers or retain such status.

Option 4: The last option is to create a new school bus classification. The advantages to this option would be to give prominence to school bus operators by creating the only employment specific vehicle classification group for CDL. The disadvantages for this option are many. FHWA would have to initiate rulemaking to create this new classification group. States would have to pass legislation and significantly modify their CDL testing and licensing program to accommodate the new classification group. It is anticipated that many State licensing agencies would resist the new classification group because of the relatively small accident problem involving school bus operations. But more fundamentally, because the school bus classification would not necessarily be based on vehicle size and weight, it runs contrary to one of the basic principles of the CDL program that individuals be licensed to drive the type and size of vehicle they will actually

operate. A separate school bus classification would allow drivers to operate all types of vehicles used as school buses, regardless of size, weight, and the number of articulation points of the vehicle. This would add confusion to the CDL program and could even frustrate its overall safety benefits.

Closing Remarks

The Department shares the Committee's concern for the safety of the thousands of children that travel to school each weekday by school bus. As I have outlined for you, our commercial driver's license requirements ensure that school bus drivers have the knowledge and skills necessary to operate school buses safely. We recognize, however, that our ability to address the tragic problem of school bus related injuries and fatalities is limited, because driver licensing is only one part of the solution. School bus driver training that is independent of the licensing process and public outreach and educational work are also valuable. While we do not believe that fundamental changes to the commercial driver licensing process are needed, the Department remains committed to working with State and industry partners, including the American Association of Motor Vehicle Administrators, and other interested parties in exploring other ways to make school bus travel even safer. This concludes my remarks. Mr. Forjan and I will be happy to answer any questions that you may have.

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