



## Overview of Texas CDL Program

Assistant Director Joe Peters provided testimony concerning the Texas Commercial Driver License (CDL) Program at the Senate Transportation Committee hearing on September 14, 2016. Senators raised concerns about the CDL program, specifically:

1. The number of lead days it takes to obtain an appointment for a CDL skills test  
**Refer to Section V; paragraph C (pages 8-9)**
2. An explanation of FTE reallocation when CDL skills tests were consolidated into 25 offices  
**Refer to Section V; paragraphs B.3 and B.4 (pages 5-6)**
3. Concern that there are no CDL test sites in Senate District 3  
**Refer to Appendix F – FY2016 CDL Tests by Senate District (page 18)**
4. Third-party CDL skills tests  
**Refer to Section V; paragraph D (pages 9-10)**

### I. History

The Federal Commercial Motor Vehicle Safety Act (CMVSA) of 1986 requires each state to meet certain minimum standards for CDL and commercial learner's permit (CLP) issuance and renewals. Texas adopted the CMVSA requirements as state law (Transportation Code, Chapter 522) in 1989, and the Texas Department of Public Safety began enforcing this law and issuing new commercial driver licenses in 1990. Texas' CDL program is the second largest program in the United States, only behind the state of California. Texas administers approximately 52,000 skills exams annually and maintains over 1 million driver records for commercial drivers. The objective of this program is to reduce injuries and fatalities on Texas public roadways involving large buses and trucks through education, testing and licensing, and enforcement.

### II. New Federal Regulations

- A. In May 2011, the Federal Motor Carrier Safety Administration (FMCSA) amended CDL knowledge and skills testing standards and established new minimum federal standards for the issuance of both CDLs and CLPs. These regulations include:
1. Review all CDL transaction documents within 24 hours of the transaction (secondary review)
  2. Revisions to the CDL skills testing requirements
  3. Standards revisions to CDL and CLP Issuance
  4. Upgrades to Commercial Driver License Information System (CDLIS) network

B. All states were required to adopt these changes no later than July 8, 2015. Texas requested and received an extension from FMCSA to adopt the changes in December 2016, based on Texas' biennial legislative cycle. The goal of the FMCSA regulations were to ensure all CLP holders meet the same requirements as a CDL holder, and the upgrades to CDLIS guarantee that all states are able to continue exchanging information on commercial licensed drivers.

### III. CDL Program Decertification and Federal Highway Funds Withheld

A. Texas' failure to comply with these new federal regulations could result in FMCSA issuing a Notice of Non-Compliance resulting in:

1. Decertification of the state's CDL program
2. Withholding of up to eight percent of selected federal highway funds
3. Prohibition on issuing interstate commercial driver licenses to Texas residents

B. As of 10/1/2016, Texas has 684,699 currently licensed commercial drivers who depend upon their commercial license to make a living. These drivers are responsible for transporting commerce to and from locations within Texas and throughout the United States. Should FMCSA place Texas out-of-compliance for not meeting these new regulations, Texas commercial driver licenses will not be recognized for interstate commerce. FMCSA defines interstate commerce as trade, traffic, or transportation in the United States:

1. Between a place in a State and a place outside of such State (including a place outside of the United States);
2. Between two places in a State through another State or a place outside of the United States; or
3. Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

C. According to FMCSA, the following programs may be impacted and the associated amounts withheld from Texas for non-compliance (based upon federal highway funds received in FY15):

1. 23 USC104(b)(1) – National Highway Safety Program
2. 104(b)(3) – Surface Transportation Program
3. 104(b)(4) – Interstate Maintenance Program
4. Four percent (4%) withholding first year noncompliance: \$77,849,498.44
5. Eight percent (8%) withholding second year non-compliance: \$155,698,996.88
6. Biennium withholding total: \$233,548,495.32

## IV. New Federal CDL Program Regulations - Impact to Texas

### A. New Regulation – Revisions to the CDL Skills Testing Requirements

FMCSA reviewed all states' existing commercial skills testing procedures and found they were an inadequate reflection of the skills required for today's commercial drivers. It has been over 16 years since the development and implementation of the current CDL testing standards. To support and promote one national standard for CDL testing, FMCSA revised the commercial testing standards by adopting enhanced scoring criteria, requiring a visual vehicle inspection test, and adding a third basic maneuver (off-set backing).

#### Texas Impact

A review of all driver license office locations revealed that only one (1) office had adequate space available to safely implement the new CDL testing maneuvers. The department determined that using a consolidated CDL testing business model would be more cost effective than developing CDL testing facilities at all of our driver license offices. Historical data indicates 90% of all CDL applicants live within a 50 mile radius of 25 CDL testing sites as depicted in Appendix A. In order to mitigate the adverse impact on Texas CDL holders, the department is pursuing cooperative agreements with other state agencies and local governments to provide temporary solutions for additional CDL testing sites.

### B. New Regulation – Standards Revisions to CDL and CLP Issuance

New FMCSA standards will require a commercial applicant to:

1. Pass the commercial knowledge exams prior to being issued a CLP
2. Apply and hold a CLP for 14 days prior to testing for a CDL
3. Prohibit the issuance of a CLP for longer than 180 days
4. Allow only one CLP renewal without retesting
5. Hold only one CLP at a time
6. Adhere to the same traffic and criminal laws that apply to a CDL holder
7. Apply all disqualifications to a CLP holder

#### Texas Impact

The new federal minimum standards required legislative action to amend the Texas Transportation Code to ensure Texas' compliance. This legislation was passed in the 84<sup>th</sup> legislative session.

### C. New Regulation – Upgrades to Commercial Driver License Information System (CDLIS) Network

Commercial drivers frequently move between states based upon work demands. To ensure commercial drivers maintain only one license and one driver record, states must exchange driver information through the Commercial Driver License Information System. This enables states to report offenses, convictions, and disqualifications on CDL and CLP holders to ensure sanctions are applied as required by both state and federal statute. In order to continue facilitating the ease with which commercial driver information is exchanged between those states, FMCSA mandated states to complete the necessary upgrades (version 5.3) to CDLIS.

## [Texas Impact](#)

These changes require the department to exchange commercial issuance and skills testing information with other states during the CDL and CLP issuance and renewal process. Due to internal resource constraints the department will not be compliant with CDLIS 5.3 until December 11, 2016.

## V. Current Status

### A. [New Regulation – Review all CDL and CLP transaction documents within 24 hours of the transaction \(secondary review\)](#)

Using existing resources, the department began a secondary review of all CDL transactions in February 2016. The department will begin issuing CLPs on December 12, 2016. These transactions will also receive a secondary review.

### B. [New Regulation – Revisions to the CDL Skills Testing Requirements](#)

The department began administering the new CDL skills testing standards on October 3, 2016. See Appendix B for CDL skills test metrics for the month of October 2016. Note the failure rate increased from 18% under the previous testing standards (FY16 overall) to 63% under the new testing standards (for Oct 2016).

#### 1. [New CDL Skills Test Standard](#)

- a. The new CDL skills testing standards require additional maneuvers, and must be administered in a specified sequence. The CDL Skills Test is divided into three segments: vehicle inspection (pre-trip), basic control maneuver, and on-road driving. Each segment must be passed prior to advancing to the next segment. Based on additional skills test segments and sequencing, the new CDL skills testing standards require 2 hours to administer compared to 1 hour for the previous skills test standards. See Table 1.
- b. When a segment is failed, the applicant cannot continue, however, the applicant will be allowed to resume a failed segment without having to retake an already passed segment. Example: Applicant passed vehicle inspection (pre-trip), but failed basic control. When the applicant returns for retest, the skills test will resume with basic control segment, without restarting at the vehicle inspection (pre-trip) segment. The following limitations apply:
  - 1) Vehicle Safety Inspection is required and performed by the examiner before any test to ensure the vehicle is safe for testing (insurance/registration, lights, brakes, etc).
  - 2) Applicant is not allowed to retest or resume testing on the same day.
  - 3) Passed segments of the skills test are valid for 90 days or three failures as long as the CLP is valid.

**Table 1: Comparison of CDL Skills Test Standards**

Previous CDL Skills Test Standards (No specified order required)	New CDL Skills Test Standards (Must occur in specified order)
Straight line backing and parallel parking	Segment 1: Vehicle Inspection Test (Pre-Trip)
On-Road Driving Test	Segment 2: Basic Control Maneuver Test (straight line, off-set backing, and parallel parking)
	Segment 3: On-Road Driving Test

## 2. Demand

- a. In FY16, the department administered 52,521 CDL skills tests under the old testing standard with a failure rate of 18%.
- b. Under the new CDL skills testing standards, 63% of applicants failed the test in the first month. See Appendix B for details regarding test failures in October. Retests create additional demand for CDL skills test appointments. A higher failure rate equates to an increase in demand.

## 3. Preparing for New CDL Skills Testing Standards

- a. Prior to July 2016, the department administered CDL skill tests at 190 Driver License offices across the state because all these offices had facilities to support the previous testing standard.
- b. At these 190 DL offices, approximately 320 FTEs administered CDL skills tests, but only 20% of the FTEs were performing CDL skills tests as a primary function. In essence, the other 80% of FTEs performed multi-functional roles. In FY16, over 5.6 million transactions were performed at driver license offices across the state.
- c. FMCSA requires that CDL examiners under the new CDL skills testing standards receive specialized training and achieve a specific certification for CDL skills testing.

## 4. Consolidating Resources to Optimize CDL Testing Capacity

- a. In July 2016, in order to optimize limited resources and ensure safe conditions for CDL skills testing under the new standards, the department:
  - 1) Reduced the number of permanent CDL testing locations from 190 down to 25.
  - 2) Reduced the number of CDL examiners from approximately 320 down to 160.
  - 3) Established 9 mobile CDL testing teams to serve government entities (school districts, community colleges, fire departments, counties, and municipalities) located outside the 50-mile radius of designated CDL testing locations.
  - 4) Identified and communicated locations of 114 testing facilities for exempt vehicle testing. (See Appendix C)

- b. As a result of the consolidation:
  - 1) 63 CDL Examiner FTEs (from across the state) were assigned to the 25 consolidated locations for CDL testing operations.
  - 2) 97 additional FTEs (from across the state) were assigned to the 25 consolidated locations for CDL testing operations, which compounded the existing FTE shortfalls at the offices from which they were transferred.
  - 3) The department is measuring the compounding effect on in-office service wait times due to the additional 97 FTE shortages.

## 5. Current Capacity

- a. The department currently has access to 27 CDL testing lanes at the 25 CDL testing sites. Of the 27 CDL testing lanes:
  - 1) 3 lanes are installed at state-owned offices
  - 2) 8 lanes are installed at leased facilities and included in lease costs
  - 3) 2 lanes are installed at local government facilities based on Memorandums of Understanding (MOU) for long-term access and use
  - 4) The remaining 14 of 27 lanes are accessible via temporary MOUs with other state agencies or local governments to ensure the department could begin administering the new commercial driver license (CDL) skills test in October 2016. Suitable facilities are required for the new FMCSA skills test standards, where public roads are not an option for skills testing for safety reasons. As of October 2016, the department is fully compliant and can provide the necessary testing services at all of the designated CDL testing sites. However these 14 locations where temporary access to suitable facilities invites a level of vulnerability to the department. The MOUs may be cancelled by the other party at any time based on their changing operational needs, resulting in fewer geographic locations where customers can take the CDL skills test. Only 9 of the 14 temporary MOU sites will be required beyond FY17 due to current construction projects funded by the 84<sup>th</sup> Legislature (Rider 42).
  
- b. One CDL testing lane can be used to administer up to 16 tests per day at maximum throughput. This throughput rate assumes:
  - 1) Four (4) CDL examiners are present that day
  - 2) All 16 CDL skills test applicants are present and prepared for the new CDL skills test
  - 3) The new CDL skills test is administered in 2 hours, with a 30-minute staggered start interval

***NOTE: The new CDL skills test standard requires at least 2 hours per customer, compared to 1 hour for the previous CDL skills test.***

- c. Nine (9) mobile CDL testing teams are assigned to geographic regions to serve customers outside of a 50-mile radius from one the 25 fixed testing sites.
  - 1) The primary customers for these mobile teams are community colleges, school districts, education centers, fire departments, and other government entities.
  - 2) These customers may request mobile team services by contacting the Driver License Regional Managers.
- d. The department continues to administer skills tests for exempt vehicles at 114 locations across the state as a convenience for customers who do not wish to test for a CDL. See Appendix C – Exempt Vehicle Testing Locations.
- e. 160 FTE positions have been designated at CDL testing locations across the state for CDL testing.
  - 1) Of the 160 CDL FTE positions, 24 are vacant as of 10/21/2016.
  - 2) One CDL examiner can administer up to 4 tests per day.

**NOTE: An additional 28 CDL FTEs (for a total of 188) will be required by the end of FY18 to support projected CDL skills test demand in FY20. See FY18-19 Exceptional Item paragraph below.**

#### 6. Future Capacity - Based on population increase and anticipated failure rate

The estimated number of CDL testing lanes required to meet the demand is 38. The department will install (build) 11 additional lanes by the end of FY17, resulting in a total of 38 CDL testing lanes by the end of FY17.

**NOTE: During FY17, 5 of the 11 additional lanes planned will REPLACE temporary MOUs thereby reducing the department's reliance on other agencies or governments to provide CDL skills testing services at 5 locations.**

#### 7. The department has requested an exceptional item for FY18-19 to:

- a. Mitigate reliance on temporary MOUs with other state agencies for access to adequate facilities to safely administer CDL skills tests.
  - 1) Install (build) 3 CDL testing lanes at future lease locations.
  - 2) Install (build) 6 CDL testing lanes at existing state-owned facilities.
- b. Add 90 FTEs to serve as CDL examiners or to back-fill FTE shortages generated as a result of consolidation.

- c. Assuming all resources are provided through DLD’s FY18-19 exceptional items, and all FTEs are hired, certified, and present during the work days for a calendar year - the annual capacity for CDL skills tests will be over 100,000 CDL skills tests.

**NOTE: The additional CDL program resources requested in the FY18-19 exceptional item is expected to bring CDL skills test appointment lead times to within 30 day at all CDL testing locations.**

C. CDL Test appointment lead time at consolidated sites

1. See Appendix D, CDL Skills Test Appointment Lead Time Table (as of October 31, 2016).
2. All CDL skills tests are scheduled by appointment in order to manage customer demand.
3. Under the current appointment scheduling system, up to 37% of tests booked were identified as fictitious, resulting in artificially extending lead times for appointment availability
  - 1) During a recent transition between appointment scheduling methods, over 715 fictitious appointments were removed from the schedule in just 5 of the 25 CDL testing sites.
  - 2) For example, during the recent appointment scheduling transition at the Fort Worth DLC, 190 of 192 CDL skills test appointments were identified as not eligible for a CDL skills test.
4. The department will install an upgraded appointment scheduling solution for all CDL testing facilities that performs second-step verification to confirm applicant eligibility for a CDL skills test. This technology solution will dramatically reduce abuses experienced under the current appointment scheduling system.
5. As of September 20, 2016, 8 of the 25 sites had a lead time at or above 30 days. See Appendix D.
6. As of October 11, 2016, 5 of the 25 sites had a lead time at or above 30 days

Office	Lead Time Days(*) (as of 10/11/16)
Lubbock	58
Austin Denson	42
Hearne	41
Weslaco	38
San Antonio Southeast	34

*\*Lead days defined as the number of calendar days in the future (from the “as of” date) until a date where 2 or more appointments are available on the same day*

7. As of October 31, 2016: 12 offices with appointment lead time over 30 days:

Office	Lead Time Days (*) (as of 10/31/16)
Lubbock	59
Austin Denson	51
Weslaco	46
Amarillo	44
Waco CDL	39
Fort Worth DLC	36
Hearne	36
San Antonio Southeast	35
Odessa	35
Houston North DLC	32
Terrell/Canton	31
Cuero	31

*\*Lead days defined as the number of calendar days in the future (from the "as of" date) until a date where 2 or more appointments are available on the same day*

#### D. Third Party Skills Testing (TPST)

1. Will require additional administrative rules and MOUs (contracts) with private and governmental entities desiring to administer CDL skills tests.
2. Invites fraud risk that must be mitigated through creation of an audit process.
  - a. Texas has approximately 28,000 motor carriers, 79 community colleges, 20 education service centers, and many larger independent school districts which could become eligible to operate as a CDL third-party tester.
  - b. Based on information received from other states, Texas anticipates needing 28 FTEs to conduct audits required to comply with federal regulations.
3. TPST will have an unknown impact on demand for department resources to administer CDL skills tests. The department will monitor the demand for resources and repurpose under-utilized resources to other driver license related functions as necessary.
4. Technology requirements will require time to implement.

5. The department established an implementation timeline:

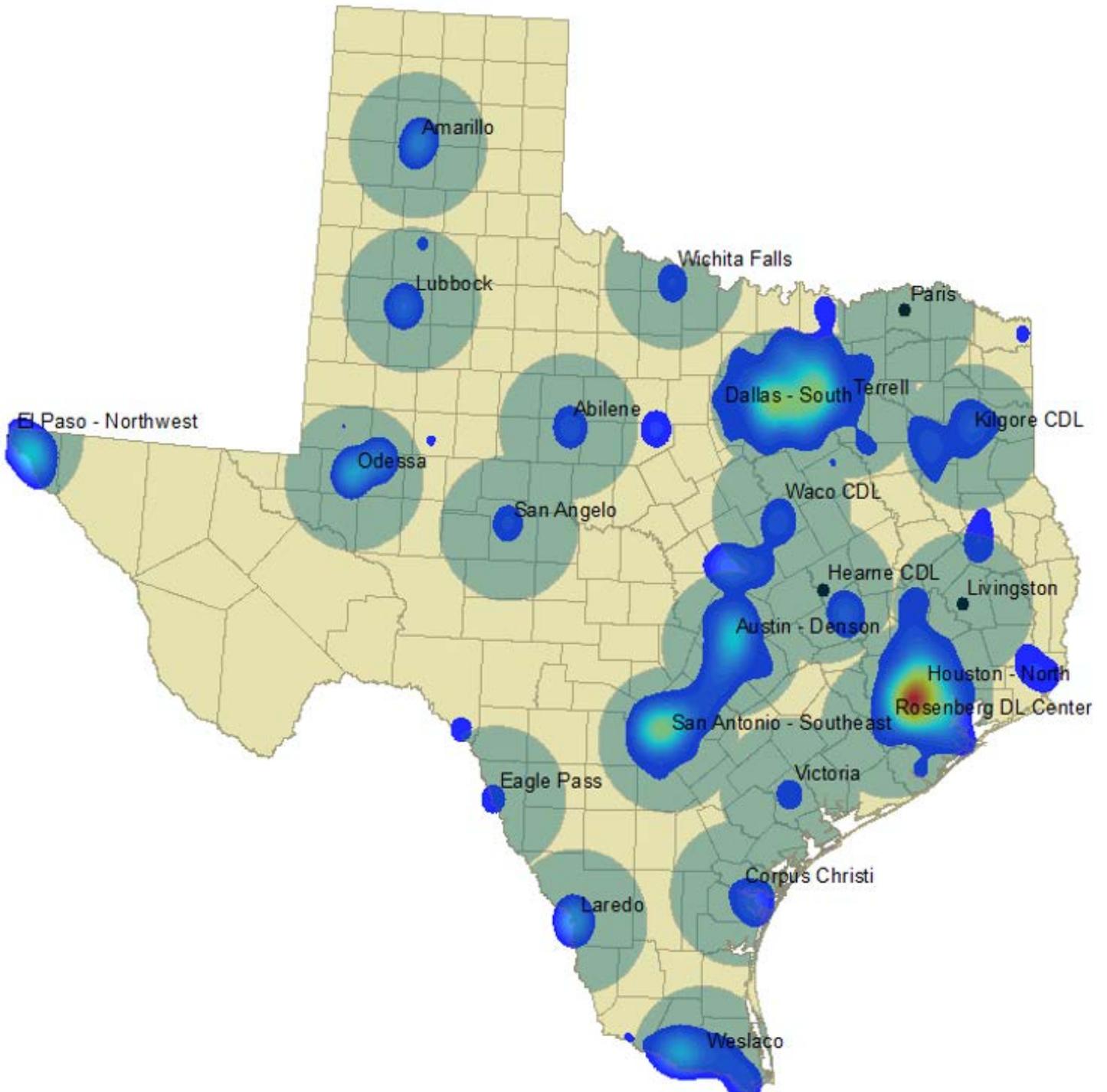
Task	Begin	Duration
Business Impact Analysis	October 10, 2016	4 weeks
Develop MOU	October 24, 2016	4 weeks
Develop Administrative Rules	October 24, 2016	4 weeks
Develop Internal Business Processes	November 1, 2016	6 weeks
Present Proposed Administrative Rules to PSC	December 12, 2016	1 week
Administrative Rule Comment Period	December 19, 2016	4 weeks*
Administrative Rule Adoption	February 23, 2017	1 week
Third-Party Testing MOU Applications	March 1, 2017	ongoing
Third-Party Examiner Certification	Upon MOU execution	ongoing

*\*Public comments requiring rule rewrite will impact timeline*

6. Stakeholder Meeting (TPST Working Group) was held on October 21, 2016
  - a. Stakeholders include the commercial trucking industry, associations, community colleges, and education service centers (see Appendix E for TPST Working Group).
  - b. Working group participants were provided an opportunity to provide input to proposed Administrative Rules.
  - c. Working group participants contributing to development of MOU.
7. The department analysts are identifying internal business processes and required FTEs to manage a TPST program.
  - a. Confirming auditing requirements and FTE locations.
  - b. Determining certification process for businesses and examiners.
  - c. Researching computer application or methods for third-party testers to report skills testing results as required by federal regulations.

## Appendix A – FY16 CDL Customers

As illustrated in this FY16 map, approximately 90% of applicants for CDL skills tests live within a 50 mile radius of the 25 CDL testing sites, based on the resident address in their driver record.



## Appendix B - Outcomes of Scheduled CDL Skills Appointments: October 2016

As of 10/31/2016:

- 5,070 CDL appointments were scheduled during the month of October
  - 729 CDL customers were NO SHOWs for their appointments (14% of scheduled appointments)
  - 380 CDL customers canceled their appointments (7% of scheduled appointments)
- 
- 3,961 CDL skills tests were administered to customers who kept their appointments in October
  - 1,478 of those CDL customers PASSED the test
  - 2,483 of those CDL customers (who attempted the skills test) FAILED the test

	Pass	Fail
Number	1,478	2,483
Percent	37%	63%

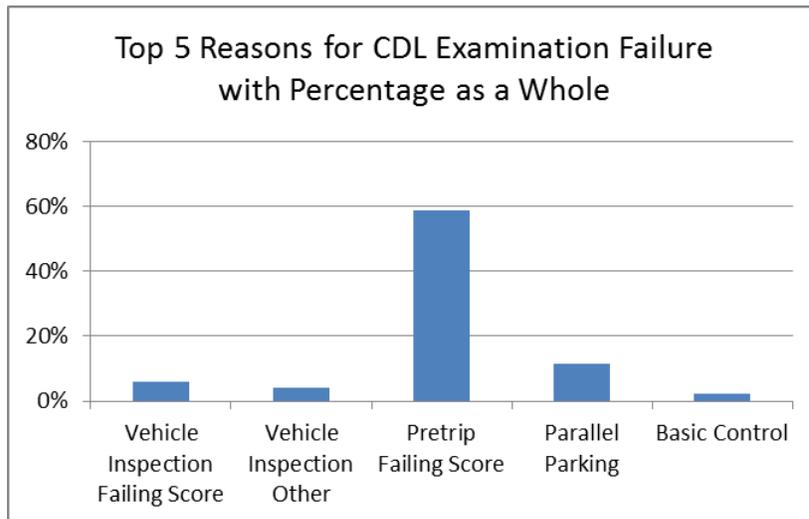
### Test Failure Reasons: October 2016

The CDL skills test is made up of several components. Before the skills test begins, CDL Examiners inspect the vehicle for safety. The CDL applicant's skills test begins with the Pre-Trip Inspection.

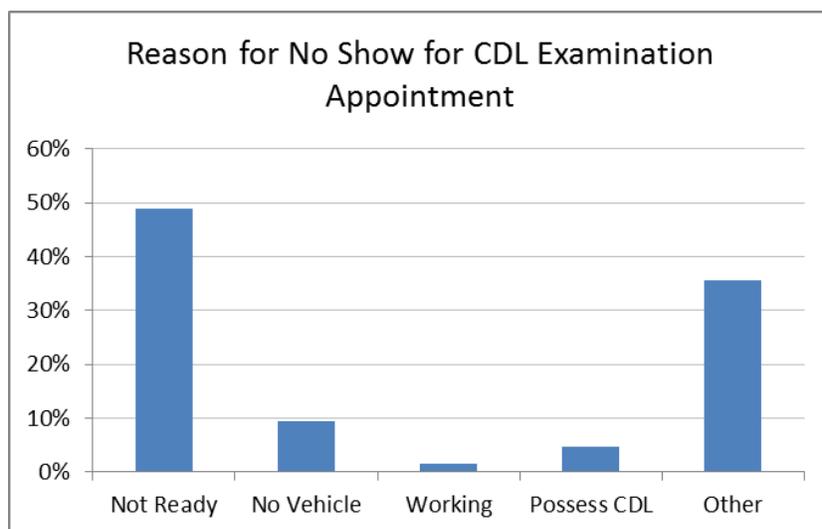
The top two reasons for failure in the CDL skills test are the pre-trip inspection and parallel parking portions of the test.

Failures				
Reason	Independent Count	Independent Percent	Commercial Count	Com
Vehicle Inspection Failing Score	1,371	10%	476	
Vehicle Inspection Mod Pretrip Air Brakes	281	2%	176	
Vehicle Inspection Other	1,327	10%	214	
Pretrip Failing Score	9,720	74%	4,688	
Pretrip Other	373	3%	1,299	
Straight Line Backing				
Parallel Parking				
Offset Backing				
Basic Control				
Dangerous Act				

Violation of Law				
Deductions				
Road Test Other				

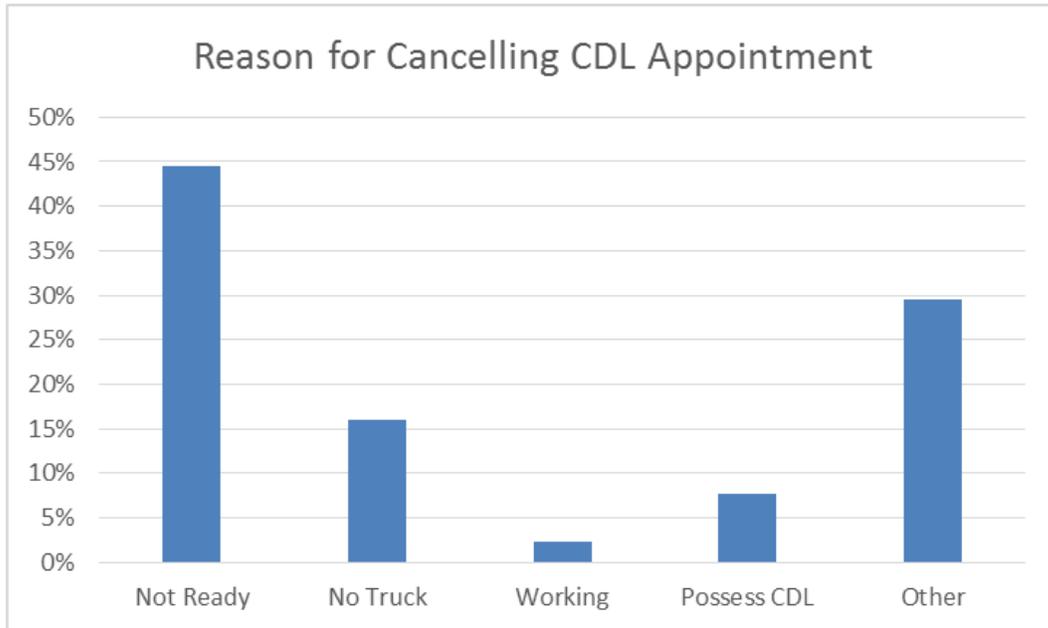


### Appointment No Show Reasons: October 2016



### Appointment Cancellation Reasons: October 2016

Much like no shows, cancellations, if done with little notice, can occupy an appointment slot that could otherwise be used for conducting a physical road test.



### Appendix C – CDL Exempt Testing Locations by Senate District

Offices Performing CDL Exempt Class A & B Skills Tests	
Senate District	Offices in District
1	New Boston, Paris
2	Garland, Garland DLC
3	Lufkin
4	Beaumont, Conroe
5	Bryan
6	Baytown, Houston-Winkler
7	Spring DLC
8	
9	Hurst
10	Fort Worth DLC
11	Clear Lake, Texas City
12	

<b>13</b>	
<b>14</b>	Austin-Denson
<b>15</b>	Houston-East, Houston-North
<b>16</b>	Carrollton
<b>17</b>	
<b>18</b>	Columbus, Cuero, Hempstead
<b>19</b>	Alpine, Castroville, Del Rio, Eagle Pass, Fort Stockton, Ozona, Pecos, San Antonio-Southeast
<b>20</b>	Alice, Corpus Christi
<b>21</b>	Beeville, Laredo, Seguin, Tilden, Zapata
<b>22</b>	Waco CDL, Waxahachie
<b>23</b>	Cedar Hill
<b>24</b>	Baird, Brownwood, Comanche, Fredericksburg, Kerrville
<b>25</b>	San Antonio-Pat Booker
<b>26</b>	Leon Valley DLC
<b>27</b>	Brownsville, Kingsville, Weslaco
<b>28</b>	Abilene, Anson, Ballinger, Big Lake, Brady, Breckenridge, Brownfield, Childress, Coleman, Colorado City, Crane, Crosbyton, Eastland, Floydada, Haskell, Junction, Lamesa, Levelland, Littlefield, Lubbock, Munday, Plainview, Post, Quanah, Roby, San Angelo, Seymour, Snyder, Sonora, Sweetwater, Vernon, Ward
<b>29</b>	El Paso-Gateway, El Paso-Hondo Pass, El Paso-Northwest, El Paso-Scott Simpson, Presidio, Van Horn
<b>30</b>	Big Spring, Bowie, Graham, Stephenville, Wichita Falls
<b>31</b>	Andrews, Borger, Canadian, Claredon, Dalhart, Denver City, Dimmitt, Dumas, Friona, Hereford, Kermit, Midland, Muleshoe, Odessa, Pampa, Panhandle, Perryton, Seminole, Stanton, Tulia, Vega

#### Appendix D – CDL Skills Test Appointment Lead Times

Office	Appointment Lead-Time (days) as of:	
	9/20/2016	10/31/2016
Abilene	27	22
Amarillo	51	44
Austin Denson	30 (*)	51
Corpus Christi	27	9
Cuero	14	31
Dallas South DLC	22	29
Eagle Pass	13	10
El Paso Northwestern	13	8
Fort Worth DLC	84	36
Hearne	23	36

Houston Gessner DLC	86	30
Houston North DLC	50	32
Kilgore	14	21
Laredo	36	18
Livingston	23	9
Lubbock	41	59
Odessa	13	35
Paris	8	17
Rosenberg DLC	77	30
San Angelo	17	18
San Antonio Southeast	13	35
Terrell/Canton	20	31
Waco CDL	15	39
Weslaco	27	46
Wichita Falls	13	28

(\*) As of 9/20, the Austin Denson office was only maintaining a 30-day appointment calendar. The appointment calendar was changed to 90 days on 10/10.

**NOTE: Lead days are defined as the number of calendar days beyond the “as of date” before at least 2 CDL appointments are available. For many of these locations, the next available appointment is much less than the lead days reflected. To avoid dynamic changes to appointment lead days, DL analysts elected to use the next day where multiple appointments are available as a benchmark.**

## Appendix E – Third Party Skills Testing (TPST) Working Group

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