

**Department of Transportation
Federal Motor Carrier Safety Administration**

**Supporting Statement A
Request for Reinstated Renewal of Commercial Driver’s License
(CDL) Skills Testing Delays Annual Survey**

SUMMARY

- This is a request to reinstate an ICR. The previous renewal was discontinued on February 8, 2019.
- The burden hour estimate for completing the annual survey remained the same as 137.5 minutes per response or 7,012.5 minutes or 116.86 hours (51 responses), as presented in the previous ICR submittal.
- This iteration removes the quarterly estimate, as there is no longer an option to respond to the survey on a quarterly basis.
- The methodology of the hourly wage load factor was revised to use the methodology of labor category divided by the industry specific average costs of hourly wages and salaries.

INTRODUCTION

The Federal Motor Carrier Safety Administration (FMCSA) submits to the Office of Management and Budget’s (OMB’s) a request to review and approve the reinstatement of a previously approved information collection request (ICR) titled “Study on Commercial Driver’s License (CDL) Skills Test Delays.” Prior to FMCSA’s request to discontinue the ICR which occurred on February 8, 2019, the ICR had an expiration date of February 28, 2019. FMCSA initially misinterpreted this data collection requirement as being limited to a single year; however, it became apparent that the data collection should be reinstated and performed annually. This survey applies to CDL state licensing authorities.

Part A. Justification

1. CIRCUMSTANCES THAT MAKE COLLECTION OF INFORMATION NECESSARY

The described information collection is necessary to support a study on CDL skills test delays, as mandated in Section 5506 of the Fixing America’s Surface Transportation Act, 2015 (FAST Act) (Pub. L. 114-94, Dec 4, 2015, 49 USC31305 note).

The purpose of this study is to identify, in each State, the average wait time from the date an applicant requests to take a skills test (or retest) to the date the applicant has the opportunity to complete such test (or retest). The study will also identify the resources available for skills testing, such as the number of examiners and test sites, as well as what is being done to address

skills testing delays in States that have average skills test or retest wait times of more than 7 days.

On October 27, 1986, the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) was signed into law^(a) 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 specific requirements for receiving endorsements); and the information to be contained on State-issued CDLs.^(b) Subsequent congressional action required FMCSA to issue rules on entry level driver training (see 81 FR 88732, December 8, 2016, and 82 FR 8903, February 1, 2017).

49 CFR 383.25 requires all CDL applicants to obtain a Commercial Learner's Permit (CLP), which must be held for a minimum of 14 days before the applicant may take the CDL skills test.^(c) To obtain a CLP, applicants must pass a general knowledge test that meets Federal standards for the particular CMV that the applicant expects to operate (as well as more specific knowledge tests for any endorsements being sought). This regulation aims to encourage behind-the wheel training for CLP holders (who must be accompanied by a valid CDL holder when operating a CMV) before completing the CDL skills test. While some States had already established minimum waiting periods of varying lengths, this regulation established a minimum of 14 days.

A 2015 Government Accountability Office (GAO) report to Congress^(d) revealed that skills test delays varied greatly between States, and some States experienced long delays (up to 7 weeks) between the time a CDL applicant initially requested to take the skills test and the first available opportunity for the applicant to complete the skills test. The report found there were several possible causes of these delays, but there was little being done at the State level to monitor or track the delays.

Possible impacts of CDL skills testing delays include:

- The expiration of an applicant's CLP, forcing 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.

As a result of the GAO report, Congress mandated a study on CDL skills test delays in Section 5506 of the Fixing America's Surface Transportation Act, 2015 (FAST Act) (Pub. L. 114-94, Dec 4, 2015, 49 USC31305 note).

This information collection request is to request permission from OMB to renew the survey tool. The first request to OMB was made in April 2018 with OMB approval occurring on August 31,

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

^b 49 CFR, 380.501 – 380.513, July 21, 1988.

^c 49 CFR, 383.21 – 383.25, July 21, 1988.

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

2017. The table below provides the project timeline for the initial survey. Table 7 in section 16 provides the renewal project timeline.

Table 1. Initial CDL Skills Test Delays Survey Timeline.

Task	Start Date	Completion Date
1) Published Federal Register 60-day Notice	10/03/2016	12/05/2016
2) Reviewed Comments Received.	12/05/2016	01/30/2017
3) Published Federal Register 30-day Notice	03/21/2017	04/20/2017
4) Submitted ICR Package to OMB for review	04/11/2017	08/31/2017
5) Received OMB approval of ICR package	08/31/2017	02/28/2019
6) Submitted survey to States	09/13/2017	10/16/2017
7) Analyzed Survey Results	10/17/2017	11/30/2017
8) Drafted Final Report	12/01/2017	04/12/2018
9) Published Final Report	09/11/2018	09/11/2018

2. HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED

FMCSA’s primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. Under 49 U.S.C. 31305, the Secretary of Transportation has delegated to FMCSA the responsibility to prescribe regulations that ensure applicant CDL drivers are properly trained to operate a CMV safely before they are issued a CDL. The operation of CMVs by drivers who are not properly trained is a serious safety problem that justifies training and testing requirements; however, training or testing delays should not cause an unnecessary burden on the applicant.

The Agency is undertaking several studies to gather data required by the FAST Act^(e), which requires the FMCSA Administrator to submit several reports pertaining to improvements in motor carrier safety. This renewal ICR for a survey on CDL skills test delays experienced in each State is essential for gathering the data necessary to provide Congress with annual reports on this topic. The annual report aims to provide detailed information on skills test delays in each State and what is being done to mitigate the delays in States with delays greater than 7 days.

This document presents a plan for conducting a study on CDL skills test delays experienced in each State, as related to the number of available examiners and test sites. To better understand the nature of the problem, the Agency will examine the relationship between the elements causing the delays (e.g., available test examiners, available test sites) and the average delays experienced by applicants.

2.1 Data Collection Methodology

The required data will be collected annually from a survey distributed to a licensing official in each of the 50 States and the District of Columbia. This survey is intended to encompass the entire population of States and therefore should be considered a certainty sample. While States are not required to respond, FMCSA is hopeful that through outreach and follow-up, the Agency

^e For more information on the studies FMCSA is undertaking pursuant to the FAST Act requirements, visit <https://www.fmcsa.dot.gov/regulations/fixing-americas-surface-transportation-act-fast-act>.

will receive responses from every State. The survey will be distributed via e-mail, with a link to an online survey via Qualtrics, if the respondent chooses to use that method. Respondents will also be given the option to e-mail their responses back to the FMCSA project manager if that is easier for them. The preferred method is for each State to respond via the online tool.

Before the initial administration of the survey in September 2017, FMCSA conducted pre-survey research using State licensing published website information and publicly available information on CDL skills testing to better understand the delays experienced by CDL applicants when applying to take their skills test. FMCSA found there is no national database of the wait times experienced by CDL applicants (between the date they apply to take a skills test and the earliest date they have the opportunity to complete the skills test). There is also no national database of the available assets for administering skills tests (i.e., examiners and test sites) by State. The annual survey aims to fill this informational gap on the delays. Respondents are licensing official representatives from each State and the District of Columbia (one licensing official per State). FMCSA will analyze the annual data collected to determine the details of reported skills test delays.

After the completion of the first annual survey, FMCSA used the data collected to analyze the relationship between CDL skills test delays and a state's available assets for administering skills tests. FMCSA reported the results of this survey in a report to congress titled "The Commercial Driver's License Skills Test Delays Report to Congress - CY 2016" available on FMCSA's webpage located here: <https://www.fmcsa.dot.gov/mission/policy/commercial-drivers-license-skills-test-delays-report-congress-cy-2016> .

FMCSA will continue to use this survey tool to prepare annual reports to Congress on the delays States are experiencing and which States are struggling to administer CDL skills tests within a reasonable amount of time^(f). Subsequent annual reports will provide information on whether delays and resources are improving or degrading from the previous year(s).

2.2 How the Information Will Be Collected

FMCSA will continue to collect the information via the survey instrument. This survey will continue to be e-mailed to a licensing official representative from each State and the District of Columbia. The e-mail includes a link to the Web-based survey^(g), as well as details on how to respond via e-mail if that method is the preferred method by the licensing official. The e-mail also contains a short summary of the research project and why State responses are necessary, as well as how the research could benefit the States by identifying delays, resource shortages, or other areas of concern for CDL applicants.^(h) Respondents have a variety of methods for survey response such as multiple choice and text entry which will reduce the burden on respondents by allowing them to provide answers in a method of their choosing (i.e., the most convenient method for them).

^f See table 8 for the CDL Skill Test Delay Project Study timeline.

^g See appendix B. *Draft CDL Skills Test Delays Survey*

^h See appendix C. *Draft Survey Welcome Letter*.

2.3 Sampling Frame

Section 5506 of the FAST Act requires FMCSA to collect data from all 50 States and the District of Columbia. Therefore, the sampling frame for this study consists of the entire population of States and the data collected will reflect information from all testing sites in each State.

Therefore, a sampling plan is not necessary. While States cannot be compelled to respond, the 2017 survey had a majority response. To reach similar response results, FMCSA will continue to partner with industry stakeholders such as Commercial Vehicle Training Association (CVTA) and American Association of Motor Vehicle Administrators (AAMVA) for joint outreach. FMCSA will also reach out directly to the State Driver's License Agencies (SDLAs) to discuss the importance of the survey. Furthermore, given that this is a congressionally mandated annual study, States should continue to be willing to provide responses to fulfill the FAST Act requirement.

2.4 Justification of Survey Questions

The 2017 survey established the baseline result; given that this survey is to be administered annually, some of the words in the questions have been redacted below and replaced with generic terms, such as *[previous year]* and *[survey date]*. These terms are defined as follows.

- *[previous year]*—This term refers to the entire year preceding the date of the survey. For drafting purposes this date would be “January 1, 2016, through December 31, 2016.” This date will need to change incrementally each year with the re-administration of the survey.
- *[survey date]*—This term refers to the date the survey will be administered, for example “February 1, 2021” is an example date for the second iteration of the survey. This date will need to change incrementally each year with the re-administration of the survey⁽¹⁾.

The survey contains a section for instructions and definitions, which is intended as a reference for respondents to ensure they understand what is being asked of them. Following the instructions and definitions, the survey is broken down into five distinct sections: State Laws and Information, CDL Skills Testing Delays, CDL Skills Testing Volume and Demand, CDL Skills Testing Resources, and General Comments and Feedback (Optional). The sections provide structure for the survey and allow the respondent to understand the intent behind the questions being asked.

The sections are broken down as follows:

- **Section I. State Laws & Policies:** Questions 1-10
- **Section II. CDL Skills Testing Delays:** Questions 11-14
- **Section III. CDL Skills Testing Volume and Demand:** Questions 15-21
- **Section IV. CDL Skills Testing Resources:** Questions 22-23

¹ Note: The annual survey gap between first iteration and second iteration is greater than one year. FMCSA's first iteration of the survey resulted in the analysis that many states did not face delays in CDL skills testing. As a result FMCSA asked Congress if an annual survey was indeed needed. FMCSA received approval that the survey was to continue as planned. Thus, second iteration on survey is expected in early 2021 and will collect data on years 2017 – 2020.

- **Section V. General Comments and Feedback (Optional):** Questions 24-26

2.4.1 Question 1: Which State are you responding for?

This question identifies the State. It will be auto-populated in the e-mailed version of the survey, and if possible, will be auto-populated by using a unique access code or link for the survey. This question is necessary to be able to assign the subsequent responses to the corresponding State they represent.

2.4.2 Question 2: What resources can an applicant use to schedule a CDL skills test in your State? (Choose all that apply.)

This question is multiple-choice, allowing the respondent to choose more than one selection based on what is appropriate. The choices are “Walk-in exams allowed,” “Phone scheduling,” “Online scheduling,” “In-person scheduling,” and “Other (please specify).” This question is necessary for FMCSA to analyze whether there is a possible correlation between the method of test scheduling and the delays experienced when scheduling a CDL skills test.

2.4.3 Question 3: As of [survey date], what is your State’s mandatory wait period from when an applicant obtains a CLP to the date an applicant is eligible to take the CDL skills test? (Choose one.)

This question is a multiple-choice style, and allows the respondent to choose either “14 Days” (the federally mandated minimum) or “Other (please specify).” If the respondent selects “Other (please specify),” they are prompted to input the actual number of days. Initial research shows the majority of States follow the Federal mandate, but not all. This question is necessary for determining the impact of delays on the applicant.

2.4.4 Question 4: As of [survey date], what is your State’s mandatory wait period from when an applicant fails a skills test once until the applicant is eligible to retake the skills test? (Choose one.)

This question is a multiple-choice style, allowing the respondent to choose either “No mandatory wait period,” “14 Days,” or “Other (please specify).” If the respondent chooses “Other (please specify),” they are prompted to enter the actual number of days. This question is necessary for determining the impact of delays on applicants requiring a retest, because delays will be accrued in addition to any mandatory waiting period, and they may affect the amount of time applicants have to retest before their CLP expires.

2.4.5 Question 5: As of [survey date], what is your State’s mandatory wait period from when an applicant fails a skills test for the second time until the applicant is eligible to retake the skills test for a third time? (Choose one.)

This question is a multiple-choice style with the same options as question 4. This question is required because initial background research indicates that some States do not institute waiting

periods for retests until the applicant has failed the test multiple times. This will help characterize the impacts of delays on an applicant’s ability to pass the CDL skills test in a timely manner.

2.4.6 Question 6: Does your State require an applicant to retake the knowledge test and apply for a new CLP after failing the skills test a certain number of times? (Choose one.)

This question is a multiple-choice style question, with the options to select “Yes (please specify),” or “No.” If the respondent chooses “Yes (please specify),” they are prompted to enter the State’s requirement. This question is necessary to determine how failing a skills test may impact the time it takes for an applicant to receive a CDL. Initial research indicates that some States implement a threshold for the number of times an applicant can fail a CDL skills test before needing to reapply for a permit. This will also impact the number of retests occurring in that State.

2.4.7 Question 7: Does your State allow “banking” of portions of CDL skills tests? (i.e., does an applicant only have to retake the portion of the CDL skills test which they failed?)

This question is a “yes” or “no” question with optional comment blocks for rationale or limitations that the respondent would like to add. Feedback from the 60-day notice indicated States felt this question was important, and FMCSA finds this question to be necessary, as banking portions of CDL skills tests may increase or decrease delays in States.

2.4.8 Question 8: What, if any, types of Third-party testing does your State utilize? (Choose all that apply.)

This question is a multiple-choice style question, allowing the respondent to choose all answers that are applicable for their State. Available options are “No Third-party resources are used,” “Community Colleges,” “Motor Carriers can test their current employees,” “Private driver training schools,” “Private, non-school third-party testing organizations,” “Local Government,” or “Other (Please Specify).” This question is necessary for categorizing States by the resources they use and identifying if there is a relationship between the types of Third-party testing used and delays encountered in that State. This answer will provide the basis for skip logic to allow the respondent to only answer future questions which are applicable to their State.

2.4.9 Question 9: Does your State utilize State facilities and examiners for CDL skills testing? (Choose one.)

This question is a “Yes” or “No” question and the respondent must choose one of those options. This question is necessary for categorizing States by the resources they use for administering CDL skills tests. This answer will provide the basis for skip logic to allow the respondent to only answer future questions which are applicable to their State.

2.4.10 Question 10: From [previous year], what was the average delay (in days) that applicants faced when scheduling their first CDL skills test at:

- a) State exam sites?

b) Third-party exam sites?

This question will directly address the FAST Act requirement to describe, by State, “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.”

2.4.11 Question 11: From [previous year], what was the average delay (in days) that an applicant faced when scheduling a CDL skills retest (i.e., applicant had previously failed the skills test at least once) at:

a) State exam sites?

b) Third-party exam sites?

This question will directly address the FAST Act requirement to describe, by State, “the average wait time from the date an applicant, upon failure of a skills tests, requests a retest to the date the applicant has the opportunity to complete such retest.”

2.4.12 Question 12: What data source(s) was used to calculate the average CDL skills test delay?

a) Choose all that apply

b) (Optional) Are there any known limitations to the data source(s)?

This question is included as a recommendation from the 60-day notice comment period. This is a multiple-choice option, where the respondent can select from: “Best guess of ‘usual or ordinary’ delay time”, “Current delays at all test locations”, “Random sample of current delays at some test locations”, “Current delay at the largest/busiest test location”, “Commercial Skills Test Information Management System (CSTIMS) database”, “Other (Please Specify)”. This question is necessary for FMCSA to be able to identify limitations in comparing delays across the States. Furthermore, this question will allow FMCSA to determine which States provided quantitative analysis versus qualitative. The optional part (b) allows respondents to identify any limitations, such as a database only tracking the past 30 days of skills tests.

2.4.13 Question 13: From [previous year], how many of the following CDLs did your State issue? (Note: report only those CDLs requiring the driver to take at least a portion of the CDL skills test)

a) New CDLs (driver has never previously held a CDL)?

b) Reinstated CDLs?

c) Upgraded CDLs (driver received a new CDL for a higher class than previously designated)?

- d) **CDLs where one of the following restrictions was lifted: pintle hook, air brake, air over hydraulic brake, or automatic transmission?**

This question determines the approximate sample size of applicants throughout the year in each State for various subcategories. Each of these subcategories requires an applicant to take at least a portion of the CDL skills test. This question allows FMCSA to analyze the demand for CDL skills tests in each State by seeing how many applicants the State had within a year. Starting with the second iteration of the survey, in 2018, FMCSA will also determine whether the demand has increased, remained steady, or decreased from the previous year.

2.4.14 Question 14 From [previous year], how many of the following skills tests were administered:

- a) **Initial tests (first skills test attempt) at State exam sites?**
- b) **Initial tests at third-party sites?**
- c) **Retests (applicant had failed one or more times previously) at State exam sites?**
- d) **Retests at third-party sites?**

This question is necessary for FMCSA to analyze the volume of testing as it relates to the average delay period. FMCSA will examine whether there is a possible correlation between the number of tests administered and the average delay times in each State. Furthermore, this question gives FMCSA data to analyze the failure rates by State as well as the possibility that the need to retest applicants may lead to a longer delay in scheduling tests.

2.4.15 Question 15: From [previous year], how many of the following skills tests were administered:

- a) **Out-of-State applicants at State exam sites?**
- b) **Out-of-State applicants at third-party exam sites?**

This question is necessary to determine if out-of-State applicants are possibly causing increased delays for CDL skills testing in some States. If an unusually large number of out-of-State residents are taking the CDL skills tests in a State, it may be taxing that State's resources for scheduling and conducting CDL skills testing.

2.4.16 Question 16: From [previous year], how many CDLs did your State issue where the CDL skills test was taken in a different State?

This question allows FMCSA to determine whether applicants are seeking to complete their CDL skills test in a different State. This question is necessary to see if there is a trend of residents completing tests outside of the State which could impact the other State's delay times.

2.4.17 Question 17: From [previous year], how many CDL skills test cancellations did your State have at:

- a) State exam sites?
- b) Third-party exam sites?

This question will be used to analyze whether or not there is a correlation between the number of cancellations and the scheduling delays in each State. While last minute cancellations result in the appointment slot being less likely to be rescheduled, cancellations overall may cause an increase in delays throughout the scheduling process.

2.4.18 Question 18: (Optional) From [previous year], how many applicants did not show up, or showed up late (missed their scheduled time), and were therefore unable to take their scheduled CDL skills test (i.e., the examinee was a no-show) at:

- a) State exam sites?
- b) Third-party exam sites?

This question will be used by FMCSA to analyze the number of additional tests each State could have conducted in the previous year if applicants had gone to their scheduled exam or arrive on time. When an applicant does not show up for an exam, the entire testing slot cannot be used (unless walk-in testing is allowed), since a new applicant cannot be immediately brought in for testing. This question is optional due to feedback from States that indicated some States do not collect data on cancellation reasons.

2.4.19 Question 19: (Optional) From [previous year], how many applicants were not able to take a scheduled CDL skills test due to vehicle problems (e.g., vehicle was out of service) at:

- a) State exam sites?
- b) Third-party exam sites?

This question will be used by FMCSA to analyze the number of additional tests each State could have conducted in the previous year if applicants had arrived with a vehicle capable of completing the CDL skills test. When an applicant arrives with a vehicle that has an out of service violation, the applicant cannot take the test and that scheduled exam slot cannot be used for another applicant (unless walk-in testing is allowed). This question is optional due to feedback from States that indicated some States do not collect data on cancellation reasons.

2.4.20 Question 20: From [previous year], how many failed CDL skills tests did your State have at:

- c) State exam sites?

d) Third-party exam sites?

This question will allow FMCSA, using additional data from question 11, to determine if there are applicants failing the skills test and then not reapplying to take the skills test (i.e., applicant chooses to no longer pursue a CDL after failing the skills test). This metric may also impact skills test delay periods in each State.

The following instructions are given for questions 21-24:

“For the following questions (21-24), we prefer that you break out the number of test sites and examiners by class, if that information is available. If you choose to break out resources by class, when test sites cover multiple classes, they are counted in both responses. For example, if there are 10 Class A test sites that also perform Class B skills tests and 10 additional Class B-only test sites, the response would read 20 Total sites, 10 Class A sites, and 10 Class B sites. Therefore, the sub-parts of the question do not necessarily have to add up to the total number.”

2.4.21 Question 21: As of [previous year], how many of the following CDL skills testing locations did your State have?

a) Total number of State locations for CDL skills testing?

- i. (Optional) Number of State class A skills test locations?**
- ii. (Optional) Number of State class B skills test locations?**
- iii. (Optional) Number of State class C skills test locations?**
- iv. (Optional) Number of State passenger bus skills test locations?**
- v. (Optional) Number of State school bus skills test locations?**

b) Total number of third-party locations for CDL skills testing?

- i. (Optional) Number of third-party class A skills test locations?**
- ii. (Optional) Number of third-party class B skills test locations?**
- iii. (Optional) Number of third-party class C skills test locations?**
- iv. (Optional) Number of third-party passenger bus skills test locations?**
- v. (Optional) Number of third-party school bus skills test locations?**

This question will directly satisfy answering “the number of testing sites available through the State department of motor vehicles and whether this number has increased or decreased from the previous year,” as required by Section 5506 of the FAST Act. This question is a short-answer style question, allowing the respondent to clarify by vehicle class type if desired. During initial research, several States noted that the resources varied by vehicle class. This question is a

baseline question and will only be asked the first year of the survey, as subsequent surveys will already have the previous year's data available.

2.4.22 Question 22: As of [survey date], how many of the following CDL skills testing locations does your State have?

- a) Total number of State locations for CDL skills testing?
 - i. (Optional) Number of State class A skills test locations?
 - ii. (Optional) Number of State class B skills test locations?
 - iii. (Optional) Number of State class C skills test locations?
 - iv. (Optional) Number of State passenger bus skills test locations?
 - v. (Optional) Number of State school bus skills test locations?
- b) Total number of third-party locations for CDL skills testing?
 - i. (Optional) Number of third-party class A skills test locations?
 - ii. (Optional) Number of third-party class B skills test locations?
 - iii. (Optional) Number of third-party class C skills test locations?
 - iv. (Optional) Number of third-party passenger bus skills test locations?
 - v. (Optional) Number of third-party school bus skills test locations?

This question will directly answer “the number of testing sites available through the State department of motor vehicles and whether this number has increased or decreased from the previous year,” as required by Section 5506 of the FAST Act. This question is a short-answer style question, allowing the respondent to clarify by vehicle class type if necessary. During initial research, several States noted that the resources varied by vehicle class.

2.4.23 Question 23: As of [survey date], how many of the following CDL skills test licensed examiners does your State have?

- a) Total number of State employed CDL skills test examiners?
 - i. (Optional) Number of State examiners for class A skills tests?
 - ii. (Optional) Number of State examiners for class B skills tests?
 - iii. (Optional) Number of State examiners for class C skills tests?
 - iv. (Optional) Number of State examiners for passenger bus skills tests?

- v. (Optional) Number of State examiners for school bus skills tests?
- b) Total number of third-party employed CDL skills test examiners?
- i. (Optional) Number of third-party examiners for class A skills tests?
 - ii. (Optional) Number of third-party examiners for class B skills tests?
 - iii. (Optional) Number of third-party examiners for class C skills tests?
 - iv. (Optional) Number of third-party examiners for passenger bus skills tests?
 - v. (Optional) Number of third-party examiners for school bus skills tests?

This question will directly answer “the actual number of qualified commercial driver’s license examiners available to test applicants,” as required by section 5506 of the FAST Act.

The questions on the following page(s) are optional, but they provide the respondents with the opportunity to voice circumstances that may be unique to their States, or factors not covered by this survey that they feel impact skills testing delays. These questions were based on feedback from a conference FMCSA had with the SDLAs in April 2016.

2.4.24 Question 24: (Optional) What factors did your State consider when deciding whether or not to use third party testing?

This question is a short-answer style question that allows the respondent to provide feedback on why their State does or does not use third-party testing. This could provide insightful feedback from States for consideration when determining potential solutions (e.g., adding third-party testing facilities) for those States experiencing extended CDL skills testing delays.

2.4.25 Question 25: (Optional) What is the maximum delay in scheduling a CDL skills test that your State feels would be reasonable to both the State and the applicants? Please provide information on possible impacts of delays to both the State and the applicant.

This question is a short-answer style question that can help to determine how the States view skills test delays and whether or not the States perceive the delays as problematic.

2.4.26 Question 26: (Optional) What steps would your State have to take to ensure the average delay time for scheduling a CDL skills test was 7 days or less? Would this be reasonable for your State to achieve?

This question is a short-answer style question and will provide FMCSA with insight as to whether or not the States feel equipped to maintain a 7-day (or less) delay period, which is the benchmark noted in Section 5506 of the FAST Act.

2.5 For What Purpose

FMCSA will continue to use the information collected to provide an annual report on CDL skills test delays, by State, to determine if delays are:

- A reasonable length of time for applicants.
- Increasing or decreasing from previous years.

The information will also be used to look at State and third-party resources available in each State to determine if there is evidence that States with longer delays require more resources. FMCSA will work to determine if there is any course of action that can be taken to assist States in decreasing test delays to an acceptable time frame. This information collection and the subsequent reporting of data and analysis will directly fulfill the requirements of Section 5506 of the FAST Act.

2.6 Analysis and Summary of the Data

Data will be analyzed for reporting and will be displayed using various visual aids throughout the report. Changes for each State will be summarized by year, and the size of the table and the amount of data displayed will depend on the year of the report. An example of tables used for the 2017 survey is shown in Table 2 and Table 3. These tables were published as visual aids in the Commercial Driver’s License Skills Test Delays Report to Congress – Calendar Year 2016 provided in September 2018^j.

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, 20xx.

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 5506(1)(D)	Increase or Decrease in Number of Sites from Previous Year 5506(1)(D)
1. Alabama							
2. Alaska							
...							
51. Wyoming							

*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.

Table 3. Number of qualified examiners and available testing sites as of January 1, 20xx, 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	Testing Sites	Increase or	Number of	Testing	Increase or

^j Commercial Driver’s License Skills Test Delays Report to Congress – Calendar Year 2016 – September 2018. Available here: <https://cms8.fmcsa.dot.gov/mission/policy/commercial-drivers-license-skills-test-delays-report-congress-cy-2016> . Accessed February 7, 2020.

State	State Resources			Third-Party Resources		
	Qualified Examiners	Available	Decrease in Testing Sites	Qualified Examiners	Sites Available	Decrease in Testing Sites
1. Alabama						
2. Alaska						
...						
51. Wyoming						

3. EXTENT OF AUTOMATED INFORMATION COLLECTION

FMCSA will continue to administer the survey via e-mail, including a link for the State to respond via an online survey hosted by Qualtrics. The e-mail will note that using the online survey is the preferred method for response, but the State may respond via e-mail if they prefer. The goal of providing each State with multiple methods for responding is to increase the likelihood of receiving a response without causing unnecessary burden to the respondent. The online survey and e-mail would both satisfy the Government Paperwork Elimination Act (GPEA) requirements because they result in no paper waste. The online survey will export responses directly into Microsoft Excel (or other analytical software) for analysis and will reduce the possibility for human error in transposing responses.

4. EFFORTS TO IDENTIFY DUPLICATION

There is currently no uniform method for tracking this data across States. While some States have their own methodology for tracking the data, other States use the Commercial Skills Test Information Management System (CSTIMS), and others have no current processes in place. No other method for obtaining data from every State has been identified. Furthermore, during initial research, the information currently available on third-party resources versus State-run resources can vary significantly. Despite significant initial research for this project, none of the questions being asked could be sufficiently answered. Discussions were held with AAMVA to ensure that the information being requested in the survey could not be produced via CSTIMS, and to ensure that there was no other way of collecting the necessary information.

5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES

Respondents are state run CDL licensing agencies therefore this data collection does not impact small businesses or small entities.

6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION

If this collection is not conducted or is conducted less frequently than one time per year then, FMCSA will be unable to fulfill the requirements of Section 5506 of the FAST Act. Therefore, FMCSA is requesting to conduct this survey annually. This will provide data for FMCSA's annual report to congress.

7. SPECIAL CIRCUMSTANCES

This study has identified no special circumstances.

8. COMPLIANCE WITH 5 CFR 1320.8

FMCSA published a notice in the Federal Register (85 FR 35496) with a 60-day public comment period to announce this proposed information collection on June 10, 2020 (Attachment D). The agency received three unique comments and one duplicated comment in response to this notice.

The three comments received in response to the 60-day notice were from the following persons and organizations:

1. National School Transportation Association (NSTA)
2. Texas Trucking Association (TXTA)
3. Commercial Vehicle Training Association (CVTA)

The comment from NSTA was posted twice, but was the same comment. NSTA was supportive of the information collection request and felt that it was necessary and important information to collect, not only due to FAST Act requirements but also in light of the ongoing COVID-19 situation, which has impacted SDLAs and their operating statuses, as well as many other aspects of the transportation sector. NSTA made several recommendations regarding issuances of CDLs for school bus drivers and inspections for school bus drivers that are outside the scope of this information collection request. These comments have been passed on to the appropriate parties in FMCSA, but did not result in any changes to the proposed information collection contained in this request.

Similarly, TXTA made several comments regarding the actual licensing procedures and policies within Texas, which are outside the scope of this information collection. These comments have been passed on to the appropriate parties in FMCSA, but did not result in any changes to the proposed information collection contained in this request.

CVTA was supportive of the information collection request itself but made several suggestions for improvement. First, CVTA suggested that FMCSA require States to respond to the survey. Furthermore, CVTA felt that FMCSA's analysis of the collected data was lacking and expressed concern with the definition of delays and wait times used by FMCSA in the original analysis. CVTA noted in their comment that they felt this was a failure of FMCSA to meet the requirements of the FAST Act statute. FMCSA does not have the authority to compel States to respond to the survey and re-asserts that responses to the survey must be voluntary. The prior survey received at least partial responses from the majority of States. FMCSA successfully delivered the 2017 report to Congress, which the Agency understood to fulfill the intent behind Section 5506 of the FAST Act. FMCSA did not make any changes to the proposed information collection as a result of this comment, which largely focused on the reporting out of results from the information collection as opposed to the collection of information itself.

FMCSA will publish a 30-day notice in the Federal Register announcing the Agency’s intent to submit this ICR to OMB for approval.

9. PAYMENT OR GIFTS TO RESPONDENTS

There will be no payment or gift for respondents.

10. ASSURANCES OF CONFIDENTIALITY

There is no personal information being collected from respondents, and all answers are State-wide, therefore there are no concerns with confidentiality regarding individual applicants for CDL testing. Respondents will be assured within the outreach e-mail that their answers do not reflect upon themselves and will not be associated with the respondent as an individual person. All responses will be associated with a respective State, only. The contact list containing e-mail addresses for the identified licensing officials will not be kept with, or associated with, the responses garnered from the survey.

11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION

None of the questions in this information collection are of a sensitive nature.

12. ESTIMATES OF BURDEN HOURS INFORMATION REQUESTED

FMCSA assumes the survey respondents (SDLAs) associated with the annual survey will be completed by First-Line Supervisors of Office and Administrative Support Workers, BLS Occupation Code 43-1011^(k). The total cost of this type of worker is found by multiplying their median hourly wage of \$26.83 by their load factor (fringe and overhead costs).

The load factor is estimated by dividing the total cost of compensation for State and Local government workers by the Department of Labor Occupational Group *Office and Administrative Support*^(l) (34.46) by the average cost of hourly wages and salaries (\$19.93), as reported by BLS ($\$34.46/\$19.93 = 1.73$). Table 4 presents the loaded hourly cost wage estimates used in this analysis.

Table 4. Estimate of hourly SDLA compensation.

Occupation	BLS Occupation Code	NAICS Occupational Designation	Median Hourly Wage	Load Factor	Hourly Cost
First-Line Supervisors of Office and Administrative Support Workers	43-1011	State Government (999200)	\$26.83	1.73	\$46.42

^k Bureau of Labor Statistics, “Occupational Employment Survey,” May 2018. <https://www.bls.gov/oes/2018/may/oes431011.htm> (accessed January 31, 2020). NAICS 999200 - State Government, excluding schools and hospitals (OES Designation).

^l Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” September 2018. https://www.bls.gov/news.release/archives/ecec_09182018.pdf (accessed January 31, 2020). See table 4.

Based on discussions with FMCSA’s Enforcement Division and AAMVA, as well as feedback from the States, it is likely that respondents will need to gather some of the information from State information systems. FMCSA estimates that gathering data for the annual survey will take respondents, at a maximum, 2 hours (120 minutes).

The burden hour estimate for completing the annual survey was determined using Versta Research’s methodology^(m) for calculating an estimate of survey length. The survey length was calculated assuming every State uses both State and third-party sites and examiners because this option requires the maximum number of responses. The maximum response burden will occur for States using both State and third-party sites and examiners, which FMCSA estimates to be 17.5 minutes, assuming the respondent has all of the needed information. Therefore, the maximum estimated time for a respondent to gather data and complete the survey is 137.5 minutes (120 minutes + 17.5 minutes = 137.5 minutes). There are 51 respondents and the survey will be conducted once annually, resulting in an annual burden of approximately 7,013 minutes (137.5 minutes \times 51 respondents = 7,012.5 minutes). These estimates are shown in Table 5.

Table 5. Estimate of annual burden for survey.

Category	Time Required to Gather Data (minutes)	Time Required to Respond to Survey (minutes)	Number of Responses per Year	Total Annual Burden (minutes)	Total Annual Burden (hours)	Annual Cost to Respondent (rate = \$46.42/hr)
Maximum Estimated Burden per Individual Respondent	120	17.5	1	137.5	2.3	\$106.77
Maximum Estimated Burden per Universe (51 Respondents)	6,120	892.5	1	7,012.5	116.9	\$5,426.50

The estimated annual cost for the survey is a maximum \$5,426.50.

13. ESTIMATES OF TOTAL ANNUAL COSTS TO RESPONDENTS

The only burden placed upon the respondent has been identified in question (12).

14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

The estimated cost to the Government is \$300 annually for an online survey tool that contains the necessary features. FMCSA will be using Qualtrics to host the survey online. Additionally, an analyst from FMCSA Research will be required to administer the survey, analyze the data, and draft the report. This is expected to take a maximum of 250 hours per year, depending on how much outreach is required. The analyst will be a GS-13 Mathematical Statistician working in the DC area. Hourly median employee compensation will be \$63.94 per hour, for a total cost of \$20,460, as shown in Table 6.

^m [VerstaResearch, “How to Estimate the Length of a Survey,” December 2011. http://www.verstaresearch.com/newsletters/how-to-estimate-the-length-of-a-survey.html \(accessed January 26, 2017\).](http://www.verstaresearch.com/newsletters/how-to-estimate-the-length-of-a-survey.html)

Table 6. Estimate of hourly employee compensation (Federal Government).⁽ⁿ⁾

Occupation	Federal Wage Series	General Schedule Designation	Hourly Wage	Load Factor	Hourly Cost	Project Cost (250 hours)
Mathematical Statistician	1529	14 Step 4	\$63.94	1.28	\$81.84	\$20,460

Therefore, the total cost to the Government on an annual basis for this survey is estimated at \$20,760 (\$81.84/hour x 250 hours + \$300 = \$20,760).

15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS

The burden hour estimate for completing the annual survey stayed the same at 137.5 minutes per response or 7,012.5 minutes or 116.86 hours (51 responses) from previous iteration. However, the previous iteration included an additional burden estimate of 180.6 hours for an optional quarterly response. This iteration removes the quarterly estimate, as there is no longer an option to respond to the survey on a quarterly basis. As a result, the study decreased from an annual burden cost of \$13,337 to \$5,426.50. The decrease also includes a revision to methodology of the hourly wage load factor. The previous iteration used a load factor methodology as (hourly wage) x (average fringe for the “Total Employer Costs for Employee Compensation” annual Department of Labor data set) x (average overhead for the “Total Employer Costs for Employee Compensation” annual Department of Labor data set). This methodology was revised to be consistent with other ICRs which use the methodology of labor category divided by the industry specific average costs of hourly wages and salaries.

In regards to changes in federal labor time, the federal labor time of 250 hours stayed the same however, the total federal labor cost increased from \$12,810 to \$16,410. This is because of the associated labor cost inflation adjustment and a revision in load factor methodology to be consistent with other recent ICRs.

16. PUBLICATION OF RESULTS OF DATA COLLECTION

The results of this information collection will be published by FMCSA in accordance with Section 5506 of the FAST Act. Information collection will occur in February 2021 and on an annual basis, until it has been determined that the requirements of the FAST Act have been satisfied. Responses to the survey will be tabulated, and trends will be displayed as to States offering only State testing, States offering only third-party testing, and States offering both types of testing, with the average delays associated with each grouping. Summary statistics will be displayed, as well as trends from previous years. A timeline for the project is shown in Table 7.

Table 7. FMCSA project timeline for the CDL skills tests delays study.

Task	Target Start Date	Target Completion Date	Duration
Phase 1: Data Collection			

ⁿ Bureau of Labor Statistics, “Total Employer Costs for Employee Compensation -May 2018”. https://www.bls.gov/oes/2018/may/oes_dc.htm#15-0000 . Accessed February 10, 2020.

Task	Target Start Date	Target Completion Date	Duration
1) Publish Federal Register 60-day Notice	05/01/2020	05/31/2020	2 months
2) Publish Federal Register 30-day Notice	09/28/2020	10/28/2020	1 month
3) Submit ICR Package to OMB	09/28/2020	11/28/2020	2 months
4) Conduct Survey	01/04/2021 (annually thereafter)	02/01/2020 (annually thereafter)	1 month
Phase 2: Data Analysis and Reporting			
5) Analyze Survey Results	02/01/2020	04/01/2020	2 months
6) Draft Report	04/01/2021	06/01/2021	2 months
7) Publish Final Report	09/01/2021	09/01/2021	0 months

17. APPROVAL FOR NOT DISPLAYING THE EXPIRATION DATE OF OMB APPROVAL

Approval for this is not being requested. The expiration date will be displayed on the information collection form.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

No exceptions are being requested.

ATTACHMENTS

- A. FAST Act Section 5506 Excerpt
- B. Draft CDL Skills Test Delays Survey
- C. Draft Survey Welcome Letter
- D. 60-day Federal Register Notice, June 10, 2020 (85 FR 35496)