November 21, 2022

RE: FMCSA–2022–0174

To whom it may concern:

We are responding to FMCSA's Notice and Request for Comments regarding Docket No. FMCSA-2022-0174, Agency Information Collection Activities; New Information Collection: Effectiveness of Third-Party Testing and Minimum Standards for Commercial Driver's License (CDL) Knowledge and Skills Tests. In general, the Iowa Department of Transportation supports data-driven decision-making, and we appreciate the efforts to obtain data to assist with assessing program effectiveness in relation to CDL skills testing, third-party testers, and Entry Level Driver Training (ELDT).

Third-party testing. The proposed research questions that FMCSA seeks to gather information about include three questions related to third-party testing. While there are many variances in the ways states use third-party testers, it is possible for states to provide data that can assist in determining if different outcomes exist based on whether a state performs the skills testing itself or whether a third-party tester performs the testing. This is a timely topic as there is a renewed interest in the state of Iowa to expand our third-party testing program by making more organizations eligible to provide both CDL knowledge and skills testing.

However, in the docket, it states that "Maintaining proper oversight and auditing third-party training providers remains a challenge for SDLAs." We would like to note that it is not a requirement for SDLAs to audit or oversee the training that a third-party tester provides. Until ELDT, CDL training was not a required part of the CDL application process. Third-party testers are not required under the federal regulations governing third-party testing to provide CDL training unless they separately seek to become an FMCSA-approved ELDT provider. SDLAs are likewise not responsible for monitoring the training provided by ELDT providers. This responsibility and authority is with FMCSA alone.

ELDT. The docket references three research questions relating to ELDT requirements. First, we would note that the questions do not contemplate a comparison of drivers who did not have any formal theory or behind-the-wheel training to drivers who have completed the ELDT requirements, and it may be beneficial to note any differences in their driving history/behavior. Additionally, because there was not a requirement for theory or behind-the-wheel training prior to the implementation of ELDT, it would not be possible to determine which Iowa CDL holders previously received any theory or behind-the-wheel training prior to ELDT in order to draw the comparison. This is because we did not track whether a CDL holder received any formal (or informal) training prior to applying for the CDL since it was not a federal or state requirement prior to ELDT. Further, it may be difficult for states to pull driving histories to draw these comparisons in a consistent manner unless FMCSA specifies what type of history events it is looking to include and gives detailed instructions. Instead, it may be more beneficial to have SDLAs provide bulk driver history data so that FMCSA can perform their own analysis of the data to assess the federal ELDT program.

Notably, the docket indicates the purpose of the information gathering is in part intended to "assess the effectiveness of the ELDT program, assess third-party training provider performance, and verify/ validate

compliance with ELDT minimum standards." The three questions and topic areas identified in the docket relating to ELDT will not provide information adequate to assess the effectiveness of the ELDT program, nor will it validate compliance with ELDT minimum standards.

Additionally, the docket contains a problematic statement, "The Training Provider Registry requirement for self-certification of compliance with ELDT and state licensing requirements adds to this challenge *and will require SDLAs to allocate additional resources to ensure third-party training provider self-certifications are accurate and meet all requirements*" [emphasis added]. Under no circumstances has FMCSA indicated a responsibility to SDLAs to audit or provide oversight of an ELDT training provider. We urgently request additional specifics about the requirement as a SDLA to allocate additional resources to ensure third-party training provider self-certifications are accurate and meet all requirements. This type of oversight is not on the horizon for us as a SDLA and we have accordingly not made any legislative or budgetary requests to accommodate such a requirement. It has been consistently conveyed to us as a SDLA that quality assurance, auditing, and oversight of ELDT training providers will be managed by FMCSA. Further, FMCSA has publicly acknowledged the need to strengthen the areas of the program to ensure the ELDT training provided is effective and yields the desired safety results. This is further supported by the statement in the docket indicating that when FMCSA was establishing ELDT, "FMCSA's goal was to raise the standard of training, improve the quality of training, and ensure that each location developed a Safety Management System to reduce commercial vehicle accidents in every jurisdiction." FMCSA has not taken action to meet the goal of improving the quality of training as there is no framework in place to determine the quality of ELDT. FMCSA has not engaged SDLAs on the topic of quality assurance of ELDT providers, and it would be inadequate to place quality assurance requirements onto SDLAs as an afterthought. Further, by virtue of the questions presented in this docket, it is clear that FMCSA has not even determined how it will measure whether there is a reduction of commercial vehicle accidents in every jurisdiction. Despite the inability of FMCSA to first meet these main goals of the ELDT program, SDLAs were directed to implement the ELDT training requirements in February of this year, and CDL applicants are actively navigating the various options (and costs) for completing ELDT with varying degrees of quality. It would be imprudent to compress SDLAs further by requiring them to solve the quality issue, particularly without known performance measures in place to determine whether the safety outcomes are being achieved.

States were required to make many significant and disruptive changes to our CDL application process to accommodate ELDT requirements during a time when there was a spotlight on the nationwide truck driver shortages. FMCSA should consider additional questions and topic areas to fully assess the effectiveness of the ELDT program. This should include topic areas that address the nationwide driver shortage and driver recruitment efforts, evaluating the journey of applying for a CDL from beginning to end and how ELDT has affected the CDL application process, the availability of ELDT across certain geographic spreads, costs and barriers of completing ELDT, quality of training, and safety outcomes. Notably, while the docket indicates assessing the effectiveness of ELDT is a goal of this information collection effort, the project title does not include a reference to Entry Level Driver Training. Given the significance of this industry on our nation's economy and the continued focus on reducing the driver shortage coupled with the unsolved issues of quality assurance and no identified way to determine whether the safety benefits have been achieved, ELDT should be the focus of any information gathering effort and data analysis for FMCSA and should not be buried within a separate information collection effort.

2005 AAMVA CDL Test Model. Most states, including Iowa, have been using the 2005 AAMVA CDL Test Model for several years and it may be difficult to draw comparisons between this model and any former model due to that length of time. Additionally, SDLAs are looking ahead to the CDL Skills Test Modernization efforts being led by AAMVA. Iowa intends to implement the modernized testing format in calendar year 2023.

Thank you for your time and consideration.

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