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Reference: Docket ID Number FMCSA-2007-27659
Comments submitted by the Pennsylvania Department of Transportation (PennDOT), Bureau of Driver Licensing, 1101 South Front Street, Harrisburg, PA 17106

This letter is in response to the notice of proposed rulemaking that revises the Commercial Driver's License (CDL) knowledge and skills testing standards and requires new federal minimum standards for states to issue Commercial Learner's Permits (CLPs) and Commercial Driver's Licenses (CDLs).

PennDOT shares your concerns and supports the concept of ensuring drivers who operate Commercial Motor Vehicles (CMVs) are legally licensed to do so and that they do not operate CMVs without having passed the required tests. However, the proposed changes to 49 CFR Parts 383, 384 and 385 seem to go beyond improving safety. In fact, many of the requirements included in the proposed rulemaking mirror the requirements contained in the REAL ID Act, i.e. re-credentialing at time of renewal. Since there is no penalty imposed on states that choose not to implement the REAL ID Act, it appears that the Federal government is trying to force the REAL ID Act requirements on the commercial driver population via these proposed rulemakings. States who fail to implement these requirements would lose a significant portion of Federal funding. Based on current funding levels, PennDOT would stand to lose \$36 to \$40 million after the first year of non-compliance, and would lose additional funding in subsequent years. Furthermore, Pennsylvania would be unable to issue commercial driver's licenses and learner's permits.

However, while PennDOT recognizes the intent of this proposed rulemaking is to enhance the safety of all drivers who operate CMVs, PennDOT has identified the following areas of concerns:

- Requiring individuals who are applying for a CLP to provide proof of identity and residency, is burdensome and provides no benefit. Most individuals applying for a CLP already hold a driver's license. Verifying an individual's identity and legal presence is done when applying for their initial driver's license. Once an individual's identity has been verified, there is little to no benefit to doing it again. Currently, PennDOT does not require an individual who already has a valid driver's license to present their identity documents when applying for a CLP. Over 36,000 individuals applied for a CLP in 2007.

Additionally, this same requirement would apply to those individuals simply renewing their CDL. PennDOT has over 425,000 CDL drivers and the majority of our customers renew their CDL through the mail. This requirement would force our customers to visit PennDOT and present their identity documents to renew their CDL or obtain a CLP. Currently, only non-U.S. citizens are required to appear in person to verify the extensions of their identity documents.

Pennsylvania has designed the driver's license renewal process to be customer friendly, efficient and very cost effective by utilizing mail or web services. Our customers prefer the mail service channel because it is convenient and fast. Unlike many other states that have historically required all renewal applicants to appear at a DMV office, Pennsylvania does not have the infrastructure in place to handle an additional 142,000 face-to-face transactions per year. PennDOT has 73 Driver License Centers that today struggle to meet the customer demand of approximately 2.2 million customers per year. Pennsylvania would need an additional 16 full time employees to process the additional 142,000 customer in person renewals.

- Under Pennsylvania law, if an applicant for a driver's license, learner's permit or identification card is a non-U.S. citizen, they must present proof from the U.S. Citizenship and Immigration Services (USCIS) that they are legally permitted in the United States for more than one year at the time of their application or renewal. Additionally, the driver's license expiry is tied to the expiry date of the immigration documents. Non-U. S. citizens who have temporary legal presence in the United States would not be eligible for a CDL or CLP under the proposed rulemaking. States would only issue a CDL or CLP to an applicant who is a U. S. citizen or lawful permanent resident of the United States.
- Requiring the states to use AAMVA's 2005 CDL Skills Test System will have major implications to our customers and facilities. The new skills test will be 50% longer in duration resulting in fewer available appointments. The increase in the size of the testing pads will result in 83% of our facilities not having sufficient size to meet the new requirement. PennDOT currently has 41 testing locations throughout the state and only 7 would meet the new requirement. With only 7 available testing locations, customers will be forced to drive significantly greater distances. The additional time required to complete the skills test combined with the reduction in available testing locations, will greatly delay the customer's ability to schedule a skills test. Additionally, PennDOT would have to retrain several hundred examiners on the requirements of the new skills tests with no data to support any safety benefit. PennDOT would need an additional two (2) full time managers to conduct the training and monitor of the skills testing sites.
- The requirement to have the CLP contain the same information as the CDL, including a photograph or digitized image of the driver, has major implications for PennDOT. Currently, PennDOT produces a paper CLP which contains essentially all of the information contained on the CDL with the exception of a photograph. The majority of drivers applying for a CLP already have a valid driver's license with a photograph. The CLP is a temporary product issued for a short duration until the individual passes the skills test at which time a CDL is issued. The requirement to include a photograph would involve substantial computer system modifications and does not provide any benefit. Our CLP is valid for a period of one (1) year and the proposed rulemaking would make the CLP valid for 270 days. States should have the flexibility to determine how long a CLP is valid for but not to exceed one (1) year.

We would also like some clarification on the following questions:

1. Under Section 383.75 (Third party testing), please define "State employee" and "secure electronic means"? Also, if the skills test certification of an examiner is revoked, what is the process to get the certification re-instated?
2. Under Section 383.113 (Required skills), please explain the reasoning behind having all CDL applicants checking the safe condition of the cab/engine start? How does this requirement relate to the applicant's ability to safely operate the commercial motor vehicle?

3. Under Section 383.131 (Test manuals), please explain what is meant by record and retain the knowledge and skills test scores? Must states be able to transmit the test scores through CDLIS?
4. Under Section 383.227 (Records of digital color image), are states required to send digital images through CDLIS? Also, what process is in place for States to check the image of a person who transfers a CDL?
5. Under Section 384.228 (Examiner training), please provide examples for "any conviction involving fraudulent activities"?
6. Regarding the new standardized restriction codes, why is this required when the current CDL program has uniform standards which PennDOT follows? Additionally, would those current CDL drivers who do not have the new standard endorsements or restriction codes be grandfathered?

Protecting the safety of our motorists is of utmost concern. However, it is unclear how these additional requirements, which are not backed by research, will improve highway safety. Although it is understood that federal grant money will be available, it is unclear how much money will be allotted. All states are encountering very difficult budgetary constraints. PennDOT estimates the costs to implement the proposed rulemaking to be approximately \$4 million dollars and ongoing annual costs of over \$1 million dollars for operations. This is another example of a federal mandate without dedicated federal funding.

Thank you for your consideration. Please do not hesitate to contact me at (717) 787-4701 or Lawrence Jones, Manager of the Driver License Division, at (717) 705-5358, if you have any additional questions.

Sincerely,

Janet Dolan, Director
Bureau of Driver Licensing