

CDL Medical Certification in Washington

Draft Final Report Presentation.....November 13, 2018

CDL Medical Certification Study

- Budget Proviso requires “assessment and recommendations” of possible methodologies to set standards for:
 - Potential exceptions to CDL medical certification requirements
 - Processes for evaluating CDL medical certification waiver requests
- Assessment performed by staff
- Today: draft final report presented to JTC for acceptance

CDL Exemptions vs Exceptions vs Waivers

Exemptions	Exceptions	Waivers
<p>Class of drivers exempt from CDL requirements:</p> <ul style="list-style-type: none">• Farmers within 150 miles of farm• Police and Fire• Non-commercial Recreational Vehicles• Military	<p>Excepts class of drivers from medical certification.</p> <ul style="list-style-type: none">• Federal Medical certification exceptions• Individual states may adopt more stringent standards than FMCSA, i.e. not adopt exceptions. This is situation in Washington.	<p>Individual waiver of specific medical requirements if:</p> <ul style="list-style-type: none">• “Based upon sound medical judgment combined with appropriate performance standards ensuring no adverse effect on safety.”• Medical waiver applications evaluated and decided by:<ul style="list-style-type: none">• Interstate hauling: FMCSA• Intrastate hauling: DOL

Trucker Shortage

- Study goal: help reduce trucker shortage
- ATA estimate:
 - Current national long-haul trucker shortage = 36,500
 - Possible 2026 shortage = 174,000
- Changing medical certification requirements unlikely to have much affect on shortage:
 - Available exceptions mostly don't apply to long-haul truckers
 - Case-by-case waivers will not add many truckers even if significant increase could be safely granted.

Causes of Trucker Shortage

- Driver qualification requirements: Medical certification is one of many requirements on drivers and on trucking companies
- Competition within industry:
 - Deregulation = more companies and relatively flat wages
 - Over 90% driver turnover rates
- Demographic shift: fewer younger drivers becoming long-haul truckers

Quantifying Impact Elusive

- If medical certification standards changed, potential new truckers are persons who:
 - Want to be truckers
 - Don't meet medical certification requirements
 - Would qualify for an exception or a waiver
- Can't know that number, but we can surmise that it is small
- Most exceptions don't apply to long-haul truckers, so they would not increase supply of long-haul truckers.

Can't say how many, but we can say it wouldn't be many.

Medical Certification Standards set by Feds

- Federal Standard for CDL medical fitness
 - Certification Registry – Doctors must qualify for federal registry
 - 14 Health categories must be certified as meeting federal standards
- State medical certification flexibility must stay within “tolerance guidelines”
 - State annually certifies CDL compliance with Feds
 - Changes to current state standard subject to federal review and approval process.

Current Law in Washington

- All CDL holders driving commercial vehicles must meet federal medical certification standards.
 - Both in-state and between-state
 - Classification based on origin and destination of cargo
 - Airport shuttle example
 - No exceptions based on vehicle type
 - Individual waiver of specific medical requirement possible.

When is Medical Certification Required?

Trucking over 26,000 lbs



Between-State Trucking 10,001 -26,000 lbs



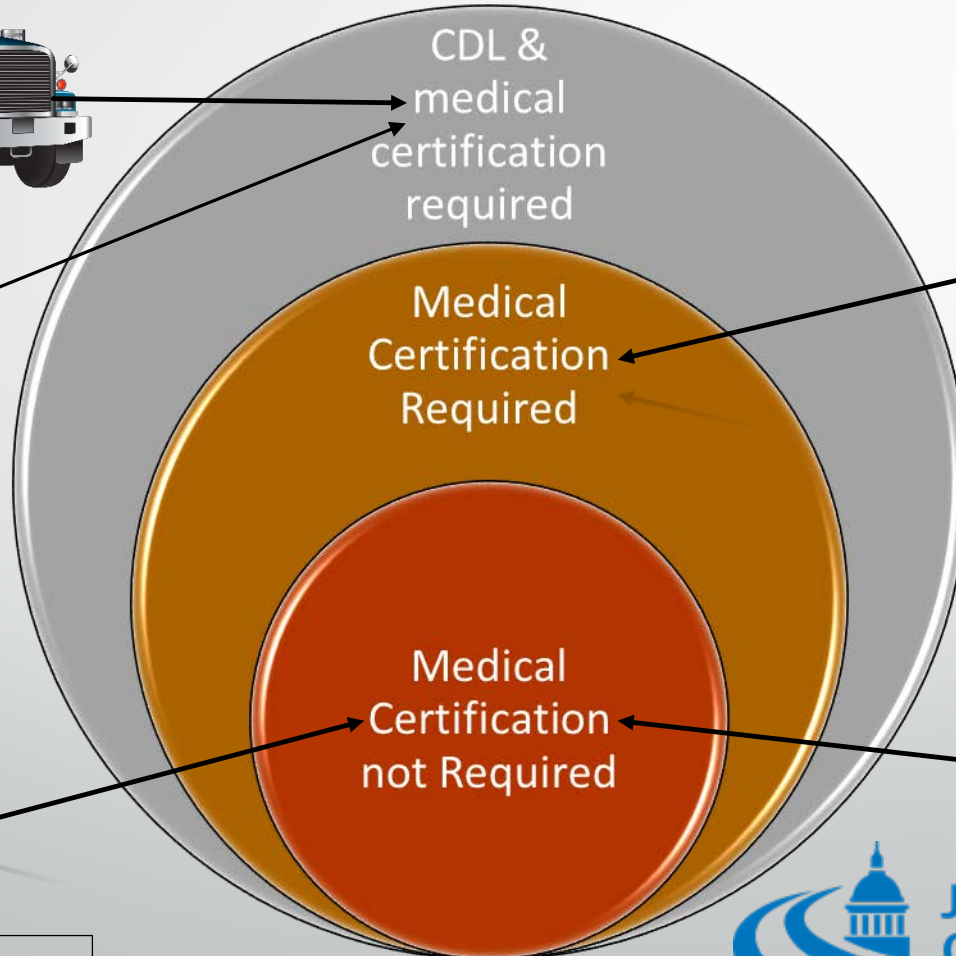
Trucking



Hazardous
Materials



In-State Trucking 10,001 -26,000 lbs



Trucking under 10,000 lbs

Federal, State, or Local Government Truckers



Custom Harvesters



- Existing law exempts many farm uses for farmer using their own vehicle.
- Custom harvesters harvest and transport crops for others. Farm exemptions don't apply because it is not the farmer's vehicle.

Beekeepers



- Some Washington Beekeepers routinely use trucks over 26,000 lbs.
- Most bee trucking instate, though some is between states – i.e. California almond harvest.
- Adopting exception would:
 - Lower regulatory barriers
 - Allow bee-keepers and their employees to operate large trucks without medical certification

Possible Effects of Adopting Exceptions

- Contacted other states about their experience with exceptions
 - 59% of responding States (19) allowed exceptions
 - Followed up with 8 states that allow exceptions.
- Increase number of drivers?
 - 26% average of total licenses in states surveyed were “excepted”.
 - Does not mean there would be that many more drivers in Washington
 - Substitution effect: incentive to move from private to public employment?
- Create a safety or enforcement issue?
 - Couldn't statistically isolate potential safety effect.
 - None of the 8 states we followed up with identified a safety or enforcement issue.

Allowing Exceptions Requires Legislation

- SHB 2696 (2018) disallowed exceptions:
 - All Washington CDL drivers must be medically certified (sec. 1, 3)
 - Essentially, Washington has no “excepted” license allowing driver to operate commercial vehicle over 26,000 lbs. without medical certification.
- New law takes effect April 30, 2019
- Authorizing exceptions requires amending provisions enacted in SHB 2696

Options for Exceptions

- Introduce a bill directing DOL to:
 - a. Stop requiring medical certification for excepted in-state and interstate licenses for all federal authorized exceptions.
 - b. Stop requiring medical certification for excepted in-state and interstate licenses for some or all of the categories where it would have a practical effect:
 - Federal, state, and local drivers;
 - Bee-keepers transporting hives;
 - Custom harvesters.
 - c. Limit options a and b to in-state CDL drivers.
 - d. Take no action

Waiver Research

- Issues:
 - Anecdote: Doctors don't want to sign off
 - Anecdotal caution: State waiver process quick – feds take about 6 months – don't make this take longer.
 - Possible impact of more stringent certification enforcement adopted in 2012
- New federal diabetes rule effective November 19, 2018
 - Original rules excluded drivers with insulin treated diabetes mellitus (ITDM)
 - FMCSA adopted standards to allow waivers for certain ITDM patients (1993)
 - New rule changes process by incorporating standards into certification process
- No longer requires individual waiver analysis for covered diabetes cases
 - Half of current Washington waivers are for diabetes
 - Could reasonably expect a reduction in waiver requests.

States with Internal medical review

- Initial research showed 28% (9) of those responding had internal medical review
 - Contacted those states and asked follow-up questions
- All states with internal medical review use it to look at:
 - CDL medical certification waivers; and
 - Medical fitness of general driver population
- Most common structure is a board
 - The Boards adopt some medical waiver standards
 - Build on FMCSA standards – not a replacement
 - Most of the Boards consisted of 5 medical professionals with different required specializations (i.e. ophthalmology) for each position.
 - Could not determine comparable cost for CDL waiver process as Board's jurisdiction was much broader

Options

- a. Introduce legislation establishing DOL medical review board to review CDL waiver requests.
- b. Direct further study on establishing a review board with jurisdiction over driver fitness for the general population and for CDL waivers.
- c. Take no action.

Questions?

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