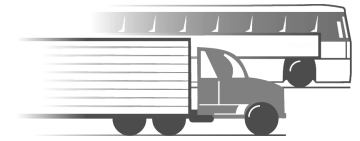




# FMCSA

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION



## EVALUATING COMMERCIAL DRIVER'S LICENSE PROGRAM VULNERABILITIES

←—————→  
A STUDY OF THE STATES OF  
ILLINOIS & FLORIDA

# FINAL REPORT

OCTOBER 2000

EVALUATING VULNERABILITIES  
**COMMERCIAL DRIVER'S LICENSE PROGRAM**

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## EXECUTIVE SUMMARY

### BACKGROUND

In September 1998, the Chicago Office of U.S. Department of Transportation (DOT), Office of the Inspector General (OIG), received information from the FHWA Office of Motor Carrier Safety (current Federal Motor Carrier Safety Administration) alleging fraud in the administration of the Illinois commercial driver's license (CDL) program. Employees of the Illinois Secretary of State (SOS) were accused of accepting cash bribes by CDL "sponsors" in order to ensure their applicants passed CDL testing procedures and obtained an Illinois CDL. The United States Attorney for the Northern District of Illinois launched "Operation Safe Road" in September of 1998. This is a coordinated criminal investigation by the OIG, FBI, Postal Inspection Service, Internal Revenue Service, and Illinois State Police to investigate corruption in the Illinois CDL program. As the investigation unfolded, problems with third party CDL test administrators were also uncovered in the State of Florida. This involved applicants traveling to Florida from Illinois to fraudulently obtain CDLs that they brought back to Illinois to exchange for an otherwise valid CDL.

Following the initiation of the CDL criminal (fraud) investigation, another event occurred which raised additional concern within the Department of Transportation regarding the Illinois CDL program, and that is the issuance of hardship licenses to CDL holders in Illinois. In March 1999, a tractor-trailer collided with an Amtrak train at a railroad grade crossing in Bourbonnais, Illinois. The tractor-trailer was being driven by a commercial driver operating with a hardship license received after his driving privilege had been suspended for multiple convictions of moving violations. The crash resulted in the deaths of eleven people.

As the criminal investigations progressed, FMCSA decided to form a panel to review the Illinois CDL program. As FMCSA was moving to create the program review panel, Illinois Governor George Ryan wrote to Transportation Secretary Rodney E. Slater on March 17, 2000, requesting the assistance of the USDOT to conduct a full review of the Illinois CDL program. Secretary Slater replied to Governor Ryan on May 5, 2000, confirming the creation of the Panel.

### METHODOLOGY

The CDL Program Review Panel conducted a two-pronged effort. First, the Panel needed to identify those drivers issued suspect CDLs by Florida and Illinois to verify whether these licensees had been properly tested and were qualified to operate a commercial motor vehicle. The Illinois SOS office identified Illinois residents, whose CDLs may have been obtained under suspicious or fraudulent circumstances and retested those drivers. Florida's Department of Highway Safety and Motor Vehicles (DHSMV) took similar steps to identify and retest suspect Florida resident drivers. The Panel sought to ensure that licensees who had relocated to other jurisdictions outside of Florida and Illinois were identified and the state licensing agencies notified to take follow-up actions. Working with the U.S. Attorney in Chicago, FMCSA generated a comprehensive list of suspect licensees and their current state of domicile. Panel members contacted FMCSA Division offices in every state that had a suspect licensee and directed that they work with their state-licensing agency to contact these drivers to determine licensees' testing and qualification status. That effort continues today.

Second, the Panel conducted a comprehensive evaluation in both Illinois and Florida to determine if weaknesses or vulnerabilities in the CDL program had contributed to the fraud and any other licensing problems in each state, without in any way duplicating or impeding the on-going criminal investigation of the U.S. Attorney for the Northern District of Illinois. Based on the results of these reviews, the Panel made recommendations for program improvement in the two states, with the potential that they would be helpful to a number of other state programs.

The Panel conducted its review and developed recommendations through a combination of in-depth interviews, licensing facility site visits, and a public meeting conducted in Illinois. The Panel traveled to both states for sessions with the CDL program management and conducted interviews with managers and staff in the field. These visits allowed the Panel to compare the program policy and communication methodology described by senior program management with the actual CDL program delivery provided by staff employees and facility managers.

This report is not intended to provide certification that the two states comply with all CDL regulatory requirements. That determination can only be made following a detailed compliance review conducted by an FMCSA division office. FMCSA is in the midst of revising its CDL compliance review procedures and providing updated training for its field staff. CDL compliance reviews are scheduled for completion in both Illinois and Florida early in 2001.

### **GENERAL CONCLUSIONS AND RECOMMENDATIONS**

Based on its review of the CDL program administration in Illinois and Florida, the Panel reached eleven general conclusions. In addition, the Panel makes twenty-six general CDL program recommendations regarding *State Control and Oversight of CDL*, *CDL Program Management*, *Fraud Prevention*, *Data Management and Problem Drivers*, *English Language Issues*, and *Federal Control and Oversight of CDL*. These conclusions and recommendations are directed to Illinois and Florida, as well as to all jurisdictions that administer CDL programs, including the U.S. Department of Transportation with respect to its regulations and policy-setting role.

The following highlight some of the general conclusions and recommendations:

#### **GENERAL CONCLUSIONS AND RECOMMENDATIONS:**

- Programmatic vulnerabilities contributed to the fraudulent and illegal activity, as documented in the "Operation Safe Road" investigation.
- The CDLIS central site and state CDL systems performed as designed to identify and track holders of suspect CDLs who relocated from Illinois or Florida to other states.
- The issuance of CDLs in Illinois and Florida to drivers not properly tested in compliance with federal and state standards led to reduced levels of highway safety.
- Federal oversight of state CDL program management and monitoring needs to be strengthened to improve program performance.
- Insufficient CDL program monitoring and oversight by state administrators render the program vulnerable to fraud and abuse, which increases the safety risk on the nation's highways.
- Inadequate controls over testing (and hiring) of foreign language drivers may have contributed to CMV safety problems.

#### **ILLINOIS RECOMMENDATIONS**

The Panel made twenty-one recommendations in the areas of CDL program *Organization and Operations*, *Testing and Training*, and *Information and Data Systems*. Among the recommendations:

- Enact a statute prohibiting political fund-raising activities by state employees while on state property or while conducting state business.
- Strengthen internal controls to routinely monitor, review and evaluate the CDL program performance, including the identification of functions susceptible to fraudulent activity.
- Strengthen the audit and oversight functions of the internal SOS Inspector General.
- Review the current policy of requiring all valid CDL holders moving to Illinois to be retested to determine CDL program effectiveness.

- Strengthen monitoring and oversight functions, with increased emphasis on field operations, at both state facilities and third party test sites.
- Adopt the current version of the written knowledge test within one year of approval by the American Association of Motor Vehicle Administrators (AAMVA).
- Review facility operations in light of the potential for a single employee to complete an applicant's entire CDL issuance process including taking the application, administering both the knowledge and skills test, and issuance of the CDL.
- Illinois should address the apparent under-representation of reported out-of-state driving convictions reported through the Commercial Drivers License Information System (CDLIS).
- Illinois should move expeditiously to adopt the provision of the Motor Carrier Safety Improvement Act of 1999, specifically banning the issuance of special or hardship licenses to CDL holders whose driving privilege has been suspended.

### **FLORIDA RECOMMENDATIONS**

The Panel made thirteen recommendations in the areas of CDL program *Organization and Operation, Testing and Training, and Information and Data Systems*. The recommendations include:

- Adopt measures to equate safety performance with the existing customer satisfaction and service performance measures for DHSMV employees.
- Provide resources to significantly increase oversight of state-run and third party test locations.
- Use statistical analyses of operational program activities, facility workload reports and program activity summaries for CDL program strategic planning and operational decision-making.
- Develop and implement program management practices and procedures to regularly monitor field operations, including facility audits and oversight of third party programs and examiners.
- Establish measures to control the use of interpreters in the administration of CDL knowledge and skills tests to ensure complete impartiality of interpreters used in the process, and to validate that translator-assisted tests are equivalent to the validity of tests taken in English.
- Adopt the current version of the CDL knowledge test within one year of approval by AAMVA.
- Develop standards for the validation and verification of CDL applicant identity, including proper domicile.
- Assess and explain the wide disparity in monthly out-of-state driving conviction figures reported through the CDLIS.

### **CONCLUSION**

This report represents the latest in a series of efforts by DOT and FMCSA to enhance and improve the CDL program. Since implementation of the program in 1992, DOT has promulgated regulations addressing State compliance with CDL requirements; conducted a CDL Benefits and Effectiveness study and program review; initiated outreach to the judiciary on CDL enforcement issues; established forums for driver licensing agencies and the commercial motor vehicle industry; developed and funded the Driver History Initiative to assist States in the timely development and transmission of complete and accurate driver moving violation conviction information; and, most recently, launched an effort to expand and improve the CDL compliance review process managed through FMCSA's field offices. Secretary Slater's commitment to safety and leadership in improving the operation of the CDL program is reflected in all of these actions and in the prompt response of the Department to the request of Governor Ryan that DOT formally review the Illinois program. The USDOT has a long-standing history of undertaking actions to improve commercial driver safety. Most recently, DOT proposed new measures to strengthen the effectiveness of the CDL program, which were adopted and included in the Motor Carrier Safety Improvement Act of

1999 (MCSIA). The MCSIA also created the FMCSA and firmly declared safety as its highest priority in the furtherance of motor carrier transportation.

The Panel would like to express appreciation to the administrators and staff at both the Illinois Secretary of State and the Florida Department of Highway Safety and Motor Vehicles, for the cooperation and assistance provided during this study. The Panel is confident that each agency will strive to implement the recommendations of this report and continue their cooperation with FMCSA in the development of “best practices” for CDL program administration and enforcement to assist all states.

## PART 1 – OVERVIEW

### LEGISLATIVE AND REGULATORY HISTORY

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986 created a national Commercial Driver's License (CDL) program by requiring the U.S. Department of Transportation to establish national minimum testing and licensing standards for commercial drivers. While testing and licensing standards were established nationally to ensure uniformity and consistency, driver licensing remained a state function. The CMVSA created two goals: the first, to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and, second, to remove unsafe, unqualified drivers from the highways.

The CMVSA also assigned the Secretary of Transportation the responsibility for monitoring the states' compliance with the standards. The CMVSA required establishment of the Commercial Driver's License Information System (CDLIS) to serve as a clearinghouse for commercial driver licensing and conviction data. CDLIS is operated, on behalf of the Secretary of Transportation, by AAMVAnet, a non-profit subsidiary of the American Association of Motor Vehicle Administrators (AAMVA).

The CMVSA required several significant pieces of regulatory action. The first, issued on July 1, 1987, made it illegal for commercial drivers to hold more than one license, and for employers to employ drivers with multiple licenses. In addition, this regulation established disqualification requirements for driving under the influence of alcohol, leaving the scene of an accident, certain felonies, including controlled substance felonies, and serious traffic violations.

The second major regulatory action, issued on August 22, 1988, established the minimum standards for state testing (knowledge and driving skills) and licensing of commercial motor vehicle (CMV) drivers. This rule also established the various classes of CDLs, along with the necessary endorsements and air brake restriction. This same rulemaking enabled states to grandfather existing drivers from the driving skills testing requirements of the regulation and permitted states to enter into agreements with third parties to administer the CDL skills test.

The third major regulatory action, issued on October 27, 1988, established 0.04% as the blood-alcohol concentration level at or above which a CMV driver would be deemed impaired, thereby holding a CMV driver to a higher standard than automobile drivers.

The fourth and final major CMVSA regulatory action, issued on June 17, 1994, established the standard a state must meet to be in substantial compliance with all of the commercial drivers licensing requirements of the CMVSA and avoid the loss of federal-aid highway funds. The standard and procedures established in this rulemaking are the basis by which state CDL compliance reviews are conducted by the Federal Motor Carrier Safety Administration (FMCSA).

The Motor Carrier Act of 1991 (MCA) directed the Secretary of Transportation to establish sanctions, penalties and disqualifications relating to violations of out-of-service orders by persons operating CMVs. This requirement became final on June 17, 1994.

The ICC (Interstate Commerce Commission) Termination Act of 1995 directed the Secretary of Transportation to require sanctions and penalties for CMV drivers who are convicted of violating the laws or regulations pertaining to railroad-highway grade crossings. This requirement became final on October 4, 1999.



FMCSA is responsible for the administration of the Commercial Driver's License program as provided in 49 USC 31308. This includes the regulatory requirements of 49 CFR 383, which establish standards for states for commercial driver testing and licensing, and also the license document. In addition, 49 CFR 384 contains the requirements for states to demonstrate that they are in compliance with CDL requirements. Non-complying states are subject to a loss of federal-aid highway funds until such time as they come back into compliance.

The recent passage of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) broadened the scope of FMCSA's authority for administration of the CDL program. The Act adds CDL disqualifying offenses for drivers and also includes a provision that allows the Secretary of Transportation to prohibit a non-complying state from issuing commercial licenses. The Act also gives the Secretary authority to reduce a state's grant funding under the Motor Carrier Safety Assistance Program (MCSAP), if the state is found to be in substantial non-compliance with CDL requirements. Overall, the MCSIA statutory requirements will enhance and strengthen the CDL requirements established after passage of the 1986 CMVSA.

Using the authority provided by these statutes, FMCSA conducts compliance reviews of state CDL programs at least every three years. During the years following passage of CMVSA the focus and concentration of federal and state resources relative to driver licensing were committed to the development and implementation of the CMVSA CDL program requirements. Between 1989 and April 1992 (the date of full implementation by the states), 4.6 million commercial vehicle drivers were re-tested and re-licensed under the new standards of the CDL program; almost 10 million drivers are now on the CDL rolls.

After the April 1992 implementation date, there was a sense of satisfaction among federal and state administrators that the objective of the CDL program had been realized. Thousands of multiple licenses had been recovered; standardized testing of the driver workforce was in place; and new CDL documents were issued. Federal funding that had assisted states' efforts was reallocated. However, in recent years, concerns arose in both Congress and the Administration that the CDL program required more oversight to promote improved highway safety. The need for increased oversight was documented with the 1998 publication of the CDL Effectiveness Study.

In summary, the focus of the CDL program has shifted from one of development and implementation to one of administration and evaluation. The documented problems in Illinois and Florida underscore the need for management controls and that the absence of controls can have a direct negative impact on safety. This report, while focusing primarily on CDL programs in Illinois and Florida, seeks to make recommendations that can improve the national program and ensure that safe, qualified commercial drivers operate on the Nation's highways.

## PART 2 – CDL PANEL RESPONSIBILITIES

### BACKGROUND

In July of 1998, the U.S. Postal Inspection Service and the Federal Bureau of Investigation initiated an investigation of allegations of corruption by Illinois Secretary of State (SOS) employees. Soon after initiation of the U.S. Postal and FBI investigation, the U.S. Department of Transportation, Office of Inspector General (OIG) in Chicago received information from FMCSA alleging CDL licensing fraud and corruption by motor carriers and state employees in the Illinois Secretary of State's office. This information included new allegations that CDL applicants were traveling from Illinois to Florida to obtain a CDL, apparently due to lax or fraudulent testing procedures in Florida.

As an outgrowth of these events, the United States Attorney for the Northern District of Illinois launched "Operation Safe Road" in September 1998, a coordinated criminal investigation by the OIG, FBI, Postal Inspection Service, Internal Revenue Service, and Illinois State Police, with the assistance of Illinois Secretary of State Inspector General. The "Operation Safe Road" investigation revealed that SOS employees were allegedly accepting cash bribes by CDL "sponsors" in order to ensure their applicants passed CDL testing procedures and obtained an Illinois CDL. Further, this investigation identified a third party test provider in Florida that was allegedly providing false proof of domicile in Florida to Illinois residents, providing answers to applicants while translating the knowledge test from English, and providing fraudulent certification that applicants had passed a road (skills) test. These applicants would then return to Illinois and exchange the fraudulently obtained Florida CDL for an Illinois CDL under the legitimate reciprocal arrangement that all states follow. A third party test provider in Florida was allegedly providing false proof of domicile in Florida to Illinois residents, providing answers to applicants while translating the knowledge test from English, and providing fraudulent certification that applicants had passed a road test. With these findings, the Panel's review expanded to include Florida.

The "Operation Safe Road" and related investigations exposed corruption and fraudulent acts on the part of some state employees. The results include 39 individuals indicted, with 28 convictions to date. Of those, 18 individuals are current or former Illinois Secretary of State employees. At least 9 highway deaths can be traced to drivers who illegally obtained Illinois CDLs through the fraudulent administration of required skills and knowledge tests.

The tragic March 15, 1999 Bourbonnais, Illinois railroad grade-crossing collision between a tractor-trailer and Amtrak train publicized an additional weakness in the Illinois CDL and commercial vehicle safety program. That crash, which resulted in 11 fatalities, involved a driver who was operating with a special, or hardship, license. The driver's CDL had been suspended but, under the conditions of Illinois law, the driver had been allowed to continue operating a commercial vehicle with the special license.

As the criminal investigations progressed, FMCSA decided to form a panel to review the Illinois CDL program. As FMCSA was moving to form the program review panel, Illinois Governor George H. Ryan wrote to Transportation Secretary Rodney E. Slater on March 17, 2000, requesting the assistance of USDOT to conduct a full review of the Illinois CDL program. On May 5, 2000, Secretary Slater replied to Governor Ryan confirming the creation of this Panel.

The CDL Review Panel is composed of federal and state officials with experience and expertise in the administration of the CDL program, assisted by contract personnel with significant operational and evaluation experience in commercial driver licensing. The Panel was created to review the Illinois and Florida CDL programs and make any recommendations necessary to enhance or improve commercial vehicle safety.

**CHARGE TO THE PANEL**

The CDL Program Review Panel was charged with conducting a two-pronged effort. First, the Panel needed to identify those drivers issued suspect CDLs by Illinois and Florida so as to verify whether these licensees had been properly tested and were qualified to operate a commercial motor vehicle. The Illinois Secretary of State's office identified Illinois residents whose CDLs may have been obtained fraudulently, or under suspicious circumstances, and retested those drivers. Florida's Department of Highway Safety and Motor Vehicles took similar steps to identify and retest suspect Florida resident drivers. The Panel sought to ensure that licensees who had relocated to other jurisdictions outside of Illinois and Florida were identified and the state licensing agencies notified to take follow-up actions.

Panel members contacted FMCSA Division offices in every state that had a suspect licensee, and directed that they work with their state licensing agency to contact these drivers to determine licensees' testing and qualification status. That effort continues today. To date, state licensing agencies have been cooperative in identifying and clarifying the status of these drivers. A matrix summarizing the results of efforts initiated within each state has been included as an appendix to this report. (*Appendix B-Illinois Drivers and Appendix C-Florida Drivers*)

Second, the Panel was to conduct an evaluation of the CDL program in both Florida and Illinois to determine if weaknesses or vulnerabilities in the CDL program had contributed to the fraud and any other commercial driver licensing problems in each state. Based on the results of these reviews, the Panel was to make recommendations for program improvement in the two states, with the potential they would be helpful to a number of state programs.

The Panel, therefore, sought to accomplish two things: first, to ensure that holders of suspect CDLs issued in Illinois and Florida were identified and the drivers contacted to confirm they were qualified to drive and, second, to develop recommendations for CDL program improvements that would directly assist Illinois and Florida to improve their programs and potentially aid other states' CDL program administration.

The Panel was to conduct its program review and make recommendations for improving the CDL program without in any way duplicating or impeding the on-going criminal investigation of the U.S. Attorney for the Northern District of Illinois.

**CDL PROGRAM REVIEW PANEL METHODOLOGY**

The Panel conducted its review and developed recommendations through a combination of in-depth interviews and licensing facility site visits conducted in both states and a public meeting held in Illinois. The Panel contacted both the Illinois Office of the Secretary of State and the Florida Department of Highway Safety and Motor Vehicles to schedule detailed program presentations and discussion with CDL program policymakers in each state. The Panel traveled to each state capital for in-depth discussions with senior CDL program administrators and managers. These sessions included a program overview, detailed descriptions of the policymaking process, training for staff, communication of procedures and operational direction, third party program oversight, and evaluation and monitoring practices.

In addition to these meetings, the Panel conducted site visits at licensing facilities, third party test facilities and, in Illinois, driving schools to observe first-hand how the CDL program performed. Panel members conducted interviews with facility managers, counter staff, test administrators, third party contract staff and truck driver training school staff. This allowed Panel members to observe the process from application through the testing process, to issuance of the CDL. These visits were designed to allow the Panel to compare the program policy and communication methodology

described by senior management with the actual CDL program delivery provided by staff employees and facility managers.

The Panel also conducted a public hearing on June 6, 2000, in Rosemont, Illinois. The purpose of the hearing was to give stakeholders, partners, other interested parties and the public at-large the opportunity to share their views on the problems and strengths of the CDL program. In announcing the meeting in the Federal Register, the Panel sought comments on any concerns about the CDL program, including CDL issuance, driver testing (including third party testing), literacy and translation requirements. A detailed summary of the public meeting, including the Federal Register notice announcing the meeting, is attached in *Appendices E, F, G, and H*.

The Panel set a very aggressive timetable to complete its work, to provide as timely assistance as possible to states in refining and improving their CDL programs. With the enactment of the MCSIA, and the proposal to provide grant funding to the states for FY 2001 to focus on CDL program improvements, the Panel expedited its deliberations to issue its recommendations before the beginning of the new federal fiscal year.

The information provided in this report is based on interviews with state personnel in both Illinois and Florida. In some, but not all instances, Panel members were able to actually view the program operation and/or processes described in this report. However, until a comprehensive test of each state system is conducted to assure compliance with federal regulatory and CDL program procedures, the Panel cannot attest or certify that all information contained in this report is true and accurate. This report is not intended to provide certification that the two states comply with all CDL regulatory requirements. That determination can only be made following a detailed compliance review conducted by the FMCSA division offices. CDL compliance reviews are scheduled for completion in both Illinois and Florida early in 2001.

## **PART 3 – CONCLUSIONS, VULNERABILITIES & RECOMMENDATIONS**

### **CDL PANEL CONCLUSIONS**

The conclusions and recommendations in this Part are intended to apply to all jurisdictions with responsibility for the CDL program including all the states, the District of Columbia and Puerto Rico, and the U.S. Department of Transportation. This part also includes several specific conclusions of the Panel regarding the Illinois and Florida programs. These are clearly identified with the state to which the conclusion applies specified.

The CDL program study conducted in both Illinois and Florida has led the Panel to draw the following general conclusions:

1. The single-license objective continues to be met; however, the Panel recommends that states implement measures that identify and deter fraud (i.e. electronic verification of Social Security numbers, checks of non-CDL applicants against the Commercial Drivers License Information System central site).
2. The CDLIS central site and state CDL systems performed as designed to identify and track holders of suspect CDLs who relocated from Illinois or Florida to other states.
3. States that gained suspect CDL holders were cooperative in taking follow-up action to contact, retest, revoke or disqualify licenses and reissue, as appropriate.
4. Required computerized checks of the National Driver Register (NDR) and CDLIS central site and state systems were performed as required under federal rules and procedures.
5. Programmatic vulnerabilities contributed to the documented cases of fraud and illegal activity, as documented in the "Operation Safe Road" investigation.

The study conducted in Illinois and Florida has led the Panel to draw the following state specific CDL program conclusions:

6. Deficiencies in the CDL program, including testing and issuance of licenses, created increased safety risk not only in Illinois and Florida, but also nationally.
7. Illinois was able to identify suspect drivers tied to license issuances by facility and state examiner.
8. Weaknesses in the administration and oversight of the CDL program in both Illinois and Florida made the program vulnerable to fraud.
9. The Florida CDL program lacks sufficient controls over the CDL applicant's use of interpreters during the testing process, rendering the program vulnerable to abuse.

### **VULNERABILITIES AND RECOMMENDATIONS**

#### **State Control and Oversight of Program Activities**

##### **Vulnerability**

The Panel observed inconsistencies in the states' oversight and evaluation of their CDL program activity. This was especially true in the critical area of third party testing. A lack of thorough CDL program control and oversight renders the program vulnerable to fraud and abuse, which increases the safety risk on the nation's highways.

**Recommendations**

- 1-1 States should develop and implement analytical tools to continuously measure and assess their CDL program activity to identify program trends and or weaknesses and take corrective actions, as necessary.
- 1-2 States should develop fiscal and managerial procedures to ensure sufficient budget and resources are dedicated to their CDL oversight responsibilities.
- 1-3 States should have internal and external means to encourage the reporting of fraudulent or suspicious licensing activities.
- 1-4 States should develop, implement and regularly update internal and third party CDL program oversight practices.
- 1-5 States should utilize existing applications such as Social Security number verification to improve system controls.
- 1-6 States should update and maintain CDL program management policies and procedures to govern program operations.
- 1-7 States should promote and share “best practices” to prevent CDL testing and licensing irregularities.
- 1-8 FMCSA should strengthen its regulations governing third party CDL testing oversight and monitoring by states.

**CDL Program Management****Vulnerability**

The Panel found limited use of program trend data and statistical reports by management to identify and address emerging issues before problems occurred. The CDL program administration has been integrated with the states’ existing day-to-day licensing and registration management programs and systems. Although the CDL program has a significant impact on highway safety, the resources and attention dedicated to administering the program are to a great extent representative of the CDL population, which on average represents between 6-10% within the states.

**Recommendations**

- 2-1 States should review and bolster their CDL program oversight resources.
- 2-2 State should develop and implement a formal review process for monitoring and oversight of their licensing facilities.
- 2-3 States should develop procedures to ensure program oversight and re-certification of third party examiners/testers as required by 49 CFR 383.75.
- 2-4 FMCSA should provide resources and technical assistance to states to reemphasize the important link of the CDL functions to highway safety.
- 2-5 FMCSA should move to quickly implement the MCSIA of 1999 requirement (Sec. 202(d)) to ban the issuance of specialty or hardship licenses to CDL holders who have lost their driving privilege.

**Fraud Detection & Prevention****Vulnerability**

A lack of thorough CDL program management control procedures and oversight practices renders the program vulnerable to fraud and abuse. The information and data generated with the program,

which could be used in detecting areas of weakness, suspicious or fraudulent activities within the program have not been incorporated into a structured program management system. For example, a high percentage of CDLs being transferred from a single facility in short order from the time of original issuance by the licensing jurisdiction. Another example is the number of driver applicants being processed through a single facility by third party organizations. These types of information/data captured through a structured management system should trigger further inquiry or investigation.

### **Recommendations**

- 3-1 States should implement programs that encourage and make easy the reporting by employees and the general public of suspected fraudulent activities in the CDL program.
- 3-2 To ensure test integrity, states should adapt and implement the most recent national CDL knowledge test questions within at least one year of their adoption by AAMVA.
- 3-3 Every state with third party skills testing should conduct a comprehensive review of its program monitoring and oversight operations to minimize the risk of fraud or improper testing by its contractors.
- 3-4 States should review their driver license residency requirements and strengthen their license issuance practices requiring valid forms of identification and authentication that applicants must meet for domicile requirements.
- 3-5 FMCSA should adopt rules requiring state management and fraud prevention monitoring reports on a periodic basis

## **Data Management and Problem Drivers**

### **Vulnerability**

The Panel observed limited utilization of available data system reports in managing the program and employees. This is most apparent in CDLIS transaction reports, which display wide swings in conviction data reported and posted to driver history records. This failure to utilize readily available data contributes to the potential to exploit program weaknesses, and renders vulnerable safety efforts to remove unsafe drivers from the highways.

### **Recommendations**

- 4-1 State program managers must improve their access to and understanding of systems data generated for improved problem detection and program management.
- 4-2 FMCSA should better analyze and utilize national data systems reports for applicable oversight controls.

## **English Language Issues (Title 49 Part 391)**

### **Vulnerability**

The lack of thorough controls and procedures in the testing (hiring) of foreign language drivers renders the program susceptible to fraud and abuse.

### **Recommendations**

- 5-1 FMCSA should develop rules governing the qualification and use of translators in the administration of CDL knowledge tests.

- 5-2 US DOT should convene a Panel of experts to develop recommendations for states and motor carriers on what constitutes the ability to read and speak the English language, as provided in 49 CFR 391.11.

## **Federal Control and Oversight of Program Activities**

### **Vulnerability**

Federal oversight of the state CDL program management and monitoring needs to be strengthened to improve program performance.

### **Recommendations**

- 6-1 FMCSA should accelerate its in-depth compliance review processes to enhance the operation of the CDL program.
- 6-2 FMCSA should upgrade field expertise in the CDL program to provide appropriate oversight and assist states in achieving greater program uniformity.
- 6-3 FMCSA should develop, in collaboration with states, “best practices” that identify and prevent CDL testing and licensing issuance irregularities. Both FMCSA and states should promote these “best practices.”
- 6-4 FMCSA should strengthen its guidelines governing states’ CDL monitoring and oversight practices, including those of third party testing programs.

## **USDOT CDL Program Improvement Initiatives:**

The recommendations contained in this report augment the on-going activities of the FMCSA and DOT to enhance and improve the content and administration of the CDL program. In 1992, DOT successfully completed, within the statutory deadlines, implementation of the CDL provisions of the Commercial Motor Vehicle Safety Act of 1986. Since achieving that milestone, FMCSA and its predecessors have developed, under the leadership of Secretary Slater, the following programs, projects and activities to enhance CDL program effectiveness.

- 1994: USDOT issued rules to establish sanctions, penalties, and disqualification provisions relating to CMV operators violating an out-of-service order. Additionally, the rule creates monetary penalties for both drivers and motor carriers for violations.
- 1995: USDOT completes first full round of CDL compliance reviews in all states.

USDOT issued a report to Congress on CDL Program Effectiveness, addressing the goals of Congress in creating the CDL program and the efforts of the FMCSA and states to achieve those goals. The report identified the major accomplishments of the FMCSA in promulgating the rules and regulations governing the administration of the CDL program by states and addressed the use of \$61 million in congressionally appropriated CDL grant funds.

FMCSA executed a cooperative agreement with TML Information Services, Inc., to provide technical assistance in the CDL program data systems and data exchange with law enforcement, including cross-border driver conviction data exchange with Mexico.



- 1996: FMCSA created a Commercial Vehicle Safety Partnership Program (CVSPP) to achieve uniform and commensurate adjudication of CMV safety violations in all states. The CVSPP incorporated a dual-faceted approach:
  - *Targeted outreach to judges, prosecutors, law enforcement officials, legislators and other opinion leaders through a presenters' network to increase awareness of the need for strong CMV enforcement.*
  - *Formal training for judges and law enforcement officials on disqualifying offenses as defined in the FMCSRs through agreements with the National Judicial College and the International Association of Chiefs of Police.*

- 1997: FMCSA executed a cooperative agreement with the American Association of Motor Vehicle Administrators (AAMVA). The agreement, titled "Enhancements to the Commercial Driver Licensing Program," supports AAMVA's CDL program activities, such, as: test maintenance, industry forums, train-the-trainer workshops, and CDL test experts meetings. Each activity is focused on the enhancement of commercial motor vehicle safety.

FMCSA finalizes a state CDL compliance requirement that a driver operating a CMV without a CDL and is convicted of a disqualifying offense must have a record of that conviction entered into the CDLIS.

- 1998: FMCSA launches the "Driver History Initiative" project to improve the timeliness, accuracy and completeness of the reporting and recording of CMV traffic convictions, both within a state and between states. Fifteen states have participated in this project during its first two years.
- 1999: FMCSA issued the final report on the CDL Benefits and Effectiveness Study. The results of this study provided FMCSA with an evaluation and assessment of:
  - *Whether implementation of the CDL program has been effective in addressing the preexisting problems leading up to enactment of the CMVSA of 1986.*
  - *Whether the CDL program has helped reduce the incidence of CMV crashes.*

FMCSA executed a cooperative agreement with the California Department of Motor Vehicles (DMV) to study and determine the feasibility of using an automated fingerprint identification system (AFIS) to accurately identify CDL applicants. This two-year study will develop a demonstration model and determine the level of technological advancements toward a voluntary CDL biometric standard.

FMCSA Acting Deputy Administrator Clyde Hart, Jr., issued correspondence with all Governors, encouraging state agency collaboration in leveraging federal resources to strengthen their CDL programs.

FMCSA undertakes a major initiative to improve the CDL program management review procedures, including annual training programs for field staff on CDL program management review procedures. This training serves to increase the skills and knowledge of staff on the CDL program. FMCSA has strengthened its review of states' driver information systems, data collection and data distribution, by the execution of a contract with TML Information Services, Inc., to analyze information data systems and data disqualification trends.

- 2000: FMCSA executed a contract with the Commercial Vehicle Safety Alliance (CVSA) to conduct a pilot project titled, "Commercial Driver Program State Self-Assessment." The project when completed will provide all states with a process to perform a self-assessment of their effectiveness in meeting the requirements of the CDL program.

FMCSA completed its effective sanctions research study, which identified and assessed state sanction procedures to determine the most effective in achieving regulatory compliance and overall driver safety performance. The results of this study will be shared with all states in an effort to assist states in applying sanctions and penalties that serve to achieve compliance with the safety regulations by drivers and carriers.

This represents a partial list of the activities undertaken by DOT and FMCSA to assess, improve and enhance the operation of the CDL program both nationally and by the States. The findings, conclusions and recommendations of CDL panel provide a supplement to these efforts and mark the latest effort by the Department to ensure and build on the success of the CDL program.

## **PART 4 – CDL PANEL REPORT: STATE OF ILLINOIS**

### **BACKGROUND**

In Illinois, the office of the Secretary of State (SOS) is the agency responsible for the administration of the state driver-licensing program, including the CDL program. The SOS is an elected official, serving a four-year term. The current SOS, Jesse White, was elected in 1998 to succeed current Governor George Ryan.

The CDL program is managed through policies developed at the headquarters in Springfield and administered through regional licensing facilities throughout the state. There are regional managers assigned to provide oversight to offices in varying areas of the state.

The Panel conducted site visits at several locations in the Springfield and Chicago areas to observe CDL knowledge and skill testing procedures and practices. The Panel also conducted site visits and interviews with Illinois third party test program participants. In every instance, the Panel received the full cooperation from state and third party staffs. The Panel was afforded full access to all CDL operations and was treated very professionally at all times.

### **ORGANIZATION AND STRUCTURE**

The SOS has numerous offices and departments. However, the Panel's attention focused primarily on the Driver Services Department (DSD), which administers the CDL program. The Panel met with the Director of the DSD and his entire management team in Springfield, on May 24, 2000. The DSD management provided an overview of the Illinois CDL program, discussed policy formulation and communication, answered questions, and engaged in extended dialogue with the Panel on CDL program issues and management.

Following this overview, the Panel conducted site visits at SOS licensing facilities to observe operations, interview facility managers and personnel and to assess how program policy is delivered to the customer. In addition, the Panel met with the Illinois SOS Inspector General to discuss program oversight of the CDL program.

Functional components of the CDL program (e.g., application, examination and issuance, conviction processing, system operation) are segmented one from the other. Generally, the components are incorporated into the agency's work units that provide the same functionality for non-commercial drivers. In fact, all SOS license examiners (some 500+ state positions) are expected to become proficient all license testing and examination procedures, including CDL. This operational structure necessitates that the various components coordinate efforts to ensure the goals and objectives of the organization are accomplished.

Each functional unit operates with its own staffing and line-level management and has its own independent programmatic objectives and production goals. It was not clear if units appreciated the common goal of all these activities relevant to the CDL program – to ensure that CDL holders are held to the highest standard of safe vehicle operation.

CDLIS-related functions are not administered, budgeted, or managed as stand-alone operations. Rather, state CDLIS processes are largely integrated into the state's automation programs for testing, licensing, and controlling non-commercial drivers, with the sole exception being recent moves in the Chicago area to create five CDL-only licensing facilities.

When questioned by the Panel during state office and field site visits, licensing administrators and managers had limited working familiarity with statistics regarding the CDL program; such as, the

average number of instructional permits issued/processed per month or per office, the average number of CDL examinations administered per month or per office, the number of license transfers per month or per office, and other program performance and management figures. It was the Panel's perception that the administrators and managers had underestimated the value and usefulness of statistical data and program activity reports in making strategic program decisions, including quality control, staff performance, or exceptional use patterns. There were only limited instances in which managers were both knowledgeable about reporting tools built into the CDL information systems and utilizing the data tools to monitor program and/or employee performance at their respective facility.

### **License Facilities**

The facilities that were visited in the Chicago metropolitan area and the Springfield area appear to be independently managed and organized. The facility staffs were prompt, courteous and knowledgeable. Each manager operates the facility with very little supervision from middle management. There is no formal review program of the license facilities. There were no records of visits by middle or upper management. There were no records of outside audits by upper management. This allowed each facility to operate independently with generally limited management supervision.

Formal employee training, for examiners and facility managers, is limited. Most training appears to be "on-the-job" and reliant on the facility manager or another examiner. The use of written, standardized directives to train new employees was not discussed or observed; the only exception was in the area of skills testing of CDL applicants, where written standards were available.

The SOS employee procedures manual is out-of-date; an on-site version Panel members viewed at one licensing facility appeared to be circa 1993 or earlier, while at another facility, the facility manager indicated that the manual was not available at his site. SOS administrators reported that the agency's employee manual was under extensive update and revision.

### **License Issuance**

The state issues CDLs that contain all the required information in accordance with federal requirements in CFR Sections 383.153 and 384.204. The state does require an individual to hold a valid CDL to operate a CMV as required in CFR Part 383. Special restrictions are noted on the document. Endorsements are the same as required by federal regulations. The CDL document itself is a single document that denotes all the required elements of CFR Section 383.153, and the document is as tamperproof as possible.

CDL learner's permits are issued by the state and are valid for 12 months. Permits may be renewed for another 12 months, but the applicant must retake the knowledge test. A restriction of the permit is that a CDL-licensed driver with sufficient endorsement to lawfully operate the CMV must accompany permit holders when they drive.

The state requires a check of the CDLIS central site and a check of the Problem Driver Pointer System central site for all applicants – once prior to administering the test, and a second time prior to issuing the license (original or renewal). These checks are done to determine the applicant's eligibility for such license, permit or test. If the applicant is disqualified or his/her privilege is suspended, revoked or cancelled, in Illinois or any state, the state will not issue a CDL until such disqualification is resolved or removed.

When the SOS mainframe or network cannot process transactions, an applicant having passed the CDL exam is given a certificate (computer "down form"). The certificate documents the applicant's passage of specific tests, enabling the state to process the applicant and issue a CDL once the

system is operational and the appropriate CDLIS/NDR checks have been completed. The CDL examiner signs the form and the state seal is placed on the document as a means of controlling authenticity. The form is in a reproducible format, with only the state seal and signatures as original items on the form.

The state has instituted, since the discovery of CDL test fraud, new procedures requiring all out-of-state CDL holders relocating to Illinois to retake the knowledge and skills test. While a legitimate exercise of state discretion, most states generally recognize valid CDLs from other jurisdictions and do not generally require retesting, absent unusual circumstances. The Panel is concerned this blanket policy will lead to the elimination of reciprocal license issuance among states. This could significantly add to the testing burden of states to retest all drivers moving into the state and lead drivers to not seeking licenses in their new state of residence. The Panel believes a selective approach, requiring retesting under specific circumstances or where the driving history warrants extra scrutiny, would be more beneficial to the national CDL system.

### **ORGANIZATION & OPERATION PROGRAM VULNERABILITIES**

Illinois has experienced difficulties sustaining a program of measurement, monitoring, audit, and control sufficient to detect and deter fraud and abuse, and to assure that CDLs are issued only to drivers who have passed CDL knowledge and skill tests in compliance with federal regulations.

Procedures for maintaining oversight of licensing facilities are limited and unevenly applied. The State of Illinois does not have a formal review program for its licensing facilities to assure compliance with state and federal policies. Each facility manager appears to operate his/her facility independently. Facility managers responded in the negative when asked if they had been subject to formal inspections. Similarly, the Springfield headquarters responded in the negative when asked if a formal program existed for reviewing facility operations. Some mid-level managers did indicate that they visited facilities on a regular basis.

The Panel noted variations in the operations of facilities visited. Similar skill test maneuvers resulted in differing scoring results – hitting a cone on a right-turn maneuver constituted an immediate failure by one examiner in one location, not so in a test in another location. Security variations also exist – at one location, the computer down-form certificates were readily available to SOS licensing staff just below the front counter, while at another location, the forms were kept locked in a safe.

Procedures for gauging employee and CDL system performance through data and information system reports are limited. The Panel perceived that SOS administrators underestimated the deterrent value of using automated reports, statistical data, and other measures to monitor on-duty program operations by employees. For example, a high percentage of CDLs being transferred from a single facility in short order from the time of original issuance by the licensing jurisdiction. Another example, the number of driver applicants being processed through a single facility by third party organizations. These types of information/data captured through a structured management system should trigger further inquiry or investigation, which subsequently enhance the program's performance.

Procedures for tracking and controlling paper processes substituted during computer downtime are virtually nonexistent. The "down form" certificate itself is a reproduction without any sequential control numbers to track or later reconcile to the transaction creating the license document. There is no agency policy limiting access to the form by personnel or to the availability of the form at a specific secure location in the facility. When suggested that additional controls on this paper process might be warranted, administrators deemed them unnecessary.

Procedures for validating and verifying identity are limited. The SOS does not use the electronic application developed to do real-time validation of the name, date of birth, and Social Security number against the Illinois Social Security Administration's (SSA) database. SOS personnel said they verify Illinois-issued SSNs with the Illinois SSA prior to license issuance.

Procedures for validating CDLs issued elsewhere for reciprocal exchange in Illinois are limited. CDL applicants who present themselves as licensed by another state (CDL or other type of driver license), yet do not have a license to surrender, are generally not required to provide photo identification.

Procedures for validating and verifying state of domicile are limited. No real-time or post-license production audit is employed to detect non-residence addresses, multiple licenses at the same address, or other questionable residency status that could indicate license fraud.

Procedures for providing independent feedback to alert managers of improper actions are not employed. The use of citizen comment cards, employee feedback, out-of-serve phone numbers, etc., as viable means to get valuable feedback on performance and as an early warning system for problem detection were not articulated or referenced by SOS administrators.

The Operation Safe Road investigation conducted by the U.S. Attorney for the Northern District of Illinois has documented what the Panel believes is a systemic weakness in the Illinois CDL program. This investigation has found, and interviews conducted by this Panel confirmed, that Illinois SOS employees perceived it was beneficial to their career to engage in fundraising activities for statewide elections. Even if no pressure was brought to bear on employees to participate in fundraising and other similar activities, the perception that such activity was expected can create a climate conducive to fraud.

SOS White has issued a policy to all SOS employees banning fundraising activities. This is a very positive step to reduce the potential for fraud. The Panel is concerned that policy statements are only in force while the incumbent SOS holds office. This, or a future SOS administration, could rescind internal policies at any time. The Panel was briefed on additional program modifications and actions initiated since Secretary White took office in 1998. (See Appendix D)

The Panel recommends that the state enact legislation to ban political fundraising by employees in state offices or while engaging in any state business. This legislation would serve to address a potential underlying cause of the fraudulent activity in the Illinois CDL program – the perceived or real need to raise funds to support statewide candidates. This perceived need may have been a contributing factor in CDL-related fraudulent activity within Illinois.

**The Panel recommends the following:**

- IL-1 Enact a state statute prohibiting employee participation in political fundraising activities while on state property or while conducting state business.
- IL-2 Strengthen the audit and oversight functions of the internal SOS Inspector General.
- IL-3 Strengthen internal controls to routinely monitor, review and evaluate the CDL program performance, including the identification of functions susceptible to fraudulent activity.
- IL-4 Develop policies and procedures to encourage the internal and external identification and reporting of program irregularities.
- IL-5 Use statistical data and program activity reports to monitor program activity and management.
- IL-6 Develop a formal system for monitoring of licensing and testing facilities (state-staffed and third party) throughout the state.

- IL-7 Promptly update the employee manual, distribute it to all employees in all locations, and conduct training on policies and procedures.
- IL-8 Institute more rigorous standards for:
- Verifying and validating applicant identity;
  - Employing photo identification and other means of identification when the driver does not produce the prior state of license driver license document;
  - Verifying state of domicile; and
  - Encouraging internal and external feedback on program functions.
- IL-9 Review the policy of requiring all CDL holders moving into Illinois to be retested and substitute more selective criteria for requiring retesting.

### **TESTING AND TRAINING**

Illinois utilizes a combination of both state and third party testers to examine CDL candidates. As required by federal regulations, only state motor vehicle personnel may give the written knowledge component of the comprehensive CDL test. In Illinois, a third party tester may only conduct the over-the-road skills test; some 500+ entities have received certification to test drivers, with over 7000 drivers tested annually. Illinois also has state examiners who conduct the skills test at motor vehicle offices throughout the state.

Illinois limits qualification of third party certified motor carriers and municipal governments that may only conduct the skills test for individuals they employ. The Panel considers this a very sound practice to minimize identity fraud. By state law, commercial driver training schools and community colleges with commercial driver training programs may not administer a CDL test; such programs are regulated by the state, and state test examiners go on-site to administer skills tests to their students.

Illinois field staff monitor third party entities, conducting on-site visits, training and testing third party examiners, and following set monitoring procedures. Agency staff monitor and oversee commercial driving schools, which operate under state standards. Illinois recently added a requirement that driver applicants qualified (skills tested and certified) through a third party (employer) must remain employed with that same employer for at least six months in order to retain their license. A CDL holder, who leaves the employment of a third party tester, must be re-qualified (tested) by the state. Additionally, the state now requires a second signature on the third party employment certification of a driver applicant qualified (tested) through the facility.

Illinois employs as its written knowledge test the original AAMVA test developed in 1992, with multiple versions of the test at random. However, Illinois is in the process of contracting with the University of Illinois to develop software that will generate randomly designed knowledge tests utilizing the 600 questions comprising the latest AAMVA version. Tests are given within the motor vehicle offices under the supervision of the office staff.

Illinois recently adopted a restriction as to the number of times an applicant can take a written or skills/road test. If an applicant initially fails three attempts, he/she must then wait thirty days before reapplying. If the applicant again fails three more times he/she must then wait six months before reapplying. If that same applicant fails on three more occasions (nine tests), he/she is required to wait for a year to pass before reapplying.

Illinois no longer allows the use of translators for knowledge or skills testing; tests are conducted in English only as of November of 1999.

**TESTING AND TRAINING PROGRAM VULNERABILITIES**

The Panel observed no irregularities in the current testing processes; the Panel concluded that certain vulnerabilities and process inconsistencies might undermine testing integrity. While implementation of third party testing programs reduces a state's testing burden, it does not minimize the state's obligation to ensure driver testing standards and protocols are maintained at their highest levels. The integrity of a state's CDL testing and licensing program is fundamental within the federal CDL standards and regulations.

The SOS staffing allocation for third party test oversight appears to be too low to ensure adequate program oversight. There are only five staff persons assigned as monitors of the over 470 third party testing facilities across the state. Their workload would appear to be so intensive that they are only able to perform minimal oversight and audits of these entities.

While the state is conducting an annual third party facility record review as required, the state must comply with the requirements of 49 CFR 383.75(a)(2)(iv), requiring that either state personnel take the skills test offered by the third party facility with each third party examiner, or the state re-test a random sample of the driver applicants qualified by each third party facility. Procedures are lacking regarding third party tester oversight. State officials indicated that they reviewed each third party tester at least annually to ensure that the third party tester was in compliance with state and federal regulations. Third party test facility managers visited confirmed this statement. However, it appears that state employees do not take the test actually administered by the third party as if the state employee were a test applicant, or test a random sample of drivers from each third party to compare pass/fail results, as required by federal regulation.

There is no minimum training or experience skill required of examiners. Training of motor vehicle employees in general consists primarily of the on-the-job variety with some classroom training after the employee has been in service for some time. Regularly scheduled training appears to be minimal and inconsistently applied.

While third party facility managers are trained and meet the same standards as state examiners, there appeared to be no provisions for follow-up or refresher training. Third party facility managers informed the Panel that it is their responsibility to train all other test examiners employed by their respective organizations. There was no observed standard training curriculum for use by third party facility managers in the conduct of the examiner training. The Panel questions whether this adheres fully to the federal requirements to ensure that all examiners meet the same standards as state examiners.

At the sites visited by Panel members, CDL procedural manuals were either missing or outdated. In some cases, staffs were unaware of the existence of such documentation. Instances where the Panel did observe a manual, it contained materials/directives no more recent than 1993.

While there is a standard scoring sheet used by state examining staff and third party testers in the conduct of the skills test, the Panel observed instances where state examiners (at different locations) applied the standards differently. The insufficient and/or out-of-date training and program policy/procedure (manuals) may contribute to this inconsistent application of standards.

The Panel questions whether it is appropriate practice to allow a single employee to walk through the entire licensing process with any single applicant. Personnel within the field offices are cross-trained to perform licensing functions, from CDL application intake to the performance of the road test. While this represents a more efficient utilization of limited staff, it might enable a single employee to perform all the necessary steps to illegally license an individual. The Panel observed no irregularities, but suggests that further analysis may determine the impact on testing integrity.



**The Panel recommends the following:**

- IL-10 Adopt the current version of the written knowledge test within one year of the test's approval by AAMVA.
- IL-11 Develop and implement oversight processes to improve the integrity of the testing function within SOS licensing facilities.
- IL-12 Strengthen monitoring and oversight functions, with increased emphasis on field operations (state facilities and third party test sites).
- IL-13 Enhance systems and operations training standards for all employees in the CDL program.
- IL-14 Develop new or revise procedural manuals for examiners to standardize testing practices statewide.
- IL-15 Institutionalize testing by state employees of third party testers to meet current federal rules.
- IL-16 Review facility operations in light of the potential for a single employee completing a single licensee's test process.

**INFORMATION AND DATA SYSTEMS**

Illinois issues CDL permits and licenses locally in each of its licensing offices. The SOS uses automated systems supported and maintained by the agency. SOS data systems are not dependent upon another agency to provide either hardware or software support. Panel members received staff briefings documenting transaction processes, but did not independently test and verify them. These tests should be performed as part of the compliance review to be conducted by FMCSA.

There are two system processes that are pertinent to this review: the issuance support process and the database maintenance support process.

**Issuance Support Process**

By issuance support, the Panel refers to those aspects of the automated systems that act as an aid to the staff actually reviewing the applications for CDL credentials and building or updating the state's records related to drivers.

**Issuing Office Support**

In Illinois, the issuance system for CDL licenses is fully integrated into the overall licensing system. Hence, from the issuance clerks' perspectives, the same entry process is followed to process a CDL applicant's information as is used for all drivers. The automated system support recognizes that a CDL is involved and performs the additional tasks required to satisfy the CDL process without the clerk needing to request additional steps. Additional screens for CDL entry or review are automatically generated and must be appropriately completed for the transaction to be accepted.

When automated checks of the CDLIS and central site and the PDPS central file return responses that require further evaluation, the clerk is provided that information automatically. When communication between the applicant at the counter and license facility employee provides adequate information, the clerk can resolve the situation and continue with the process. Where a discrepancy is found or a problem with qualification occurs, the customer is provided with information to aid him or her in resolving outstanding issues.

This integrated approach, which incorporates the required system checks and verifications without employee intervention, is an acceptable means of implementation. With the number of offices statewide and the number of employees who can issue CDLs, the integration of the checks of CDL-related functions (external databases) into the automated support significantly reduces the training and auditing steps that would otherwise be necessary to support a system in which CDL

applicant information searches were done independently. The Illinois implementation automates the updating of the CDLIS central site once a CDL is issued.

When needed, issuing office personnel have access by phone to the help desk to assist them with specific issues that may arise from responses received from CDLIS or PDPS searches.

### **Main Office Support**

The Springfield-staffed help desk functions as support to the field staff interface to other states and the National CDLIS central site operator, as well as to review and complete multi-faceted CDLIS transactions. This unit has experienced people who demonstrate a clear understanding of their role in the national system.

### **Automated and Staff-Supported Results**

Transaction processes for either new or upgraded CDLs can only be completed when any exceptional conditions have been resolved and the state-based central system has updated the driver file through state interface with the CDLIS central site. Then, an image and signature are captured, and a new document is printed. The system requires that an employee enter his/her sign-on code as part of the transaction process. The help desk function then coordinates the similar processes among other states and acts as a resource to the many field offices.

### **DATABASE MAINTENANCE SUPPORT PROCESS**

The success of the CDLIS transaction process is based on a national system that relies on all states to maintain and support a “one driver – one record” concept. If any state does not play its part in this concept, the system is likely to fail. To maintain this standard of success, states need to succeed in a number of areas. Chief among them are:

#### **Timely posting of resident licensees’ in-state convictions and disqualifications**

The headquarters office in Springfield receives records from a reported 102 courts around the state. Of these, 62 courts report their convictions via an automated data stream; the rest send paper reports. Included in both reporting “streams” are resident driver convictions as well as out-of-state driver convictions. Out-of-state driver convictions in the tape stream are printed for further editing by staff; Illinois driver convictions are added to the resident driver records using an automated system.

Reported convictions are edited, coded and prepared for entry to the driver’s record. The paper conviction reports are sorted based on out-of-state convictions versus serious offenses incurred by Illinois drivers; these are fast-tracked for posting. Convictions of out-of-state drivers are sent to the CDL help desk, which uses the state’s CDLIS interface with the CDLIS central site to forward them to the state of record (SOR), the state where the driver is licensed.

#### **Timely posting of resident licensees’ out-of-state convictions and disqualifications**

If the conviction data is reported electronically via the CDLIS interface, and passes all edits, the Illinois record is updated automatically. Otherwise, a printed output is provided to the help desk unit and the unit resolves any discrepancies and adds the conviction to the record.

#### **Timely reporting of in-state convictions for out-of-state licensees**

Convictions involving out-of-state drivers are sent to the CDL help desk. Staff members conduct searches of the CDLIS to determine if the violator has a CDL and if a record exists. A state support transaction screen is used to enter the information related to the violation/conviction. This information is formatted by the SOS central computer to CDLIS specifications and then forwarded to the SOR. If the electronic transfer of this information cannot be completed for any reason, then

a paper copy of the conviction is sent to the SOR. Paper copies of convictions for drivers who are not found in the CDLIS database are forwarded to the state indicated on the conviction form.

### **Acceptance of driver history data from former state to new state of record upon a change in driver residency**

All driver history data received is designed for automated processing. Exceptions, should they occur, are printed and routed to the help desk unit for resolution. Appropriate tasks, including contact with the old SOR, are performed as necessary, and adding the exceptions to the driver's record completes the process. Reports provided to the help desk staff from daily processing tasks on the mainframe help the staff monitor full and complete resolution of the process.

### **Exchange of unabridged history with all convictions and disqualifications**

This process is designed to be fully automated. When a driver's history is received based on a "change SOR" (CSOR) process, the "new" Illinois record is updated. Employees indicate that all history is carried over to the Illinois record. Exceptions are referred to the help desk unit, which identifies the problem in conjunction with the old SOR, and, if necessary, resolves them and completes the update of the record.

### **Maintaining driver history for requisite time frames**

Convictions directed to Illinois via CDLIS are added to the record in a daily batch process. Those received on paper from other states are data-entered. Records and incidents on the records are maintained for at least the minimum time requirements identified in the CMVSA.

### **Transmission of complete CDL driver history to driver's new state of residence**

This process is fully automated in Illinois and will only involve help desk staff if an exceptional condition occurs. The full and detailed record is formatted to CDLIS specifications and routed to the new SOR. Reports to the help desk staff show CSOR activity, and the help desk staff monitors the full and accurate completion of the process.

### **Employer requests for driver history**

Illinois provides a full history of convictions on the driving record to any employer who follows the standard record request process and pays the required fee. The printed form provides the full history of convictions and withdrawal actions, including data forwarded to Illinois as a result of a CSOR transaction. No indication of court supervised or alternative diversionary processes is provided to requestors.

## **DATA SYSTEMS PROCESS VULNERABILITIES**

### **Masking/Diversion Issues**

There appears to be a significant use of alternative adjudication processes, known in Illinois as court supervision, by local courts. SOS personnel were not able to provide any data about the volume of court actions using these alternatives to "convictions." However, the recent USDOT Inspector General report (Number MH-2000-106, issued June 30, 2000) noted State of Illinois officials estimated tracking the number of citations now covered by court supervision programs would increase the number of citations tracked by 1.9 million a year.

The results of these alternative adjudication options are recorded in the driver's record if reported to the state, but the information about the incidents is not generally available to any requester except law enforcement. In cases reported to the SOS, the record is updated, but the incident is not used as part of a process to suspend or revoke a license. The low number of convictions reported to other states (see Conviction Under-Reporting in this section) may be more representative of a dramatic use of diversion rather than a systemic problem with reporting.

**Conviction Processing Delays**

State personnel indicated that they make a concerted effort to add convictions to a driver's record and forward convictions for out-of-state CDL drivers to their state of licensure in a timely manner. However, it was noted that delays exist from the date of conviction and date reported by the court clerk (conviction certification date) and from the date reported by the court clerk and the date received at SOS. During the Panel's sample review of conviction records, it was witnessed that instances of delays in reporting exist between both the date of conviction and the date stamped by the court clerk, and the date stamped by the court clerk and the date received by the SOS. The instances observed involved delays of up to two months for court clerk processing and a matter of weeks for processing at SOS. The Panel was advised that SOS sorts serious and disqualifying offenses for expedited handling at the time of receipt. A formal analysis of this procedure should be conducted at the time of the upcoming FMCSA CDL compliance review.

**Conviction Under-Reporting**

The Panel received staff assurances that convictions of out-of-state drivers are treated similarly to resident driver convictions. However, CDLIS central site transaction reports do not appear to validate those assurances. Transaction reports show a significant disparity in the number of out-of-state convictions Illinois reported to the other states compared with the average number of out-of-state convictions processed by other similarly populated states, via the CDLIS.

In the period January 1998 through February 2000 (October 1999 figures were not available), reports from the CDLIS central site operator show that Illinois transmitted an average of only 145 convictions per month to other states, well below averages for other states. Illinois has a significant highway system, and is known both as a "bridge" state for highway-miles traveled and as an aggressive enforcer of safety regulations. The data suggests that many convictions are not being reported, either to the state or by the SOS to the other states, despite staff assurances that they attempt to send as many convictions electronically as possible.

**The Panel recommends the following:**

- IL-17 FMCSA should test Illinois data processing systems during its next compliance review.
- IL-18 Illinois should evaluate the use of alternative sentencing to include the scope, percentage of usage, and the resulting impact on commercial motor vehicle driver safety. [MCSIA eliminates masking and diversion programs for CDL holders.]
- IL-19 Illinois should address the apparent under-representation of reported out-of-state driving convictions reported through the CDLIS.
- IL-20 Illinois should undertake efforts to enhance the reporting of CDL driver-related convictions through interventions such as application of automated technology and judicial/prosecutorial outreach.
- IL-21 The MCSIA prohibits the issuance of special or hardship licenses to CDL holders whose driving privilege has been suspended. Illinois should move expeditiously to enact this provision and prohibit issuance of these licenses.

## **PART 5 – CDL PANEL REPORT: STATE OF FLORIDA**

### **BACKGROUND**

The Florida Department of Highway Safety and Motor Vehicles (DHSMV) is the state agency responsible for the administration of the CDL program. The DHSMV Executive Director is appointed by a bipartisan seven-member commission, which includes the Governor.

The Panel focused its attention on the Division of Driver Licenses, which administers the CDL program. The Panel also interviewed the Florida Highway Patrol Chief of the Bureau of Investigations.

The overall organizational structure and political environment within DHSMV have remained unchanged since revelation of the problems with the third party testing program. Officials at DHSMV stated that they had become aware of the potential fraudulent activity of one of its third party testers and were in the preparatory stage of a formal review when they (DHSMV Officials) were asked not to do any further investigation. This request was due to the on-going “Operation Safe Road” criminal investigation.

Although it is not considered unique to Florida, the Panel found that a core function of DHSMV is to maintain customer satisfaction. Interviews with DHSMV management officials attest to this in the context of the state’s performance-based budgeting process, which includes a customer satisfaction and efficiency performance criterion. Managers consistently noted that they were subject to periodic surveys to determine the waiting and processing time of customers.

### **ORGANIZATION AND STRUCTURE**

Operational responsibility for the CDL program resides with the Director of the Division of Driver Licensing within the DHSMV. Day-to-day responsibility for CDL program operation is dispersed among multiple positions with other responsibilities. The Panel found one senior management analyst in particular who was well versed on the size, extent, and activity level of the Florida CDL program.

CDL/CDLIS-related activities are not administered, budgeted, or managed as a stand-alone program. CDL and CDLIS processes are largely integrated into the state’s programs for testing, licensing, and controlling all drivers.

Within the Division of Driver Licensing, the functional components of the CDL program (e.g., examining applicants, license issuance, conviction processing, system operation) are segmented one from the other. Staff support both CDL-related and non-CDL-related functions as part of their job responsibilities, with one notable exception: License examiners authorized to conduct CDL skill tests are ranked at a higher position level than are license examiners limited to skill-testing applicants for a non-CDL.

Each work unit operates with its own staffing and line-level management and has its own independent, programmatic objectives and production goals. It was not clear if units understood that a common goal of all these activities was to ensure that CDL holders are held to the highest standard of safe vehicle operation.

### **OVERSIGHT**

DHSMV personnel did not identify any changes in on-going operations, since the fraudulent activity was disclosed, to decrease the potential of issuing a CDL to a person who has not properly passed

knowledge and skill tests. State staff referred to a fledgling effort to examine potential CDL performance indicators as a means of identifying fraudulent activity.

The Division Director noted that the state was pursuing opportunities to outsource more of its operation but that positions no longer utilized in direct service delivery would hopefully be reallocated to audit and oversight functions to assure no degradation in service. However, the Panel later learned during field visits that a position devoted to monitoring third party testers was being eliminated in favor of a customer service position.

The licensing administrator and/or senior management analyst had command of statistics regarding the number of CDL examinations done in an average month, the number of original permits or CDLs issued in an average month, or other program management figures. However, during Panel interviews, administrators were unable to explain extreme spikes in the number of original CDLs and the number of "change state of record" (CSOR) transactions reported to the CDLIS central site in two recent months.

Data showed that the number of original CDLs jumped 400% and 600%, respectively, for two months, while CSORs were up 200% in the same time frame. Regardless, it appeared that administrators use some of the available statistical reports or program activity reports as tools in making some programmatic decisions and in supervising or monitoring program, organization, facility, or employee performance. The Panel was later told that spikes represent a "looping condition" whereby the system attempted to add the same drivers repeatedly. The Panel has concerns about this number spike potentially representing a program irregularity or, at a minimum, a communication problem between the program staff and data processing staff in the same agency.

One state licensing facility visited had a copy of the agency's employee manual. Most directives in the manual were dated prior to 1990, with a few updated in 1991 and 1993. At another CDL licensing facility, the facility manager did not have a copy of the employee manual.

### **PROGRAM VULNERABILITIES**

The state's emphasis on customer satisfaction/service appears to disproportionately promote customer satisfaction with minimal emphasis on safety program management. This raises a concern that the need to meet or exceed legislative budget performance measures may have shifted staff focus from taking time for conscientious safety review of applicants to quickly processing as many as possible to meet budget targets and maintain funding levels. Customer service is a laudable and desirable goal but should not be achieved at the expense of sound safety monitoring practices.

Procedures for validating and verifying state of domicile are limited. Applicants are required to verbally certify that they are domiciled in Florida. No real-time or post-license production audit is employed to detect non-residence addresses, multiple licenses at the same address, or other misrepresentations.

Procedures for gauging program and employee performance through data processing reports or customer/employee feedback programs are not employed. DHSMV administrators did not articulate or reference the deterrent value of using systems statistical data or other measures to monitor systems or employee performance, nor did they reference the use of public/customer feedback, employee intelligence, or similar means to elicit feedback on performance and as an early warning system for problem detection. Florida officials reported that they use comment cards to obtain reports of fraud or problems in the testing and licensing system and that they generate statistics and analysis based on the response they obtain.

**The Panel recommends the following:**

- FL-1 Measures to equate safety program performance with the customer satisfaction/service performance measure.
- FL-2 Use of statistical analyses and program activity reports for CDL strategic planning, problem identification, program oversight and operational decision-making activities.
- FL-3 Promptly update the employee manual, distribute it to all employees in all locations, and conduct training on policies and procedures.

**TESTING AND TRAINING**

In addition to interviews with senior managers, the Panel visited several state offices and third party testing facilities. These visits proved useful in the Panel's grasp of program functions. State employees and third party testers cooperated fully with the Panel members in review and analysis of program activities.

Florida utilizes a combination of both state and third party testers to examine candidates for CDLs. Florida has state examiners who conduct written and skills test at motor vehicle agency locations; only state employees may conduct the written test. The third party skills testing program now comprises the majority (87% in 1997, the most recent statistics available from the state) of CDL skills testing in Florida. Current policy allows third party entities to perform tests on any CDL candidate including employees of the third party tester, driver training school graduates or general applicants. While implementation of third party testing programs reduces a state's testing burden, it does not minimize the state's obligation to ensure driver testing standards and protocols are maintained at their highest levels. The integrity of a state's CDL testing and licensing program is fundamental within the federal CDL standards and regulations.

Florida motor vehicle field staff follows set monitoring procedures when conducting on-site visits of third party testers. In addition to their third party duties, the same state personnel are responsible for monitoring schools, which operate under state standards and train commercial motor vehicle drivers. The Panel learned of situations where third party testers may perform segmented skills tests to multiple driver applicants' simultaneously. For example, it was explained that a tester might conduct a "pre-trip" skills tests, while other applicants, waiting for their (turn) test, observed the test(s) in progress. The state's monitoring procedures do not address this practice.

Florida utilizes an early version of the written knowledge test approved by AAMVA, which includes discontinued driving practices, outmoded federal rules, and fewer questions available for a random-sample format. Florida agency staff indicated that no move is under way to convert to newer test version.

Florida provides applicants with written tests in multiple languages, including recent translations in Polish and Russian. Candidates may bring a translator as long as he or she is not a family member, and may opt to take the written test(s) in English with a translator, despite the fact that the written test(s) are available in the applicant's native language. The state employs no certification procedures for translators, and no quality control measures are in place to validate test results of drivers tested using translators.

During Florida field site visits the Panel was informed that there were no limitations or restrictions placed upon CDL applicants who failed a required knowledge test and wished to retake a test. Subsequent to the Panel's field visits, Florida officials advised that CDL applicants are limited/restricted to no more than 5 attempts per test per year. The Panel recommends that FMCSA Division Office staff examine this policy during the upcoming CDL compliance review.

In 1998, the FHWA proposed a pilot project to evaluate the use of third party testers in the administration of the knowledge (written) tests. Florida was identified as a state interested in participating in the FHWA pilot project. During the Panel's state office and field site visits it was confirmed that the state had been interested in participating and explored options available if selected as a participant state under the pilot. However, all action by Florida with respect to this project was cancelled when FHWA determined not to move forward with implementation of the pilot. Florida remained (and continues to be) in full compliance with the federal prohibition against the use of third party testers in the administration of knowledge (written) testing. Today, federal regulations continue to prohibit the use of third party testers in the administration of knowledge testing.

The state has established a formal training program for CDL skills examiners. They receive initial training and certification from approved vocational schools and annual refresher training from state monitors. However, the Panel did not find formal training programs for other CDL staff besides skills examiners.

The state trains, tests, and certifies third party examiners, whose employer entities can be either motor carriers or schools that train CDL applicants. Third party testers can be certified to test both their own employees as well as any qualifying individual who seeks their testing services. Florida has certified over 450 third party facilities.

### **TESTING AND TRAINING PROGRAM VULNERABILITIES**

While there were no irregularities identified in the testing processes, several vulnerabilities and process inconsistencies were identified that should be addressed to further to reduce the risk of potential fraud.

Insofar as the majority of CDL waivers are issued by the third party entities, an emphasis on staffing needs to conduct third party monitoring is crucial. Only six monitor positions exist to oversee the 450 third party facilities certified to operate across the state. These same monitors must perform examiner training, a state-estimated 20% of their time. Further, monitors are not rotated between third party entities, leaving open the possibility of favoritism or a loss of objectivity by the monitor.

Procedures for assuring testing integrity are lacking in important areas. At present, the federal rules on language comprehension apply to the employer only. The use of translators for CDL testing is not prohibited. However, Florida's current practices do not include quality control procedures. State employees cannot verify that the test was taken independently by the applicant alone and without the assistance – knowingly or otherwise – of the interpreter. What appears to be Florida's only requirement – that the applicant and the interpreter not be related – need only be self-certified by the applicant. Florida further undermines testing integrity by allowing an interpreter to assist when the written test is in the applicant's language of choice. No procedures or practices of note prevent an applicant from using a CDL expert to serve as an interpreter and to answer the questions on the behalf of the applicant.

Procedures for validating and verifying identity are limited. The Department does not use the available electronic application developed to do real-time validation of name/date-of-birth/SSN against the SSA's national database. Licensing examiners explained that alternative forms of documentation were required if a person applied for a transfer CDL without a license to surrender, although photo identification was not one of those forms of documentation sought.



Procedures and requirements to minimize identity fraud are lacking. Specific, written state requirements/procedures required of third party testers do not exist to ensure an applicant is the person he or she claims to be.

Protections for honest third party testers need to be created. Third party testers seem quite vulnerable to attempts at bribery and other illegalities to pass applicants. The state makes few, if any, protections available to testers, nor does the state have a system or process to encourage disclosure of attempts to undermine testing integrity.

The use of the older test version limits the state's capability to improve testing integrity. The newer test contains three times as many questions available for a multiplicity of randomly selected formats that can prevent fraud through manipulation of the testing system.

**The Panel recommends the following:**

- FL-4 Increase resources to enhance oversight of state-run and third party test locations.
- FL-5 Develop and implement program management practices and procedures to regularly monitor field operations, including internal state facilities and third party programs.
- FL-6 Establish measures to control the use of interpreters in the administration of knowledge and skills tests, ensure complete impartiality of interpreters used in the process, and validate translator-assisted tests are equivalent to the validity of tests taken in English.
- FL-7 Develop programs and procedures for reporting by state employees and others of attempts at unscrupulous or illegal acts meant to undermine the testing function.
- FL-8 Adopt the current version of the CDL knowledge test within one year of its approval by AAMVA.
- FL-9 Develop standards for the validation and verification of identity, including proper domicile.

**INFORMATION AND DATA SYSTEMS**

Florida issues CDL permits and licenses locally in each of its licensing offices. The DHSMV uses automated systems, supported and maintained by the agency. DHSMV data systems are not dependent upon another agency to provide either hardware or software support. Panel members received staff briefings documenting transaction processes, but did not independently test and verify them. These tests should be performed as part of the full compliance review to be conducted by FMCSA.

There are two processes that are pertinent to this study: 1) issuance support process and 2) database maintenance support process.

**Issuance Support Process**

By issuance support, the Panel means those aspects of the automated systems that act as an aid to the staff actually reviewing the applications for CDL credentials and building or updating the state's records related to drivers.

**Issuing Office Support**

In Florida, the issuance system for CDL licenses is fully integrated into the overall licensing system. Hence, from the issuance clerks' perspectives, the same entry process is followed to process a CDL applicant's information as is used for all drivers. The automated system support recognizes that a CDL is involved and performs the additional tasks required to satisfy the CDL process without the clerk needing to request additional steps. Additional screens for entry or review are automatically generated and must be appropriately completed for the transaction to be accepted.

When automated checks of CDLIS and PDPS return responses, which require further evaluation, the clerk is provided that information automatically. Should communication with the applicant provide answers to any qualification issues, the clerk can resolve the situation and continue with the process. Otherwise the customer is provided with information to aid him or her in resolving outstanding issues.

This integrated approach, which incorporates the required system checks and verifications without employee intervention, is perceived to be a good way to implement the program in the Florida environment. With the number of offices statewide and the number of employees who can issue CDLs, the integration of the added functions (external database) into the automated support significantly reduces the training and auditing steps that would otherwise be necessary to support a system in which CDL applicant information searches were done independently.

When needed, issuing office personnel have access by phone to the Help Desk to aid in dealing with specific issues, which may arise from responses received from CDLIS or PDPS searches.

### **Main Office Support**

The Tallahassee-based help desk serves multiple programmatic and operational functions including: support to the field, interface to other states and the National CDLIS central site operator, and a reviewer and processor of multi-faceted CDLIS transactions. This unit has experienced people, who demonstrate a clear understanding of their role in the national system.

### **Automated and Staff-Supported Results**

Transaction processes for either new or upgraded CDLs can only be completed when any exceptional conditions have been resolved and the state-based central system has updated the driver file through state interface with the CDLIS central site. Then, an image and signature are captured, and a new document is printed. The system requires that an employee enter his or her sign-on code as part of the transaction process. The help desk function then coordinates the similar processes among other states and acts as a resource to the many field offices.

### **DATABASE SUPPORT PROCESS**

The success of the CDLIS transaction process is based on a national system that relies on all states to maintain and support a “one driver – one record” concept. If any state does not play its part in this concept, the system is likely to fail. To maintain this standard of success, states need to succeed in a number of areas including:

#### **Timely posting of resident licensee’s in-state convictions and disqualifications**

Reports of convictions are received in a central unit based in Tallahassee. Editing, and batching are performed, and the batches are sent to a private-sector company in Tampa for data entry. As explained, transactions related to non-Florida drivers are batched separately. The paper batches and a tape containing the data entered records are returned to Tallahassee and the state records are updated from the tape record.

#### **Timely posting of resident licensees’ out-of-state convictions and disqualifications**

Reports received via CDLIS are routed to an intermediate staging file. This file is processed three times a week in a batch updating process. Exceptions that occur are printed and routed to a help desk function for resolution.

#### **Timely reporting of in-state convictions for out-of-state licensees**

Tape transactions for out-of-state convictions or disqualifying offenses are formatted to CDLIS specifications and then forwarded to the state of record (SOR) via CDLIS. Exceptions are handled

by a central unit and staged for transmission via CDLIS. If necessary for any reason, paper copies are forwarded to the SOR.

### **Acceptance of driver history data from former CDL state to new state of record upon a change in driver residency**

Records received as part of a change-state-of-record (CSOR) process are staged to an intermediate file. This file becomes an input file to the batch updating process. Any exceptions are routed to the help desk for resolution.

### **Exchange of unabridged history with all convictions and disqualifications**

Florida staff indicated that all history provided by the old SOR is made a part of the Florida record. A fully automated process is initiated when a CSOR indication is received from CDLIS. This three-times-a-week batch process is augmented with reports and exception reports if necessary to the help desk, so the process can be monitored. Most processes are completed within 72 hours.

### **Maintaining driver history for requisite time frames**

Convictions directed to Florida via CDLIS are added to the record in a daily batch process. Those received on paper from other states are data-entered. Records and incidents on the records are maintained for at least the minimum time requirements identified in the CMVSA.

### **Transmission of complete driver history to driver's new state of residence**

This process is fully automated in Florida and will only involve help desk staff if an exceptional condition occurs. The full and detailed record is formatted to CDLIS specifications and routed to the new SOR. Reports to the help desk staff show CSOR activity, and the help desk staff monitors the full and accurate completion of the process.

### **Employer requests for driver history**

Florida provides a full history record to any employer who follows the standard record request process, which is via commercial third party requestors. The printed form provides the full history of convictions and withdrawal actions, including data forwarded to Florida as a result of any CSOR transaction.

## **DATA SYSTEMS PROCESS VULNERABILITIES**

### **Conviction Processing Delays**

Florida's process is burdened with delays. Staff indicated that the lag time from a conviction to entry varies dramatically. It was not clear if the current process of using a private-sector entity to enter the conviction data was a cost-saving action or an attempt to get the conviction data to the system more quickly. What is clear is that the many steps in the process have often introduced delays in posting convictions and disqualifying offenses to the driver history record.

### **Transaction Anomalies**

Over the period January 1998 – February 2000 (excluding October 1998 for which data is unavailable), CDLIS transaction reports show that Florida averaged 1230 convictions per month reported to the other states. This average ranges from a low monthly figure of 542 and a monthly high of 2763. There are wide fluctuations from month to month in the number of reported convictions.

Florida also experienced a dramatic spike in the number of new CDL drivers reported to the CDLIS. In September of 1999, 15,104 new drivers were reported to CDLIS and that number increased to 21,620 in October of the same year. Yet over the same January 1998 – February 2000 period noted above, the average is 4,334, with the next highest single month showing 3,835 new drivers sent to CDLIS. Staff explained that the system had experienced a "looping condition,"

but since then the monthly number has been clearly higher than the average per month prior to the spikes.

**The Panel recommends the following:**

- FL-10 FMCSA should test Florida data processing systems during its next compliance review but by no later than the close of calendar year 2000.
- FL-11 Florida should determine and address the reasons for wide disparity in the monthly out-of-state conviction figures reported through CDLIS.
- FL-12 Florida should determine the causes for the increase in new drivers added to the CDLIS central site each month.
- FL-13 Florida should implement an aggressive outreach program with the courts to underscore the problems and risks associated with delays in conviction processing.

**GLOSSARY**

<b>AAMVA</b>	<i>American Association of Motor Vehicle Administrators</i>
<b>AAMVAnet</b>	<i>CDLIS Central Site Operator</i>
<b>CDL</b>	<i>Commercial Driver's License</i>
<b>CDLIS</b>	<i>Commercial Drivers License Information System</i>
<b>DHSMV</b>	<i>Department of Highway Safety &amp; Motor Vehicles (State of Florida)</i>
<b>DOT</b>	<i>United States Department of Transportation</i>
<b>FHWA</b>	<i>Federal Highway Administration</i>
<b>FMCSA</b>	<i>Federal Motor Carrier Safety Administration</i>
<b>MCSIA</b>	<i>Motor Carrier Safety Improvement Act of 1999</i>
<b>NDR</b>	<i>National Driver Register</i>
<b>PDPS</b>	<i>Problem Driver Pointer System</i>
<b>SOR</b>	<i>State of Record</i>
<b>CSOR</b>	<i>Change State of Record</i>
<b>SOS</b>	<i>Secretary of State (State of Illinois)</i>
<b>SOS DSD</b>	<i>Secretary of State Driver Services Department</i>

## APPENDIX

## A

## CHRONOLOGY OF CRIMINAL EVENTS

**Operation Safe Road & Related Investigations: Detailed Chronology**

**March 9, 1993** - Authorities raid the secretary of state's licensing facility in Libertyville. The raid is spurred by an investigation headed by the Secretary of State's Inspector General's Office and the Lake County State's Attorney's Office, which revealed that scores of personal driver's licenses were sold in exchange for campaign contributions at that facility, and perhaps as many as three other offices in northeastern Illinois.

**November 8, 1994** - A van driven by Rev. Duane Willis, carrying his wife, Janet, and six of their nine children explodes after its gas tank was punctured by a heavy metal part that fell from a truck driven by Ricardo Guzman. Six of the Willis children die in the fiery car crash on a Milwaukee-area expressway. A civil lawsuit filed by the Willises a year later alleges that Guzman got his commercial driver's license improperly at the McCook licensing facility.

**July 14, 1998** - An undercover postal inspector, posing as someone who wants a commercial driver's license, pays Carmen Fajdich a \$600 cash bribe at her Brookfield home. Fajdich, a retired Secretary of State office employee, directs the postal inspector to Phyllis Volpe, assistant manager at the Melrose Park licensing facility.

**August 21, 1998** - The undercover inspector introduces Fajdich to a friend - actually an undercover FBI agent - who also gives her a \$600 payoff to obtain a permit. Fajdich directs the FBI agent to Mary Ann Mastrodomenico, manager of the Melrose Park facility.

**September 3, 1998** - Federal authorities charge Mastrodomenico, Volpe and Fajdich with extortion; the three are accused of taking bribes of \$600 from undercover federal agents to rig tests and obtain permits that allow them to drive a truck. Mastrodomenico and Volpe are fired shortly afterward.

**September 8, 1998** - Governor Ryan halts testing for CDLs at the Melrose Park facility and at four other facilities. Ryan also centralizes testing of truck drivers in the Chicago area at those four other facilities: South Holland, McCook, Elk Grove Village and West Chicago. Uniformed Secretary of State Police are posted at those facilities; permit holders are required to retake the commercial driver's license exam; an internal audit is ordered.

**October 6, 1998** - Mastrodomenico, Volpe and Fajdich are formally indicted, along with Miodra "Mike" Dobrosavlijevich, owner of Brookfield Truck Repair, and Janusz Krzyzak, an instructor for Mega Driving School in Elk Grove Village. All are indicted on charges of racketeering, extortion and mail fraud. Dobrosavlijevich and Krzyzak are accused of passing on bribes to Fajdich, who then allegedly arranged for Mastrodomenico and Volpe to ensure applicants obtained passing grades on written exams and commercial truck-driving permits. Fajdich then reportedly handed off some of the bribe money to Mastrodomenico and Volpe. In some cases, Mastrodomenico and Volpe allegedly pocketed the money; at other times, they allegedly contributed the money to the Ryan campaign.

**November 11, 1998** - Fajdich pleads guilty in federal court to racketeering and conspiracy, admitting she pocketed more than \$25,000 in bribes during the 2 1/2-year scheme. She agrees to cooperate and testify if necessary against Mastrodomenico and Volpe. Krzyzak also pleads guilty, admitting that in the waning weeks of the scheme the previous summer, he arranged with Fajdich for about 15 individuals to fraudulently obtain commercial driver's license permits.

**November 23, 1998** - Mastrodomenico pleads guilty to taking more than \$75,000 in bribes. Volpe also pleads guilty.

**February 10, 1999** - Marion Seibel, former manager of the McCook facility, is arrested and charged with extortion. A criminal complaint unsealed this day in federal court alleges that test takers were given the answers to written exams in groups in a private area of the McCook facility, hinting that the cheating was high-volume. Seibel is accused of administering the road test to the truck driver involved in the Willis 1994 accident - marking the first time in the investigation that authorities alleged that road tests, not just written exams, also had been fixed for truck-driving applicants.

**February 26, 1999** - Mastrodomenico is sentenced to 5 months in prison and 5 months of home confinement. Fajdich is sentenced to 14 months of home confinement. Dobrosavlijevich, owner of a Brookfield truck-repair company, gets 14 months in prison. Krzyzak, a truck-driving instructor, gets 10 months in prison.

**March 8, 1999** - Volpe is sentenced to 4 months in prison and 4 months of home confinement for racketeering.

**April 6, 1999** - Six people, including Seibel and her McCook boss, George Velasco, are targeted in a 10-count federal indictment. Also indicted: IDOT supervisor William O'Connor and Gonzalo Mendoza, of Pacella Trucking, a Chicago company, on charges that they "sponsored" applicants looking to automatically pass written exams and even road tests; and IDOT workers Edwin Diaz and Miguel Calderon, both subordinates of O'Connor, charged with assisting in the scheme. Authorities allege that more than 250 unqualified applicants obtained licenses to drive trucks at the McCook facility in exchange for bribes. The alleged corruption extended to the Illinois Department of Transportation, with a supervisor acting as a middleman in the bribery scheme and allowing test-takers to use IDOT trucks for rigged road tests at McCook, prosecutors said. By this date, the investigation has uncovered what authorities consider systemic cheating in the issuing of more than 400 commercial driver's licenses and permits at Secretary of State facilities in McCook and Melrose Park.

**May 10, 1999** - Secretary of State Jesse White cancels Ricardo Guzman's CDL after Guzman fails to comply with White's requests to retake the test. White cited concerns about Guzman's seven driving infractions since 1993.

**July 8, 1999** - Seibel pleads guilty to a racketeering charge and agrees to cooperate with authorities. Between 1994 and 1996, Seibel fixed test scores of more than 80 applicants referred by Gonzalo Mendoza.

**July 14, 1999** - The Secretary of State's office disclosed that it would close the McCook facility at the center of the bribery scheme targeted by the Operation Safe Road investigation.

**August 26, 1999** - Duane and Janet Willis reach a \$100 million settlement with seven firms named in their civil suit stemming from the 1994 accident that killed six of their children. The settlement includes \$1 million from the trucking company that employed Guzman at the time of the 1994 crash.

**September 8, 1999** - Federal prosecutors allege in court documents that Ricardo Guzman illegally obtained his CDL with the help of a middleman who allegedly took bribes to grease the skids for dozens of other unqualified drivers as well. This marks the first time the U.S. attorney's office has raised suspicions about the manner in which Guzman obtained his license. The Willis's civil suit has long alleged that Guzman bought his license.

**September 9, 1999** - Velasco pleads guilty and agrees to cooperate in the continuing federal probe.

**September 27, 1999** - Mendoza pleads guilty to federal racketeering charges. He admits that he greased the skids for more than 80 truck drivers, including Ricardo Guzman, to obtain automatic passing grades on written and road tests.

**October 1, 1999** - Ricardo Guzman takes the witness stand in the Willis civil suit after a dispute among the plaintiffs forces the lawsuit back to court. Guzman invokes the Fifth Amendment 24 times in response to questions about the 1994 accident. He refused to answer question about whether he paid a \$1,200 bribe to obtain his license and whether he was given all the answers when he took his driver's test.

**December 14, 1999** - A new round of indictments targets a total of 13 people - including eight who had previously been charged in criminal complaints during the license-for-bribes scandal.

**January 4, 2000** - Seibel is sentenced to 18 months in prison.

**February 1, 2000** - Former Illinois Secretary of State Inspector General Dean Bauer is indicted by federal authorities, who accuse him of hastily shutting down an investigation into the 1994 Willis accident.

**June 6, 2000** - Alex McLeczynsky, a former truck-driving instructor, is found guilty at trial for racketeering and conspiracy to commit extortion and aiding and abetting extortion.

**June 20, 2000** - Hilary Marek Winniczek and Tony A. Puleo, two employees of a Florida-based driving school, are indicted for their participation in a scheme to provide automatic passing grades on road exams without ever giving the tests, in exchange for bribes. Prosecutors allege that after demanding a bribe of \$800 - \$1300 apiece, Winniczek, an instructor, took the applicants to a state licensing facility and signaled the correct answers to the written exams. Winniczek then escorted the applicants to the schools skills testing site, where Puleo passed on the road exams.

**June 22, 2000** - A grand jury in the Southern District of Illinois charges Gay Lynn Wielgus and Michael A. Fahey, Sr. with conspiracy to commit mail fraud in separate schemes to collect bribes at driver's facilities in Waterloo and Jerseyville, both near St. Louis. Wielgus is accused of collecting money to buy political fundraising tickets for the gubernatorial campaign of George Ryan.

**July 18, 2000** - Five additional indictments are handed down in Illinois.

## APPENDIX

**B****SUSPECT DRIVER STATUS – ILLINOIS**

STATE	# OF DRIVERS	STATE INITIATED ACTION			
		RETESTED & ISSUED		PRIVILEGE REVOKED	ACTION PENDING
		Non-CDL	CDL		
CALIFORNIA	1	1			
COLORADO	1	1			
CONNECTICUT	3	3			
FLORIDA	2		2		
GEORGIA	3	3			
<i>Transferred: State Action</i>	1			1	
INDIANA	3	3			
MAINE	1			1	
MASSACHUSETTS	6	5		1	
MICHIGAN	3	3			
MONTANA	1			1	
NEW HAMPSHIRE	1			1	
NEW JERSEY	26		26		
NEW YORK	102	60	13	29	
<i>Transferred: State Action</i>	15	3	4	5	3
<i>Unable to Locate</i>	3				3
NORTH CAROLINA	6	2	3	1	
OHIO	7	3		4	
PENNSYLVANIA	16			16	
<i>Transferred: State Action</i>	1	1			
<i>Unable to Locate</i>	1				1
RHODE ISLAND	1				1
SOUTH CAROLINA	1	1			
VIRGINIA	2			2	
WISCONSIN	3	2	1		
<i>Transferred: State Action</i>	1				1
<b>SUB-TOTAL</b>	<b>211</b>	<b>91</b>	<b>49</b>	<b>62</b>	<b>9</b>
<b>ILLINOIS</b>	<b>1,276</b>	<b>261</b>	<b>612</b>	<b>386</b>	<b>17</b>
<b>TOTAL</b>	<b>1,487</b>	<b>352</b>	<b>661</b>	<b>448</b>	<b>26</b>



## APPENDIX

## C

## SUSPECT DRIVER STATUS - FLORIDA

STATE	# OF DRIVERS	CHANGE STATE	STATE INITIATED ACTION			
			RETESTED & ISSUED		PRIVILEGE REVOKED	ACTION PENDING
			NON-CDL	CDL		
ALABAMA	2		2			
ARIZONA	1					1
CALIFORNIA	3					3
COLORADO	14	3	2	1	7	1
CONNECTICUT	31		1	3		27
DELAWARE	1					1
GEORGIA	6					6
HAWAII	1				1	
ILLINOIS	105	11	37	21	35	1
INDIANA	7	1			5	1
IOWA	1			1		
KENTUCKY	2	1	1			
MAINE	1			1		
MARYLAND	1	1				
MASSACHUSETTS	15					15
MICHIGAN	1					1
MINNESOTA	1	1				
MISSISSIPPI	1	1				
NEVADA	1					1
NEW JERSEY	88					88
NEW MEXICO	1		1			
NEW YORK	324					324
NORTH CAROLINA	2	1			1	
OHIO	31					31
PENNSYLVANIA	25					25
SOUTH CAROLINA	5					5
TENNESSEE	6					6
TEXAS	3					3
VERMONT	1					1
VIRGINIA	1					1
WASHINGTON	1					1
WISCONSIN	9					9
<b>SUB-TOTAL</b>	<b>692</b>	<b>20</b>	<b>44</b>	<b>27</b>	<b>49</b>	<b>552</b>
<b>FLORIDA</b>	<b>1,214</b>	<b>-</b>	<b>205</b>	<b>215</b>	<b>794</b>	<b>0</b>
<b>TOTAL</b>	<b>1,906</b>	<b>20</b>	<b>249</b>	<b>242</b>	<b>843</b>	<b>552</b>

The FMCSA has directed all FMCSA Division State Directors to work with their state-licensing agency to contact these drivers to determine licensees' testing and qualification status. The Panel is confident that each state will continue its efforts to ensure that all drivers identified are properly tested and qualified.

## APPENDIX

## D

## ACTIONS INITIATED BY ILLINOIS

The following actions were identified by the **Illinois Secretary of State – Driver Services Department** as items initiated by Illinois to enhance the Commercial Driver's License Program in the state.

**May 4, 1999:**

All out-of-state CDL drivers must re-take all written tests regardless of issue date, and regardless of which state issued the license.

**July 28, 1999:**

Oral examinations are no longer given at facilities. Telephone information is taken and referred to a committee. All pertinent information, such as current and past driving histories, is reviewed.

**August 2, 1999:**

The 3-fail rule is established. Drivers are given 3 attempts to pass each knowledge (written) and skill CDL endorsement test. Once the applicant fails 3 times, he/she must wait 30 days (1 month). After the 30 days, the applicant gets 3 more attempts to pass the tests. If he/she fails 3 more times (a total of 6 failures), he/she must wait 90 days (3 months). After 90 days, the applicant get 3 more attempts to pass the tests. If he/she fails 3 more times (a total of 9 failures) he/she must wait 365 days (1 year) to re-take the tests.

**August 11, 1999:**

New legislation was enacted requiring that all commercial motor vehicle operators provide written verification of a hearing test.

**November 8, 1999:**

Interpreters are no longer allowed to provide assistance to CDL applicants. The practice of allowing interpreters at the counter ceased effective August 27, 1997. Applicants are no longer allowed any assistance in any part of the CDL application process.

**December 1, 1999:**

All CDL drivers must pass both the core and combination written (knowledge) CDL test before a Class A CDL instruction permit will be issued.

**January 3, 2000:**

A CDL driver must take all written tests again if he/she is renewing a CDL instruction permit rather than get a CDL. Before this change, drivers could simply renew instruction permits without ever having to re-take the required CDL written tests.

**April 1, 2000:**

A CDL applicant must hold a valid instruction permit for at least two weeks prior to being skills tested and certified by a third party entity.

**April 1, 2000:**

1. CDL-accredited driving schools must administer driving instruction, which corresponds to a curriculum, provided by the Secretary of State's Office. Each CDL-accredited driving school must provide a minimum of 160 hours of instruction in not less than a 4-week period to each student as indicated in the curriculum. The 160 hours must contain a minimum of the following: 40 hours of classroom, 60 hours of hand-on-wheel, with 30 hours on public roadway, and the remaining 60 hours may be used as needed.
2. All behind-the-wheel instruction for a Class A CDL must be given in a representative power unit, with a multi-range transmission with no fewer than 9 forward and a representative trailer at least 48 feet long, with a tandem axle.

3. The total number of students enrolled in each CDL-accredited course in any 30-day period shall not exceed five per each currently licensed instructor. Also, the total number of students enrolled in each CDL accredited course in any 30-day period shall not exceed six for each currently registered CDL vehicle.
4. All third party entities must inform the Secretary of State's Office whenever any employee, who was third party tested by them, leaves employment less than six months after being CDL certified. The Secretary of State's Office will then call them back for a retest, to assure that they (CDL drivers) were tested properly, and to assure that the third party testing wasn't solely to just get the applicant a CDL.

**July 10, 2000:**

The Secretary of State's Office began contract negotiations to have the ability to award a contract to a selected vendor to install an automated written testing system. This system will be placed in eight facilities and two training sites, with a system cost of \$1.3 million. This is being done to reduce fraud, better utilize employee time, reduce employee intervention in the testing process and improve applicant testing in facilities. This will be accomplished by:

- The system performs security checks of the applicant at the beginning of the process.
- Tests are no longer on paper, eliminating the ability for an applicant to walk out of the facility with a test.
- Tests can be administered via the automated system in multiple languages.
- Test results are electronically transmitted from the automated testing system to the RSf6000, eliminating the need for an examiner to enter test results.
- Ability to accommodate a larger question-and-answer pool.
- Oral tests can be administered on the system, no longer requiring an examiner to administer the oral tests.
- Test questions are randomized with corresponding answer options independently randomized, reducing applicant cheating.
- Applicants can review the incorrect questions at the testing console, eliminating the need for an examiner to complete the process.
- Completed tests accompanied by a digitized signature are electronically stored, eliminating the need to store paper tests.

The following actions were identified by the **Illinois Secretary of State – Inspector General** as items that either have been implemented or are planned for implementation by Illinois to enhance the Commercial Drivers License Program in the state.

**I. Legislative Agenda:**

During the next legislative session, the Secretary will seek legislation that will;

1. Grant inspectors within the Inspector General's Office police power.
2. Penalize individuals who bribe or attempt to bribe Secretary of State employees by barring those individuals from obtaining a driver's license for a 60-day period.

**II. Inspector General's Office Operations: Investigations & Internal Audit**

Finalize the process of identifying qualified candidates to fill positions within both the Investigations and Internal Audit Divisions of the Inspector General's Office.

**III. Public Outreach**

Finalize placement of posters in all Secretary of State drivers facilities in conspicuous locations encouraging the public to report any suspicious activity to the Inspector General's Office. In addition, we plan on installing a toll-free telephone hotline within the Inspector General's Office to accept reports of suspicious activity affecting the Office of Secretary of State, from the public and law enforcement community as well as Secretary of State employees.

## APPENDIX

## E

PUBLIC MEETING:  
FEDERAL REGISTER NOTICE

**Federal Register: May 22, 2000 (Volume 65, Number 99; Page 32148-32149)**

**DEPARTMENT OF TRANSPORTATION**

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION [Docket No. FMCSA 2000-7365]**

**Public Meeting on the Commercial Driver's License Program in Illinois**

**AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.**

**ACTION: Notice of public meeting.**

**SUMMARY:** The FMCSA is announcing a public meeting for interested persons to present comments and views on the Commercial Driver's License (CDL) program in Illinois. This action is necessary to inform the public about the date, time, and structure of the meeting. The FMCSA hopes to hear from the public any concerns they may have about the State's CDL program, CDL issuance practices, driver testing (including third party testing), literacy and translation requirements. The public meeting will be recorded and a summary of the proceedings placed in the docket number provided in the heading of this document.

**DATES:** The meeting will be held on Tuesday June 6, 2000, beginning at 9 a.m. and ending at 4:30 p.m., with a break from noon to 1:30 p.m.

**ADDRESSES:** The meeting will be held at the Ramada Plaza Hotel (O'Hare), 6600 N. Mannheim Road, Rosemont, Illinois 60018, telephone (847) 827-5131. The location is easily accessible from all major expressways. The hotel is approximately one mile from I-190 Mannheim Road (North exit). It can also be reached by the CTA Blue Line to O'Hare Airport.

**FOR FURTHER INFORMATION CONTACT:** To request general information about the meeting: Mrs. Rose Ropke at (708) 283-3518. FMCSA Headquarters contact: Mr. Larry Slade at (202) 366-5721.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202)512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's web page at: <http://www.access.gpo.gov/nara>. Internet users may also find this document on the FMCSA web site at <http://www.fmcsa.dot.gov/rulesregs/fmcsr/rulemakings.htm>.

**Background**

**Structure of Public Meeting**

At 9 a.m. there will be opening remarks by the Panel Chair. Following the opening remarks, the first presenter will be called to the podium. There will be a break from noon to 1:30 p.m. The afternoon session will close at 4:30 p.m. Speakers must limit their oral presentations to no more than 10 minutes duration. Presenters may submit additional written documentation to the public docket.

**Participants**

All persons who would like to present comments must pre-register for the meeting. Pre-registration can be done by submitting name, address, phone number, home or business address either by electronic mail (CDLMTG@fhwa.dot.gov), facsimile at (708) 283-3579 or by telephone at (708) 283-3518. Those who would like to present comments must pre-register and indicate their desire to do so. Pre-registration must be submitted by 4 p.m., e.t., no later than June 1, 2000.

All persons will be required to sign in at the reception table. At the reception table please be prepared to give your name, title, company or home address and phone number. Persons failing to satisfy requirements will forfeit their opportunity to participate in the meeting. Such persons may, however, submit their written comments by the close of business on June 13, 2000, to the Docket Clerk, U.S. DOT Docket, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. To the extent possible, the docket comments received after the deadline date will be considered for inclusion in the final panel report.

Authority: 49 U.S.C. 322, 31502, and 31136; and 49 CFR 1.73. Issued on: May 16, 2000.

**Brian M. McLaughlin, Director, Office of Policy Plans and Regulations**  
[FR Doc. 00-12737 Filed 5-19-00; 8:45 am] BILLING CODE 4910-22-P

## APPENDIX

## F

## PUBLIC-MEETING: FINDINGS

**INSTRUCTIONAL MATERIALS & TESTING**

1. Improve CDL manuals by making them more updated and better illustrated.
2. Produce instructional videos on important topics that CDL holders are required to know.
3. Improve the student/teacher and student/vehicle ratios at local colleges and driving schools.
4. Develop and enforce more explicit standards for scoring applicants during the testing process, including more explicit descriptions of minimal skill levels.
5. Lengthen the driver test as a means of increasing its reliability.
6. Reduce the amount of time spent on backing up to provide time to more adequately measure other skills.

**ADMINISTRATION**

1. Require a "declaration of training" so that testers will know the applicant's training history and be better able to identify systemic weaknesses or other problems with specific training providers.
2. Reduce the time between passing the test and receiving the license (or between applying and being tested).
3. Insure that third party testing (e.g. beverage company) is not limited to particular types of vehicles and that the training is adequately general.
4. Develop guaranteed apprentice programs so that newly licensed drivers will acquire further on-the-road experience.
5. Permit examiners to conduct testing at colleges and driving schools to reduce the volume and delays at testing centers.
6. Have each student who has been trained at a college or driving school tested within seven days of completing training.
7. Increase supervision and spot-checking of third party testing facilities.

**FEDERAL ROLE**

1. Standardize CDL testing throughout the U.S.
2. Increase oversight and management of state testing programs by FMCSA or other appropriate federal agency.
3. Conduct a best practices training and testing study and disseminate the findings to all state and third party training facilities.
4. Develop capabilities to track down and re-test any drivers suspected of obtaining CDLs fraudulently.
5. Inform law enforcement agencies in all states that they may have drivers who have not been properly tested.

**POLITICAL INFLUENCE**

1. Prohibit political fund-raising by individuals involved in driver testing and certification.
2. Remove testing and licensing from the authority of elected officials.
3. Establish a toll-free national telephone hotline -- available to the public, employees of DMVs, employees of SOSs, etc. -- for reporting any wrongdoing in CDL testing or administration.
4. Insure that CDL whistle-blowers will not suffer retribution of any type.

## APPENDIX

## G

## PUBLIC-MEETING: TRANSCRIPTS

Opening Mr. Clyde Hart, Acting Deputy Administrator FMCSA

On behalf of the U.S. Department of Transportation I'd like to welcome you to this public meeting on the Illinois Commercial Drivers License program. My name is Clyde Hart. I am the acting Deputy Administrator of the Federal Motor Carrier Safety Administration. The other members of the Panel here with me today are: Brian McLaughlin, Director of Policy, Plans and Regulations; Doug Sawin, Midwest Field Administrator; John Mulcare, Illinois State Director; Larry Slade, Transportation Specialist; Kevin O'Brien, Driver Traffic Safety Director, New York DMV; Craig Singleton, Assistant Special Agent in Charge, Office of the Inspector General, Chicago.

The CDL program is a national program that has established minimum testing and licensing standards for administration by the states. The Federal Motor Carrier Safety Administration's goal is to develop and implement regulations and guidance to assist states in creating and maintaining sound CDL programs and program management in order to improve safety. The purpose of this public meeting is to gather facts and information regarding the Illinois CDL program, including program design and structure, CDL issuance practices, driver testing including third party testing, literacy and translation requirements.

In addition to this public meeting the Panel has conducted site visits at licensing operations in the Springfield area and will conduct additional site visits in the Chicagoland area. The Panel will also conduct site visits and meet with state driver licensing officials in Florida to assess that program. The Panel plans to complete its review by the end of this month and develop recommendations that will be beneficial not only to Illinois and Florida but also to other states in improving their CDL programs.

On a separate track, the Federal Motor Carrier Safety Administration is working aggressively with twenty other states to identify and re-test, if necessary, former Illinois residents that exchanged a CDL that may have been obtained fraudulently for a CDL in that other jurisdiction. This activity involves ensuring that CDL holders are safe and fully qualified to operate a commercial motor vehicle.

The focus of this public meeting is safety and improving the safety performance of the Illinois CDL and Commercial Vehicle Safety program. This effort is unrelated to the United States Attorney for the Northern District of Illinois investigation of corruption in driver licensing facilities in Illinois and elsewhere. That investigation is ongoing and the Panel will not engage in any effort that might serve to compromise any aspect of that probe.

The format for today's hearing allows presenters ten minutes for oral presentations. Presenters are asked to clearly identify themselves, their affiliations and spell their names for the record. Presenters may provide for the record any additional written comments they would like to offer but oral presentations will not be allowed to exceed ten minutes. Speakers are asked to restrict their remarks to observations and concerns regarding the administration of the CDL program in Illinois. The Chair will interrupt non-germane points and the speaker asked to return to the discussion of the CDL and commercial vehicle safety issues. We ask your indulgence in helping us to keep this discussion on point, as it will assist us in our efforts to seek safety improvement to Illinois and throughout the country.

Members of the audience that would like to make a statement and have not registered to speak can sign up at the registration table. If time permits, we will recognize late registrants that wish to make a statement. We expect to adjourn the public meeting by noon today. Parties wishing to submit written comments or additional comments for the record can do so by mailing them to: Docket Clerk, United States Department of Transportation, Docket Room PL401, Docket Number FMCSA 2000-7365, 400 Seventh Street, SW, Washington, DC 20590. The docket can also be accessed electronically at the DOT web site, [dms.dot.gov](http://dms.dot.gov).

That concludes my opening statement. I will now call up the first presenter.

Governor of the State of Illinois, the Honorable George Ryan

Thank you very much Mr. Hart and distinguished members of the task force. First, let me welcome all of you to the great state of Illinois on a beautiful day. We are delighted to have you with us on such an occasion. This is an important task and I appreciate the opportunity to allow me a few minutes to talk to you.

I promise that my entire administration will provide you with any assistance you might require while you are here and I want to express my deep appreciation to the United States Transportation secretary, Rodney Slater, who has responded, as you know. On March the 17th of this year I sent to Secretary Slater a letter requesting his assistance and that of the Federal Motor Carrier Safety Administration in conducting an immediate re-certification of our Commercial Motor Vehicle and Driver Safety program. In addition, I respectfully requested the assistance of the Department in identifying, tracking and, if appropriate, disqualifying on an emergency basis any individuals who obtained their commercial motor vehicle licenses in the state of Illinois under fraudulent or suspicious circumstances. I felt it was appropriate, as governor, to take this action in order to insure that unqualified drivers who may have fraudulently obtained their licenses in Illinois are not operating in other states. I felt it was important that we tackle this serious problem on a national basis so that we could swiftly get every unqualified driver off the road and so that we could provide the CDL licensing system here and across the country.

As you know, in the fall of 1998, the United States Attorney of the Northern District of Illinois announced indictments of corrupt individuals within the secretary of state's office as part of an ongoing investigation known as Operation Safe Road. Thus far, thirty-one individuals, corrupt employees, driving school operators and other third parties, have been indicted for engaging in bribes for licenses. A scheme, which resulted in unqualified truck drivers obtaining licenses.

Immediately after the federal charge was announced in 1998, while I was secretary of state, my office ordered nearly 3,400 drivers to be retested in order for them to retain or obtain commercial drivers licenses. Jessie White, the current secretary of the state of Illinois, has ordered retesting for hundreds more and has alerted nearly 15 states of the potential problem whereby truckers who obtained their licenses in Illinois under fraudulent or suspicious circumstances may have obtained their licenses in other states. We are committed to notifying all states that may have granted licenses to truckers under these suspect circumstances. At the same time, we cannot be sure that all such individuals have been identified and that other states will take, swift, immediate and uniform action to ensure the highest levels of safety for the traveling public.

Secretary Slater and I talked shortly after I made the request and he shared my concerns. Secretary Slater agreed with me that the resources of the United States Department of Transportation could be brought to bear on a national solution to the problems identified in this federal investigation. Secretary Slater took prompt action and committed all available resources of the United States Department of Transportation to this vital highway safety effort. The secretary asked the acting deputy administrator of the Federal Motor Carrier Administration, Julie Cirillo, to assemble this blue ribbon Panel to review the Illinois CDL program. I want to commend Secretary Slater for his immediate action on my request and for his commitment and resolve to improve highway safety.

We welcome this Panel's efforts to identify improvements that could be made to this system here in Illinois and nationwide. The problems in the Illinois system are an outrage. The individuals at the driver's facilities betrayed the public's trust in concert with corrupt driving school operators and other middlemen. Operation Safe Road has done an outstanding job while ferreting out this corruption. In Illinois, unfortunately, this culture of corruption has been a sad fact of life for decades, vexing every secretary of state who has held that office. We were recently reminded of this decades-long struggle against corruption by media reports of the 1981 memo, from then soon to be appointed United States Attorney, Dan Webb, to then incoming secretary of state, Jim Edgar, which discussed the culture of corruption that existed in the office then. Despite the decade long best efforts of my predecessors and my successor, and despite the best efforts of federal and state and local law enforcement, corruption continues to exist.

I applaud the federal prosecutors for their commitment to rooting out of office this unacceptable culture that, even in the glare of Operation Safe Road, nine employees in the summer and fall of 1999, after I left that office, were charged with accepting bribes from undercover operatives. My hope is that the indictments and convictions will send the strongest message yet that corruption won't be tolerated. The investigation continues, but, in the meantime, I hope this Panel will be able to recommend administrative reforms and precautions that we undertake.

This ongoing probe has raised serious national issues. The U.S. Department of Transportation is now working with Illinois authorities to identify commercial motor vehicle drivers who fraudulently obtained an Illinois CDL, then surrendered that license and obtained a CDL in another state. The department is working to ensure that appropriate action is taken in a uniform way so that only qualified drivers are operating on our highways. I was the first secretary of state in Illinois that had to deal with the full implementation of the CDL law. And, prior to the federally mandated CDL testing, which became effective April 1, 1992, there was no requirement that a driver be able to speak English well enough to do things like understand traffic signals and signs. And, even then, the federal requirements allowed, according to the Department of Transportation, for the use of interpreters in oral exams. These standards, while they have a laudable goal of raising the competency level of drivers, may have had the unexpected and unintended consequence of giving rise to corrupt individuals looking to use fraud and bribery to get around the tougher standard.

Based on what we are learning of the situation in Florida, this problem is clearly not isolated to Illinois. In April, the U.S. Attorney charged a Florida commercial driver's license instructor with fraudulently obtaining drivers licenses for out of state truckers in exchange for bribes. Illinois was a victim of this ring. Federal prosecutors say that at least 22 applicants traveled from Illinois to Florida and falsely claimed to be Florida residents. They were allegedly given the exam answers by their instructors. Given minimal or no driving tests and issued commercial drivers licenses by Florida authorities presumably in the process of the use of bribe money. The Illinois schemers may have gone to Florida after our administration, the secretary of state, banned oral exams for foreign speaking applicants in November of 1995 because of concerns over cheating. Individuals, many of them Eastern European immigrants, traveled from Illinois to Florida, fraudulently obtained their licenses, and then came to Illinois to obtain licenses under reciprocity. This means that the Illinois system was actually tougher on fraud than Florida.

Florida officials are now seeking to understand the level of the problem there. And, I believe, this raises questions about the federal CDL program. We need to strengthen the CDL licensing system in Illinois and all across the country and we are committed to assisting you in any way possible to eliminate any threat to public safety posed by unqualified commercial license holders. I'd like to say that the vast majority of Illinois truckers and employees of the secretary of state's office are honest, hard working people. And, you will hear from representatives of the Illinois Transportation Association who I am sure will tell you just that. They work to enhance the professionalism of the trucking industry very hard here in Illinois.

All of us are committed to reforming this system across the country so that we will have safer highways. And, once again, I want to thank you for your leadership on this important issue and for conducting these hearings today. I reiterate my full cooperation and the full use of the governor's office in any respect that I can to be helpful. And, I appreciate your attendance here today. Thank you very much.

*Thank you, governor. Thank you very much for your words and cooperation.*

Good luck on your hearings here today.

*Thank you very much, sir.*



Ferdinand P. Serpe, Executive Director, Illinois Transportation Association

Good morning. I am Fred Serpe, executive director of Illinois Transportation Association. We are the not for profit trade association for the trucking and transportation industry in Illinois. We are the affiliate of the American Trucking Association in Washington and the state affiliate of the National Private Truck Council and Truckload Carriers Association. I am also the director of the National Intermodal Trucking Association representing the dredge intermodal rail and steamship container industry and I am the executive director of the American Transportation Association, a sister counterpart of our Washington affiliate. As co-chairman of the Illinois secretary of state Jessie White's Trucking Advisory Board and member of his Safety 2000 task force, we have made great strides and significant changes in the way CDL's are administered here in Illinois. We have looked at third party testing to eliminate any abuses, we have changed the number of times a person can take the test and fail and how long he must wait to retest. We have demanded a command of the English language. We have eliminated the use of translators or oral exams of any kind. The secretary's office is constantly striving to utilize the best and newest technologies of tested limitations. And, most recently, our office in conjunction with secretary White and the Illinois state police unveiled our new Driven by Safety Campaign whose purpose is to raise the public awareness of trucking's tremendous desire for safety and to lift the confidence level of the motoring public so that they know the truck in front of them displaying our decal has been given a satisfactory DOT rating. And that the professional driver behind the wheel is drug free and has a valid CDL. Billboards and thousands of these decals are now visible throughout our state.

Together with the governor's office, secretary of state, the state police and the regional office of DOT, our trucking industry and government are working together to achieve greatness not only in the administration of CDL's but in the application of safe vehicles on our public roads. Governor Ryan, as secretary of state, instituted numerous safety initiatives, including the initial implementation of the CDL program in Illinois. And he should be praised and thanked for the lives saved by his commitment to safety, and not criticized or scorned by the few, some of whom may even follow me today. Our new secretary of state, Jessie White, has made safety and CDL administering his utmost priority and we would hope that other states follow our lead. Through secretaries Ryan and White, Illinois has worked aggressively over the years to initiate, promote and support numerous safety initiatives designed to improve highway safety, productivity and the reputation of the trucking industry. Illinois Transportation Association has been a strong advocate for truck safety initiatives such as the CDL program, drug and alcohol testing and vehicle and driver roadside safety inspections. Our national affiliate, the American Trucking Association, in cooperation with the American Association of Motor Vehicle Administrators, has worked to incorporate improvements in the CDL program.

Through work on the AAMVA Test Maintenance subcommittee, ATA in partnership with select motor carrier members has offered substantive suggestions for improvements to the CDL testing procedures. These suggestions have been based on practical examples of deficiencies cited by our motor carrier members. Many of these suggestions are being considered by the AAMVA and the FHWA for integration into the CDL drivers' manuals, examiners manuals and the training materials for state CDL administrators. Since implementation, the CDL program has generally been successful in eliminating the problem of multiple testing and multiple licensing. The program has also contributed positively to improve commercial drivers' knowledge and skills. We continue to be a strong advocate for the CDL program and we support additional efforts to strengthen the CDL knowledge and skill tests. We also support the implementation of a unique identifier system to ensure that CDL holders obtain only one commercial drivers license.

It is important to note that over the past several years there has been an increasing attention on human factors and that the professional truck driver has been the focus of numerous research programs and studies. From driver fatigue to driver turnover, our industry has dedicated significant resources to understanding how to maximize driver safety, productivity, retention and loyalty.

In response to current industry research, motor carriers are increasingly realizing that their drivers are their most valuable assets. Many motor carriers are allocating considerable resources to improving the working conditions, training and compensation for professional drivers. Professional drivers contribute to the industry safety record more than any other link within the truck transportation supply chain. We believe the current focus on the driver and the programs that affect them is fully warranted. Just this past weekend, Illinois Transportation Association, through its Illinois Safety Management Council, hosted the annual Illinois Professional Truck Driving Championship. There, professional drivers compete with each other while being

tested on industry and regulatory knowledge as well as driving skills. Contestants, in order to qualify, must have been accident free for the preceding twelve months. Many drivers have logged millions of miles and up to thirty years without a single accident.

I had the honor of being one of the judges for the driver personal interview part of the program. I learned many insights from the professional drivers and what they faced daily. Their biggest concern is the lack of respect the motoring public gives to the 18 wheel, 80,000 pound, vehicle. Small cars dart in and out and around trucks without any regard to safety. Many drivers praised the No Zone program put out by your office and our industry. The program shows pictorially the blind spots of the truck and where a motorist should be and should not be. Illinois Secretary White, at our request, has incorporated several truck related questions into the motorist-driving program. Under George Ryan, I chaired the SMART committee, which stood for Safe Motorist Always Respect Trucks. Videos were produced and distributed to high school driver training facilities and shown to senior citizens as well.

If our industry could ask for anything of this Panel, it would be a nationwide call for better and more intensive education of the general motoring public and how to share the road with our commercial vehicles. Thank you for consideration in this matter.

*Thank you Mr. Serpe.*

*Fred, before you walk out I would like to ask a question and I don't know if any of the other panelists do. Just very quickly, in light of a lot of discussion in the industry in terms of driver shortages, I would be curious in getting a sense of where the Association would stand in terms of English as a second language driver. We clearly hear that there is a real concern and we have eliminated the translators in the testing here in Illinois but I guess that the question would be in terms of available labor pool and the number of drivers that would be available. Where would you come down on that requirement?*

We have a serious driver shortage in this industry. We know that sixty percent of our initial applicants don't pass a drug test. So what do we do? How do we find drivers? Where do we go for them?

A driver has to have a command of the English language. English, as a second language is just fine as long as the driver knows how to read and write English. You have to be able to survive on the streets. You have to be able to tell the street signs and read directions. In those personal interviews that I was talking about, one of the drivers was an Eastern European driver who had been driving here in Illinois for about 15 years. I asked him, being Eastern European, and given the climate of what has been happening, what do you think? He said you have to know English to survive but, you know, there are drivers out there that have driven 25 years in Europe and when they come here they know how to handle the vehicle in ice and snow.

But remember our industry in Illinois. We employ ten percent of the workforce in Illinois. One out of every 11 workers is employed in trucking. So think of the number of families that are on the road. If we are speaking selfishly, safety is our biggest concern because those are our families on the road.

As well as economically -- we're broke. I don't know if anyone bought fuel today but we are broke. Our industry can't survive with this fuel cost and I know it has nothing to do with this, but given the safety we can't survive losing a load because our insurance premiums will go up so high as well. And, once again, we are out of business.

So to answer your question, yes, we need drivers. We need professional, trained, capable drivers. The drivers in that championship, like I said, 30 million miles without an accident. I can't claim that with my car! And, that is the kind of workforce that we need today. They are paid well. It is a great job. Where do we get the drivers? We have to focus on education. We have to focus on the education of the public to know that we are safe and that is what this Driven by Safety Campaign is -- to get some confidence. And, maybe we can recruit some drivers out of the deal.

*One last question for me. Being as involved as you are in the Illinois CDL program, I was impressed by the list of activities you have undertaken in the last several administrations working on the program. Is there any particular area or areas that you observed that might need some additional attention?*

On a nationwide level? *Nationwide or in Illinois -- either way.*

Like I said, Illinois prides ourselves in being the leader. We have this Midwestern work ethic that makes sure we get everything right and do it right. And we put those questions in the books, in the CDL books and the motoring books and that is the key. The education of the public. And, if the other states would follow our lead. And, like I said about George Ryan, he did more for safety than any other secretary that I have seen. And now Jessie White has picked up the ball and run with it. We are proud to be in Illinois. We are proud to be represented by those leaders because that is what it is all about. Getting the public to know.

Your No Zone campaign was one of the single greatest campaigns to come out in years. Seeing a picture of a blind spot, knowing that if the car behind the truck can't see those side view mirrors of the truck that that driver can't see him is great. How do we enforce that and tell people that this is how it is and don't be darting in and out? The cushion of safety that a truck driver has to maintain even in a major metropolitan area is there for a reason and those cars don't belong there.

*Any other questions?*

We've got to take the high road and say safety is the most important thing. We don't need a bad driver or a stupid driver out there. Secretary White's office has changed the requirement because we had an incident where a potential applicant failed 27 times and then on the 28th time he passed and then went out and got in an accident. Well that has changed. And, Secretary White's office called our office immediately and said we want to change this, what do you think? We put our heads together and we came up with three times that's it. Then you have to wait 30 days if you fail. Then you can take it again and then if you fail again then you have to wait six months. Then if you fail again you have to wait another year. We guarantee that that person will not be waiting for that job in this industry. Thirty days is a reasonable time. If the carrier wants that person to work he can put him on the dock for 30 days and teach him how to pass the CDL.

The second part is our industry, what we do when we get an applicant or when we get someone that comes in the door with a valid CDL and he is a new driver he has to be trained. Just having that ticket doesn't mean you are going to be a truck driver. That is where the industry has to work together to make sure that there is a guaranteed apprenticeship program for new drivers so that they can ride along and can learn how to handle vehicles, once again, in the ice and snow and the weather that we have in the northern part of the country. It is so extremely dangerous. When you add on the longer combination vehicles how difficult they have to be and how alert you have to be to be driving it. Those are all elements that the industry and the government have to work together to solve.

Testing alone is the bottom rung. It is the entry level of the industry. It gets them there. Then what do we do when we get them? And then we also need help from the insurance industry, too. To give us premium breaks so that we can do this expensive training and developing and even to allow to get younger drivers into our industry. We can't insure a driver that is under 23. And by then so many people have already chosen alternate careers that we have lost a whole vast pool of potential drivers.

Mr. Don Schaefer, Associate Director, Midwest Truckers Association

Thank you and good morning to members of the Panel. My name is Don Schaefer. I am Associate Director of Midwest Truckers Association which is based in Springfield, Illinois. We represent about 2,700 trucking companies that operate about 50,000 trucks which are domiciled and operated throughout the state of Illinois and the surrounding states. I want to thank you for providing this opportunity to allow the state's trucking industry to comment on the Illinois Commercial Driver's License program.

I think many of the comments that you heard from Fred are indicative of how the industry feels quite a bit about the situation here in Illinois. What I would like to do though is preface my remarks by defending the record of the legitimate trucking industry in Illinois. To remind those that are here in attendance, and for the record, that the current investigation is centered on one particular area and we don't want to give a black eye to the entire Illinois CDL program because it is a very good program. Much of the challenge of the industry here in Illinois is to inform the public and the media itself about the fact that we do have a very good CDL program here in Illinois and that the criteria for acquiring and keeping a CDL necessary to operate a

commercial motor vehicle are, in fact, very much stricter than what anyone who drives an automobile must meet.

We do not condone the actions of a few people who have been involved in the investigation. We do stand behind the hundreds of thousands of good truck drivers here in Illinois and the efforts which are underway to ensure the safety of all motorists on our highways.

As you are aware, the Illinois Commercial Drivers License Study Guide is 192 pages of information that a truck driver must comprehend and be tested on. It is not an easy test. If a potential CDL holder cannot pass the test, he or she must follow specific procedures to be able to retake that test and must also follow quite a specific waiting period and limitations to be able to pass that test. We do know that most all commercial drivers in Illinois have passed that stringent test and they do follow all the rules and regulations set forth by local, state and federal governments. And they do provide a key component to the economic infrastructure of our society -- not just here in Illinois, but in the entire country.

Illinois is referred to oftentimes as the crossroads of the trucking industry because of the fact that we do have more interstate miles than any other state, and just about more miles traveled by trucks than any other state in the country. We do not want to see hundreds of thousands of good Illinois citizens labeled as anything but good truck drivers, and we do support any efforts to preserve the integrity of the Illinois CDL program.

In addition, trucking companies, as you know, must adhere to specific, strict safety standards for both equipment and their drivers. We feel the result has been a continuously improving safety record for the trucking industry. And, we feel that that effort must be recognized, also. Illinois' CDL program is a strong one and, during the last three years, under the current and previous administrations of then Secretary of State George Ryan, and current Secretary of State Jesse White, a major partnership has been developed with Midwest Truckers Association, Illinois-based trucking companies, the Illinois community colleges, the Illinois Department of Transportation, the Department of Commerce Community Affairs, and the Illinois State Board of Education.

The resulting sponsor of the partnership was the Entry Level Truck Drivers Standards Development Committee, which has been successful in developing and implementing minimum occupational skill standards for entry level truck drivers. You have there with you this red report which pretty much outlines specifically what this partnership is and what has been developed over the last couple of years. The 1990 plan, which is included in the report, establishes training requirements for entry level truck drivers at community colleges, commercial CDL schools, and on the job training at trucking companies.

Through this process, CDL driving programs certified by the secretary of state's office here in Illinois have been required to develop and implement new curriculum standards for potential truck drivers. This includes a minimum of a four week or a 160 hour training and educational program. This would include a minimum of 40 hours classroom instruction and a minimum of 60 hours behind the wheel. The remainder of that time would be used as needed for observation and for skill maneuvers.

What we have seen over a period of time, here in Illinois, is that we do not have any continuity in the training programs which were being offered by the Illinois community colleges, offered on site, and being offered through commercial truck driving schools. Through the actions and efforts of the Illinois secretary of state's office, what has evolved from this major undertaking is a new set of standards. It tells all potential commercial vehicle drivers in the state of Illinois who are going through this training process that they must have a minimum of training. Either you meet these training requirements or you don't get a CDL.

We feel this program is a very successful program. In addition, as a member of Secretary of State White's Highway Safety 2000 task force, a subcommittee has proposed even higher standards which will allow the secretary of state's office to provide CDL examiners to conduct on-site tests at the community colleges and at the driving schools, eliminating the need to schedule appointments at many drivers license facilities, which are very heavily overcrowded.

The goal of the plan is to have each student who has successfully passed a program at a community college, or at a school, to be tested within seven days of completing the recommended curriculum. The

subcommittee also recommends that the student to instructor ratio be set at a ratio of three to one, and that a maximum of six students per license training vehicle be set up in this program. All of these recommendations will strengthen Illinois CDL program.

The efforts to implement these standards have been under way long before any investigation, and should not be considered to be a knee-jerk reaction to a specific situation. Midwest Truckers Association, the Illinois Community College Board, and the State Board of Higher Education, and the various state agencies have been committed to the long range goals of the occupational skills standards task force to establish these entry level standards for truck drivers. We believe that the Commercial Drivers License standards in the Illinois statutes should be adhered to within their entirety. We also endorse a continued implementation of minimal skill standards for entry-level truck drivers.

We look forward to our continued work with the state and federal agencies that have been involved in this long process. We stand ready to make Illinois's CDL program one of the best in the nation. I would be happy to answer any questions.

*Thank you very much. Any questions?*

*I'd like to ask a question, Don, if you could. Are you familiar with the Professional Truck Driver Training Institute standards?*

Yes, as a matter of fact, our Executive Director, Bob Jasmine, serves on their board of directors.

*I would be interested if you could contrast for me, or share your thoughts on, the entry level standards that have been established in Illinois versus the PTDIA standards.*

Actually, if I understand it correctly, PTDIA is in fact looking at the skill standard report that Illinois generated and has been looked at by several states. Efforts are underway to take the Illinois recommendations and standards and consider them part of a national standard. There has been an ongoing dialogue. This program all started back in the middle of 1997. Representatives of various state agencies, the Illinois secretary of state's office, the Illinois state police, our organization, a lot of feedback from national organizations have all been involved in the development of these skill standards.

The actual implementation of some of these standards started back in 1998 and the process is continuing. Since then, the skill standards have been sent out to numerous states who are also looking at developing the same set of skill standards as they see mirrored here in Illinois. There has been an ongoing dialogue between those states on the program. PTDIA also has looked at it and is in the process of seeing if the standards are compatible and what else needs to be done. We really feel this is a first step.

As Fred mentioned, the biggest problem you have right now is the lack of good, qualified drivers. There are not good, qualified drivers who are sitting out there with nothing to do, who are not looking for a job. In fact, the answer to the problem is that you don't have the military anymore that generates commercial vehicle drivers. Come out of the service and go to work in the industry. That does not happen. The whole intent of the task force and the occupational skills task force that met was the idea that to get a driver you are going to start from the bottom up. You are going to have to train that person from the very beginning. This is a truck. This is a trailer. These are the conditions, which you operate under. These are the safety standards that you deal with. These are the maneuvering skills you must acquire. These are the basic operating skills in terms of how your brain functions, literally and figuratively. You are going to have to train these persons from the bottom up. And that the whole intent of these standards is that we go back to the very beginning to the community colleges, to the other facilities or other places where the training will be done. And, you teach them from the bottom up. It is not going to happen overnight. We are talking a long range program, but where else are you going to get the drivers? That is a definite problem.

*Second of all, let me ask a question with regard to how can one lose their CDL in Illinois -- as you said in your statement that they are tougher to get in Illinois and tough or stricter standards to keep. How does one go about losing a CDL?*

Well, it says quite specifically in the study guide, and I think the drivers know that going in, they should understand it, the number of moving violations and what are considered if I remember the words that are used in the Federal Motor Carrier Safety Regulations in terms of the various types of violations are enough to tell a driver right there in front that you have to adhere to standards. Safety is your number one goal. And you have to know that going in.

Number two, not just Federal Motor Carrier Safety Standards, as Fred mentioned earlier, insurance companies are like hawks these days. They will not tolerate anything under an E for satisfactory rating. And, I think as an industry we center so strongly on safety that to lose a satisfactory rating or to have a conditional rating and your main objective has to be to get that satisfactory rating or you will not operate.

Conditions are so difficult that number one, shippers, and number two, insurance carriers will not tolerate anything less than a satisfactory rating. The company is ultimately responsible then to make sure that they have a safety rating that is satisfactory. They are responsible. It is not necessarily the truck driver who is solely responsible for that. All the federal regulations put the burden on the company to ensure the safety of their vehicles, of their drivers, and of their operations. And, because of that the whole centering is to assure that the entire process in the trucking industry is all geared to safety. You don't tolerate an unsatisfactory driving record. You don't tolerate out of service incidents. You don't tolerate drug and alcohol abuse. You don't tolerate any type of violation of the Federal Motor Carrier Safety Regulation because inevitably it is going to hit you in the pocketbook and it is also going to affect you in terms of being able to get business from other people.

*Sir, what would your recommendation be to this Panel for drivers that can't understand or speak English but know it well enough to drive a commercial motor vehicle? How should we handle that problem? As your quote said earlier that is a nationwide problem.*

It is a definite problem. It is nationwide. It is not just Illinois. There is a population where English is not the primary language. It is a definite problem. But, the harsh reality is that the economy is totally based on the use of the English language when it comes to the trucking industry. How do you read a bill of lading? How do you read a map? How do you understand if you are talking to a dispatcher or if you are going to talk to the shipper to get directions, what have you? The English language is a basic necessity and it has to be part of the minimal skills. The regulations say themselves that there has to be a working knowledge of the English language and that is there. If you don't have a working knowledge of the English language you are handicapped in terms of your operation in operating a commercial motor vehicle.

*In keeping with drivers' histories -- As you are probably aware, in the Bourbonnais crash last year the driver of that vehicle had been given a hardship license after having his privilege suspended and I guess I would like to get some comments from you from the industry's perspective on the current availability of information about drivers and records and how you could see that system being strengthened particularly within the context of the new legislation.*

Well, finally, here within the state of Illinois legislation was passed this past spring which basically allows the local jurisdictions -- whereby all the violations end up in a central repository. In other words, a lot of times there is probation in certain counties. For instance, probation is allowed for violations in certain situations. The probation was never reported to the Illinois secretary of state's office. A driver could have eight or nine incidents of probation and it would never show up on his driving record. Secretary of State White pursued legislation which passed the general assembly which requires the counties to report that information to the secretary of state's office. That is on a state level.

On a national level, again you are dealing with a situation where a motor carrier pursues the driving record of the drivers in terms of knowing what information is available to them and the compatibility of that information and the general freedom of that information to come in. In the past, of course, before the national CDL program started that was not the case. The industry and owner of a company or anyone within a company is keenly aware right now of the fact that the need for a complete driver's record for their drivers is necessary. And again, it is driven by, I am not saying just by economics, but it is also driven by safety.

The fact is that a company, no matter how bad the need is for drivers, does not want a driver who has got a violation record a mile long. There is absolutely no way that they would want that person on their list. And, there obviously are drivers who slip through the cracks. And again, the federal regulations and the regulations, which were published in the Federal Register, all point to closing that gap and developing or having a national system where everything is reportable back. So that when a company does go and get an MVR on a driver they are going to have that driver's history. He is going to have everything -- be it from the state of Oregon, be it from the state of Illinois, they are going to have everything and that has not been the case.

*Any other questions?*

*Thank you.*

Mr. Pat Quinn, Chairman of the Recall Ryan Committee

My name is Pat Quinn and I am chairman of Recall Ryan. I understand that Governor Ryan was here earlier today and I am here to offer a different point of view than we have heard from Governor Ryan over the last six years.

I also served as Illinois state treasurer. I was elected in 1990 -- at the same time that George Ryan was elected secretary of state, I was elected treasurer of Illinois.

I want to salute your Panel today for taking this issue up. It is a very important issue to everyone in Illinois, but especially everyone in our country who drives our nation's highways. Because what happened in Illinois was that politicians turned their statutory responsibility to protect highway safety and the public into a political profit center that allowed their workers to hand out fund raising tickets month after month, year after year, to employees who are involved in regulating and licensing truck drivers and other people with respect to driving our highways.

Those employees abused the public trust. They have accepted bribes for licenses. They have accepted campaign contributions for licenses and it has led to the most horrific scandal Illinois has ever had. As you know, hundreds and hundreds of truck drivers are now driving the highways of Illinois and our country that are not qualified to drive trucks.

I take my hat off to the Truck Driving Association. There are many, many, many honest, hard working truck drivers who went through the proper licensing process and got their license. Unfortunately, their driving abilities are besmirched because of the utter corruption in the secretary of state's office under George Ryan. What happened there is that there was a systemic effort to collect campaign money from those individuals coming before the office seeking to be licensed as commercial truck drivers. Testimony is occurring right now in the past week, in federal court, where the United States' government has indicted an individual who was passing bribes to individuals who worked for the secretary of state's office and who accepted those bribes and gave out licenses to people who are totally unqualified to drive trucks.

This is last week's headline from the Chicago Tribune: "Fixer Lost Count of Tainted Licenses." So many licenses were given out for bribes and campaign contributions that the people who were fixing the licenses lost track of how many people they were fixing. That's how bad it is.

One of the people involved in this scam said there were two ways to get ahead at the secretary of state's office. That is the agency charged with protecting public safety on the highways of Illinois. She said there were two ways -- through political connections, or by selling Ryan fund raising tickets. There were those who were doing wrong in that office and who continue to do wrong, who complained about the problem of selling tickets, but their voices were never heard. Licensing favors were a way of life at the secretary of state's office where clout was used to fix licenses on a regular basis.

One of the individuals who was a facility manager said that she complained to her supervisor who was giving her these batches of tickets. The tickets were given in the spring, \$10,000 worth, in the fall \$10,000 worth, and these facility managers were told to sell the tickets. Then they were told to sell golf date tickets in the

summer. So there is something really wrong here. And, that is why we have got to get the United States government, the federal government involved.

As state treasurer of Illinois six years ago, I introduced a bill into our state legislature called the Inspector Misconduct Law. It was a very specific, well drafted, law designed to get at this whole culture of corruption. This whole culture where people would give out licenses to unqualified truck drivers in exchange for campaign contributions and, later we learned, in exchanged for bribes.

There are three parts to the Inspector Misconduct Law. I think that your Panel should take a look at this law. I have a copy of the bill that was introduced this year in Illinois, the very same bill that we first introduced in 1994. This particular piece of legislation did pass the Illinois House but did not receive a vote in the Illinois Senate. I think that underlines how important it is for federal action. We cannot wait on politicians, local politicians, to take action when it comes to protecting the lives and safety of millions of Americans and millions of Illinoisians.

We've had six children, including a three week old baby, who were incinerated on a highway due to the corruption of the secretary of state's office under George Ryan. The time for politics is long past. It is time for real action and the Inspector Misconduct Law is a clear way to deal with corruption and prevent it from ever happening again. That's what the people of our country want and the people of Illinois want.

I'd like to go through the specifics of this law because it can be, one, a federal law or, under the Administrative Procedure Act of the United States, the Department of Transportation has the authority to promulgate rules. Rules could be implemented very quickly -- even before a statute -- to protect public safety from this ever happening again.

The first provision is that those involved in licensing should have no role in selling or soliciting for fund raising tickets or political contributions from those they are regulating or licensing. It seems to me that is basic common sense. If you go before a government agency to try and get a truck driver's license, you, as a citizen, should have the confidence that you are not going to be intimidated or interrupted in the course of your test by a question from the employee of the secretary of state's office who stops the inspection or the licensing and says "Do you want to buy two fund raising tickets to George Ryan's next fund-raiser?" That went on over and over again in Illinois in the past six years. And that is the root of the problem of this whole corruption.

We need a clear federal standard that says to anyone involved in the licensing of drivers on the nation's highways that that person administering the test is not going to be involved in political fund raising. The United States Supreme Court in leading cases has said, "When it comes to stopping corruption or the perception of corruption, the government can act and act strongly in banning the kind of misbehavior and abuse in political fund raising." If there is any area that the public is concerned about with millions of Americans driving to work everyday, driving their kids to school, driving to and from shopping in the grocery store, they should have the confidence that the nation's highways are safe and individuals are not put on those highways who have bribed their way to a license by getting that through political connections or a campaign contribution.

A federal law that says that any person involved in the licensing of individuals with respect to driving on the nation's highways cannot be involved in political fund raising is the best way to deal with the heart of this problem -- the whole problem of political fund raising and connecting it to licensing.

The United States government in past years has acted in this area. The Hatch Act was enacted precisely because of the problems that have been outlined here where individuals in the federal government were using their positions to get campaign favors and political money from those that they were supposed to be regulating and doing business with. We need to have that standard. We cannot rely on people like George Ryan to clean things up. We need a federal law that will stop this kind of misbehavior.

Secondly, one of the problems in the Illinois license-for-bribes scandal is still going on. This particular reform would, I think, help root out even further corruption. Set up a national, toll free hotline available to the public and to employees of secretaries of state's offices or highway departments, to report wrongdoing. We



have learned in just having a website, in the past month or so, that people -- when they have an opportunity to speak to a neutral third party who is not involved in the office itself -- will report information, will tell about things that they think ought to be investigated.

We need to have that in Illinois. We need to have that in this country. Because what happened in our state is that when honest employees of the secretary of state's office saw wrong and tried to right it, they were ignored. They were harassed. Hand picked administrators of George Ryan harassed the whistle blowers, the people that were trying to tell the truth. Under the provisions of the Inspector Misconduct Law that I introduced in 1994 and is still pending in the Illinois legislature today, there would be established in the department of state police -- separate and distinct from the secretary of state's office -- a toll free hotline that any member of the public who saw wrong could report that wrong immediately to a neutral law enforcement authority to take action to straighten things out.

*Mr. Quinn?*

Yes Sir.

*Your ten minutes have run but we'd like to hear the last part of the law if you could skip to that please.*

That deals with something similar to the need for a toll free hotline, a confidential hotline where people can report wrongdoing. The third problem that occurred in Illinois was that there were whistle blowers like Tammy Rainer, who gave letters to the governor and the governor's wife detailing the corruption. Who tried over and over again to do something to straighten it out but oftentimes it was the whistle blower who was demoted, who was harassed, who was ignored. Under the provisions of the Inspector Misconduct Law, a law that should be a federal standard, those honest employees who see wrong, who see corruption, who see licenses being sold for bribes should be protected on their job.

This is a basic part of federal law under the Federal False Claims Act, a law that was first enacted by Abraham Lincoln in 1862 -- that someone who reports wrongdoing against the public should not be retaliated against on their job. It happened in Illinois. If we are going to have an honest, clean licensing process that makes sure that no one unqualified drives a truck in Illinois, or anywhere else in this country, we've got to have these three standards. Ban improper political fund raising by political office holders who are licensing. Secondly, have a confidential toll free hotline where the public and anyone can report wrongdoing. And, third, strong protections for whistle blowers who see wrong and try to tell the truth. They should not lose their job or get their pay raise denied, or be demoted. That has happened in Illinois. It will continue to happen unless you act. Thank you very much.

*Thank you Mr. Quinn.*

Mr. Bob Knoop of the Truck Safety Programs

Good morning. I appreciate the opportunity to speak. I didn't really know what was going to go on today or who would be present. My purpose is to present a few items that I thought might improve CDL testing in the state of Illinois and possibly at a national level.

I don't know anyone on the Panel and I know no one here knows me so I will give you a little about my background to lend a little credibility to my statements.

My background is I have been in the truck driver training education and safety business for the past 15 years. I have an associate degree in law enforcement from an Illinois college and a bachelors degree in education. I was a high school teacher. I have tested and trained over 1,000 CDL tractor trailer drivers. I have owned my own commercially licensed truck driving school in the state of Illinois. I have taught at numerous community colleges, one here in conjunction with the Illinois Trucking Association at Triton College in River Grove and in downstate central Illinois.

I have taught for Fortune 100 corporate entities that grant truck driver training programs and have since departed. I have trained for several of Illinois largest for hire motor carriers in training programs and for several of Illinois's largest private motor carriers. I have even taught Illinois examiners for the secretary of

state. I have tested in the north part of the state, south part of the state, the east and west. I have been a truck driver for the likes of Roadway and United Parcel Service. I have been a union driver, a non-union driver, a long haul driver, a short haul driver and an owner operator. And I still own some of my own equipment.

I've tested drivers in over a dozen states around the country. I've gone from the likes of Kentucky where a full uniform DOT motor carrier officer in a squad car tests you, to the state of Texas where a little gal walked up to me, had no cones, no pen, no paper, and started the test and in 15 minutes I was done and that guy went on the road that afternoon with a tanker hauling hazardous materials. So I believe improvement can be done, and needs to be done.

I started the first national association of truck driving schools in the mid-eighties. I was an original board member on the Professional Truck Driver's Institute of American and the predecessor to that, which was the Trucking Industry Alliance which was looking into the problems the industry faced with drivers and with the oncoming shortage of people that they believed they would have in the 90's and it did come true.

In the mid-1980's here in Chicago I hosted the Department of Transportation's unveiling of the model curriculum that has since evolved and been developed and made into a textbook that is used in driver's license testing situations nationwide. That was Pete Little, from the Office of Motor Carrier Safety. It was the model curriculum for training tractor-trailer drivers.

What I wanted was to come here and meet some people I figured had tremendous input on maybe changing some things. This morning already I was up at the crack of dawn and drove a tractor trailer through a state inspection with the state police. I saw two accidents on my way here. I saw a Wonder Bread truck burn up on the toll road and delayed for an hour. I was a little bit late getting here. But when you are in my business you can't push the pedal. As a matter of fact, when I drove in here I drove in here in a truck and everybody looked at me like -- what is that 18-wheeler doing in here? -- and I am here for this purpose. I am taking some time off of work today, training and safety work, to get this on the record.

The thing that I think need to be done both in my state here in Illinois and at a national level for the licensing of drivers is better dissemination of required knowledge that these people need to know. A redo of the manual that is used in all states.

The manual that is used throughout the country was based on a contractor's work. I think the Essex Corporation put it together; all the states disseminated it. About the only thing that is different state-to-state might be one chapter where they discuss their particular rules and regulations for their state. But 90% of the information in those CDL study guides is the same coast to coast.

One of the problems with it is that the book is ten years old and has only had a couple of minor revisions and it is some of the driest reading you ever saw. As a person who has written curriculum for truck driving schools and for schools in general, I can't imagine a person that has a little bit of difficulty with studying and the educational process doing very well with that manual. There are private contractors out there but I believe a better way to approach it is for the federal government or the American Trucking Associations to have a redo of it, or contract that out to make it a much more visual medium for the people that are studying it.

They say you remember only 25 percent of what you read, 50 percent of what you see and 75 percent of what you do, and in my training career that certainly has been the truth. People learn best by doing it, but they still learn twice as much by seeing it versus a dry, 190-page manual that is just in desperate need of improvement.

Another thing that could be done both at the state level and the national level is to put out videos. Video is the learning medium of the masses. As a matter of fact, every secretary of state facility in the state of Illinois, I believe, has a VCR machine to show programs such as the organ donor program and the seat belt programs. It makes perfect sense to me that if a guy fails a test on air brakes to say -- Here is a video. If you really want to know this and understand a little bit better, sit down here and watch this 30 minute video on air brakes. Then we could make sure that the guy has at least seen it from the experts.

I have talked to people at trade shows that are experts in related fields that said they would be more than willing to help the industry put together videos towards that effort.

Another thing that might help at a state level and at a national level is possibly for the individual to make a declaration of training to date prior to his test. Right now for an examiner here in Illinois -- a person walks up and hands him that permit card and the guy has to go out with him not really knowing if he has driven one mile or one hundred miles. I think in the interest of public safety maybe it would be a good idea to have on the record somewhere in the papers that are kept on that individual where did you get your training, what did your training involve. So, make him state and sign a declaration of training statement.

Another problem that we have here at our state level, I don't know how it is in other states, but I have run into problems there as well, is the wait is way too long to get a license. I've walked up to numerous facilities in the state of Illinois and had counter help tell me it would be four weeks before I could get in and get a test.

Some people don't test very well. They freeze up that day and they fail and the guy says -- Well, the next test I can give you is another three weeks away. And, as you heard Fred Serpe from the ITA say, if we have a tremendous driver shortage, slowing the wheels down like that is just killing the industry. These might have been people who were very good drivers, they just froze up that day. I think everyone has had that experience of freezing up in a clutch situation.

Another thing that I have found a tremendous problem everywhere I went testing people is how are you grading them. There are no two facilities in the state of Illinois that I have ever had clearly explain to me how the individual is scored, tested and what the failure point is. In baseball it is Strike One, Strike Two, Strike Three. Everyone in the stadium knows it. There is so much discretion, and from facility to facility it is so different, people soon target out which are the easy facilities. Which is the one I can get in the quickest? Which is the one that will give me a break on this or a break on that? I think it needs to be crystal clear as much as a poster on the wall saying this is exactly how you will be scored. These are the failure things. These are the important things and the not so important things.

*Mr. Knoop you have about one minute left.*

Another thing is that the test is too short. The average test here in the state of Illinois is about ten miles long, involves about five right hand turns and about five left hand turns. I believe the test should be at least twenty miles long and involve ten right hand turns and ten left hand turns.

Industry statistics say that 95 percent of all accidents are the result of human error, driver error. Only 5 percent of accidents are mechanical and the low dollar accidents are backing, yet we place 20 minutes of emphasis on backing at a facility. For my money I would like to see the person do a little bit longer test and know whether hitting a curb is an automatic failure, is major points off. Losing control of the transmission in the test -- is that an automatic failure, or heavy points off, or what? I have never had that explained to me and I have tested over 1,000 people. I have tested at over 20 facilities in the state of Illinois alone.

Third party testing is utilized in this state. It should be acknowledged that this is very good for the companies, but sometimes a person gets a Class A license from a third party tester where the company is like United Parcel Service, which I went through their training, or Coca Cola Company. (I did work for Chicagoland Coca Cola, not the parent company.) That individual is trained specifically for that need -- but he now holds a Class A license that allows him to go out if he quits that job and drive a tanker -- if he has the right endorsements -- with 80,000 pounds and sleeper on it. But he has never seen anything like that. Somewhere that needs to be addressed, and that could be in that declaration of training statement.

I know the secretary of state has a thankless job. You can't please everybody, but maybe in this state it would be time to possibly introduce some assistance from private entities that could help in that testing process, not only to speed it up but to document it better. I believe competition is good for anybody. In the states I have seen where they do utilize that, the testing is much more thorough and much more complete and more meaningful.

Better dissemination of information, longer road tests, perhaps a declaration of training kept on record, and introduce private sector assistance in testing to not only shorten the period -- because if we are going to give these examiners time to test they need two hours per person to test and right now they are rushed to the hilt just to do what they are doing. They don't have enough time to test the person thoroughly.

I appreciate the opportunity to comment. I've got to go train a driver. Thank you.

*Before you go I think we have a question or two.*

*I have a question. Because you brought up the third party testing -- How do you view the quality at the third party level and at the SOS (secretary of state) level?*

The involvement that I have had with third party testers is -- it is very good for their need. Obviously, I think companies that are going to be testing a person and then putting them out in their own equipment under their own insurance are not foolhardy. They want to make sure the person can do that job. The problem with that is, if you were trained on a small truck, a Class A license in Illinois is a Class A license. The guy can get out of a truck that is 30 feet in length and then all of a sudden be driving something that is 75 feet in length and weights 80,000 pounds. That's the problem. I think the third party testing that is going on is done very well. Those companies that have that right protect it like gold.

*Thank you.*

Thank you very much.

Mr. Jim Doyle, Wisconsin Attorney General

Good morning. Thank you Mr. Chairman and members of the Panel. I am Jim Doyle. I am the Attorney General of the State of Wisconsin. I appreciate the opportunity to meet with you today to share some thoughts that I have and concerns about the Commercial Drivers License program that you are reviewing.

I really am here in large measure to emphasize the importance of your work, not only on the State of Illinois but the effect that it has on the states throughout the United States -- but certainly on the states that immediately surround Illinois.

I know that the vast majority of licensed truck drivers in Wisconsin and in Illinois and in all other states are professionals and they carry out their jobs very effectively. I know that they have a tough job to do. They often work very long hours. They must meet tight time schedules and they must drive their loads, particularly in Wisconsin, under extremely adverse weather conditions.

The truck drivers in this country deserve our respect. They are a vital component in interstate commerce. They keep our stores and warehouses full so that American consumers can continue to benefit from the strongest economy in the world.

My concern today is not about most truck drivers; it is about the smaller group that may be driving trucks in my state or elsewhere without proper training or licensing. As the chief law enforcement officer of Wisconsin, I have a duty to help protect the citizens of Wisconsin. I appear here today to express my concern about what I perceive to be a serious public safety issue for our state.

At 10:30 a.m. on November 8, 1994, a large mud flap light assembly fell off a truck on Interstate 94 in Milwaukee County as an Illinois truck driver was making a run to Fon Du Lac, Wisconsin. Though several motorists saw the heavy piece of metal on the highway and swerved to avoid it, Reverend Dwayne Scott Willis wasn't as lucky. The debris punctured the gas tank of the van he was driving. The van burst into flames. Reverend Willis and his wife miraculously escaped from the vehicle but they were forced to watch helplessly as six of their young children perished.

The horrible images of that tragic accident have been indelibly marked in the minds of many Wisconsin citizens. It was an awful accident, as we all know. And it was an accident that never should have happened.

As you are aware, the van accident in Wisconsin helped to bring to light a series of significant problems with the Commercial Drivers License program in Illinois. The truck driver who caused the accident got his license in November of 1992 in Illinois under very questionable circumstances. And, by his own admission during court testimony, he ignored important warnings from others about the condition of the vehicle -- concerned that if he stopped he may be cited for various violations.

I am not here today to relive or adjudicate that tragedy that took place five and a half years ago in Milwaukee. I am also not here to interfere in any way with the ongoing federal criminal investigations and prosecutions that are looking into state workers soliciting bribes in exchange for commercial driver licenses. As a long time criminal prosecutor myself, I have great respect for the difficult work that the men and women involved in Operation Safe Road are doing. I hope that they will be able to undercover all the wrongdoing in this scandal and bring those who broke the law to justice.

Finally, I want to emphasize, I am not here to play politics to even long-standing Wisconsin -Illinois politics. I know that the problem with Commercial Driver License program has become a political hot potato in Illinois but I didn't come here to toss it around as a partisan sport.

I truly believe that your Panel has some very difficult work to do. Your work is an important service not only to the people of Illinois but the work that you do will also provide vital public safety to protect citizens in the state of Wisconsin and throughout the country.

The economy and the transportation infrastructure of Wisconsin are closely tied to Illinois. We share a common border. Commerce between Chicago and Milwaukee, Racine, Kenosha, Beloit, and Madison moves 24 hours every day. In fact, every one of Wisconsin's four interstate highways runs to the Illinois border. The people of Wisconsin may occasionally joke about the speed and courteousness of Illinois drivers but we do not consider highway safety to be a laughing matter.

The citizens of my state have a right to expect that professional truck drivers licensed in Illinois are fully qualified and carefully licensed to do their jobs. We should not have to hear that every semi-truck with Illinois plates is a loaded weapon being guided by a potentially reckless or incompetent driver.

The work you do in assessing the Illinois CDL program and your efforts in getting unqualified drivers off the road have important national implications. Illinois truck drivers are on Wisconsin highways every hour of every day. They are welcome in Wisconsin. We have great benefit from the commerce that they bring to our state, but of course, we expect them to obey our laws and we expect them to be qualified to drive their vehicles.

In addition, the problems with the Illinois license spill over on our licensed drivers. We have Wisconsin commercial licenses that are based on reciprocal agreements with Illinois. We have Wisconsin drivers who are licensed based on the testing that was done in the state of Illinois. We have a right to rely on the integrity of the Illinois process when we honor that reciprocal agreement to ensure that those drivers are qualified.

I realize that the scandal involving the Illinois CDL program goes back to the early 1990's and I realize the criminal investigators have been at work for two years and have not yet finished their jobs. However, I really urge this Panel to move very quickly, as I know you will. You need to help us to identify and locate the unqualified drivers and to make sure that they are retested is vital to the safety of Wisconsin roads.

Truckers must keep tight schedules. We are all working at a very fast pace and I know you have an enormous job but I hope, as I say, that we get quickly to identifying those drivers whose licenses may be in question. I am sympathetic to the challenge you face. You are arriving at the scene of this accident very late. Working now in other parts of the country will not be easy. Many of those drivers have moved on, but I am confident that most officials in other states, and I, certainly pledge our cooperation; will cooperate with you in any way in addressing this problem.

I realize that officials in Illinois have notified many states, including my own, of individuals who may have obtained their licenses improperly here and are now working elsewhere. I appreciate their efforts in doing

that. Those reports have been helpful but I fear that no one yet knows how many other unqualified drivers are on the highways.

You must help us get to the bottom of this. You need to help identify the total universe of problem drivers and devise a plan to find them and get them off the road until they are properly tested and properly qualified.

I hope you will address the oversight and management of the state testing program. Proper checks must be in place to reduce the chance that employees at regional facilities are compromising the integrity of the state testing process. Perhaps your Panel can survey other states. I am sure you will and I understand from comments just made that this is well under way to find the best practices and to develop the best set of standards in the country. I can assure you that Wisconsin will welcome those standards.

I appreciate deeply the federal involvement in this and I think that has to be emphasized here. Only the United States Department of Transportation can really assure that what has happened in one state does not infect the quality of driving in other states. Illinois drivers are on Wisconsin roads every day. We give reciprocal licenses to Illinois drivers. Drivers, I understand, from other states, not Wisconsin but from other states, who fear the standards in those states may well have come to Illinois in order to get their licenses. So, the Illinois problems have spread throughout the country.

The criminal process will certainly take its course, but public safety can't wait. I hope you will examine carefully the supervision of the third party certification program for road tests. I am troubled to learn that because of limited resources the state of Illinois only inspects about two percent of the more than 500 off-site testing locations every year. With such low percentage of checks taking place, the third party certification program is a prime candidate for abuse and fraud.

I realize that I may be wading into some dangerous political territory here with Wisconsin giving Illinois advice. I hope that you will seriously look at and perhaps make a recommendation regarding the issue of whether the testing of commercial driver licenses should be put directly under the hands of an elected official. I think we have seen in this scandal the mix between political contributions and something as important as the public safety involved in the granting of commercial licenses. I think some of that may be endemic to a system in which the authority for doing that is directly held by an elected official who needs to raise campaign money and is in the course of elections, rather than in the hands of a clear civil service process in which there is not that kind of direct political involvement.

I want to conclude by saying these problems in Illinois have cast a serious cloud over many, many, very good, very competent, very able, very professional truck drivers. Truck drivers from Illinois, who we in Wisconsin rely on to bring products into our state -- that we can make sure we can go to the store and buy the next day. I want to express my thanks to those drivers. I want to make clear that what I see as the real need here is to remove those clouds that a good testing system, whose integrity is unquestioned, is important -- not only for the public safety, but for the reputation of the vast majority of truck drivers who do their jobs so well and so professionally.

I thank you for giving me this opportunity to be heard. I want to pledge the cooperation of the state of Wisconsin in any way that we can to your inquiry. I believe that this is truly an area where the federal government, given how these licenses can affect the safety of states all over, not only in this region but all over the country -- that this really is a role where the federal government and the United States Department of Transportation has to be the one to step in and help.

Let me finally urge again that we want to get to this quickly. I understand the criminal process will take its course but we want your help as quickly as possible in identifying those drivers for whom there may be some question about the integrity of their testing process. And, to make sure that those drivers are tested and fully qualified before they are driving again. Thank you very much.

*Thank you Mr. Doyle.*

*You said that only two percent of third party testers were inspected?*

Well the information provided to me was two percent of the third parties were inspected.

*I would be interested knowing if Wisconsin has either a regulatory or statutory prohibition on fund-raising by state employees.*

We have a direct statutory prohibition for fund raising on government time. A person on their own time is free to fund raise in any direction they want to but we have very clear criminal laws, as I am sure Illinois does, about tying political fund raising to the granting of any kind of government action.

*Mr. Doyle, Wisconsin has got a fairly large ethnic population, as Illinois does, and I would be curious to hear your thoughts on any of the issues involved in requiring English language testing or in any way addressing the whole issue of translation and literacy as part of the qualification process for driving.*

This is my personal view, and I don't mean to be reflecting the view of the Wisconsin Department of Transportation. My view is that a person with limited English skills can be a perfectly good truck driver. They obviously need to be tested on having the kind of English skills that are necessary to read the signs and to read other kinds of instructions that may be involved in the operation of their equipment, and so on. I, personally, don't have a problem that if the truck driver who is driving that truck is a fully qualified, good, able truck driver, if their primary language is Spanish and they have limited English -- that doesn't bother me. As long as the limited English they do have is relevant to making sure that it does their job.

I also don't have -- again, I am speaking personally -- any problem with the idea of translation in the taking of tests. But of course we have to ensure -- and I understand this is one of the issues that is being looked into here -- that that translation is true, accurate translation and it is not in any way giving people help on the test that they shouldn't otherwise have. But just the fact that somebody is a non-English speaker, assuming they know the signs on the roads and they know how to operate the truck, and they know how to get to the instructions and they know how to call for help and they know how to do the things that have to be done in the English language, that's fine with me.

I think there is obviously a limited level of English that is necessary to be a truck driver but I don't think we need to give people Ph.D. exams on the English language for them to be a truck driver.

*By improving the driver history programs in the state and essentially what the legislation calls for, and we have to do regulations to implement it, is to require that convictions be entered by the state licensing agency in the driver history within ten days of the conviction by a court. And also, to essentially prohibit the use of diversion or deferral programs or probation, or whatever it is called in its various incarnations, to allow drivers that have established a risk taking history to continue to drive under hardship circumstances.*

*As someone who works in the court systems and works in the law enforcement community, I'd be curious to get your sense of where Wisconsin is, if you know, or where you think Wisconsin might be in terms of being able to address these fairly aggressive requirements of the new legislation.*

I think that we are in a very good position. I hope there is a little federal money that is coming along with this -- on the information technology that is needed. We have been moving very quickly in Wisconsin. We have always been one of the leading states in the entry of criminal history records. We have done instantaneous background checks on gun buys for example, since before the Brady Law was ever enacted, so we put a high priority on that.

We have, as in many states, been moving from a cumbersome paper system in which driving convictions often sit in files, into an automated system and my understanding is that we are nearly fully automated. I know we run the criminal history records, so I can talk very specifically on that. We are now almost completely automated from the moment of conviction being entered directly into the database. I welcome it. Obviously, immediate, quick, accurate information should be something we are all looking for.

On the deferral, I guess I generally also agree, if we are talking about drunk driving and traffic offenses, we do have an occupational license which I suppose is arguably a deferral kind of arrangement. We do have an occupational, and I guess I would hesitate to see that go, although maybe we should look at it and bring it

into tighter regulation. But there are times where a person's driving record having an occupation unrelated to commercial driving license that permits them to continue to work at a time when you take their driver's license away may be just sending them into further criminal activities. Again, it is something that we are going to be forced to explore as you adopt your regulations and we are prepared to do that.

*I think the sense of the Congress was that the concept of giving an occupational license to a professional driver there seemed to be amiss there.  
Could I follow up on that?*

*In Wisconsin do you follow or track judicial performance in terms of following a citation through to the conviction to determine to what extent the conviction parallels what the actual citation was in the first place versus plea bargain.*

That is a very good question. We have never tracked that because, again, it comes out of a paper document. I think we are very close to being able to track that very easily. Where you don't have to go look into every judge's file cabinet but in fact you would see the charge that is issued and you would see the ultimate conviction. Certainly now in the area of criminal records, you would see that on the criminal record. You would see what the charge was and you would see what the conviction was. And, I believe we are close to doing that. And again, someone from our Department of Transportation would be better to answer specifically where they are on technology, but I think we are close to doing that in the area of our traffic records as well.

*I am concerned in terms of the aspect of some accountability to the judicial community as well in terms of making sure that they are adhering to their role that they play in terms of this overall traffic safety agenda that we have.*

Now, one of the problems is our record of course will show what the charge was and what the conviction is but it won't necessarily say that that was the result of a plea bargain. And, in many cases, a person may have been charged and simply not guilty of that charge and they end up being convicted of something less.

*Thank you Mr. Doyle.*

Mr. Leverett Baldwin, Milwaukee County Sheriff

Good morning, Mr. Chairman and committee members. I appreciate your allowing me to take the time and I will be very brief in my comments.

As the Attorney General indicated, six children burned to death in Wisconsin in my county one month after I got elected sheriff three and a half years ago. A speeding truck driver rolled his truck and killed a nineteen-year-old young lady. Two weeks later, another speeding truck driver rolled his vehicle over and killed another individual. My zeal, if you will, is to make sure that does not happen.

Some things that we have started in Milwaukee County, working with the Teamsters, working with the Motor Carriers Association, is what we call Operation Truck Stop. Operation Truck Stop is an endeavor of our department and now it is a five county endeavor, from the other counties surrounding Milwaukee County, to slow vehicles down driving on our freeway systems.

We started that and we used the local media to notify the public of what we were going to do. And what we did was we used laser radar and we had six or seven vehicle squads ready to stop the trucks and other speeding vehicles and let the people see the visuals of what we were doing in slowing truck drivers and speeding vehicles down. As a result of that, from one May to the next May, speeds in Milwaukee County dropped over six miles an hour. And I am proud to say in the last six months, we have not had one fatality in Milwaukee County freeway system.

I think what we need to look at is standardized testing throughout the nation. I think what we need to look at is the ability for the state of Illinois to determine who did get their driver's licenses by buying them. And we need to identify them with the other states throughout the nation. And I think -- there is no question in my



mind -- that this is a national issue but, more importantly, we need to inform all law enforcement no matter how large or how small they are that the potential exists that people are driving trucks through their town, counties, etc. with purchased licenses, and they don't really have an ability to drive those vehicles.

I have taken on a charge with our department looking over the last year of accidents on the Milwaukee County freeway system that had been involved with Illinois truck drivers. We have identified 165 accidents. Out of the 165, and my deputies have just been working on this most recently, over 50 percent of those individuals are suspect as far as their licenses go.

Now, what does that mean? That means that the potential exists that they either purchased their license, they flipped their license, or, they were revoked in the state of Wisconsin and they got an Illinois license and are driving in Wisconsin illegally. Or, someone didn't do a criminal background check to determine whether or not they were arrested for possession with intent to deliver -- those types of things. And, we are looking at that and I would be glad to share that with this commission when we do get those results, if I can have a card from you.

*We will make sure you get one.*

Thank you. Our zeal -- some people call it political in nature. Maybe it is -- because the politics are such that we are concerned about every person driving the Milwaukee County freeway system. And our politics are a little bit different in Milwaukee, I think, than it is in Chicago. I care about the people that use my freeway system but, more importantly, I really do care about the good, professional Teamster truck drivers that use our system as well. It is a black eye, if you will, for all the professional motoring public and Teamsters and motor carriers when you have a situation like you have seen here over the last seven or eight years.

Thank you.

*Thank you Sheriff Baldwin.*

Mr. H.D. Short, Robinson Bus Company

Good morning. First of all, I had no idea that I would be attending the meeting until 40 minutes before the time.

I sit and listen today and I look around the room. Most of the older news people, they were with me during the last 37 years with CTA, where there were major crimes on the expressways, the CTA and the railroad. I left there as the general manager a year and a half ago. Since that time, I went to Robinson National Express who have buses in about 22 different states here in the United States.

I listened to some of the presenters. Some, I applaud -- most. Some, I envied, and I will tell you why. And some, I cry when I think about the six children. But as I drive daily and have been driving the expressways and freeways and city streets for the last four decades, I have never seen or never been more fearful than I am now when I drive the Dan Ryan , I-80, 90, 194.

But those are not my issues. My concerns are very minute compared to the concerns that have been surfaced here this morning. My questions are -- and I cannot understand coming from the Chicago Transit Authority to Robinson -- why from the time an applicant is fingerprinted, does it take up to six months for the results to come back? That is my number one question.

The reason for that question is that the trainees get tired of waiting. We trained them, we pay them after they have been trained just to come back every day and be trained over and over trying to retain them until the results come back. In essence, many times we train and we give away state class certificate letters.

If a trainee or driver has met all the requirements and the state board has not sent back their certificate, their letter of certification in the allowed time, then why is the driver held responsible for the error that is made by

the state board? Why do drivers have to do everything all over again, when their certificates have not been returned in the allowed time?

After trainees continue their training, again we continue to pay them just trying to retain them. Thanks for listening to my comments.

*Thank you Mr. Short.*

*Any questions for Mr. Short?*

*You said that you were afraid to drive down the Dan Ryan. Is that because of other trucks, or because of the passenger vehicles?*

It is surprising what you experience on the Dan Ryan -- and I say the Dan Ryan because that is the expressway that I use most. It is surprising some of the driving habits that I experience from truckers who are supposed to be some of the world's most professional drivers, and even the motorists. It is a nightmare. It is a nightmare and to any of you, if you challenge me, I would be more than happy to pick you up and to give you a tour.

*Thank you Mr. Short.*

Ms. Velma Brown, Robinson Bus Company

*Ms. Brown explained that she had nothing to add to the comments of Mr. Short.*

Mr. Clyde Hart, Acting Deputy Administrator, FMCSA

*Thank you very much. Thank you all for coming.*

*If there are no further presenters and no questions from the Panel, we can declare this hearing to be adjourned. Thank you.*

## APPENDIX

## H

FEDERAL REGISTER:  
SUMMARY WRITTEN COMMENTS

Written Response from *Federal Register* Notice, Vol. 65, No. 99, May 22, 2000

The Federal Motor Carrier Safety Administration (FMCSA), in its effort to review the Illinois Commercial Driver's License Program, published a *Federal Register* notice on May 22, 2000. The notice announced the public hearing for interested persons to present comments and views on the Commercial Driver's License program in Illinois. The notice allowed the FMCSA to hear from the public any concerns they may have had about the State's CDL program, CDL issuance practices, driver testing (including third party testing), literacy and translation requirements.

The *Federal Register* notice allowed people who were unable to attend the hearing to submit written comments by the close of business on June 13, 2000, to the Docket, Room PL-401, 400 Seventh Street, SW, Washington DC 20590. The FMCSA received six written comments from private citizens in response to the notice of the public hearing. The following is a summary of the comments to some of the key items addressed in the notice.

- Several commenters wanted more oversight of the CDL program from the federal government and the establishment of an oversight /surveillance program.
- One writer could not understand why drivers are given a license when they cannot speak English.
- Another writer believes that truck drivers in Chicago are among the worst.
- One commenter expressed, "I want to believe that when I take my family on the road this summer that those semi's are driven by trained professionals who passed 'real' tests."
- Several comments addressed Governor Ryan's management of the State's CDL program.
- Another commenter described the ordeal she faced when she shipped her household goods to another State, and how the driver of that vehicle had obtained his CDL fraudulently.
- Another commenter wrote "that the consequences of corruption and bribery was the licensing of a large number, probably hundreds, of truck and auto drivers who were unqualified to drive, leading to likely hundreds of accidents and injuries including loss of life."