



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

DMV Services
1905 Lana Avenue NE
Salem OR 97314

July 2, 2003

FILE CODE:

Docket Management Facility
U.S. Department of Transportation
Room PL-401
400 Seventh Street, SW
WASHINGTON, DC 20590-0001

Reference: Docket No. FMCSA-2001-11117-32

Thank you for the opportunity to provide input on the interim final rules establishing limitations on the issuance of commercial driver's licenses with a hazardous materials endorsement.

Currently, as with other states, Oregon has an 8 year license cycle. 383.141 will require states like ours to create a hazardous material endorsement renewal cycle separate from the license renewal cycle. By setting a 5 year time period, we assume that you are concerned that waiting more than 5 years to conduct follow up security checks presents a risk because drivers may commit one or more of the offenses of concern and still drive for a long period of time before a background check detects it. This is assuming also, that the driver does not self declare and relinquish the endorsement. However, creating a different renewal cycle for hazardous material endorsements from the license renewal cycle will create considerable hardship and expense for Oregon. We would like to propose an alternative for states that have license renewal cycles longer than 5 years. We suggest that in those states, your rule require that hazardous material endorsement holders must submit to the TSA security screening every 5 years or less, as stated in the TSA regulation. If the endorsement holder failed to submit to the screening or the screening shows that the individual represented a security risk, then the state DMV would revoke the endorsement. For example in Oregon, endorsement holders would submit to a TSA security screening at renewal and a second screening halfway through the eight year license cycle and then again at renewal. Thus endorsement holders would be screened every four years, meeting the intent of your proposed rule without having to change our endorsement renewal cycle.

The comments submitted are those of the Oregon Department of Transportation, Driver and Motor Vehicle Services.

Sincerely,

Lorna Youngs, Administrator
Driver and Motor Vehicle Services
Oregon Department of Transportation

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DEPT. OF TRANSPORTATION
DRIVER'S SERVICES





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400 Seventh Street, SW
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Reference: Docket No. TSA-2003-14610

Thank you for the opportunity to provide input on the interim final rules establishing limitations on the issuance of commercial driver's licenses with a hazardous materials endorsement. The following are our comments:

Based upon the conference call with AAMVA, TSA expects states to contact the customer with the results of "No Security Threat." Using the states as the conduit represents an additional unfunded mandate. TSA should be responsible for notifying the customer of security check results whether positive or negative -- not the states.

We request the implementation date be delayed to a date when TSA will be prepared and have the answers to questions that will allow the states to accomplish implementation tasks, such as the computer programming necessary to receive automated notification via CDLIS. If TSA does not change the implementation date as requested, we need a letter from TSA stating they do not expect states to comply with the regulations until all preparatory actions have been completed by TSA.

The regulations clearly require anyone transferring, renewing or upgrading a license to obtain the security clearance. A time frame, such as 6 months, should be established to accept a security clearance, recorded on CDLIS, that was obtained in another state. It does not seem reasonable a person should have to go through the process again if it was recently established the person is not a security threat. In addition, it will not be possible for a driver to maintain a hazmat endorsement while satisfying the FMCSA requirement to transfer a CDL within 30 days of residency change if the regulation is not modified.

There is no indication, within the rules, how long states must maintain the results of the security check or citizenship status on the permanent record. We request guidance.

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U.S. DEPARTMENT OF TRANSPORTATION
DMV SERVICES

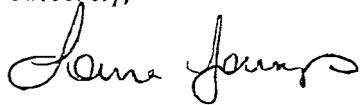


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1572.5(b)(2) and 1572.5(e)(2) require states to submit fingerprints and applications in a form and manner acceptable by TSA. During the recent AAMVA conference call it was suggested states use some electronic method. We request TSA consider that some states do not have electronic means to transmit the fingerprints or applications and the unfunded mandate this requirement may levy..

The comments submitted are those of the Oregon Department of Transportation,
Driver and Motor Vehicle Services.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lorna Youngs".

Lorna Youngs, Administrator
Driver and Motor Vehicle Services
Oregon Department of Transportation