

## UPCOMING TRAININGS & CONFERENCES

NDA A is making its National Courses available virtually in light of health and safety concerns over COVID-19. Check out a full list of NDA A's virtual learning sessions at [▶ ndaa.org/training/courses/](https://ndaa.org/training/courses/).

**NDA A's Mastering Masking Digital Course/ On Demand Training (CLE Available)**  
[▶ ndaa.org/training/mastering-masking-2/](https://ndaa.org/training/mastering-masking-2/)

**NDA A's Human Trafficking and the Impact on Commercial Driver's Licenses/On Demand Training**  
[▶ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/](https://ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/)

**NDA A's Prosecuting DUI Cases Online Course/ On Demand Training (CLE Available)**  
[▶ ndaa.org/training/prosecuting-dui-cases/](https://ndaa.org/training/prosecuting-dui-cases/)

**NDA A Career Course: The Evolution of Prosecution**  
October 4-7, 2021, Louisville, KY

**Well-being Taskforce: Vibrant Leadership (Live Webinar)**  
October 12, 2021 @ 2:00 p.m. ET

**Understanding, Interrupting & Minimizing Conscious & Unconscious Bias (Live Webinar)**  
November 10, 2021 @ 11:30 a.m. ET

## RESOURCES

**Impaired Driving Resources**  
[▶ ndaa.org/programs/ntlc/](https://ndaa.org/programs/ntlc/)

**CDL-Related Resources**  
[▶ ndaa.org/programs/ntlc/commercial-drivers-license/](https://ndaa.org/programs/ntlc/commercial-drivers-license/)

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# The Kentucky CDL Advisory Committee and the Kentucky CDL Outreach Project

## Fostering Communication Between Traffic Safety Partners to Save Lives on Our Roadways

*By Aaron Ann Cole-Funfsinn, Staff Attorney,  
National Traffic Law Center*

Law enforcement, prosecutors, judges, court personnel, motor vehicle carriers, and many other interested and passionate traffic safety stakeholders work together every day to train and educate commercial driver's license (CDL) holders. These partners also act to ensure CDL holders are held accountable<sup>1</sup> if they commit traffic violations or offenses. When there is a lack of communication between these partners, critical information may slip through the cracks and vital data may fail to be recorded on the CDL operator's driving record. If any

<sup>1</sup> 49 C.F.R. § 383.51, Disqualification of Drivers.

link is left out of the chain of communication, that chain is broken. Traffic safety stakeholders engaged in CDL enforcement work in Kentucky realized they had an opportunity to strengthen their chain of communication. To do this, Kentucky created a CDL Advisory Committee, and in so doing, became one of the first states in the country to create such a taskforce.

As set forth below, the Kentucky CDL Advisory Committee has created a forum connecting traffic safety partners from every part of the process, from CDL licensing to roadside enforcement to adjudication and recording, as well as associates from the motor carrier industry. The Kentucky CDL Advisory Committee, as well as its education and training arm, the Kentucky CDL Outreach Project, meet quarterly to discuss contemporary issues in CDL-related traffic safety, challenges their members face, successes they have had, and ways to create safer roadways for the public and for CDL drivers themselves.

### How and Why Was Kentucky's CDL Advisory Committee Formed?

The Kentucky CDL Advisory Committee was modeled on the format of the FMCSA-funded Innovative Technology Deployment (ITD) program. The ITD program is a partnership of several stakeholder groups, and is administered by the Kentucky Transportation Center in the University of Kentucky's College of Engineering.<sup>2</sup> The ITD Team focuses on bringing stakeholders in commercial motor vehicle (CMV) safety together to gather quality data around CMV technologies.<sup>3</sup> Members of that team, including Kentucky Transportation Center (KTC)<sup>4</sup> staff members Andrew Martin and Jennifer Walton, collaborated with members of the Kentucky Transportation Cabinet's (KYTC) Division of Driver Licensing to create a program focused on CDL training, licensing, enforcement, prosecution and adjudication issues that would save lives by opening the lines of communication between CDL traffic safety stakeholders across the field and across Kentucky. KTC's Martin said, "We wanted to raise awareness of contemporary issues related to CDL enforcement and adjudication. We wanted to set something up where there was recurrent contact with the stakeholders that was more comprehensive and effective."<sup>5</sup>

In 2020, the KYTC applied for a Federal Motor Carrier Safety Administration (FMCSA)-funded Commercial Driver's License Program Implementation (CDLPI) grant to form the Kentucky CDL Advisory Committee. The grant application contained the following language:

This is a two-year project where we set up a team of stakeholders to better coordinate and facilitate actions that will remove barriers to compliance with federal and state CDL regulations. The partnership will enhance strategic planning for state projects, assist with grants administration, improve CDL data quality monitoring, facilitate development of state performance measures, and provide preliminary research and analysis for CDL administrators as needed.<sup>6</sup>

FMCSA awarded the grant to KYTC in September 2020, and the committee began meeting in November 2020. According to the minutes, the committee's objectives were to: (1) assemble a team of CDL stakeholders; (2) hold regular stakeholder meetings to discuss emerging issues and long-term challenges for CDL compliance; (3) assist stakeholders with CDLPI grant preparation and administration; (4) assist data quality monitoring and performance measures; and (4) plan and facilitate a strategic planning session.<sup>7</sup>

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<sup>2</sup> [www.umasstransportationcenter.org/images/umtc/UMTC-TAC/Enhanced%20Safety%20Screening.pdf](http://www.umasstransportationcenter.org/images/umtc/UMTC-TAC/Enhanced%20Safety%20Screening.pdf)

<sup>3</sup> *Id.*

<sup>4</sup> The Kentucky Transportation Center (KTC) is the designated research arm of the Kentucky Transportation Cabinet.

<sup>5</sup> NTLC Staff Attorney Aaron Ann Cole-Funfsinn's Interview with KTC's Valerie Keathley-Helil and Andrew Martin, August 4, 2021.

<sup>6</sup> "Administrative and Technical Support for Kentucky's CDL Program" Grant Application Title: FY 2020-BASIC Commercial Driver's License Program Implementation Grant Program, Agency: Kentucky Transportation Cabinet (KYTC).

<sup>7</sup> Kentucky CDL Advisory Committee Virtual Meeting Minutes, November 6, 2020.

### Who Are the CDL Advisory Committee Partners?

The CDL Advisory Committee is chaired by Kentucky's CDL Program Coordinator, Judy Wolf. When asked about how they decided who should be on the committee, Wolf said, "We wanted somebody from every link on the chain, from the licensing process, to driver and vehicle, to roadside, to court, to loading it onto the record. We wanted everyone in the process from beginning to end. We wanted all partners in the process to be in collaboration together."<sup>8</sup> To reach this goal, invitations to join the committee were extended to partners involved directly in the licensing process (the Kentucky State Police—Commercial Vehicle Enforcement (KSP-CVE) Division and KYTC's Division of Driver Licensing), roadside enforcement (KSP-CVE), prosecution (Kentucky Traffic Safety Resource Prosecutor Tom Lockridge)<sup>9</sup>, adjudication (Judicial Outreach Liaison Kevin Holbrook), as well as requests for support from representatives from FMCSA, the Kentucky Trucking Association, and other commercial motor carrier industry partners. Every effort was made to bring members with different roles into the committee to act as a bridge, creating a forum of communication for stakeholders from the beginning of the CDL licensing process to the very end to ensure a CDL holder's driving history accurately reflected any violations the driver committed.

An environment to facilitate partnership and communication within the CDL traffic safety world was formed. Despite the communication fostered by this new Committee, there was no method to push out training to law enforcement, prosecutors, court personnel, and other interested parties outside of the Committee. The Kentucky CDL Outreach Project was created to address this need.

### The Kentucky CDL Outreach Project

The primary goal of the Kentucky CDL Outreach Project is education and outreach. As KTC's Martin described it, "The CDL Advisory Committee is a wheel, the other specialized efforts are spokes."<sup>10</sup> According to Martin, the purpose of the Kentucky CDL Outreach Project is to "raise awareness of contemporary issues related to CDL enforcement and adjudication. [We] wanted to set something up where there was recurrent contact with the stakeholders."<sup>11</sup> Wolf emphasized that an objective of the Kentucky CDL Outreach Project is to create CDL-related curriculum to educate and inform partners at every link on the chain, from licensing to enforcement to adjudication to recording.<sup>12</sup> This project is also FMCSA funded.

One way the Kentucky CDL Outreach Project is meeting its objectives is by partnering with stakeholders in the group, including Kentucky's Traffic Safety Resource Prosecutor (TSRP) program and the National Traffic Law Center, to conduct outreach at stakeholder events. These members have presented to or plan to present at the National CDL Conference, the Kentucky District Judges Fall College, the Kentucky Prosecutor's Conference, and at regional trainings for Kentucky County Attorneys. Members of the outreach committee have presented or plan to present at the Kentucky Trucking Association Annual Conference and to KSP-CVE officers and inspectors. Both groups will also be developing training materials and curriculum about contemporary CDL issues. KTC's Keathley-Helil noted that this information could help revise opinions on what are viewed as "minor offenses," saying, "We see speeding or improper lane change as minor offenses, but these offenses are connected to higher crash risk. Raising awareness for safety's sake, protecting the public and protecting truck driver's safety themselves ..." are all goals of the Committee's outreach.<sup>13</sup>

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<sup>8</sup> NTLC Staff Attorney Aaron Ann Cole-Funfsinn's Interview with CDL Program Coordinator Judy Wolf, August 4, 2021.

<sup>9</sup> *Id.*

<sup>10</sup> Keathley-Helil and Martin Interview, *supra*.

<sup>11</sup> *Id.*

<sup>12</sup> Wolf Interview, *supra*.

<sup>13</sup> Keathley-Helil and Martin Interview, *supra*.

### Positive Impact of the CDL Advisory Committee and the CDL Outreach Project

A long-term goal of the Kentucky CDL Advisory Committee is decreasing the number of crashes on Kentucky highways and increasing data quality in enforcement adjudication and administration.<sup>14</sup> The CDL Advisory Committee provides an “overarching opportunity to get stakeholders together to discuss challenges they face” which provides topics on which to train members and partners through the CDL Outreach Project.<sup>15</sup> As Wolf noted, this discussion “gets convictions to the record as they should be. Getting everything put on the record as it should be keeps safer drivers on the road.”<sup>16</sup>

As a direct result of the CDL Advisory Committee and for the first time in Kentucky, partners with different CDL focuses are meeting regularly and in contact with each other.<sup>17</sup> The CDL Advisory Committee has provided an opportunity for members to understand other members’ roles in the CDL world. As Martin stated, “It’s much better to do this than many conversations. This is proactive. The biggest thing coming out is the messenger. The message is the same, but different messengers may bring it to audiences that will receive it better—prosecutors hearing from prosecutors, judges to judges. It’s the right person delivering the message and the right person talking to the right groups.”<sup>18</sup>

The Kentucky CDL Advisory Committee has provided a template that can be replicated in other states. The Committee provides a constructive environment for partners to talk through challenges and opportunities with stakeholders.<sup>19</sup> As Keathley-Helil pointed out “data quality and masking are nationwide issues and safety is only going to be improved if everyone is working together and if the CDL regulations are met. ‘One Driver, One License, One Record’ can only happen with good data quality. It’s only going to work if the data is accurate, timely and can be relied on. When you work with these agencies one on one and see how seriously they take their job, anything we can do to make their jobs a little easier, that’s rewarding.” Wolf also noted that the Committee “keep[s] open lines of communication between all the parties involved in the CDL program. So many people don’t realize what part their job plays in the big picture. We are all links and if one is broken, the chain is broken. Every job is important for the end result, which is saving lives. We depend on safe truck drivers to deliver goods across the country, and we want them to remain in compliance so we can remain in compliance.”<sup>20</sup>

The CDL Advisory Committee and the CDL Outreach Project have created bridges where there were previously silos between CDL stakeholders in Kentucky. Quality data is being gathered to reflect the impact this regular communication is having on overall CDL-related traffic safety. It’s an easily replicable model that will help to further the overall goal of saving lives on Kentucky’s roadways, and perhaps someday, roadways across the country.

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### About the Author

**Aaron Ann Cole-Funfsinn** is an NTLC Staff Attorney and works on CDL matters under the Federal Motor Carrier Safety Administration grant. She attended the University of Michigan in Ann Arbor and Loyola University Chicago School of Law. She began her legal career 13 years ago in the Cook County State’s Attorney’s Office as a prosecutor before returning to her home state of Kentucky. In Kentucky, Aaron Ann worked in administrative and civil law, and then continued her career as a prosecutor with the Kentucky Office of the Attorney General

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Wolf Interview, *supra*.

<sup>17</sup> Keathley-Helil and Martin Interview, *supra*.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Wolf Interview, *supra*.

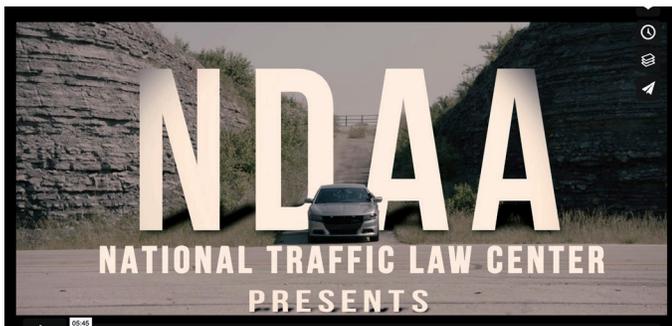
and the Fayette County Commonwealth Attorney's Office. Thereafter, Aaron Ann became one of Kentucky's Traffic Safety Resource Prosecutors. In that role, she worked tirelessly to develop traffic-based trainings for law enforcement, prosecutors and other traffic safety stakeholders. Aaron Ann is on the faculty of the Kentucky Prosecutor's Institute and is a member of the Kentucky CDL Advisory Committee, the Kentucky CDL Outreach Project, as well as the Kentucky Impaired Driving Task Force. For additional information about the Kentucky CDL Advisory Committee, the Kentucky CDL Outreach Project, or any issues relating to commercial driver's licenses, please contact Aaron Ann at (703) 519-1674 or by email at [aacole@ndaajustice.org](mailto:aacole@ndaajustice.org).

## From Roadside to Record Video Series

NTLC is thrilled to present "**From Roadside to Record**," a video series about enforcing, prosecuting, and adjudicating CDL traffic stops in accordance with federal and state regulations. They are perfect to use in CDL-related trainings.

The first video involves a law enforcement stop of a commercial motor vehicle and a stop of a non-commercial vehicle driven by a CDL holder. The second video includes courtroom scenes of a prosecutor engaged in realistic pretrial negotiations of cases involving CDL holders and presentations of those cases to court.

The link to these videos can be found [here](#).



# Virtual 2021 Commercial Driver's License Violations Conference: Enforcement, Prosecution & Reporting Recordings

NDAA's National Traffic Law Center conducted the *Virtual 2021 Commercial Driver's License Violations Conference: Enforcement, Prosecution & Reporting*<sup>1</sup> training on June 22–24, 2021. This Course was designed to assist prosecutors, law enforcement personnel, judges, court clerks, motor vehicle administrators, and other allied professionals with vested interests in CDL enforcement and public safety by identifying where potential breakdowns in communication exist and identifying common misconceptions about CDL prosecution. The videos and accompanying materials will assist stakeholders in their efforts to improve public safety, educate our enforcers, and save lives on our roads.

The recordings from each session of the conference (see list below) are available for FREE on the NTLC website. To access the videos, please click [here](#). Please note, however, viewers of the recorded videos are not eligible to receive the CLE credit that was given during the conference.

## Additional Questions?

If you have additional questions about the conference videos, or any other commercial driver's license issues, please contact National Traffic Law Center Senior Attorney Jim Camp at [jcamp@ndaajustice.org](mailto:jcamp@ndaajustice.org) or Staff Attorney Aaron Ann Cole-Funfsinn at [aacole@ndaajustice.org](mailto:aacole@ndaajustice.org) with the National Traffic Law Center.

## VIRTUAL CDL CONFERENCE RECORDINGS

- **Keynote Address:** FMCSA Deputy Administrator Meera Joshi
- **Session 1: Case Analysis**—Wisconsin TSRP Tara Jenswold and Wisconsin State Patrol Sgt. Mike Marquardt, Supervisor, WSP's Technical Reconstruction Unit
- **Session 2: CDL: What Is It and How Do You Obtain One**—Cheri Daniels, CDL Coordinator, California Department of Motor Vehicles
- **Session 3: NTLC—Who We Are and What We Do**—Joanne Thomka, Director, NTLC
- **Session 4: Masking**—Jim Camp, Senior Attorney, NTLC and Romana Lavalas, FMCSA Attorney-Advisor, Office of Chief Counsel, Enforcement and Litigation Division
- **Session 5: Understanding the Role of the Court and the SDLA in Convictions, Recording and Disqualifications**—Hon. Gary Graber, Town Justice, Town of Darien, NY and Carla Weaver, Law and Justice Liaison, Program and Services Assistant Director's Office, Washington State Department of Licensing
- **Session 6: CVSA—Who They Are and What They Do**—Chris Turner, Director of Enforcement Data and Judicial Outreach, Commercial Vehicle Safety Alliance
- **Session 7: KY TSRPs and their CDL Task Force**—Kentucky TSRP Thomas Lockridge and Aaron Ann Cole-Funfsinn, NTLC Staff Attorney
- **Session 8: Panel Discussion**—Hon. Gary Graber, Indiana TSRP Chris Daniels and Chris Turner

<sup>1</sup> The National District Attorneys Association (NDAA) created this event through financial support and assistance from the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), under grant number FM-CDL- FM-CDL-0421-20-01-00. NDAA is not part of the U.S. Government, the U.S. Department of Transportation (DOT), or the FMCSA. Therefore, NDAA does not represent the official position or policies of the FMCSA, the U.S. DOT, or the U.S. government. Particular points of view, opinions or legal interpretations expressed throughout this event are those of the authors and do not necessarily represent the official position, policies or opinions of the National District Attorneys Association or the Federal Motor Carrier Safety Administration.