

**FINAL REPORT OF THE JOINT COMMITTEE ON TRANSPORTATION REGARDING THE
OPERATIONS OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AND
REGISTRY OF MOTOR VEHICLES**

I. INTRODUCTION

The Joint Committee on Transportation of the Massachusetts legislature releases this report regarding the Department of Transportation and the Registry of Motor Vehicles. The scope and content of this report is guided by the primary purposes for which the joint committee convened oversight hearings in the month following the tragic loss of seven lives in Randolph, New Hampshire on June 21, 2019. Given the seriousness of the public safety failings, it was the committee’s intention to provide a forum where the actions of key figures would be presented to the public through testimony and the examination of relevant documents. It was also critical to the committee that its review would constitute an independent evaluation of the findings presented by MassDOT itself and its forensic auditor, Grant Thornton.

What the joint committee came to appreciate after the public hearings in the summer of 2019 was the scale and complexity of the challenges facing RMV staff and senior management as the agency undertook two often competing tasks. Beginning in 2015, the RMV was directed to carry out not only a Baker administration-led “War on Wait Times,” but an agency-wide effort to replace its core operating computer system and implement new and demanding federal REAL ID standards. The learning curve for the joint committee was steep, and a complete accounting of each material circumstance contained in the more than 3 million pages produced by MassDOT may not be possible.

Fortunately, much groundwork was laid in the months immediately following the tragedy that the committee was able to use as a launching point; though this document does offer a critique of certain findings contained in Grant Thornton’s Final Report, both MassDOT’s internal investigation and Grant Thornton’s root cause analysis identified and remedied some of the more immediate risks, including risks that extended beyond the omissions at the center of our inquiry arising from the Zhukovsky accident.

Despite this, it is clear from the joint committee’s review that during the five years that preceded the accident, there was a serious departure from what should be recognized as the primary mission of the Registry of Motor Vehicles – public safety. The committee does not deny that the public deserves a well run “front-facing” operation; the administration and Registrar were justified in seeking efficiencies in the service centers. Indeed, this is not the first administration to speak in terms of “customers” when discussing those licensed to operate on our public roads.

However, as documented in this report, the disproportionate amount of time, energy and resources devoted to wait times by the Baker administration during this period of intense transformation within the RMV left certain departments and functions vulnerable to lapses in their public safety responsibilities. Accordingly, in recognition of the dueling motivations faced by the Registry, this report makes recommendations for structural changes that will prioritize the agency's public safety role and shield it from undue interference in the future.

II. THE ACCIDENT AND ITS AFTERMATH

On December 1, 2020, the National Transportation Safety Board adopted its final report (“NTSB Accident Report”) detailing its investigation of the accident (“Accident”) that took place in Randolph, New Hampshire on June 21, 2019 in which Volodymyr Zhukovskyy took the lives of seven motorcyclists. Per the NTSB Accident Report, at pp. 1-2:¹

About 6:26 p.m. eastern daylight time on Friday, June 21, 2019, a 2016 Ram 2500 Tradesman crew-cab pickup truck towing an unladen 2015 Quality vehicle-hauling trailer, operated by Westfield Transport Incorporated and driven by a 23-year-old male, was traveling west on US Route 2 (US-2) in Randolph, Coos County, New Hampshire. The combination vehicle had left its last delivery stop in Gorham, New Hampshire, about 17 minutes earlier, and was en route to West Springfield, Massachusetts.

About this time, a group of 15 motorcycles carrying 15 riders and 7 passengers traveling in staggered formation had just departed the Mount Jefferson View Inn, located at the intersection of Valley Road and US-2 As the motorcyclists entered the eastbound lane of US-2 on their way to Gorham, the combination vehicle approached the Valley Road intersection. Through this area, US-2 is a two-lane road that is separated by a double yellow centerline and has a speed limit of 50 mph.

About 1,100 feet east of Valley Road, the combination vehicle, which had crossed the centerline of US-2 into the eastbound lane, collided with the motorcycle leading the staggered formation. As the combination vehicle continued farther into the eastbound lane, it collided with a second motorcycle The pickup truck and its trailer then sharply arced leftward, crossing the eastbound lane and directly striking four additional motorcycles. The combination vehicle came to rest on an earthen embankment along the eastbound shoulder, at which point a fire ensued that enveloped the pickup truck and the last two impacted motorcycles The crash occurred in daylight, and the road surface was dry.

Also per the NTSB Accident Report:

- A blood sample taken after the Accident indicated the presence of fentanyl and other narcotics in Mr. Zukovskyy's system.

¹ *Collision Between Pickup Truck with Trailer and Group of Motorcycles, Randolph, New Hampshire, June 21, 2019*, Highway Accident Report NTSB/HAR-20/04, available at <https://www.nts.gov/investigations/AccidentReports/Reports/HAR2004.pdf>.

- Prior to the Accident, Mr. Zhukovskyy held a Massachusetts class A commercial driver's license (CDL) obtained in August 2018 that was set to expire in December 2021.
- On May 11, 2019, Mr. Zhukovskyy was arrested in East Windsor, Connecticut for operating under the influence of drugs. Because he had refused to take a chemical test, his driver's license was suspended in Connecticut for 45 days effective June 10, 2019.
- On May 29, 2019, the Connecticut DMV sent an electronic notice to Massachusetts informing the Registry of Motor Vehicles of Mr. Zhukovskyy's license suspension and chemical test refusal, with an effective date of June 10, 2019. The electronic notification, which was transmitted to the RMV through the Commercial Driver's License Information System ("CDLIS"), was received by the RMV's core IT system (referred to as ATLAS), but was not posted to Mr. Zhukovskyy's driver history record; instead, it was diverted by ATLAS into a manual review queue.
- Connecticut DMV also mailed the suspension notice to the RMV, which was received by the RMV on June 4, 2019.²
- At the time of the Accident, the RMV had not acted on either notice and had failed to suspend Mr. Zhukovskyy.

Following the Accident, on June 25, 2019, Erin Deveney resigned as registrar. That same day, Massachusetts Secretary of Transportation Stephanie Pollack appointed Jamie Tesler to serve as acting registrar.

MassDOT also conducted an internal investigation into the cause of the missed suspension. In connection therewith, MassDOT released six interim reports between July 1, 2019 and October 3, 2019 detailing its findings and describing remediation efforts intended to ensure that all notices of out-of-state traffic offenses are entered onto Massachusetts driving records. On July 10, 2019, MassDOT engaged auditor Grant Thornton to conduct an independent analysis of the root causes of the failure to suspend Mr. Zhukovskyy and to provide a risk mitigation action plan. Grant Thornton issued a preliminary report on August 16, 2019 and its final report ("Final Report") on October 4, 2019.

On August 20, 2019, following a meeting of the 3-member board established pursuant to section 57A of chapter 6C of the General Laws to oversee the Merit Rating Board, Thomas Bowes was

² After the Connecticut arrest, Mr. Zhukovskyy crashed a car carrier, and its cargo of five automobiles, on a Texas highway on June 3, 2019. His then employer, FBI Express, terminated Mr. Zhukovskyy on June 7, 2019 due to his involvement in the crash and his failure to submit a urine sample for drug testing promptly after the incident. Thereafter, he was hired by Westfield Transport on June 18, 2019, just three days prior to the Accident.

terminated as director of the Merit Rating Board. Paolo Franzese was appointed as interim director on August 22, 2019 and made permanent on April 16, 2020.

III. OVERVIEW OF THE JOINT COMMITTEE'S INQUIRY

The following is a brief overview of significant actions taken by the joint committee during the course of its examination of the RMV's failure to suspend Mr. Zhukovskyy prior to the Accident. Note that many of the documents cited below, including transcripts of the July 30, 2019 oversight hearing and the letters exchanged with MassDOT, are available on the joint committee's web page, which can be accessed at www.malegislature.gov. At the conclusion of the current legislative session, to the extent such materials are no longer available online, including the report itself and the accompanying volume of exhibits, copies of these materials will be maintained at the committee's offices.

A. Oversight Hearings and Initial Document Requests

Following the Accident, the joint committee scheduled an oversight hearing to be held on July 22, 2019 for the purpose of taking testimony from invited witnesses concerning MassDOT and Registry of Motor Vehicle operations and management practices related to driver's license administration.

On July 17, 2019, the committee delivered a letter to Secretary Pollack requesting the presence of certain individuals, including: the Secretary; Acting Registrar Jamey Tesler; former Registrar Erin Deveney; Driver Control Unit Director Keith Costantino; former Merit Rating Board Director Thomas Bowes; a representative from Fast Enterprises, LLC ("FAST"), the vendor that provided the Registry's new commercial-off-the-shelf core IT system, also known as ATLAS; and the project lead from Grant Thornton, the auditor retained by the Baker Administration to conduct a forensic review of the Registry following the Accident. In addition, included in the letter were thirteen requests for the production of documents relevant to the RMV's treatment of out-of-state violations committed by drivers licensed in Massachusetts. Separate invites were also sent by the joint committee to Ms. Deveney, the Boston office of Grant Thornton and the Colorado office of FAST.

On July 18, 2019, FAST informed the joint committee that it would not be appearing due to its policy of refusing to publicly comment on services performed for government clients.

Secretary Pollack responded to the joint committee's request in a letter dated July 19, 2019, stating that though MassDOT intended to cooperate with the legislature's inquiry, due to the ongoing audit, testimony offered by Grant Thornton, if any, would be limited and neither she nor Acting Registrar Tesler would be able to testify on "events prior to June relating to the RMV's handling of out-of-state notifications and suspensions..." Accompanying the letter of July 19, 2019 was a partial delivery of

requested documents consisting largely of hard copies of ATLAS training materials and an organizational flow chart.

The initial oversight hearing convened on July 22, 2019 at 10 am in Gardner Auditorium at the State House. Of the invited witnesses, only Secretary Pollack and Acting Registrar Tesler were in attendance. The Committee expressed its displeasure at the dearth of available witnesses, and after brief opening comments by the House and Senate co-chairs, the joint committee adopted a motion by Representative Tucker of Salem to recess until the presence of the requested witnesses could be assured.

Thereafter, on July 24, 2019, the joint committee informed Secretary Pollack by letter that the oversight hearing would be reconvened on July 30, 2019 and that the presence of the witnesses specified in the letter of July 17 was expected “without exception or qualification.” The Committee also requested that Brie-Anne Dwyer, an employee in MassDOT’s Internal Audit Unit, be made available.

Prior to the hearing, on July 29, 2019, MassDOT delivered an initial production of emails.

The hearing reconvened in Gardner Auditorium on July 30, 2019 at noon. In order of appearance, the following witnesses offered testimony: Brie-Anne Dwyer; Keith Costantino; Thomas Bowes; former Registrar Erin Deveney; and Secretary Pollack together with Mr. Tesler. In addition, Maggie Gleason from FAST, Jimmy Pappas from Grant Thornton, and a representative from the Massachusetts State Police were in attendance and available to testify, but did not have the opportunity to do so before the hearing adjourned sometime after 7 pm.

On August 6, 2019, having received no additional productions, the joint committee delivered a letter to Secretary Pollack expressing its concern and frustration with the lack of documents produced in response to its requests. The letter cited relevant documents that had surfaced in media reports but had yet to be produced to the Joint Committee. In addition, the August 6 letter included an addendum with supplemental requests, including the request to provide a privilege log itemizing withheld documents (noting, however, that the public records law would not be considered a sufficient basis to withhold responsive documents) and a request to identify any personal email accounts used by key personnel within the RMV, MassDOT and Governor’s office in the exercise of work-related duties and to provide any responsive emails to or from such accounts. To date, there has been no response from MassDOT producing private account emails or identifying any individuals that may have used personal accounts to conduct related state business. Information developed by the joint committee suggests that private accounts were used by individuals covered by the scope of this inquiry; however, in the absence of subpoena authority, the committee was not able to further pursue the matter.

B. Subsequent Productions and Associated Issues

Beginning a few days following delivery of the August 6, 2019 letter to the Secretary, a series of document productions were received by the joint committee from MassDOT. These deliveries were contained in password-protected flash drives. Through October 7, 2019, a total of 32 productions were made totaling approximately 1 million pages.

Given the scale of the productions, after uploading the documents, the joint committee made the decision to review the materials produced using targeted searches. However, it soon became clear that the documents produced by MassDOT consisted of “image” files presented in a PDF format that was not capable of supporting text searches. As a result, the joint committee was forced to convert each file to a “searchable” PDF format using OCR software, a process which delayed the committee’s review by approximately one month.³ Once targeted searches began, the joint committee discovered that the majority of documents were duplicative, further hampering its review.

C. Asana and Workbench Project Management Software

At a certain point in its review, committee staff discovered that the Registry used software platforms known as Asana and Workbench to assign and monitor progress of tasks related to internal efforts to improve service center operations and ATLAS development. Though records from these platforms did appear in the productions as attachments to emails, there did not appear to be separate productions containing “primary” records drawn from the platforms themselves.

In response to these concerns, officials from MassDOT agreed to meet with committee staff at 10 Park Plaza in Boston on October 29, 2019 to provide an overview of Asana and to discuss searches that were conducted following receipt of the joint committee’s requests. MassDOT officials later met with committee staff to provide an overview of Workbench.

Following these meetings, additional materials were produced to the joint committee, including meeting notes related to development of ATLAS’s enforcement functions and a Workbench activity log.

D. Grant Thornton Final Report and Interview Notes

On October 4, 2019, Grant Thornton issued its Final Report discussing the results of its review of management and business processes at the Registry of Motor Vehicles related to the processing of out-of-

³ Secretary Pollack stated at a September 16, 2019 public meeting of the MassDOT’s Board of Directors that files delivered to the joint committee were in a searchable format. Specifically, the Secretary stated, “We have produced over half a million pages of responsive documents that required reviewing 300 gigabytes of data and over 3 million documents in order to find the ones that were responsive. All of the documents that were requested in the July 17th request, the original request, have been provided the committee. More recently we have been providing them on flash drives so that they are in searchable format.” (Emphasis added). This was inaccurate.

state traffic violations. Findings within the Final Report were frequently supported by references to statements made by key personnel during interviews conducted by Grant Thornton without quotes or context. Accordingly, to assess the merits of the final report and to ensure a complete record for its own examination, the joint committee requested that MassDOT produce any notes or transcriptions from interviews conducted by Grant Thornton.

In response, on October 25, 2019, MassDOT General Counsel Marie Breen sent a letter to Grant Thornton asking that the interview notes be made available to the Committee for review. Though Grant Thornton initially refused, stating in an email dated November 1, 2019 that the interview notes were confidential work product owned by the auditor, Grant Thornton ultimately receded and the notes were released to MassDOT and turned over to the joint committee.

E. Subsequent Productions

On October 21, 2019, law firm Greenberg Traurig, which had been retained to manage MassDOT's production of documents to the joint committee, delivered a letter to MassDOT detailing steps taken to comply with the committee's document requests. The letter, which was shared with the joint committee, disclosed the so-called "Boolean strings" used by the firm to identify potentially responsive documents. A review of these strings indicated that the search terms employed by the firm were overly narrow and likely to have excluded a significant number of relevant records.

On November 7, 2019, the joint committee sent an email to Secretary Pollack and General Counsel Breen raising these concerns and providing examples of additional search terms that were likely to produce additional, non-duplicative, responsive documents. The November 7 letter also identified outstanding items that the joint committee still expected to receive.

Thereafter, beginning on January 2, 2020 and concluding on March 12, 2020, MassDOT made additional productions totaling 2.5 million pages resulting from searches using the terms suggested by the joint committee. Though the documents produced were delivered in a "searchable" PDF format and did not need to be converted using OCR software, the state of emergency declared by Governor Baker in response to the Covid-19 pandemic, which closed the State House to all but essential personnel, unfortunately created an unanticipated delay in the joint committee's review of these productions.

F. Privilege Log

In March 2020, MassDOT delivered to the joint committee a privilege log listing approximately 2,400 responsive documents that were withheld on the basis of privilege. The log identifies each file with a "Relativity ID number," file date, subject line, the sender and intended recipients, a description of the file withheld, the privilege asserted, and the responsive search terms contained within each file. Though

the joint committee did not have an opportunity to review the log with MassDOT or object to the withholding of any of the documents prior to the issuance of this report, it is clear that the privilege log lists certain documents that on their face appear material to the committee's examination.

IV. COMMITTEE'S REVIEW OF FINDINGS CONTAINED IN GRANT THORNTON'S FINAL REPORT

Grant Thornton was faced with a difficult task when it was retained in July 2019 to conduct a forensic analysis of the failure to process the Zhukovskyy suspension and a risk assessment of the Registry's enforcement functions. The scale of the undertakings that consumed the RMV from 2015 forward is reflected in the documents produced to the joint committee, as is the complexity of the state and federal laws and regulations that govern the commercial driver's license and REAL ID programs. It is unsurprising, therefore, that the firm needed additional time beyond the sixty days it was initially provided in order to issue findings.

Given the time limitations, it is also unsurprising that certain areas were left largely unexamined, including the substance of the Registry's campaign to improve "customer experience" and the design, testing and training of the new ATLAS "driver services" system that began operations in 2018. The impact of the limited scope of Grant Thornton's analysis is that the Final Report failed to evaluate the consequences for public safety of re-directing RMV resources to projects like the publicized "War on Wait Times."

Certain individuals were also absent from the Final Report. Grant Thornton failed to seek interviews with a number of key figures whose oversight of and involvement in RMV activities during this period was constant and often daily, including: Steven Kadish, the Governor's then Chief of Staff who served as a member of the steering committee tasked with overseeing the RMV; Mary Tibma, a former deputy registrar in charge of improving service center operations; David Lewis, a former MRB director then serving as a consultant who actively advised management with respect to ATLAS development; Vicki Coates, a state official who conducted an important close-in-time retrospective examination of issues that affected the execution of ATLAS Release 1; Patricia Wada, who served as one of two ATLAS project leads for the Registry; and the many FAST and MassDOT IT staff that worked on ATLAS's CDLIS solution.

Nor was Grant Thornton wholly independent from its clients' views. On July 20, 2019, shortly after being retained by the Baker administration to conduct its review, Grant Thornton project lead Jimmy Pappas sent an email to Acting Registrar Tesler and MassDOT General Counsel Marie Breen raising an issue about the scope of work to be conducted. **Exhibit A.** In the email, Grant Thornton specifically identified the need for its eventual "recommendations" to be "aligned" with current MassDOT/RMV

approaches. The joint committee views this communication as a strong indication that while promoted publicly as independent of MassDOT, Grant Thornton considered itself nevertheless somewhat tethered to MassDOT policy and direction in terms of the specific recommendations it would be making.

Accordingly, the joint committee offers the following description and analysis of the auditor's root cause analysis. In doing so, the report assumes some familiarity with findings and background contained in the Final Report.

A. “Fail point – Paper out-of-state notifications processing”

The Final Report cites deficiencies in the processing of mailed out-of-state violations as a “fail point” that was partially responsible for the failure to suspend Zhukovskyy.⁴ Based on materials reviewed by the joint committee, this conclusion is not entirely clear.

For example, emails in the spring of 2017 show that as the MRB considered procedures for entering mailed OOS violations, officials at the Merit Rating Board expressed concern that they could be adding duplicate commercial driver's license (“CDL”) violations that had previously been added to a driver's record electronically through CDLIS, thereby undermining the accuracy of the electronic system itself. **Exhibit B.** Keith Costantino responded that the Merit Rating Board should not be seeing paper CDL violations. **Exhibit C.** In fact, applicable federal regulations prohibit sending both paper notices and electronic notices to a state of record, and further prohibit posting a conviction more than once to the driver history record.⁵

Moreover, due to similar concerns about the risk of entering duplicate notices of violations, as of August 2017, the Merit Rating Board had prohibited the processing of notices of out-of-state (“OOS”) CDL violations provided to the MRB by auto insurers. **Exhibit D.**

The joint committee is not aware of any documents which demonstrate how these concerns were or have been resolved under the current ATLAS system. Accordingly, there remains the possibility that even had the Merit Rating Board been entering paper OOS citations in June 2019, its procedures may have barred staff from processing the mailed notice from Connecticut.

B. Baker Administration's Awareness of the Backlog of OOS Violations

A line of inquiry for many joint committee members during the July 30 oversight hearing concerned the awareness of the Baker administration and Secretary Pollack of the RMV's historical

⁴ Final Report, pp. 34-38.

⁵ See AAMVA CDLIS State Procedures Manual Release 5.3.2.1, § 9.2.1.2 (as to convictions), § 10.2.2.1 (as to withdrawals), and p. 142. The Manual has been made part of the Code of Federal Regulations per 49 CFR § 384.107.

neglect of OOS violations and Mr. Costantino's proposal to transfer the processing of those violations from the Driver Control Unit to the Merit Rating Board. Secretary Pollack denied in her testimony before the joint committee any contemporaneous knowledge of such plans to send this critical public safety duty to the quasi-independent Merit Rating Board. Former Registrar Erin Deveney's testimonial recollections on the matter were arguably vague on this point but did not clearly implicate the administration.⁶ In its Final Report, Grant Thornton generally avoided the matter, summarizing their statements largely without comment.⁷ However, the joint committee's review of documents provided by MassDOT reveals the following additional information which appears relevant to assessing the credibility of Ms. Deveney and Secretary Pollack.

In her testimony before the joint committee, Ms. Deveney stated that Secretary Pollack had given her broad authority to take actions needed to improve the efficiency of services provided by the RMV.⁸ Other testimony received by the committee demonstrated that the Baker administration devoted extensive consulting and internal efforts to various efficiency and performance improvements in the parts of the agency where the public is most likely to interact; typically this effort related to branch office operations of the RMV and regularly employed private sector business management terms and labels whose use is more likely recognizable to the consulting world.⁹ Ms. Deveney had assumed greater autonomy in this regard.

Documents show, however, that throughout 2016 and into 2017 (and beyond), the Baker administration, including Secretary Pollack, continued to be persistent and active in overseeing efforts to improve RMV services offered to the public. A key initiative during this period was the development of a 3-year "strategic plan" for the RMV, and from March through June of 2016, drafts were created and revised by senior management. As Ms. Deveney was aware, Secretary Pollack and the Governor's Office had a vested interest in the creation of the strategic plan; indeed, they were the intended audience.

⁶ See pp. 16-19 of 7/30/19 Hearing Transcript Part II, available on the committee's web page at <https://malegislature.gov/Committees/Detail/J27/Documents>.

⁷ In addition to Secretary Pollack and Ms. Deveney, Mindy d'Arbeloff, Governor Baker's Deputy Chief of Staff for Customer Service and a frequent attendee of high-level RMV meetings, told Grant Thornton that she had no knowledge of the OOS migration proposal. Final Report, p. 31. Again, we note that Grant Thornton did not interview former Chief of Staff Steven Kadish, another frequent attendee of such meetings.

⁸ In response to a question about whether she had followed up on a draft memo to the administration concerning the OOS migration proposal, Ms. Deveney stated: "Again, in an effort to be clear, in 2016, the direction that I sought was whether or not the Registry needed to seek approval to handle and address either problems or ways to do... services or perform business that it had not been performing, and the general guidance that I received was if it's something that the Registry should be doing or something that could help the customers, then it was expected that I would make that happen."

⁹ The business improvement efforts are briefly mentioned in the Final Report at page 35.

On April 8, 2016, then Registrar Deveney emailed what appears to be an early version to Secretary Pollack, Mr. Kadish and the Governor's Deputy Chief of Staff Mindy d'Arbeloff, stating: "Attached is the most recent StratPlan for the RMV; it is substantively similar to the version that was shared with you in March with some minor wording changes. It would be helpful to ensure with you that we are on track with this plan, which is a deliverable from our Executive Retreat in January." **Exhibit E.** In May, Deputy Chief d'Arbeloff reviewed a draft and commented that the plan was "finally where we want it to be." **Exhibit F.** In June, a briefing was scheduled with the Governor. **Exhibit G.**

It is clear, without dispute, that the administration was not only monitoring its progress but overseeing and participating in the strategic plan's development. This is notable to the joint committee because a major component of the strategic plan was the formation of what was labeled as the "Enterprise Process Model," a re-conceptualization of the agency based on the "families of services" provided to customers. Keith Costantino, director of the RMV's Driver Control Unit ("DCU"), which was responsible for adjudicating traffic offenses and conducting suspension hearings conducted by trained hearing officers, was designated as the "process family champion" for enforcement services, one of twelve different subject matter areas for which management was to provide both a vision and a roadmap.¹⁰ Parallel with the work on the strategic plan, in May of that year, Mr. Costantino and the other process family champions convened at an offsite meeting to discuss specific implementation items to advance the Registry's improvement efforts. On page 41 of the resulting document, the proposal to have the Merit Rating Board enter OOS citations was included in the section describing Mr. Costantino's plan to achieve "efficiencies" in enforcement services. **Exhibit H.**

Emails provided to the joint committee establish that in the summer of 2016, this "PFC Offsite" document was shown to Secretary Pollack and the Governor's office. **Exhibit I.** This fact is consistent with Erin Deveney's statements to Grant Thornton in which she asserted that Mr. Costantino's proposal was discussed at a meeting frequently attended by MassDOT officials.¹¹ Accordingly, though it may have represented only a single page in a more comprehensive document, evidence does exist demonstrating that the plan to have the Merit Rating Board process out-of-state traffic citations had been put before the Secretary at a time during which the Secretary and Governor's office were actively engaged in related efforts to solidify a 3-year roadmap for the agency.

Further, it is important to bear in mind that the decision to shift the processing of OOS violations from the Driver Control Unit to the Merit Rating Board was not a minor policy decision, and, as detailed throughout this report, Erin Deveney had ample opportunity to discuss the matter with Secretary Pollack

¹⁰ RMV Strategic Plan 2017-2019, pp. 22-24.

¹¹ Final Report, p. 35.

and the Governor's office; records show that they were in frequent contact by electronic communications, telephone and regularly scheduled face-to-face meetings on a litany of matters both big and small. Accordingly, there is a strong presumption by the joint committee that Ms. Deveney would not have remained silent about a restructuring of the agency that would have transferred critical staffing burdens and newly created public safety responsibilities to the Merit Rating Board. It simply is not credible that this particular RMV restructuring of public safety responsibilities would have been undertaken by the Registrar of Motor Vehicles without the knowledge of either or both the Secretary or Governor's office whose detailed involvement daily in the minutiae of wait times at RMV branch offices has been publicly documented.¹² Since the Merit Rating Board is, by statute, governed by a separate 3-member board, including not just the Transportation Secretary, but the Attorney General and the Commissioner of Insurance, it is nearly unthinkable that any Registrar would have undertaken such a re-alignment of public safety functions without notice (if not approval) up the chain of command; certainly the balance of the record and description of related issues below, establishes broad communication of activities of the RMV going from the Registrar to the Secretary and Governor's offices. For Erin Deveney, who was aware that the RMV had lacked a formal policy to address out-of-state violations for decades, the decision to transfer the reporting function for out-of-state notices would have represented an important public safety milestone.¹³ Viewed in this light, it is an abuse of the credibility of both Erin Deveney and Secretary Pollack to maintain that this initiative was never mentioned during any of their many meetings, calls and exchanges during the relevant time period.

Contrast Erin Deveney's purported treatment of the out-of-state backlog with her treatment of another serious public safety matter – the existence of duplicate driving records. As Ms. Deveney was aware, the processing of the OOS backlog had the potential to expose drivers to suspensions for years-old offenses that Massachusetts had failed to take action on.¹⁴ This is significant, because during roughly the same time period, Ms. Deveney would seek guidance from the Secretary and Governor's Office on this very same issue in the context of duplicate records.

In late November 2017, in preparation for the transition to ATLAS, the Registry commenced a "clean up" of its records database. Over the years, multiple profiles had been created for a substantial

¹² Stout, Matt, "As Safety Lapses Festered, Baker Aides Were Deeply Involved in RMV's 'War on Wait Times,' documents show," *Boston Globe*, September 18, 2019.

¹³ As the Final Report notes, dating back twenty years, Registry officials had deliberately refused to join interstate compacts providing for the exchange and recording of out-of-state offenses. As Ms. Deveney explained to RMV personnel during a prior stint at the Registry in 2011, it was her understanding that previous administrations had cited a lack of resources. **Exhibit J**. Thus, as she made clear to the committee during her testimony, it was her belief that prior to 2016 the RMV had never processed OOS notices.

¹⁴ With respect to the backlog of out-of-state violations, Ms. Deveney informed Grant Thornton that due to limited resources, the decision was made to limit adjudications to those offenses that were less than six months old.

number of drivers, and the RMV used the switch to ATLAS as an opportunity to reconcile – or “merge” – those profiles. As Ms. Deveney noted in a memo to the Secretary’s office on November 30, 2017, this created a problem, as older violations that had been entered onto a non-active profile might suddenly result in a suspension once the driving records were merged. Per Ms. Deveney: “Given the issues involved, I thought it important to run it through the Secretary’s office to see if the Governor’s office needs to advise also....What we need to know is if we should record the prior offense for historical purposes, or merge the records and kick out new or modified suspension actions for them.” **Exhibit K.**

Of course, the RMV faced the same quandary with respect to older offenses contained in the backlog. There, as discussed in Grant Thornton’s Final Report, the decision was made preliminarily to limit actionable violations to those less than six months old.¹⁵ Though the joint committee is not aware of any similar memorandum being submitted to the Secretary’s office,¹⁶ on more than one occasion, at differing times, Tom Bowes and Keith Costantino both wrote in emails that in fact the matter had been submitted to the administration and MassDOT and was awaiting approval. **Exhibit L.**

Certainly, the size of the out-of-state backlog did not match the scale of outstanding duplicate driving records, which numbered in the hundreds of thousands. But the size of the backlog was significant (at the time estimated to be 10,000 violations) and would have raised the same concerns of public safety, equity and resources which were the established concern of the Registrar. Accordingly, where the Secretary, Governor’s office, and Ms. Deveney were already in frequent contact on related initiatives, given Mr. Costantino’s and Mr. Bowes’ written communications, it should be demonstrably clear that Ms. Deveney and Secretary Pollack were likely incomplete in recounting the details of communications regarding Mr. Costantino’s proposal.

C. Regarding Mr. Noronha

It is important to add context to Grant Thornton’s treatment of Michael Noronha, an employee within the RMV’s SPEX unit that oversees interstate communications concerning the status of licensees. The record establishes that Mr. Noronha briefly accessed the Zhukovskyy work item on the day it was diverted to a manual review work area or “queue.” Documents produced to the joint committee, however, establish that his actions did not play a material role in the failure of the RMV to suspend Mr.

¹⁵ See Final Report, pp. 35-36. The decision to limit the look-back period to 6 months required a change to the ALARS data entry screens, and both the committee and Grant Thornton were provided with emails documenting the efforts of the IT department to scope the task and provide estimates of the time and resources needed to complete the assignment.

¹⁶ Though Ms. Deveney did ask Mr. Costantino to draft such a memo, she informed Grant Thornton that it was not delivered to MassDOT or the Governor’s office. Final Report, p. 32.

Zhukovskyy's operator's license. It is unfortunate that some public accounts of Mr. Noronha's activities may have suggested otherwise.

Briefly, there does not appear to be any evidence indicating that Mr. Noronha's 7-second review of the diverted Zhukovskyy notice was anything other than incidental. That is not to say that the failure by SPEX staff to process the item was immaterial.¹⁷ To the contrary, that failure did bring to light important deficiencies in training, oversight, and resource allocation, none of which were fully addressed in the Final Report and none of which were particular to or the fault of Mr. Noronha. Instead, Grant Thornton appears to have faulted Mr. Noronha for not bringing the Zhukovskyy item to the attention of his superiors,¹⁸ of course, as the Final Report notes, by that time SPEX supervisor Susan Crispin was already aware of the "AAMVA Add Conviction" work items, which had been the subject of an ongoing dispute with FAST.

Though nominally his role within the SPEX unit did extend to CDLIS matters (a broad subject matter area that encompasses work beyond the review of diverted incoming OOS withdrawal notices), Mr. Noronha's statements to Grant Thornton that he was not trained to use ATLAS to process the work item in question and did not have any understanding of what that item represented until after the Accident are credible to the joint committee.

As Mr. Noronha explained during his interview with Grant Thornton, his primary duties concerned "intact pointers" and other matters related to ensuring that licensees possess a single valid license.¹⁹ This stands to reason, as this was the primary purpose for which SPEX was created. SPEX is a newly created division within the RMV that began operations only in the spring of 2018 with the switch to the ATLAS computer system. Concurrent with and closely tied to the development of ATLAS, the RMV was also expending great effort in an attempt to come into compliance with federal Real ID

¹⁷ We are not aware of any information that indicates that only Mr. Noronha would have been exposed to "AAMVA Add Conviction" work items. Accordingly, it is an open question as to why Grant Thornton did not seek interviews with other SPEX staffers, especially as Mr. Noronha's colleagues may have been in a position to corroborate Mr. Noronha's statements disavowing any knowledge of or responsibility for CDLIS items such as the one at issue here. Moreover, Mr. Noronha accessed the Zhukovskyy notice on the day it was received. Pursuant to CDLIS regulations, the RMV still had ten days to process the notice, so unless the notice was specifically assigned to Mr. Noronha, or accessing the record effectively made Mr. Noronha the owner of the work item, it remains unclear why Grant Thornton focused exclusively on Mr. Noronha in their report. See AAMVA CDLIS State Procedures Manual Release 5.3.2.1, § 6.15 (regarding 10-day period within which states of record must post an OOS withdrawal to the driver history record).

¹⁸ Final Report, p. 31.

¹⁹ This is supported by a draft "form 30" for the SPEX analyst position, created on or around April 10, 2019 with Mr. Noronha's input, which fails to mention CDLIS matters in its "General Statement of Duties and Responsibilities." Though the "Detailed Statement of Duties and Responsibilities" does state that analysts should have a "full understanding" of CDLIS, specific duties are limited to CDL eligibility determinations without reference to OOS convictions and withdrawals. **Exhibit M**. Further, Ms. Crispin separately noted that staff would only be expected to consider such errors in her absence. **Exhibit N**.

licensing standards. A key requirement of the federal standards was and is the adoption of processes and procedures that ensure that one – and only one – license is in existence for an individual at a given moment in time. To meet these standards, Massachusetts opted to participate in the State-to-State – or “S2S” – program, a national database that compiles identifying information on licensees in participating states. With each new state that joins the clearinghouse, a batch of potential duplicates is generated.

Exhibit O. It became the role of the new SPEX unit to investigate and resolve these possible duplicates, and in the case of Massachusetts, since approximately the summer of 2018, the unit has worked an open work items list (“queue”) of approximately 40,000 items.²⁰

Accordingly, in the run up to the initial release of the Atlas system,²¹ Massachusetts was about to be inundated with potential duplicate licenses in need of review. Ms. Crispin and RMV senior managers were well aware of the coming workload and spent considerable time assessing staffing needs for the new SPEX unit. A number of email exchanges were completed with sister states that had previously joined S2S.²² In all of these exchanges, the primary aim of the RMV was to gain an understanding of the number of staffers it would need to process potential duplicates.²³ Though the SPEX unit would also play a role overseeing CDLIS, it was clear that the primary function of the analysts was to work on the so-called “1 person 1 license” aspects of Real ID. As Ms. Crispin noted, the analysts would only be expected to process Motor Carrier Safety Improvement Act matters in her absence (**Exhibit N**), and Mr. Noronha’s assertion that he was not trained in CDLIS functions reflects this statement.

Further, it is worth noting that training for the new SPEX analysts was significantly delayed within the RMV. Initially, Director of Licensing Steve Evans had hoped to have the analysts in place and trained prior to the “go-live” date for ATLAS. **Exhibit O.** However, of the four individuals selected to staff the SPEX unit, three were service center “experts,” including Mr. Noronha who had been an assistant manager in Lowell. Mary Tibma, then deputy registrar responsible for service center improvements, refused to transfer these three employees, who had been dedicated to the ATLAS project for the specific purpose of providing ATLAS expertise to customer service representatives. As a compromise, it was decided that Mr. Noronha and his colleagues would remain in the service centers until on or around May 1. **Exhibit R.**

²⁰ Based on a joint committee review of daily ATLAS Operation Summary Reports.

²¹ The implementation of ATLAS was performed in two releases. Functions related to “driver services” (including AAMVA functions) were included in Release, or “R1,” which went live on March 26, 2018. Release 2 included functions related to “vehicle services” and went live on November 12, 2019.

²² On May 1, 2018, RMV management, including Ms. Crispin, had a conference call with New York DMV officials to discuss the SPEX unit’s early experiences with State-to-State. Notes from the call provide useful background in this regard. **Exhibit P.**

²³ Included as **Exhibit Q** is Ms. Crispin’s exchange with Indiana.

Nor, unfortunately, did Mr. Noronha work full-time on SPEX matters thereafter. As wait times and customer service continued to suffer in the spring and summer of 2018, senior management within the RMV opted to leverage the service center expertise of SPEX staff to support the call center. Mr. Noronha and his co-workers were required to split their work day between SPEX and business support.²⁴ Notably, mere days prior to the Accident, the SPEX unit was nominated by Mr. Evans for special recognition - not on account of their state-to-state work, but for their efforts in supporting the service centers. **Exhibit S.**

It is understandable, therefore, especially given his split duties, that Mr. Noronha was not in a position to adequately assess the Zhukovskyy work item.²⁵ Though relevant to questions of training and proper staffing levels, his brief review of the work item, without more, was immaterial to the tragedy which occurred.

D. Regarding Ms. Crispin

The committee's review shows that Ms. Crispin, as one of three CDLIS experts within the RMV during the relevant time period,²⁶ was a knowledgeable, experienced public safety professional who was sensitive to the risks posed by flaws within ATLAS's CDLIS solution and who repeatedly pressed the RMV's software vendor FAST on the need to resolve them. Though her role as SPEX supervisor made her a necessary subject of Grant Thornton's examination, similar to Mr. Noronha, Grant Thornton provided little context within which to assess her actions.

1. Assignment of the "AAMVA Add Conviction" work items

Grant Thornton considered it a settled matter that because the queue containing the 365 "AAMVA Add Conviction" work items - including the diverted Zhukovskyy item - had been mapped to SPEX from day one of ATLAS go-live, Ms. Crispin was partially at fault for the missed suspension.²⁷ During her interview with Grant Thornton, however, Ms. Crispin stated that at no point had anyone informed her which work items were the responsibility of the new SPEX unit. MassDOT's initial preliminary report dated July 1, 2019 came to the same conclusion, noting that "[n]o RMV personnel appear to have been assigned the task of reviewing the ATLAS-generated queue for unprocessed CDLIS

²⁴ See, e.g., "WOWT2 Program Retrospective Business Support Thread Update.docx" attached to email from Craig Coldstream to Colleen Ogilvie et al. dated June 1, 2018.

²⁵ Even after the Accident, having received some training on assessing and processing the AAMVA Add Conviction items, SPEX staff still opted to defer to those who were more knowledgeable on the subject. **Exhibit T.**

²⁶ Steve McCollem and CDL Program Director Robert Rowland being the others. **Exhibit O.**

²⁷ Final Report, p. 29.

and state to state notices.” Email exchanges between Accelare consultant David Lewis and senior managers corroborate this, as well.

In the spring and summer of 2018, the RMV began to look at ways to make use of the various reports that ATLAS was capable of generating, including the daily ATLAS Operation Summary Report (“Operation Summary Report”). The Operation Summary Report provides information on a variety of matters, including updated numbers of open and completed items in work queues such as the AAMVA Add Conviction queue.

On June 28, 2018, Mr. Lewis, a former director of the Merit Rating Board with extensive Registry experience, emailed RMV senior management with his views on how the Operation Summary Report might best be used. Regarding the extensive lists of open work items, he observed and described the seriousness of the problems the RMV faced at that time when he wrote: “[O]ne of the first tasks that some group should have is to figure out which of these are informative and which require action and who is accountable for each item.” He continued, “[I]n general, I think the conclusion one reaches from this report is not much is being addressed. And while that is a problem, the structural problem is who is responsible for these work items is not clear.” **Exhibit U**.²⁸

Around that same time, Mr. Lewis specifically addressed work items that had performance implications for the SPEX unit. On July 10, 2018, in response to a question concerning which unit should be receiving the 96-hour Suspense Reports that are distributed by AAMVA,²⁹ Mr. Lewis remarked, “[S]ince ATLAS also creates a number of suspense reports and the issue of who ‘owns’ these reports is still being resolved, I suspect this one maybe duplicated in ATLAS and if it is not, then should fall into the same discussion of ‘who owns.’”³⁰ **Exhibit V** (emphasis added). In other words, documents provided to the joint committee indicate that internal issues concerning work responsibilities and assignments (often using the term of ownership) were being expressed within the RMV a year before the Zhukovskyy tragedy.

Mr. Lewis was not interviewed by Grant Thornton, so the outcome of these early attempts to gain a clearer understanding of ownership of the various work queues is unknown. The need for such guidance was obvious, however. Considerable overlap existed between the Driver Control Unit, SPEX and the

²⁸ Mr. Lewis also divided the queues of open work items into three categories: “(1) [i]nteresting counts that do not necessarily require any action...(2) [i]tems that seem like they need attention...and (3) items that require attention....” Anecdotally, the committee notes that Mr. Lewis preliminarily categorized the AAMVA Add Conviction items within the group of “interesting counts that do not necessarily require any action.”

²⁹ The 96-hour Suspense report, among other transactions, lists pending change-state-of-record transactions that failed to complete. See AAMVA CDLIS State Procedures Manual Release 5.3.2.1, Appendix A (glossary).

³⁰ Though the email chain eventually made its way to Ms. Crispin, the question posed to her concerned whether she received the AAMVA Suspense Report, not whether she was aware ATLAS also tracked such information.

Merit Rating Board with respect to the entering of out-of-state CDL convictions and withdrawals. In many instances, for example, the enforcement services team took the lead on “SQRs” aimed at correcting AAMVA messaging defects,³¹ despite the fact that the SPEX unit fell under Mr. Evans’ authority as the director of licensing. DCU was responsible for processing many of the alcohol-related CDL withdrawals that ended up in the AAMVA Add Conviction work queue. **Exhibit W**. Further, at one point in time, CDL out-of-state notices were being entered by the Merit Rating Board.³² The failure to delineate important public safety responsibilities does not paint a flattering picture for the RMV given the financial resources and regular oversight devoted to operations by the administration during the implementation of ATLAS.

Following the Accident, the need to adequately resolve any confusion concerning the work queues became all too clear. In the aftermath, RMV COO Alan MacDonald admitted, “I believe that it would be valuable to go through the exercise of looking through each of the work groups and work types that are tracked in the system to ensure that we are 100% aware of where each item is sent, what actions are specifically included in each item, how they appear in work queues, and who is responsible for completing the items.” **Exhibit X**.

Thus, contrary to Grant Thornton’s assertions, there is sufficient reason to believe that the “ownership” and import of the work queues was not a settled matter within the RMV when ATLAS went live in March 2018.

2. Ms. Crispin’s disagreements with FAST

Though ownership of the work queues may have been subject to some uncertainty within the RMV, that is not to say that issues affecting the proper posting of CDLIS notices to driver history records were outside the scope of Ms. Crispin’s responsibilities; to the contrary, matters such as the Zhukovskyy work item were squarely, though not exclusively, within her job description.³³ Nor did Ms. Crispin deny this. During her interviews with Grant Thornton, she acknowledged that she deliberately searched for and worked open tasks that contained the word “AAMVA.”³⁴ However, that should have been the starting point for the root cause analysis attempting to isolate the source of the blind spot that led to the missed

³¹ The enforcement check-in meetings (discussed later in this report) often addressed AAMVA messaging defects.

³² Final Report, p. 29.

³³ Per the form 30 for her role as SPEX supervisor. **Exhibit Y**. However, as noted, DCU also performed work on CDLIS work items related to drug and alcohol offenses.

³⁴ This raises a point not discussed in the Final Report’s root cause analysis concerning the failure to appropriately prioritize the AAMVA Add Conviction work items within the SPEX work queue. As Mr. Noronha informed Grant Thornton, ATLAS did not prioritize or otherwise sequence any of the items assigned to SPEX. Diverted CDLIS notices, therefore, despite posing a more serious public safety threat, were randomly dispersed among the tens of thousands of potential duplicate driver records. Following the Accident, FAST moved the AAMVA Add Conviction work items to the top of the queue.

suspension in the Zhukovsky case. Instead, the Final Report identifies Ms. Crispin and then proceeds no further.

In fact, Ms. Crispin was heavily incentivized to bring flaws hindering the systematic processing of CDLIS OOS notices to FAST's attention. Emails show that Ms. Crispin was receiving pressure from federal regulators to improve both the timeliness and accuracy of the RMV's CDLIS reporting following the release of ATLAS. **Exhibit Z**. In turn, she implored FAST technicians to devote attention to needed software fixes, many of which she laid out for them in detail. **Exhibit AA**.

Moreover, prior to becoming supervisor of SPEX, she had been assisted with her CDLIS work by an employee within the MassDOT IT department. That employee retired in 2017 and was not replaced, such that prior to R1, in the words of Mr. Evans, "she [found] it difficult to manage CDLIS by herself along with her other Driver Licensing duties." **Exhibit O**. Ms. Crispin made similar statements to Grant Thornton. Unnecessary or improper items in manual review queues, therefore, severely impacted her ability to perform her job. As she noted to FAST in March 2019 concerning improperly formatted OOS notices, "No department has time to call the other states for the information." **Exhibit BB**. When reviewing her actions, therefore, it is important to bear in mind that Ms. Crispin was strongly motivated to seek resolution of any ATLAS flaws or functions that unnecessarily added to her work load and quality of performance.

It is also clear that manual review queues for OOS convictions and withdrawals did not align with her expectations of a properly functioning CDLIS system, which she believed should minimize if not eliminate the need for staff to intervene. In emails to FAST, she repeatedly asserted that upon receiving an incoming CDLIS notice, ATLAS should be configured to determine whether the notice is properly formatted, with flawed notices rejected and returned to the state of conviction or state of withdrawal for correction. **Exhibits BB, CC, DD**. Indeed, this dichotomy is reflected in the AAMVA CDLIS manual.³⁵ The joint committee also notes that in 2016, when the ALARS system was in use prior to ATLAS, the RMV certified to the FMCSA that "MA posts OOS convictions as soon as received from the state of conviction (electronically)" in connection with its CDL annual compliance review.³⁶

These observations raise the question, not addressed in the Final Report, of Ms. Crispin's understanding – indeed, FAST's understanding – of the extent to which ATLAS was intentionally configured to divert certain CDLIS violation notices into a separate manual review queue. Ms. Crispin had effectively put FAST on notice that she did not share FAST's understanding of diverted notices when

³⁵ See AAMVA CDLIS State Procedures Manual Release 5.3.2.1, § 6.15, at 72.

³⁶ See "APR items for Matt Poirier.docx" attached to email from Robert Rowland to Matthew Poirier dated December 19, 2016 with subject line "FW: APR items for Matt Poirier FMCSA audit."

she informed FAST in March 2019 that she believed the AAMVA Add Conviction items should “all be closed” once certain software fixes were implemented. **Exhibit BB.** If, as it appears, FAST had deliberately configured ATLAS to divert notices with future suspension dates, given Ms. Crispin’s stated expectations, it appears that it was incumbent upon FAST to initiate a sit-down with Ms. Crispin to provide a detailed accounting of all of the instances in which ATLAS was programmed to accept but not post CDLIS out-of-state violation notices.³⁷

The failure to initiate such a discussion may be partly due to the fact that many of FAST’s own technicians may not have had a firm understanding of the reasons ATLAS was creating many of the AAMVA Add Conviction work items.³⁸ In statements to Grant Thornton, Ms. Crispin noted that FAST’s AAMVA expert had resigned shortly after the rollout of ATLAS and was replaced with an analyst who lacked CDLIS experience.

The committee is not aware of any documents discussing FAST’s loss of AAMVA expertise; however, there is some evidence that ATLAS’s CDLIS solution raised questions within FAST, especially with respect to the manual review queues. Initially, for example, there was some confusion concerning the merits of Ms. Crispin’s oft-cited complaint that the new ATLAS system was improperly attempting to generate underlying convictions for certain CDL withdrawals. On March 12, 2019, one FAST technician even queried his colleague, “[D]o you think this is valid?” **Exhibit FF.**

Moreover, following the Accident, it appears that FAST could not readily state why the Zhukovskyy notice had been diverted. Though the extent of the rules governing the diversion of accepted CDLIS notices should likely have been one of the better understood aspects of ATLAS,³⁹ it was only after investigation that FAST was able to identify the future suspension date as the reason the notice failed to post. **Exhibit GG.**

In fact, the issue of future suspension dates had been squarely put to FAST in the past. In 2018, an RMV employee questioned FAST as to whether outgoing out-of-state withdrawals (those sent from

³⁷ It is possible that SPEX should have sought such a sit-down, as well. Ms. Crispin and her colleagues appear to have been aware as of March 12, 2019 that ATLAS had failed to generate a suspension in at least one instance in which a CDLIS notice was properly formatted – in this case, a breathalyzer refusal reported by New Hampshire. **Exhibit EE.** The committee has not reviewed the notice in question and is not aware of the context in which it came to the attention of SPEX staff.

³⁸ We acknowledge in this regard that the laws and regulations governing the reporting of CDL OOS convictions and withdrawals are complex. Ms. Crispin herself admitted to Grant Thornton that following the Accident, she had had to call AAMVA to determine whether OOS notices containing future suspension dates are permitted under CDLIS regulations.

³⁹ FAST’s driver services solution had been installed in a number of states prior to Massachusetts, and the regulations governing CDLIS had been relatively static during that time period (note that CDLIS State Procedures Manual 5.3.2.1 had been in effect since August 2013). Thus, the CDLIS solution should have been mature and vetted.

Massachusetts) should be sent prior to the expiration of any grace period. **Exhibit HH.** The issue had even been raised by Ms. Crispin herself when she complained to FAST in March 2019 that Massachusetts was sending CDLIS withdrawals before they had become effective. **Exhibit II.** Though the outcome of these inquiries is not clear, certainly FAST was on notice that the effective date of a withdrawal was an important area of the ATLAS system logic that needed closer examination.

3. Oversight failures

Grant Thornton briefly touched on oversight failures in its root cause analysis, citing “[i]nadequate operational control” while noting in extremely understated fashion, “it is apparent that the switch from ALARS to ATLAS resulted in an adjustment phase for the impacted RMV employees.”⁴⁰ The brunt of Grant Thornton’s criticism fell on COO Alan MacDonald’s poor use of the Operation Summary Report to monitor the work queues. This may have some merit regarding enforcement matters generally; however, with respect to the CDL program, reports produced by AAMVA were already heavily relied upon by SPEX personnel to assess compliance with CDLIS regulations. When asked by ATLAS trainers to identify which types of reports they view most frequently, Ms. Crispin and former CDL Program director Robert Rowland listed no fewer than thirteen reports related to CDLIS and/or produced by AAMVA. **Exhibit JJ.** Thus, specifically regarding the monitoring of SPEX performance, the Final Report likely overstated the value to the RMV of the Operation Summary Report.

However, given the flaws in ATLAS’s AAMVA functions, another report would have been helpful to the Registry. In September 2018, during which time FAST and the RMV were struggling to maintain pace with the stream of requests for software fixes to the new ATLAS system, AAMVA introduced the weekly “CD90.7.4 report” for the express purpose of notifying states of record of the specific CDL out-of-state convictions and withdrawals that had been accepted from AAMVA’s Central Site but had, nevertheless, critically failed to post to the driver history within the mandated 10-day period. **Exhibit KK.** Unlike the “AAMVA Add Conviction” items disclosed in the Operation Summary Report, which were the subject of active debate between Ms. Crispin and FAST, it is possible that the CD90.7.4 report would have unambiguously put the RMV on notice that certain withdrawals, such as the Zhukovskyy withdrawal, were not making it onto the driver history.⁴¹ It is beyond dispute that in 2018 and 2019 the RMV was experiencing critical problems with its CDLIS functions. The apparent absence

⁴⁰ Final Report, p. 39.

⁴¹ MassDOT’s review of the 365 open items in the AAMVA Add Conviction queue following the Accident found that the overwhelming majority of the items were duplicative of offenses that had already been adjudicated. See MassDOT’s Preliminary Review of State-to-State Communications and Actions Underway dated July 1, 2019. Possibly, therefore, the CD90.7.4 report would have clarified exactly which open items were not duplicative and needed to be addressed.

in the record available to the joint committee of any discussion among stakeholders, including senior management in the administration and RMV, the FMCSA and AAMVA, highlighting the importance of the report during this time is notable.⁴²

4. Development and Testing of AAMVA Messaging Functions

Given Ms. Crispin's repeated assertions that ATLAS was poorly configured and affected her ability to perform SPEX work, a mention, if only brief, of apparent shortcomings in the development and testing of CDLIS functions is warranted in this report.

Per emails from MassDOT IT, ATLAS's AAMVA functions, which include much of the electronic messaging relied upon by the SPEX unit, had not been "end-to-end" tested prior to go-live. **Exhibit LL.** Further, it appears that during the testing that was performed, FAST did not simulate "response/confirmation" (presumably referring to responses from AAMVA's central site) for electronic messages sent by ATLAS, raising questions concerning the thoroughness of any testing that was performed. **Exhibit MM.** Though there is some indication that AAMVA did engage in "structured testing" of ATLAS, the timing, extent and results of such testing are not known.⁴³ **Exhibits NN.**

Further, it appears that Merit Rating Board employees who were not subject matter experts were assigned development roles with respect to the screens used in ATLAS to enter out-of-state CDL offenses.⁴⁴ **Exhibit OO.** This may have required FAST to reconfigure such screens at a late stage in development. **Exhibit PP.**

The substance and materiality of any such testing or configuration deficiencies were not discussed in the Final Report, and the joint committee notes that analysis of these topics may have provided the public with a broader understanding of the management failures that occurred in 2017 through 2019.

V. THE REGISTRY'S PRIORITIZATION OF CUSTOMER SERVICE

The materials before the joint committee clearly show that during the fifteen months following the start of ATLAS operations in 2018, persistent operating defects continued to hamper enforcement functions necessary to the public safety functions entrusted to the RMV. It becomes inescapable to

⁴² Indeed, not even the FMCSA's 2018 Annual Program Review cited the RMV for failing to timely process out-of-state withdrawals and convictions.

⁴³ Inquiries submitted by committee staff to AAMVA in November and December 2020 as to the results of any testing performed on ATLAS remain pending.

⁴⁴ On July 12, 2017, Merit Rating Board employee Christopher Shackett organized a meeting to discuss the "Out Of State Citation Processing Screen in Atlas," noting that the "MRB has been working with the Fast team to put together a screen that works . . ." See Calendar Item dated July 12, 2017 organized by Christopher Shackett with subject "Out Of State Citation Processing in Atlas (New Entry Screen)."

observe that the Governor’s office, Secretary Pollack and senior management failed to devote proper attention to matters related to public safety.

Early on during his first term, Governor Baker flagged wait times in RMV service centers as an area of focus for Secretary Pollack.⁴⁵ The direct involvement of the Governor’s office in this effort was the subject of detailed reporting in the *Boston Globe* in September 2019 after *Globe* reporters were provided with relevant emails between Ms. Deveney and the Governor’s staff.⁴⁶ Though the article preceded the Final Report, Grant Thornton failed to include any meaningful analysis of the possible effects of this campaign on the processing of out-of-state violations specifically or enforcement functions more generally.⁴⁷

However, it is clear that the disproportionate amount of time and resources dedicated to improving customer-facing operations did have dire consequences for public safety. Indeed, the question of whether misplaced priorities affected the RMV’s public safety role is not in serious dispute. In the weeks following the Accident, officials at MassDOT were quick to acknowledge that they had lost sight of the Registry’s public safety mission. The Secretary, in a personal email to workers following the Accident, acknowledged the need to “reset [] priorities to focus more on the Registry’s safety responsibilities.” **Exhibit QQ.** MassDOT’s own internal investigation succinctly framed the issue:

The [RMV] serves both an important customer service role and a critical public safety role. Our state-to-state review has revealed that the organization has struggled to maintain and balance the necessary and appropriate focus, prioritization and allocation of resources to these twin missions, creating an environment that allowed for the failures we have identified.⁴⁸

This report does not provide a comprehensive account of all actions taken by the administration to transform the Registry into a model customer service organization, an effort dubbed internally as the “War on Wait Times,” or “WOWT.” Those details are largely contained in itemized lists of tasks – “threads” and “releases” – entered into the agency’s project management software, “Asana”, and are

⁴⁵ Per statements made by Secretary Pollack to Grant Thornton.

⁴⁶ Stout, Matt, “As Safety Lapses Festered, Baker Aides Were Deeply Involved in RMV’s ‘War on Wait Times,’ documents show,” *Boston Globe*, September 18, 2019.

⁴⁷ If anything, Grant Thornton implicitly rejected the notion, advising management of the need to address the “perception” among employees that back office operations were devalued. Final Report, p. 51. No attempt was made to substantiate that perception or examine the degree to which such a perception might have affected employee behavior. Notably, Grant Thornton did not even seek to interview Mary Tibma, the former deputy registrar who had a direct oversight role with respect to service center improvements. The most significant statement contained in the Final Report on the matter was the acknowledgment that issues in the service centers following the switch to ATLAS should have put the administration on notice that issues may have existed elsewhere in the Registry.

⁴⁸ Per Interim Progress Report #2 dated July 5, 2019.

largely absent from the documents provided to the committee.⁴⁹ The report does, however, offer the following overview of key events in the administration’s crusade and identifies certain public safety functions that may have suffered as a result.

A. Governance

At certain points in its history the Registry of Motor Vehicles may have more closely resembled an independent authority. Today, however, the RMV exists as a division within MassDOT, and pursuant to section 54 of chapter 90 of the General Laws, the registrar at all times operates “subject to the direction, control and supervision of the secretary.”

In fact, under the Baker administration, the RMV has been subject to a rigid governance structure. At the top of the pyramid is the Executive Steering Committee, or ESC, which is chaired by the Registrar but principally comprised of Secretary Pollack, the Governor’s chief of staff (Steven Kadish until approximately July 2017), and Deputy Chief of Staff d’Arbeloff, who did not have a public safety background but came to the administration from the hospitality industry. The ESC meets at least monthly to receive status updates on key initiatives and to review and approve significant business decisions. In depictions of the management structure employed to govern ATLAS development, for example, the ESC’s jurisdiction is described as covering “unresolvable impediments, funding issues, customization decisions, [and] program status updates.” **Exhibit RR**. Slides from a powerpoint presentation delivered at an ESC meeting in August 2017 are included to provide some sense of the role played by the Executive Steering Committee in RMV operations. **Exhibit SS**.

Additionally, Registrar Erin Deveney also led weekly management sessions labeled “scrum of scrums”, or “SoS,” meetings, that were frequently attended by Secretary Pollack or Deputy Chief d’Arbeloff. These meetings addressed more of the “week-to-week” matters related to the RMV’s “transformative efforts”. An example of meeting notes from a SoS meeting in 2015 at an early stage of the WOWT is included, as well, which depicts the level of detailed focus by the Governor’s and Secretary’s offices in functions of the RMV. **Exhibit TT**.

Oversight by the Governor’s office and Secretary Pollack was not limited to these standing meetings, however. Calls and emails with Ms. Deveney in advance of these appointments were common and often addressed more routine, if not mundane, aspects of the agency, such as the proper wording to be placed on service center signs, the content of tweets when service center computer systems were down, or the content and format of drop-down menus used in RMV smartphone apps. **Exhibit UU**. Even the name

⁴⁹ Document requests sent to MassDOT in 2019 primarily addressed the RMV’s and ATLAS’s handling of OOS violations. As noted, in December 2019, committee staff were given an overview of Asana by MassDOT staff.

given to the new core IT system – “ATLAS” – was the subject of an exchange between Ms. Deveney and the Secretary. **Exhibit VV**.

The administration was on occasion more directly involved in operations. Regarding hiring decisions, for example, Secretary Pollack’s chief of staff interviewed Alan MacDonald for the RMV’s chief operating officer position,⁵⁰ and Deputy Chief d’Arbeloff brought in candidates for a communications opening.⁵¹ Ms. d’Arbeloff was also known at times to visit and direct operations within the service centers. **Exhibit WW**. If it seems indicative of mis-management that a member of the Governor’s personal staff would directly engage RMV employees in their performance with the public, it should.

In short, given the degree to which the Governor’s office and Secretary were able to find the time to get involved in these aspects of RMV operations, the public will always be left to speculate what a more determined focus on public safety functions would have meant in 2019.

B. Administration-Led War on Wait Times

The RMV’s Strategic Plan, which, as discussed, was commissioned by the administration and developed in the spring of 2016, offers a concise statement of the Registry’s intent to rebrand itself as a model customer service organization. Briefly stated, the ultimate goal of the War on Wait Times was the “80/30” objective – ensuring that 80% of customers were served in under 30 minutes.⁵² The RMV’s motivating philosophy was described as follows:

If we are to truly be a customer-centric organization, then we must constantly strive to view the services that we provide from the customer’s perspective. We must transform our way of thinking from product delivery to service performance. We must always ask ourselves: How do we as employees add value to the customer’s experience? The culture of success will be realized when we focus less on individual endeavors and more on how we as part of the whole RMV team, can help our customers to enjoy their service journey.⁵³

Begun in earnest in the summer of 2015, early tasks pursued by the Baker administration focused on improved “wayfinding” in the branches, the implementation of “dual line queueing” that favored customers who arrived ready with their paperwork, greater use of out-of-branch channels such as AAA

⁵⁰ Per statements made by Mr. MacDonald to Grant Thornton.

⁵¹ Per “Activity August 25 2017_Sept 5 PSW Updates.docx” attached to email from Patricia Wada to Colleen Ogilvie dated September 5, 2017.

⁵² RMV Strategic Plan 2017-2019, p. 9.

⁵³ *Id.* p. 3.

and web portals, a streamlined hiring process that ensured the branches were fully staffed, new “field management structures,” and enhanced technology for permit and road tests.⁵⁴

Perhaps most significantly, in July 2015, the Baker administration and RMV retained consulting firm Accelare to bring outside business expertise to the effort.⁵⁵ Led by Jack Calhoun, who enjoyed a decades-long professional relationship with the Governor, the firm was brought in to train RMV personnel in the “agile/scrum” method, a process pioneered in the software industry to foster collaboration in executing complex tasks. The administration believed this approach, with the aid of outside management consultants, would help the RMV to organize and achieve its customer service goals. Per the initial statement of work (there would be nine more to follow), Accelare was to guide the Registry as it embarked on its first 8 “project threads” intended to maximize customer flow, speed up citation processing, improve staff attendance, and boost customer outreach and communications. By the time Accelare parted ways with the RMV at the end of 2018, it had become entrenched in decision-making at all levels of the agency, including key roles in ATLAS development. For its services, MassDOT had paid Accelare \$11 million.⁵⁶

Outside of the Executive Steering Committee and “SoS” meetings, progress on these initiatives was monitored by the Governor’s office and Secretary Pollack through the use of daily and monthly reporting. The importance of data – primarily concerning branch operations – was a constant theme in discussions with senior management. Notably, in February 2016, when Registrar Deveney expressed concern that certain non-automated data collection efforts might negatively impact the ability of OPM&I staff to service other areas of MassDOT,⁵⁷ Baker Chief of Staff Kadish was quick to respond: “We really need to meet. I am concerned that we may be out of sync on something that is critical [to] the successful operations of the RMV – daily performance metrics.” **Exhibit XX.**

Thus, over the ensuing years, Ms. Deveney and senior management often received emails from Mr. Kadish and Deputy Chief of Staff for Governor Baker d’Arbeloff demanding explanations when daily reports disclosed that certain service centers lagged. **Exhibits YY.** Even with ATLAS development well under way, Mr. Kadish still made it known to Registrar Deveney that the Governor’s office was watching, in one instance complaining that he had stopped receiving daily reports and was “hearing anecdotes of performance slipping.” **Exhibit ZZ.**

⁵⁴ *Id.* pp. 6-10.

⁵⁵ Contracts with Accelare list the Governor’s office as an “executive sponsor” along with Secretary Pollack.

⁵⁶ According to the Comptroller’s CTHRU database.

⁵⁷ The Office of Performance Management & Innovation within MassDOT is responsible for collecting, formatting and distributing data used to gauge the performance of MassDOT’s various divisions.

As the implementation of ATLAS came to dominate the Registry's attention in 2017, the new core system became the vehicle through which Secretary Pollack and the Governor's office continued to press the need for customer service improvement. This is reflected, for example, in materials presented to the MassDOT Board's capital projects subcommittee in January 2017, which open by stating that the sole goal of ATLAS is to "enable the RMV to be a customer centric service organization that offers driver, non-driver and vehicle services in multiple channels for greater customer convenience." Though the presentation contained numerous references to the ways in which ATLAS would support the "customer experience," not a single slide of the presentation addressed public safety.⁵⁸ In other words, the seeds for MassDOT's public safety failures was exhibited two-and-a-half years prior to the Zhukovskyy tragedy. A misdirected culture was fully entrenched within the oversight approach imposed on the RMV in developing the new ATLAS system for driver licensure.

This disparity was a constant in documents reviewed by the joint committee, despite the fact that enforcement was one of the primary functional implementation areas of Release 1 of ATLAS (along with issuance, revenue, and e-services) and made up 40% of R1 functionality.⁵⁹ Records show that the ATLAS Project Management Office (PMO), led by FAST project lead Maggie Gleason and RMV project leads Patricia Wada and Deputy Registrar Colleen Ogilvie, was sensitive to the administration's emphasis on customer service. The conflict and ultimate hazard risk to public safety is apparent in an email exchange dated April 25, 2017 in which Ms. Wada and Deputy Registrar Ogilvie discussed the need to "validate" to the ESC that they were sufficiently focused on improving customer service, while expressing concern privately that they lacked "business perspective" on the enforcement team and were concerned that certain areas that straddled issuance and enforcement needed attention.⁶⁰ **Exhibit AAA.**

At the following ESC meeting, those concerns were not addressed in the powerpoint that was presented. Regardless, Secretary Pollack appears to have shown more concern with the PMO's failure to properly address the customer experience aspects of ATLAS, as Registrar Deveney informed them on May 30, 2017:

I wanted to share with you the notes from the Secretary after our latest ESC and her suggestions as to how we will be able to demonstrate sufficient emphasis on the End to End Business Processes. The direction that she has given, echoing the Chief of Staff's comments, are that we

⁵⁸ "ATLAS Project Update - Capital Programs Committee" dated January 17, 2017, attached to email dated January 13, 2017 from Erin Deveney to Nathan Peyton.

⁵⁹ See **Exhibit BBBB.**

⁶⁰ In fact, the CDLIS system, which fell under the licensing team, was an area that implicated both issuance and enforcement concerns. This was addressed in the Final Report, which recommended that CDLIS be assigned to a new OOS notification unit. Final Report, p. 58.

need to demonstrate more clearly how we are viewing the ATLAS program from the customers' perspective and the employees' perspective, in addition to the work that we are doing to make sure that we hit our milestones for implementing the FAST product.

Ms. Deveney concluded by stating that the next ESC meeting would be used to demonstrate that management had revised their thinking accordingly. **Exhibit BBB.**

At the next meeting of the Executive Committee in June 2017, the presentation to the ESC began with a slide stating in bold letters: "ATLAS Program is the transformation of the RMV into a world class, customer-centric service organization - Driving principle is improving customer experience offered to those served." **Exhibit CCC.** Public safety concerns as to the new ATLAS system and how it would help promote the traffic enforcement mission of the RMV had taken a back seat, if it was even along for the ride anymore.

Thus, during development of ATLAS, a number of customer-facing initiatives were pursued that drew attention and resources away from implementation of FAST's core product. Significant time, for example, was spent on ensuring that self-service kiosks and bar-code scanners were up and running in the service centers and much effort was put into the development of "customer experience" end-to-end testing models that competed for already scarce development resources.⁶¹

In the fall of 2017, staffing levels in the service centers also became a serious concern at the RMV. According to Accelare, their modeling of projected demand for licensing services following ATLAS Release 1 showed a need for 54 additional temp-to-permanent customer service representatives.⁶² A months-long debate ensued within the ESC about appropriate staffing levels and available funding sources to get the job done right.⁶³ Eventually, the ESC came to prioritize these hires, despite the fact that they consumed training resources during the pivotal stretch before go-live. **Exhibit DDD.**

At a certain point, however, ESC participants began to worry that the RMV faced a realistic possibility that ATLAS would not be ready for go-live on March 26, 2018. **Exhibit EEE.** Shortly thereafter, to gain a better understanding of where the project stood, beginning in December 2017, Secretary Pollack had RMV staff compile weekly "business readiness reports." **Exhibit FFF.** A review of a sampling of these reports shows that the Secretary's attention was fixed on the ability of branch staff to

⁶¹ See attachment to email from Margaret Gleason to Jennifer Kintzler et al. dated November 28, 2017 with subject line "RE: Final Review of the Fast End to End Detailed Test Plan." Each Wednesday from December 6, 2017 through February 21, 2018 was reserved for "Customer Experience Testing" to "ensure that the customer experience before rollout [had] been verified."

⁶² See, e.g., email from David Lewis to Erin Deveney dated November 9, 2017 with subject line "Staff Demand."

⁶³ In late November 2017, Mark Nunnally, former Secretary of the Office of Technology Services and Security and a member of the ATLAS Executive Steering Committee, observed that the demand management debate had become "something of a greased pig." **Exhibit EEE.**

meet customer demand, with detailed status updates on ATLAS-related measures to improve service center operations, staffing, and facilities, as well as external communications and REAL ID implementation.⁶⁴ Ultimately, with go-live approaching, Secretary Pollack was forced to make an executive decision “jettisoning” all projects that did not directly relate to R1.⁶⁵

By contrast, sadly, there appears to have been little concern for enforcement-related services during this same period of time. Based on its review of the millions of pages of documents provided to it, the joint committee is not aware of any concerted effort by the ESC to scrutinize public safety matters prior to ATLAS go-live in March 2018, despite the fact that risks related to enforcement were known and escalated, as discussed below.

C. The Second War on Wait Times

In the spring of 2018, in the days and weeks following the start of ATLAS operations, visitors to RMV service centers throughout the state experienced long lines and extended transaction times. The response from Registrar Deveney, Secretary Pollack and the Governor Baker’s office was swift: there would be a second war on wait times. On the fourth day of Release 1, in an email to the Governor’s staff and senior managers that headed up the ATLAS “command center,” Erin Deveney invoked the memory of 2015 and 2016: “ATLAS may be new to us, but the business issues that we need to address – helping to support the Service Centers so they can focus on the issues and areas that will improve performance – is very much WOWT. We did it before, so we are going to go back to the techniques that helped us back then.” **Exhibit GGG.**

The Baker administration again played a prominent role in the effort to get back to the “80/30” standard it had originally established to measure whether the Registry was doing its job. Deputy Chief of Staff to the Governor Mindy d’Arbeloff personally visited and directed staff in the service centers, **Exhibit WW**, and staff from the Governor’s office personally led efforts to improve the road test program, **Exhibit HHH**. As with the original WOWT, Secretary Pollack began to receive daily “Midmorning Updates” that provided branch wait times and staffing levels and identified service center trouble spots. **Exhibit III**. The Secretary would also advocate for specific pilot programs intended to support the service centers. **Exhibit JJJ**.

In late April, staff from the Governor’s office, with assistance from outside consulting firm Accelare, also began to piece together a new series of task “threads” aimed at lowering wait times at the RMV. The criticism levied by Secretary Pollack in response to initial drafts provides insight into the

⁶⁴ RMV Business Readiness Report attached to email dated December 19, 2017 from Richard Giordano to Erin Deveney and Michelle Vaughn.

⁶⁵ Per Notes from Senior Staff Meeting held on January 8, 2018 at 10 am.

mindset of the administration at this time: “I do not see how the efforts outlined will ‘recover’ the RMV in a timely manner. We are running out of time, frustrating our customers and burning out our employees. We need a gameplan that focuses on reducing wait times, every day and every week in every service center. If something at least has the potential to reduce wait times we should be trying it, if not it can wait.” **Exhibit KKK.**

Ten days later, current Registrar Jamie Tesler, then serving in Secretary Pollack’s office, reinforced those sentiments in his own communications: “[T]he captains and teams all have regular work. And that work is valued, important and needs to get done. But this [War on Wait Times 2] is focused on a very specific goal – 80/30. If it does not help us get there, tomorrow and every day step by step, then it should not be part of this exercise.” **Exhibit LLL.**

Senior management fell in line with the singular focus now imposed on the RMV from the highest reaches up the chain of command in the administration. Former Deputy Registrar Craig Coldstream, for example, pleaded with Registrar Deveney for additional hires when call center operations became overwhelmed. His plea: “The current Governor led war on wait times will not tolerate increasing abandonment [and] wait times for any length of time (perceived or otherwise).” Ms. Deveney agreed to bring on additional staff. **Exhibit MMM.**

Further, the RMV’s “work plan” for FY19, produced at the behest of Secretary Pollack, listed “Consistent and Continuous Improvement of Service Center Customer Experience” as the first deliverable. **Exhibit NNN.** By contrast, an essential public safety function for a well operating Registry of Motor Vehicles ranked low on the priority list; improvements to the “hearing process” for appeals of license suspensions ranked fifth, though even here the focus was not on public safety but on the need for an “improved customer experience and information sharing.” Attention to “customer experience” is important; but when that goal overwhelms the safety of the public in terms of whether the people who have driver’s licenses are properly deserving of the right to operate behind the wheel, then something has become seriously amiss.

The renewed WOWT would also impact Ms. Crispin’s SPEX unit. As noted earlier, beginning in the spring of 2018, SPEX staff spent half of their time supporting the RMV’s customer service functions.

These early struggles with ATLAS partly stemmed from glitches in the software and necessary changes to the system that had not been identified until after go-live. Employees were required to submit solution requests – or SQRs – describing the flaws that were then worked by FAST and MassDOT IT staff. Given the volume of SQRs that were submitted, prioritization became an issue. Again, public safety

functions were pitted against the service centers, and the decision was made to continue to prioritize wait times.

The elevation of software fixes, changes and enhancements benefiting customer service was plainly stated in emails from the ATLAS Project Management Office. In early May 2018, Deputy Registrar Ogilvie circulated a five-point checklist to aid senior management in ranking SQRs. To help assess the impact of a proposed solution request on transaction times, proponents were required to estimate both the number of times the solution would be utilized per day and the number of seconds the solution would save per transaction. **Exhibit OOO**. No consideration for the impact on public safety appears to have been included.

This was made clear to the Executive Steering Committee in July 2018. Concerning SQRs, the ESC was informed that the “primary focus [was] to assist the service centers.” It was further stated that “SQRs which are targeted to improve the Service Center [w]ait times may be ‘prioritized’ over other SQRs.” **Exhibit PPP**.

This singular focus on wait times imprinted on the RMV by the Baker administration was well known inside the agency. Ms. Crispin and her SPEX colleagues, for instance, had identified a number of issues with AAMVA messages very early on. In emails to FAST in which she lobbied for action on the AAMVA fixes, she was resigned to waiting in line, stating, “[the] war on wait times does take priority, I realize.” **Exhibit Z**. Later, to officials from the FMCSA who had expressed concern over poor CDLIS timeliness reports, she stated, “[t]hey are leaving the messaging until last to fix. They will not listen to me. It is a total mess.” **Exhibit QQQ**.

The barrage of solution requests for ATLAS system problems persisted into the summer of 2018 when new COO Alan MacDonald was brought on board. One of his first tasks was to devise a process to rein in the number of requests. The answer, referred to as the Solution Request Prioritization Committee, or “SLURPEE,” instituted a prioritization process that required ATLAS team leads to sign off on a request before being submitted to a review committee for prioritization. Here, too, customer service took precedence. A review of the “primary” criteria developed under Mr. MacDonald’s guidance which would be used to rank SQRs reveals that six address customer service, one criteria considered the effect on revenue collections, and only one asked whether the issue related to public safety.⁶⁶ Thus, well into 2019, software solution requests that were related to public safety were relegated to competing with customer-facing SQRs for limited IT resources.

⁶⁶ Per slide 9 of powerpoint titled “SQR Work Requests & Prioritization.”

D. Effect on Public Safety

As Grant Thornton correctly observed, the difficulties experienced by customer service representatives following ATLAS go-live, of which administration officials in the “command center” were deeply aware, effectively put the administration on notice that public safety areas were at risk, as well.⁶⁷ More directly, in statements to Grant Thornton, Mr. Tesler admitted that the Secretary’s office had been made aware that the Merit Rating Board had encountered difficulty processing in-state citations, and a full year before the Accident the Secretary herself had been apprised of the MRB’s struggles in a meeting with Mr. Bowes in June 2018. **Exhibit RRR**. As discussed, the ESC was also aware that a surge of SQRs had been submitted agency-wide and that service center SQRs had been moved to the front of the line. Further, a retrospective assessment of ATLAS Release 1 presented in June 2018 noted that training was poor, enforcement functions had been changed right up until go-live, and the ATLAS enforcement team had not been led by a subject matter expert.⁶⁸ Thus, there was no need for Secretary Pollack or the Governor’s Office to deduce or guess whether a public safety risk existed; it was open, known and well documented for anyone paying attention.

By the fall of 2018, therefore, there was a clear need for a well-staffed, independent, continuous review of public safety areas to identify risks attributable to system defects, insufficient staffing, poor training, and business process shortcomings. The efforts of the Registry in the weeks following the Zhukovsky Accident in the summer of 2019, including the retention of Grant Thornton, provide a baseline for such a response. Instead, resources continued to be allocated to a second War on Wait Times.

1. Driver Merges and the Ignition Interlock Program

Even absent such an audit, at least two high profile risk areas identified by Grant Thornton should have received greater attention from the administration and Secretary Pollack at an earlier stage – lapses in the merging of duplicate driver records and the failure to act on ignition interlock violations.

As to the former, it bears repeating that the need to reconcile the hundreds of thousands of duplicate driver records that existed in the prior ALARS computer system had been raised to Secretary Pollack a few months prior to ATLAS go-live. As discussed earlier, the threat posed by these duplicates – essentially, that driving offenses had been and would continue to be applied to the wrong record – had been escalated in memos addressed to Mr. Tesler on November 30 and December 4, 2017.⁶⁹ Ultimately,

⁶⁷ Grant Thornton noted that performance issues “could not have been necessarily considered unique to the Service Centers.” Final Report, p. 37.

⁶⁸ Per powerpoint titled “R1 Release Retrospective Summary of Observations and Recommendations” dated June 20, 2018.

⁶⁹ Notably, though the initial memo (**Exhibit J**) had presented the matter as one of public safety versus equity (restated, whether the RMV should issue suspensions years after an offense may have been considered settled by the

after discussion with the ESC, Secretary Pollack made the executive decision to work these merges in batches during the six months following go-live, with the Driver Control Unit closely reviewing any resulting suspensions.⁷⁰ **Exhibits SSS**. Thus, responsibility for this serious public safety matter, which was exacerbated by ATLAS defects in the months following go-live, had been partially assumed by the Secretary.

Further, in July 2018, had Secretary Pollack and ESC members pushed back on the decision to prioritize service center SQRs, they may have learned that driver merges and the ignition interlock program, among other enforcement trouble spots, had been discussed extensively with the Project Management Office in a series of “enforcement check-in” meetings that were convened in May through August 2018 to gain a better understanding of ATLAS’s impacts. **Exhibit TTT**. Per the June 14 enforcement check-in agenda, SQRs impacting the merge process had been prioritized and a future meeting had been scheduled “to specifically discuss and flow out business roles and responsibilities for Driver Merge.” The agenda also identified serious issues with the ignition interlock department, noting that due to defects in the ATLAS system and an ineffective workaround that had been attempted, the department had not been able to schedule interlock hearings since go-live.

In fact, during this same period, the ESC had reason to take special interest in SQRs affecting public safety as this coincided with the end of the contractual 90-day “stabilization period” during which major operational issues with R1 needed to be identified by the Commonwealth. As reported to the ESC during the July 2018 briefing, enforcement was the lone area that had yet to be assessed by the PMO. **Exhibit PPP**. This posed another serious risk for the public, as those SQRs selected as urgent or high priority “stabilization” SQRs would be the ones that would be worked in the near term.⁷¹

Yet there is no indication that the ESC ever scrutinized the SQR prioritization process or, more to the point, demanded the immediate resolution of any and all SQRs needed to ensure public safety. Thus, these issues persisted. In June 2018, Deputy Registrar Ogilvie expressed concern that SQRs related to enforcement were “not moving” and that enforcement “[had] a long list of high priorities.” **Exhibit UUU**. In October 2018, FAST recognized the need to show the enforcement team that they would “get started on a couple of their things.” **Exhibit VVV**. And in January 2019, as COO MacDonald looked to

driver), the subsequent “updated” memo provided the Secretary’s office with some sense of the potential effect on service centers, with a “worst case” option that the Registry would have to manually review hundreds of thousands of records (see Exhibits U and V to the Final Report). It would thus appear that Ms. Deveney and the Secretary’s office allowed unrelated considerations to interfere with a policy decision that had serious public safety implications.

⁷⁰ It does not appear that these batch merges were initiated within the six-month timeframe. Per an email from Ken Canaan to Ms. Ogilvie on June 19, 2018, as of that date, due to ATLAS defects, a backlog of 650,000 duplicate accounts remained.

⁷¹ Per June 2018 Executive Steering Committee powerpoint.

consolidate and prioritize outstanding SQRs for expedited action, Mr. Costantino expressed hope that “continued persistence [would] move some of [enforcement’s] issues to the forefront for resolution.” **Exhibit WWW**. It is painful to point out again the risk posed to the public when mid-level staff at the RMV are forced to plead for resolution of at least “some” of the public safety concerns which had been identified with the state’s new core system.

The end result was that serious public safety risk dragged into 2019. In one egregious case, in April 2019, the Driver Control Unit was notified that an individual with 447 interlock violations since July 9, 2018 had not been scheduled for an interlock hearing despite three notices in the system’s open task queue. The assessment from the DCU hearing officer raising the matter to Mr. Costantino was blunt: “Would there be any reason (Atlas) as to why an IVO hearing has not been scheduled other than the obvious? This is a serious issue and certainly front page news if he were to get into a serious or fatal MV accident.”⁷²

Nor does it appear that the process used to merge records, which implicated divisions throughout the Registry, including SPEX and DCU, had been addressed. In a January 2019 exchange with a representative from DCU in which she expressed frustration with the merge process, Ms. Crispin noted, “Clearly, there are still too many things not working appropriately with merge and we are all feeling as if it should just be stopped until the kinks are worked out.” Per the response from DCU, an employee had been assigned to “document the merge issues” with the hope that the enforcement team would “get more traction on the SQR’s out there.”⁷³

In the end, it appears that issues affecting driver merge were never resolved. One month following the Accident, management from the MRB, DCU, SPEX and other units were still exchanging emails in an attempt to impose some sense of order to the manner in which duplicate driving history records were being handled by the Registry. **Exhibit XXX**.

2. Staffing deficiencies

Staffing decisions and the allocation of resources also put public safety at risk at the RMV. Dating back to the earliest days of the WOWT, staffing was given its own “thread” and significant resources were devoted to dealing with attrition in the branches. To prepare for the deployment of ATLAS, the RMV had increased staffing levels to such a degree that “MassDOT HR had trouble keeping

⁷² Email from RMV DCU Immediate Threat (Deana Douville) to Keith Costantino and Sara Lavoie dated April 24, 2019 with subject line “[redacted]-interlock.”

⁷³ Email exchange between Sherri Hannan and Susan Crispin dated January 7, 2019 with subject line “Customer Account Merge [redacted] & [redacted].”

up with hiring needs.”⁷⁴ As Deputy Registrar Tibma was quick to point out when Mr. Evans sought to transfer service center experts to the new SPEX unit, “It was the Secretary’s highest priority to have the [service centers] fully staffed and well supported.” **Exhibit R**. Thus, as one member of the internal audit unit commented to Grant Thornton, at times staff in the branches outnumbered the available desks.

Nor was the willingness to fund new hires limited to the service centers. Remarkably, in 2019, when Merit Rating Board Director Thomas Bowes complained to Ms. Deveney that he lacked the staff to assume new responsibilities related to commercial insurance carriers, Ms. Deveney informed him that the RMV would fund the new position. **Exhibit YYY**. And, as noted, \$11 million was paid to the business consultants at Accelare at individual rates of up to \$2200 per day.

This same level of concern for the ability of DCU, SPEX and the MRB to meet their core responsibilities does not appear in the records before the committee. Though the failure to devote a sufficient number of enforcement subject matter experts to the project had been identified early on as a project risk,⁷⁵ Executive Steering Committee materials leading up to ATLAS go-live do not reflect adequate attention to public safety, especially as 40% of ATLAS Release 1 functionality was enforcement-related.

Grant Thornton reached a similar conclusion on this point. Observing that the RMV had closely examined staffing needs in the service centers, the Final Report recommended that management do the same for other divisions, as “a similar analysis has not been undertaken for any other department of the RMV.”⁷⁶

Had the administration demanded an appraisal of staffing levels in departments with public safety obligations – on par with Accelare’s so-called “demand management modeling” that precipitated the hiring of 54 customer service representatives – the need for additional staff in other critical areas would have been apparent, either as backfilling during ATLAS development or to reduce backlogs reflected in the Operation Summary Reports.

Even absent such scrutiny, Secretary Pollack and the Governor’s office were well aware that as ATLAS development ramped up in 2017, enforcement units were poorly positioned. FAST’s “implementation methodology” was labor intensive and required full-time support from subject matter experts within the RMV. Not only were subject matter experts involved in testing and configuration, but FAST’s “train the trainers” approach relied on specially trained staff who could serve as needed resources

⁷⁴ Email from Colleen Ogilvie to Vicki Coates dated June 7, 2018 with attached responses to the questionnaire produced by Vicki Coates in connection with her retrospective examination of development issues affecting R1.

⁷⁵ December 2016 Executive Steering Committee slide deck, slide 4.

⁷⁶ Final Report, p. 56.

within their departments following go-live. As could be expected, this stressed staffing levels and often required backfilling with temporary employees.⁷⁷

These staffing pressures were a known hazard for the RMV and were reinforced in the spring of 2017 when senior management met with officials in Colorado, a state that had recently implemented FAST's driver services product. The message from Colorado, submitted to the ESC,⁷⁸ was straightforward and clear: for ATLAS to be successful, the RMV would need to commit adequate numbers of knowledgeable staff. **Exhibits ZZZ.**

With respect to enforcement services, however, the RMV failed to do so. In a September 7, 2017 memo to the RMV's Project Management Office, FAST raised alarms concerning enforcement staffing deficiencies, noting that during a key development phase for ATLAS, the employee assigned as DCU's full-time subject matter expert had failed to participate without explanation for a three-week stretch. The involvement of DCU's part-time experts had also decreased, and the PMO had yet to identify anyone to fill the important expert user role. **Exhibit AAAA.** Ultimately, staffing constraints that limited the availability of expert hearing officers forced Registrar Deveney and the PMO to use paid contractors in development roles. On or around September 14, 2017, this issue was escalated to Secretary Pollack, who approved this deviation from FAST's implementation methodology and suggested that it be raised as an "informational item" at the September 2017 ESC meeting. **Exhibit BBBB.**

One month prior to go-live, this "deviation" (perhaps a more polite way to suggest a management implementation mistake), together with other deviations related to testing and training, were severe enough to warrant a letter from FAST to Registrar Deveney memorializing FAST's description of what the RMV was doing against their advice and noting that enforcement functions were likely to suffer as a result. **Exhibit CCCC.**

It is difficult to definitively connect these "deviations" to any individual high-priority enforcement solution request, and this report does not attempt to do so. However, the failure to properly adhere to the FAST implementation methodology likely contributed to the volume of requests for fixes to ATLAS, which COO MacDonald, the PMO and team leads struggled to fully address. As discussed, this created an environment where certain public safety defects lingered. In one extreme case, in July 2018, hearing officers became concerned that ATLAS – unlike ALARS – did not automatically generate suspensions when a record check initiated at the start of a hearing disclosed that a driver had been

⁷⁷ This is one reason why headcounts do not tell the whole story during this period, as they fail to account for the work hours lost to ATLAS development. Anecdotally, for example, the email signature line of one MRB supervisor included the disclaimer, "Currently I am working on the Release 2 Phase of ATLAS. [P]lease be patient as I may not be able to respond immediately! For further assistance please contact the Citation Processing Unit."

⁷⁸ Per the May 2017 Executive Steering Committee meeting slide deck.

suspended in another state. Though the absence of this important safeguard was brought to Mr. Costantino's attention as the department head for RMV hearing officers, **Exhibit DDDD**, there is no indication that the issue was pursued thereafter by him or anyone else. Based on separate internal information provided to the joint committee, the risk of a missed suspension may persist to this day within the RMV.

Clearly, however, the response from MassDOT and the Registry in the aftermath of the Zhukovsky Accident provides the strongest evidence of the degree to which resources were poorly allocated by the administration to the RMV. After the tragic loss of life in New Hampshire, it was only a little more than two weeks later, with great effort and the use of overtime, that existing staff were able to clear not only the Out Of State backlog and CDLIS manual review queue, but an additional 72 boxes of OOS violations dating back to 2011 that were located in offsite archives.⁷⁹ The 13,000 open work items identified by MassDOT internal audit as an area of concern, which represented OOS notices that had been scanned but not processed by the MRB, were resolved within days of the Accident.⁸⁰

It is clear that the Executive Steering Committee (and others) should have re-focused a portion of their attention to public safety following ATLAS go-live by redeploying even a fraction of the amounts dedicated to customer-facing operations; to do so would have ended the out-of-state backlog and emptied the CDLIS queues. What is striking about the effort of the administration and Secretary Pollack to improve business processes at the Registry is that at no point did anyone discuss appropriate baselines for evaluating enforcement functions. There was no comparable "80/30" standard for public safety, and the failure to define appropriate performance measurements for the RMV with regard to public safety put those departments at a disadvantage for attention and resources versus the service centers when fighting for commingled resources. That must change.

V. **RECOMMENDATIONS**

A. **Realignment of Registry Public Safety Functions Within a MassDOT Office of Public Safety**

Organizational History of the RMV

Early in its history, the Registry of Motor Vehicles and its predecessor entities were organized with public safety interests in mind. By 1917, the legislature had established the Massachusetts Highway Commission, which was charged with maintaining the condition of roadways and bridges and upholding

⁷⁹ Per Interim Progress Report #3 dated July 12, 2019.

⁸⁰ Per Interim Progress Report #5 dated August 15, 2019.

“the law of the road.”⁸¹ In 1919, the legislature abolished the Highway Commission and created the position of registrar of motor vehicles within the Department of Public Works, entrusting the registrar with the powers and responsibilities of the former Highway Commission.⁸²

Fifty years later, in 1969, the legislature placed the Registry under the Executive Office of Public Safety, while the remaining agencies under the Department of Public Works fell under the authority of the Executive Office of Transportation and Construction.⁸³ In keeping with its public safety responsibilities, the Registry had its own law enforcement division until it was consolidated within the Department of State Police at the end of 1991.⁸⁴ In addition to enforcement of the rules of the road, the law enforcement division was responsible for conducting road tests for student drivers until 1992.⁸⁵ Following the consolidation, the State Police assumed responsibility for the road tests until 2007, when civilian road test examiners employed by the Registry began to conduct the tests.⁸⁶ The rationale for the transfer of road test oversight from the State Police to civilian road examiners was, according to then Registrar Anne Collins, “to get law enforcement back doing law enforcement related functions.”⁸⁷

The Registry remained under the authority of the Executive Office of Public Safety until 2004, when as part of a Governor Romney initiative, the RMV was transferred to the Executive Office of Transportation and Construction, renamed the Executive Office of Transportation.⁸⁸ Several years later, in 2009, Governor Patrick further consolidated the Registry under the newly created Department of Transportation.⁸⁹ With that move, the RMV was largely cutoff from its public safety roots.

Since the early 1990s, it is apparent that several gubernatorial administrations have undertaken efforts to separate the Registry and its resources from the public safety aspects of its mandate, favoring a more “transportation-oriented” approach. This has accelerated over the course of the past six years; as established in this report, it is increasingly clear that the Registry of Motor Vehicles has shown comparatively little dedication to its public safety responsibilities. Efforts to consolidate the agency under a single authority do not appear to have helped the Registry’s ability to respond to serious public safety issues, and striking a balance between these dual responsibilities has, without question, exposed the RMV over time to an unnecessary hazard risk when the customer service function is pursued without adequate

⁸¹ Acts of 1917, c. 344

⁸² Acts of 1919, c. 350 §§ 111, 115

⁸³ Acts of 1969, c. 704 § 3

⁸⁴ Acts of 1991, c. 412 § 1

⁸⁵ Denise Lavoie, *State troopers stop giving driver’s tests*, SOUTHCOAST TODAY (Jul. 21, 2007, 11:25 PM) <http://www.southcoasttoday.com/article/20070721/news707210359>

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ Acts of 2004, c. 196 § 3

⁸⁹ Acts of 2009, c. 25 § 8

support for the public tasks for which it remains responsible. The question persists whether the Registry is in the best possible position to address and adapt to public safety challenges as they arise. In other words, is a unified Registry of Motor Vehicles performing both public safety and customer service functions in the highest and best interests of the public?

Separation of Existing RMV Functions

There is a clear need for a better, constant and determined focus on public safety within the agency. Looking forward, the joint committee believes that various units within the Registry that currently have public safety functions – such as license suspension and reinstatement, adjudicatory hearings, ignition interlock functions, road testing, and REAL ID and initial license issuances – can best be supervised by a distinct MassDOT office focused on public safety. Separating the two core functions of the existing RMV into two departments within MassDOT would most efficiently protect public safety and promote its operations. MassDOT operates with separate departments for highways, aeronautics, the MBTA and the RMV at present. A separate MassDOT department dedicated to public safety vehicle licensure issues would accomplish this mission and present to the Secretary and Governor’s office a distinct authority whose public safety mission and leadership are more clearly defined. This would also allow for a better and more informed allocation of budget and staff resources. Notably, each authority would still maintain access to ATLAS.

Housing these functions as distinct operations within MassDOT will maintain overall supervision within a single secretariat. Non-public safety, customer-facing responsibilities would remain within the current RMV structure. The existing dual functions of the RMV, which promotes competition between public safety and customer service, has not served the public at a proper level and should be changed. To accomplish this will require the joint determination of the Governor and the new legislature.

The committee notes that Massachusetts would not be the first state to divide Registry services along these lines. Other states, such as New Hampshire and Texas, keep their respective motor vehicle agencies within their public safety departments. In these states, for example, driver licensing and suspension functions remain under the oversight of the public safety departments, while their transportation departments oversee roadworks, rail, aeronautics, and construction activities. Texas considers the act of licensing drivers in itself to be a public safety matter.⁹⁰ However, in the view of the joint committee, the focus for reform given the many oversight, communication, and operational problems which have impacted the RMV over the years is not a matter of shifting the department to

⁹⁰ See “DPS Mission, Vision, Values, Motto, and Goals,” TEXAS DEPT. OF PUBLIC SAFETY, <http://www.dps.texas.gov/mission.htm>

supervision by a different cabinet secretary. If the focus is on the mission to be performed, the distinction of public safety versus customer service is where the reform can occur. This type of reform can be accomplished while remaining within the transportation department for the reasons discussed above.

Aligning MRB Functions Within a New Agency Structure

As discussed in Grant Thornton's Final Report, problem areas also exist within the Department of Transportation with respect to the filling of vacant positions within the Merit Rating Board (an arguably distinct agency focused on motor vehicle insurance and subject to poorly defined supervision by the Registrar). Grant Thornton recommended that due to the Merit Rating Board's own statutorily defined funding source, it should no longer be subject to Transportation Department hiring freezes.⁹¹ In fact, findings such as these may be incomplete, as events have demonstrated that the Merit Rating Board, which is responsible for the processing of traffic offenses, has a significant public safety function, as well. The proper future of the Board and its operations will have to take these tasks into consideration.

B. Enhanced Internal Audit Functions

The joint committee believes that the flow of information within MassDOT between the Secretariat and the agencies it oversees must be improved. To that end, the joint committee recommends, whether by separate legislation or an amendment to the MassDOT charter, that meetings between the director of MassDOT's Internal Audit Unit and the Secretary of Transportation must be held at regularly scheduled intervals to discuss planned audits and the progress of ongoing audits. Additionally, upon the identification of any issues or risks within MassDOT with potential public safety implications, a meeting between the aforementioned parties should be held immediately regardless of the status of the development of a remedial action plan. Should a critical disagreement arise between the Internal Audit Unit and the Secretary or the MassDOT Board of Directors, the joint committee also recommends the creation of a process by which the Audit Unit may report the documented critical disagreement to the Office of the Inspector General; creation of such a "safety valve" would avoid any possible second guessing within the Internal Audit Unit as to whether to risk termination or discipline for allegedly going outside the agency in order to have serious matters reviewed. In addition, implementing such a process strengthens the important independent role of the Audit Department and fosters an environment of transparency for MassDOT and the Commonwealth.

With respect to the Audit Operations quarterly reports, the joint committee has learned that such quarterly reports occur in practice but are not required to be issued. A charter or similar requirement for preparation of quarterly audit reports should be an explicit requirement within MassDOT. The joint

⁹¹ Id. pg. 57.

committee also recommends the creation of an identified position within Internal Audit for a senior information technology auditor; to state the obvious, information technology operations should be a required part of audit protocols at MassDOT.

Finally, the joint committee also recommends the chair of the Finance and Audit Subcommittee of the Department's Board of Directors should be required to rotate on a regular basis among the subcommittee's membership.

C. Legislative Response

In the months following the 2019 collision, the Baker Administration filed legislation intended to strengthen the commonwealth's commercial driver laws. The Joint Committee redrafted and favorably reported out the legislation. As reported out, the bill includes increased penalties and lengthened suspension periods, as well as requirements for CDL licensed operators who are subject to a suspension to provide notice to their employers within one business day of receiving notice of the suspension. The Joint Committee has determined that the Registry should initiate efforts to promulgate regulations already within its regulatory authority and does not require further authorization from the Legislature to carry out a number of the CDL related activities which were proposed in the Governor's bill; separate communications recommending this approach were made to the Secretary and Registrar during 2019 and 2020. There is no apparent reason for any further delay in implementing regulatory fixes regarding the issuance and oversight of commercial drivers licenses. Necessary legislative changes as reflected in the bill reported from the joint committee in 2020 can be adopted in the coming legislative session.

D. Ignition Interlock

Although it was not the original investigatory focus of the joint committee, the committee's review also identified problems with the administration of the vehicle interlock program applied to those convicted of drunk driving offenses. In the second half of 2020, both the House of Representatives and the Senate adopted legislative language reported from the joint committee extending the ignition interlock program to the most serious drunk driving offenses for first time offenders. This became new law in the Commonwealth in December 2020 and will be implemented by July 1, 2021. Support for this increased public safety function and the likely increase in demand for RMV hearings is something that will require the commitment of added resources.

January 5, 2021

On Behalf of the Joint Committee on Transportation
William Straus, House Co-Chair