

From: [Winkle, Anna \(FMCSA\)](#)
To: [Fromm, Charles \(FMCSA\)](#); [Adams, Earl \(FMCSA\)](#)
Cc: [Flowers, Arija \(FMCSA\)](#)
Subject: RE: Electronic IDs ANPRM - Team Meeting
Date: Monday, January 30, 2023 10:25:43 AM
Attachments: [FMCSA Electronic ID ANPRM Draft Final Comment Summary Report 1-13-2023.docx](#)
[FMCSA Electronic ID ANPRM Nonsubstantive EBI 1.13.2023.xlsx](#)
[FMCSA Electronic ID ANPRM Substantive EBI 1.13.23.docx](#)
[image001.png](#)

Chuck,

I've **attached the ICF comment summary materials** that Dana sent to the team.

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

Thank you,

Anna

Anna Nassif Winkle

Attorney-Advisor
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE, Rm. W61-215
Washington, DC 20590
P: (202) 366-5257 | M: (b)(6)
anna.winkle@dot.gov

From: Fromm, Charles (FMCSA) <charles.fromm@dot.gov>

Sent: Saturday, January 28, 2023 1:24 AM

To: Winkle, Anna (FMCSA) <anna.winkle@dot.gov>; Adams, Earl (FMCSA) <earl.adams@dot.gov>

Cc: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Subject: Fwd: Electronic IDs ANPRM - Team Meeting

Jumping this chain back onto my DOT email.

Anna, thanks for this timely update.

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

Could you please forward the ICF comment summary materials that Dana sent to the team? Thanks.

Chuck

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From: Charles Fromm (b)(6)
Sent: Friday, January 27, 2023 11:09 PM
To: Fromm, Charles (FMCSA) <charles.fromm@dot.gov>
Subject: Fwd: Electronic IDs ANPRM - Team Meeting

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----- Forwarded message -----

From: Winkle, Anna (FMCSA) <anna.winkle@dot.gov>
Date: Fri, Jan 27, 2023 at 4:00 PM
Subject: RE: Electronic IDs ANPRM - Team Meeting
To: Adams, Earl (FMCSA) <earl.adams@dot.gov>, Charles Fromm (b)(6)
CC: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>

Earl and Chuck,

The Electronic IDs team met on Tuesday. (b)(5) Attorney-Client Privileged, (b)(5) Deliberative Process Privilege
(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

- I pushed for a robust team discussion.

(b)(5) Attorney-Client Privileged, (b)(5) Deliberative Process Privilege

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

Dana has asked the team to brief our AAs by this Tuesday (see attached), (b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

Please let me know if you have

any questions or concerns with this recommendation.

Thank you,

Anna

Anna Nassif Winkle

Attorney-Advisor

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE, Rm. W61-215

Washington, DC 20590

P: (202) 366-5257 | M: (b)(6)

anna.winkle@dot.gov

From: Winkle, Anna (FMCSA)

Sent: Wednesday, January 18, 2023 8:35 AM

To: Fromm, Charles (FMCSA) <charles.fromm@dot.gov>; Flowers, Arija (FMCSA) <arija.flowers@dot.gov>

Subject: RE: Electronic IDs ANPRM - Team Meeting

Thanks, Chuck. Will do. (b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

Thank you,

Anna

Anna Nassif Winkle

Attorney-Advisor

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE, Rm. W61-215

Washington, DC 20590

P: (202) 366-5257 | M: (b)(6)

anna.winkle@dot.gov

From: Fromm, Charles (FMCSA) <charles.fromm@dot.gov>
Sent: Wednesday, January 18, 2023 6:45 AM
To: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>; Winkle, Anna (FMCSA) <anna.winkle@dot.gov>
Subject: Re: Electronic IDs ANPRM - Team Meeting

Thanks.

(b)(5) Attorney-Client Privileged; (b)(5) Deliberative Process Privilege

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From: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Sent: Wednesday, January 18, 2023 12:07:38 AM
To: Fromm, Charles (FMCSA) <charles.fromm@dot.gov>; Winkle, Anna (FMCSA) <anna.winkle@dot.gov>
Subject: FW: Electronic IDs ANPRM - Team Meeting

For awareness on where MC-P is at. No action needed.

From: Stella, Sarah (FMCSA) <sarah.stella@dot.gov>
Sent: Tuesday, January 17, 2023 9:54 AM
To: Register, Dana (FMCSA) <dana.register@dot.gov>; Lawless, Sue (FMCSA) <sue.lawless@dot.gov>
Cc: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Subject: RE: Electronic IDs ANPRM - Team Meeting

(b)(5) Deliberative Process Privilege

(b)(5) Deliberative Process Privilege

Sarah Stella, Chief

Regulatory Development Division

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE | Washington, DC 20590

P: (202) 493-0192 | M: (b)(6)

sarah.stella@dot.gov



From: Register, Dana (FMCSA) <dana.register@dot.gov>

Sent: Tuesday, January 17, 2023 9:32 AM

To: Lawless, Sue (FMCSA) <sue.lawless@dot.gov>

Cc: Stella, Sarah (FMCSA) <sarah.stella@dot.gov>

Subject: RE: Electronic IDs ANPRM - Team Meeting

Hi Sue,

Same rulemaking. (b)(5) Deliberative Process Privilege
(b)(5) Deliberative Process Privilege

From: Lawless, Sue (FMCSA) <sue.lawless@dot.gov>

Sent: Tuesday, January 17, 2023 9:29 AM

To: Register, Dana (FMCSA) <dana.register@dot.gov>

Subject: RE: Electronic IDs ANPRM - Team Meeting

(b)(5) Deliberative Process Privilege

-----Original Appointment-----

From: Register, Dana (FMCSA) <dana.register@dot.gov>

Sent: Tuesday, January 17, 2023 9:20 AM

To: Cao, Richard (FMCSA); Khan, Mokbul (FMCSA); Winkle, Anna (FMCSA); Loy, Luke (FMCSA); Christopher, Andrew (FMCSA); Rosales, Francisco (FMCSA); Ajmera, Richa (FMCSA); Stella, Sarah

(FMCSA); Cestero, Jose (FMCSA); Delatorre, Erica (FMCSA); Lawless, Sue (FMCSA); Sutula, David (FMCSA)

Cc: Dahlin, Brian (FMCSA)

Subject: Electronic IDs ANPRM - Team Meeting

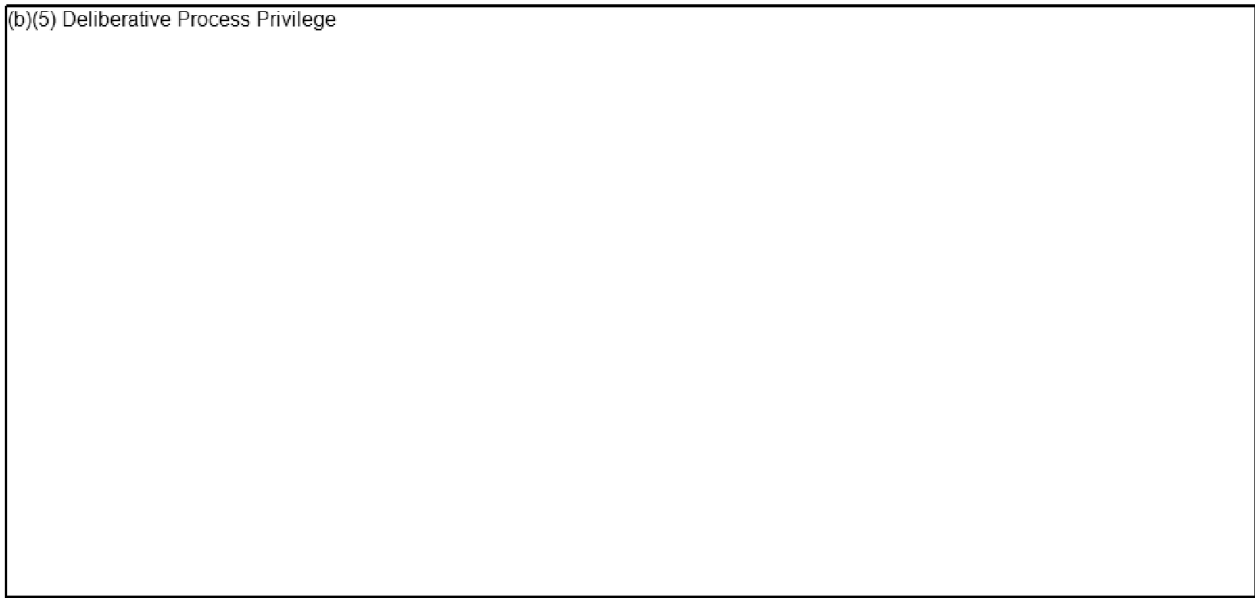
When: Tuesday, January 24, 2023 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Team,

This is a meeting to discuss the attached draft reports on the comments submitted to the docket for the electronic IDs ANPRM. This will be our time to review the attached reports and discuss our thoughts on the reports, our responses to the comments, path forward for the rulemaking in general, etc. Here is a description of the reports:

(b)(5) Deliberative Process Privilege



These reports were revised from an earlier edition when it was found that there were 44 cross docket comments which have now been placed in the correct docket and accounted for in these revised reports.

Microsoft Teams meeting

Join on your computer, mobile app or room device

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(b)(2)

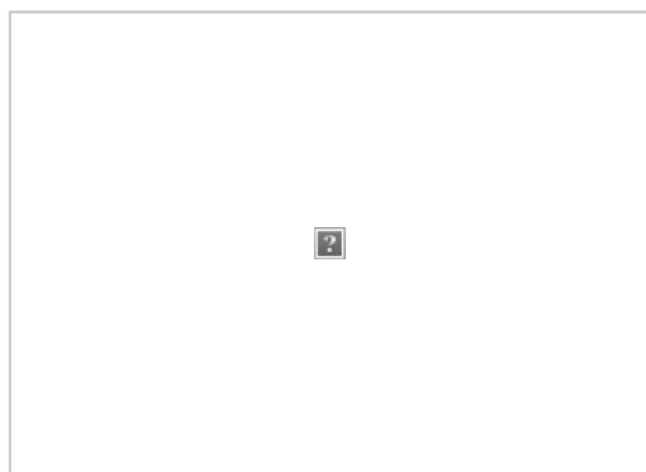
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From: "Register, Dana (FMCSA)" <dana.register@dot.gov>

To: "Cao, Richard (FMCSA)" <richard.cao@dot.gov>, "Khan, Mokbul (FMCSA)" <Mokbul.Khan@dot.gov>, "Winkle, Anna (FMCSA)" <anna.winkle@dot.gov>, "Loy, Luke (FMCSA)" <luke.loy@dot.gov>, "Christopher, Andrew (FMCSA)" <Andrew.Christopher@dot.gov>, "Rosales, Francisco (FMCSA)" <francisco.rosales@dot.gov>, "Ajmera, Richa (FMCSA)" <richa.ajmera@dot.gov>, "Stella, Sarah (FMCSA)" <sarah.stella@dot.gov>, "Cestero, Jose (FMCSA)" <jose.cestero@dot.gov>, "Delatorre, Erica (FMCSA)" <erica.delatorre@dot.gov>, "Lawless, Sue (FMCSA)" <sue.lawless@dot.gov>, "Sutula, David (FMCSA)" <david.sutula@dot.gov>

Cc: "Dahlin, Brian (FMCSA)" <brian.g.dahlin@dot.gov>, "Flowers, Arija (FMCSA)" <arija.flowers@dot.gov>, "Filemyr, Heather (FMCSA)" <heather.filemyr@dot.gov>, "MacClintock, Heather (FMCSA)" <heather.macclintock@dot.gov>, "D'Allaird, Mary (FMCSA)" <mary.dallaird@dot.gov>, "Kelly, Thomas (FMCSA)" <Thomas.Kelly@dot.gov>

Bcc:

Date: Tue, 24 Jan 2023 16:28:11 +0000

Subject: RE: Electronic IDs ANPRM - Team Meeting
Team,

Thanks for a great meeting. I have two requests, please brief your AAs on (b)(5) Deliberative Process Privilege

(b)(5) Deliberative Process Privilege

Please do these items by Tues. Jan. 31, 2023. Tom sent out a description of the research for reference which I attached also. Thanks.

-----Original Appointment-----

From: Register, Dana (FMCSA)

Sent: Tuesday, January 17, 2023 9:20 AM

To: Register, Dana (FMCSA); Cao, Richard (FMCSA); Khan, Mokbul (FMCSA); Winkle, Anna (FMCSA); Loy, Luke (FMCSA); Christopher, Andrew (FMCSA); Rosales, Francisco (FMCSA); Ajmera, Richa (FMCSA); Stella, Sarah (FMCSA); Cestero, Jose (FMCSA); Delatorre, Erica (FMCSA); Lawless, Sue (FMCSA); Sutula, David (FMCSA)

Cc: Dahlin, Brian (FMCSA); Flowers, Arija (FMCSA); Filemyr, Heather (FMCSA); MacClintock, Heather (FMCSA); D'Allaird, Mary (FMCSA); Kelly, Thomas (FMCSA)

Subject: Electronic IDs ANPRM - Team Meeting

When: Tuesday, January 24, 2023 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Team,

This is a meeting to discuss the attached draft reports on the comments submitted to the docket for the electronic IDs ANPRM. This will be our time to review the attached reports and discuss our thoughts on the reports, our responses to the comments, path forward for the rulemaking in general, etc. Here is a description of the reports:

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(b)(5) Deliberative Process Privilege

These reports were revised from an earlier edition when it was found that there were 44 cross docket comments which have now been placed in the correct docket and accounted for in these revised reports.

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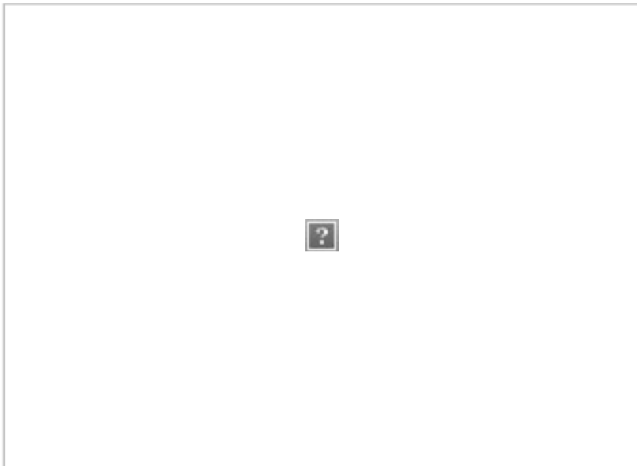
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**Unique Electronic Identification of
Commercial Motor Vehicles
September 23, 2022, Advance Notice of
Proposed Rulemaking (ANPRM)**

Draft Final Public Comment Analysis Summary Report

**Federal Motor Carrier Safety Administration
Docket No. FMCSA-2022-0062**

January 13, 2023

Prepared by



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**Unique Electronic Identification of
Commercial Motor Vehicles
September 23, 2022 Advance Notice of
Proposed Rulemaking (ANPRM)**

**Draft Final Excerpt-by-Issue Report of
Substantive Comments**

**Federal Motor Carrier Safety Administration
Docket No. FMCSA-2022-0062**

January 13, 2023

Prepared by



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From: Kelly, Thomas (FMCSA)
Sent: Mon, 12 Jun 2023 18:31:49 +0000
To: Turner, Elizabeth (Volpe); Kennedy, Nancy (Volpe)
Subject: FW: Level VIII Legal Questions
Attachments: Level VIII Legal Questions-06.09.2023.docx, Level VIII Steering Committee-Counsel 2022-08-11_Notes.docx, Level VIII Steering Committee- Cybersecurity and Data Privacy 2022-07-25 meeting notes.docx

From: Kelly, Thomas (FMCSA)
Sent: Monday, June 12, 2023 1:53 PM
To: Wulff, Jean (FMCSA) <jean.wulff@dot.gov>
Cc: Velez, Katrina (FMCSA) <katrina.velez@dot.gov>; Sinniger, Kathryn (FMCSA) <kathryn.sinniger@dot.gov>; White, Tracy (FMCSA) <Tracy.White@dot.gov>; McCarthy, Carolyn (FMCSA) <carolyn.mccarthy@dot.gov>; Gosier-Abner, Pam (FMCSA) <pam.gosier.abner@dot.gov>; Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: RE: Level VIII Legal Questions

Jean,

(b)(5) Deliberative Process Privilege

(b)(5) Deliberative Process Privilege

Talk Weds.

Tom

From: Wulff, Jean (FMCSA) <jean.wulff@dot.gov>
Sent: Friday, June 9, 2023 10:53 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Cc: Velez, Katrina (FMCSA) <katrina.velez@dot.gov>; Sinniger, Kathryn (FMCSA) <kathryn.sinniger@dot.gov>; White, Tracy (FMCSA) <Tracy.White@dot.gov>; McCarthy, Carolyn (FMCSA) <carolyn.mccarthy@dot.gov>; Gosier-Abner, Pam (FMCSA) <pam.gosier.abner@dot.gov>
Subject: RE: Level VIII Legal Questions

Hi Tom,

Thank you for meeting with our team yesterday.

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(b)(5) Deliberative Process Privilege

However, perhaps we can meet next week to narrow down the specific questions you think will most impact your IT requirements.

I am looping the team back in here on this email chain, and also including Kim McCarthy as an additional resource (and who also may be subbing for Charles) on this matter. I am available to meet on Tuesday and Wednesday next week before I go on leave for a few days. I will look at everyone's schedule and see if we can set up another meeting with you to narrow things down and maybe clear up the questions you have on the PRA.

Thanks to all,

Jean

From: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Sent: Thursday, June 8, 2023 4:07 PM
To: Wulff, Jean (FMCSA) <jean.wulff@dot.gov>
Subject: L8 Legal Questions

Jean,

I thought this morning's meeting was very useful even though we didn't get into our questions document in more detail.

That leads me to ask if a response to those questions can be ready by end of next week? We have an IT requirements deadline of July 1st, and some of your answers will shape our requirements submitted to IT. Hopefully a full week will give you enough time(?).

(b)(5) Deliberative Process Privilege

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Maybe I can set up another call to address that and any other questions your colleagues have coming out of today's meeting.

Thanks again for your help.

Tom

Thomas Kelly, Program Manager
Technology Division
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE | Washington, DC 20590
P: (202) 480-5240
Thomas.Kelly@dot.gov
FBINA 241



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From: Wulff, Jean (FMCSA)
Sent: Wed, 15 Mar 2023 15:22:29 +0000
To: White, Tracy (FMCSA)
Subject: Level VIII Steering Committee- Counsel 2022-08-22_Notes.docx
Attachments: Level VIII Steering Committee- Counsel 2022-08-22_Notes.docx

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From: Flowers, Arija (FMCSA)
Sent: Wed, 8 Feb 2023 01:40:39 +0000
To: Stella, Sarah (FMCSA)
Subject: RE: Electronic device requirement

Amazing good fortune. And thank you for catching that it was e-ID, not ELD. Even better.

From: Stella, Sarah (FMCSA) <sarah.stella@dot.gov>
Sent: Tuesday, February 7, 2023 4:48 PM
To: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Subject: RE: Electronic device requirement

(b)(5) Deliberative Process Privilege

(b)(5) Deliberative Process Privilege Docketed yesterday!

Sarah Stella, Chief
Regulatory Development Division
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE | Washington, DC 20590
P: (202) 493-0192 | M: (202) 913-3734
sarah.stella@dot.gov



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

From: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Sent: Tuesday, February 7, 2023 4:46 PM
To: Stella, Sarah (FMCSA) <sarah.stella@dot.gov>
Cc: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Subject: FW: Electronic device requirement

Hi Sarah,

Below is the email you and I discussed that Earl received, which we think should be submitted as an anonymous comment to the docket (even though it is well past the comment deadline). Sorry and thanks!

Arija

From: Adams, Earl (FMCSA) <earl.adams@dot.gov>
Sent: Tuesday, February 7, 2023 2:39 PM
To: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Cc: Fromm, Charles (FMCSA) <charles.fromm@dot.gov>
Subject: FW: Electronic device requirement

Should this be considered a comment? See below.

Earl Adams, Jr., Chief Counsel, FMCSA

earl.adams@dot.gov | M: (b)(6)

From: David Brown <db163199@gmail.com>

Sent: Tuesday, February 7, 2023 1:47 PM

To: Adams, Earl (FMCSA) <earl.adams@dot.gov>

Subject: Electronic device requirement

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Last year, the FMCSA proposed requiring commercial motor vehicles to install an electronic device that would wirelessly transmit identifying information to law enforcement on demand. How is that consistent with the Fourth Amendment and its prohibition on unreasonable searches and seizures? There is hardly probable cause that a crime is being committed in each and every commercial vehicle. How is that consistent with the Fifth Amendment ban on taking private property? That seems like the sort of permanent -- if minor -- physical presence of government-mandated apparatus on private property, that was considered an unconstitutional taking by the Supreme Court's decision in *Loretto v. Teleprompter CATV Corporation* (1982).

From: Kelly, Thomas (FMCSA)
Sent: Tue, 24 Jan 2023 16:54:30 +0000
To: Loftus, Jeff (FMCSA)
Subject: RE: Electronic ID project

That will be kicked down the road for the next ANPRM I guess. They may reference some of the comments. Not sure.

They did say to notify our AA's of this approach. So....

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 11:50 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Sent: Tuesday, January 24, 2023 11:47:13 AM
To: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: RE: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 11:23 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 11:21:24 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 11:20:33 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Sent: Tuesday, January 24, 2023 11:06:03 AM
To: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: RE: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Kelly, Thomas (FMCSA)
Sent: Tuesday, January 24, 2023 10:17 AM
To: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: RE: Electronic ID project

Thanks. In a ANPRM meeting now.

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 10:16 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

Yes for 2024

From: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Sent: Tuesday, January 24, 2023 10:15:33 AM
To: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: Electronic ID project

(b)(5) Deliberative Process Privilege

Thomas Kelly, Program Manager
Technology Division
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE | Washington, DC 20590
P: (202) 480-5240

From: Kelly, Thomas (FMCSA)
Sent: Mon, 12 Jun 2023 17:52:59 +0000
To: Wulff, Jean (FMCSA)
Cc: Velez, Katrina (FMCSA); Sinniger, Kathryn (FMCSA); White, Tracy (FMCSA); McCarthy, Kim (FMCSA); Gosier-Abner, Pam (FMCSA); Loftus, Jeff (FMCSA)
Subject: RE: Level VIII Legal Questions
Attachments: Level VIII Legal Questions-06.09.2023.docx, Level VIII Steering Committee-Counsel 2022-08-11_Notes.docx, Level VIII Steering Committee- Cybersecurity and Data Privacy 2022-07-25 meeting notes.docx

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Talk Weds.

Tom

From: Wulff, Jean (FMCSA) <jean.wulff@dot.gov>
Sent: Friday, June 9, 2023 10:53 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Cc: Velez, Katrina (FMCSA) <katrina.velez@dot.gov>; Sinniger, Kathryn (FMCSA) <kathryn.sinniger@dot.gov>; White, Tracy (FMCSA) <Tracy.White@dot.gov>; McCarthy, Carolyn (FMCSA) <carolyn.mccarthy@dot.gov>; Gosier-Abner, Pam (FMCSA) <pam.gosier.abner@dot.gov>
Subject: RE: Level VIII Legal Questions

Hi Tom,

Thank you for meeting with our team yesterday.

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Thanks to all,

Jean

From: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Sent: Thursday, June 8, 2023 4:07 PM
To: Wulff, Jean (FMCSA) <jean.wulff@dot.gov>
Subject: L8 Legal Questions

Jean,

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Tom

Thomas Kelly, Program Manager
Technology Division
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE | Washington, DC 20590
P: (202) 480-5240
Thomas.Kelly@dot.gov
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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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(b)(5) Deliberative Process Privilege

of the Freedom of Information and Privacy Act

From: Wulff, Jean (FMCSA)
Sent: Wed, 15 Mar 2023 15:22:29 +0000
To: White, Tracy (FMCSA)
Subject: Level VIII Steering Committee- Counsel 2022-08-22_Notes.docx
Attachments: Level VIII Steering Committee- Counsel 2022-08-22_Notes.docx

FYI

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Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

From: Flowers, Arija (FMCSA)
Sent: Wed, 8 Feb 2023 01:40:39 +0000
To: Stella, Sarah (FMCSA)
Subject: RE: Electronic device requirement

Amazing good fortune. And thank you for catching that it was e-ID, not ELD. Even better.

From: Stella, Sarah (FMCSA) <sarah.stella@dot.gov>
Sent: Tuesday, February 7, 2023 4:48 PM
To: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Subject: RE: Electronic device requirement

(b)(5) Deliberative Process Privilege

(b)(5) Deliberative Docketed yesterday!

Sarah Stella, Chief
Regulatory Development Division
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE | Washington, DC 20590
P: (202) 493-0192 | M: (b)(6)
sarah.stella@dot.gov



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

From: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Sent: Tuesday, February 7, 2023 4:46 PM
To: Stella, Sarah (FMCSA) <sarah.stella@dot.gov>
Cc: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Subject: FW: Electronic device requirement

Hi Sarah,

Below is the email you and I discussed that Earl received, which we think should be submitted as an anonymous comment to the docket (even though it is well past the comment deadline). Sorry and thanks!

Arija

From: Adams, Earl (FMCSA) <earl.adams@dot.gov>
Sent: Tuesday, February 7, 2023 2:39 PM
To: Flowers, Arija (FMCSA) <arija.flowers@dot.gov>
Cc: Fromm, Charles (FMCSA) <charles.fromm@dot.gov>
Subject: FW: Electronic device requirement

Should this be considered a comment? See below.

Earl Adams, Jr., Chief Counsel, FMCSA

earl.adams@dot.gov | M: (b)(6)

From: (b)(6)

Sent: Tuesday, February 7, 2023 1:47 PM

To: Adams, Earl (FMCSA) <earl.adams@dot.gov>

Subject: Electronic device requirement

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Last year, the FMCSA proposed requiring commercial motor vehicles to install an electronic device that would wirelessly transmit identifying information to law enforcement on demand. How is that consistent with the Fourth Amendment and its prohibition on unreasonable searches and seizures? There is hardly probable cause that a crime is being committed in each and every commercial vehicle. How is that consistent with the Fifth Amendment ban on taking private property? That seems like the sort of permanent -- if minor -- physical presence of government-mandated apparatus on private property, that was considered an unconstitutional taking by the Supreme Court's decision in *Loretto v. Teleprompter CATV Corporation* (1982).

From: Kelly, Thomas (FMCSA)
Sent: Tue, 24 Jan 2023 16:54:30 +0000
To: Loftus, Jeff (FMCSA)
Subject: RE: Electronic ID project

(b)(5) Deliberative Process Privilege

(b)(5) Deliberative Process Privilege

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 11:50 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Sent: Tuesday, January 24, 2023 11:47:13 AM
To: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: RE: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 11:23 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 11:21:24 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 11:20:33 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Sent: Tuesday, January 24, 2023 11:06:03 AM
To: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: RE: Electronic ID project

(b)(5) Deliberative Process Privilege

From: Kelly, Thomas (FMCSA)
Sent: Tuesday, January 24, 2023 10:17 AM
To: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: RE: Electronic ID project

Thanks. In a ANPRM meeting now.

From: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Sent: Tuesday, January 24, 2023 10:16 AM
To: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Subject: Re: Electronic ID project

Yes for 2024

From: Kelly, Thomas (FMCSA) <Thomas.Kelly@dot.gov>
Sent: Tuesday, January 24, 2023 10:15:33 AM
To: Loftus, Jeff (FMCSA) <jeff.loftus@dot.gov>
Subject: Electronic ID project

(b)(5) Deliberative Process Privilege

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