

Complaints

During the third quarter, July through September 1997, Motor Carrier Transportation Branch staff finalized a total of 101 complaint actions. The numbers following each name indicates the number of violations confirmed in the complaint process.

** Denotes second complaint filed within five years.

*** Denotes third complaint within one year of second.

•• Denotes failure to produce records, resulting in suspension of authority.

Safety Violations

Staff finalized 39 complaints involving violations discovered during safety compliance reviews at carriers' terminals, violations related to failure to produce records, or violation of an out-of-service notice.

Allstar Paving, Inc. 14
 Barclay Contractors 7
 Bear Mountain Forest Products, Inc. 13
 Blue Mountain Oil, Inc. 7
 Kate & Oscar Boyer Trucking 1, violation of out-of-service notice
 Cedar Creek Quarries, Inc. 8
 Columbia Pacific Housewarmers, Inc. 7
 Dental's Towing 18
 Deschutes Ready Mix Sand & Gravel Company 14
 Doters Construction 11
 E. W. Migot 12
 Evergreen Redi-Mixx Co. 20
 Gresham Paving 1
 Haley & Haley, Inc. 8
 Leslie Harris Trucking 56
 Heaton Construction 6
 Randy Hill Trucking, Inc. 7
 Laser Express, Inc. 19
 Lawrence Oil Co. 7
 Howard Lee Lukens 7
 M & H Rock, Inc. 15, including one false certification of inspection repair
 Doug McLain Trucking 8
 Meng Logging, Inc. 9
 Metropolitan Disposal, Corporation 68

Millennial Star, Inc. 19
 Moser Paving, Inc. 4**
 N P E, Inc. 141
 Richard Newman Trucking 23
 Oceanway Transport, Inc. 7
 Oregon Asphaltic Paving Company 7
 Pacific Rose Charters, Inc. 6
 Quicksilver Contracting Company 6
 Scrael Hill Enterprises 6
 T K Farms 7
 D. Ray Thornberg Company 6
 Don Wilson Trucking 5
 Jim Wilson Trucking 6
 John Winters, Jr., Logging 5
 Richard D. Yancey 6

Other Violations

Staff finalized 62 complaints involving violations related to failure to produce records, operating without valid registration, permit, plates and passes, or operating a vehicle without proper external identification.

Affordable Moving, Inc. 1
 American Trucking Elite 6
 Bryce T. Barklow Trucking 9
 Barr Nunn Transportation 2
 Blue Mountain Precast, LLC 3

Boyle & Son Trucking, Inc. 6
 C A Z Trucking 7
 Callaco Transport 4
 Cascade Carriers, Inc. 4
 Casino Connection 7
 Central Associated Carriers Corp. 2
 Central Valley Express 5
 Colwell Logging 9
 Comenout Trucking 4
 Covenant Enterprise Group, Inc. 3
 D & J Trucking 10
 D & L Transport 41
 D W Ag Service 7
 Dougherty Leasing Corporation 10 ••
 E-Z Way Transport 7
 Farm Transport, Inc. 172
 Anthony A Fidler Trucking 10 ••
 First Choice Movers 2
 Jim D. Fraley 1
 G & S Transportation 2
 Gorgita Transport 4
 J B Hunt Transport, Inc. 2
 Independent Thinning, Inc. 6
 J & B Logging 2
 Juarez Trucking 5
 Kirkhart's Incorporated 3
 Kris's Trucking 5
 McDermott Trucking 3
 M & A Transportation, Inc. 2
 M & E Trucking Co. 2
 MNG Trucking 2

Master Movers 1 **
 Madoc County Cooperative Assoc. 1
 Mark Moore & Sons 9
 Lee Noah Trucking 4
 Ore Ida Foods, Inc. 19
 P & D Trucking, Ltd. 2
 Little Jim Parker Trucking 10
 Paws Transportation 7
 Priority Truck Service 3
 R L H Transport 16
 R & M 3
 Redman Enterprises 12
 Ross Ringer 9
 Rockpile Ranch 29
 Rocky Mountain Construction 16 **
 Sample Trucking LLC 2
 Sharp Transport, Inc. 2
 James E. Smith Trucking 15 ***
 Smithway Motor Xpress, Inc. 4
 Specialty Excavating, Inc. 9
 U S Xpress, Inc. 1
 Stan Vandervelde 5
 Jeff D. & Billi R. Wessel 10 ••
 Western Wheels Distribution, Inc. 3
 Pete Wilder Trucking 2
 Zumwalt & Williams Sand & Gravel 5



MOTOR CARRIER NEWS

Newsletter of the Oregon Department of Transportation Motor Carrier Transportation Branch • December 1997

One-person computerized inspections to boost productivity

Oregon changes the face of its truck safety inspection program

According to one Oregon tourism slogan, "Things look different here." Now even truck safety inspections look a little different here as the Motor Carrier Transportation Branch (MCTB) introduces several changes aimed at boosting the efficiency and productivity of its inspection staff.

Stop for a truck inspection in Oregon today and the inspector is more likely to be carrying a mini-computer than pen and paper. MCTB safety staff began experimenting with hand-held, pen-based computers last year and recently purchased more ruggedized laptops, some of which will be distributed to Oregon State Police and law enforcement officers that help conduct truck safety inspections throughout the state.

The use of portable computers is becoming commonplace nationwide. As more and more truckers operate interstate, there is a growing need to tap into the national data bank of safety information, called SAFETY-NET, which contains the records of more than two million random roadside commercial vehicle and driver inspections conducted annually.

Inspectors with portable computers can access safety records at the roadside for help selecting which trucks to inspect. New computer software makes it possible to record inspection information in the computer and electronically send it back to the data bank over phone lines. The former paper-based process created a backlog of about 55 days to send records to SAFETY-

NET. The new paperless, electronic process takes about three days.

Another reason truck safety inspections look different in Oregon these days is because MCTB staff is no longer using two inspectors to conduct each inspection.

MCTB Manager Gregg Dal Ponte implemented the change to a one-

person inspection format after Oregon Department of Transportation Director Grace Crunican asked each of her managers to find ways to do more with less.

"Although this is new for Oregon, one-person inspections are the norm for most if not all jurisdictions throughout North America," Dal Ponte said. "We made the switch in October and inspections are already up 20 percent compared to last year."

MCTB employs 18 Safety Specialists whose primary job is to conduct safety compliance reviews at carriers' terminals. They inspect trucks as a secondary aspect of their work, as do three Hazardous Materials Specialists, eight Authority Enforcement Investigators, and 105 Motor Carrier Enforcement Officers. Along with the switch to one-person inspections, MCTB increased the monthly inspection goals set for its staff.

Oregon now expects to conduct at least 32,000 inspections per year. MCTB staff accounted for more than half of the 27,000 truck and bus inspections conducted in 1996. The remainder were conducted by the nearly 500 trained and certified state, county, and city agency employees who are under contract with MCTB to inspect trucks and receive compensation through the Motor Carrier Safety Assistance Program.

Safety inspectors become certified after undergoing 80 hours of training by MCTB safety specialists. The training is offered free to police agencies.

Who gets inspected?

The following are common reasons safety inspectors select a truck for a roadside safety check:

- ✓ Inspectors see an obvious defect or critical problem constituting an out-of-service violation.
- ✓ The truck has no decal indicating it passed a recent check by the Commercial Vehicle Safety Alliance (CVSA), or it has an expired decal.
- ✓ A computer check of a carrier's inspection records results in a recommendation to inspect.
- ✓ The truck or the carrier is targeted for inspection as part of the safety improvement program called PRISM — the Performance and Registration Information Systems Management.
- ✓ The truck happens by when a five percent random selection system calls for an inspection.

Investigators to begin checking variance permit compliance

Until this year, carriers operating without a truck size and weight variance permit, or operating beyond permit restrictions, could get away with it unless an enforcement officer caught them red-handed on the road and issued a citation.

Now with the passage of Senate Bill 664 by the 1997 Oregon Legislature, Motor Carrier Transportation Branch (MCTB) investigators can check carrier records and look for past violations of overdimensional or overweight variance permit regulations in ORS Chapter 818. If it is discovered that violations occurred, carriers can be subject

to civil monetary penalties and suspension or cancellation of operating authority.

MCTB staff met with trucking industry representatives in September to develop a plan for implementing the new legislation. The group reached agreement about proposed changes to administrative rules and a process for determining the priority of investigations.

MCTB plans to keep track of the number of "incidents" filed against a carrier for violating variance permit regulations, including citations, observations by law enforcement officials, and written or verbal (staff verified)

complaints from the public. A quarterly check of the records will help MCTB determine which carriers undergo an audit. Specific incidents, such as a reportable accident resulting from an alleged violation, will also initiate an audit. Only information related to incidents occurring after October 4, 1997, the effective date of the new law, will be stored in the database and used to check carrier compliance.

Beginning January 1, 1998, MCTB investigators will file formal complaint actions against carriers found to have violated variance permit requirements.

MCTB changes policy regarding truck-tractor/semitrailer length

The Over-Dimension Permit Unit of the Motor Carrier Transportation Branch (MCTB) has developed a continuous, annual permit authorizing semitrailers up to 53 feet in length to operate up to 75 feet in overall length on most Oregon highways.

The new permit, which treats the semitrailer as a non-divisible load, represents a policy change. Truck-tractors with up to a 53-foot semitrailer had been prohibited on roads where the combination was unable to maintain its own lane of travel.

To ensure the safety of the traveling public, the permit will be issued under the condition that the combination is marked

with oversize load signs on the front and rear. In addition, a pilot vehicle will be required in front of the oversize load to warn oncoming traffic.

Over-Dimension Permit Unit Manager Jo Schiffner believes the pilot car requirement may limit the number of carriers that use the new permit.

"This policy change is potentially great for the trucking industry because it opens up 99 percent of Oregon highways to this combination," Schiffner said. "But requiring the use of a pilot car will make it cost prohibitive for most carriers."

Rulemaking considers extending maximum size limitation for moving manufactured homes

At the request of the Oregon Manufactured Home Association, the Motor Carrier Transportation Branch (MCTB) has initiated a rulemaking to consider increasing the allowable width for manufactured homes moving over certain Oregon highways. The change affects Oregon Administrative Rule 734-075-0010, related to the maximum size limitations for the movement of over-dimensional mobile homes and modular building units.

Currently, the rule allows for the movement of homes as wide as 14 feet, but the overall width including eaves can be up to 15 feet.

Proposed amendments would allow for the movement of a home as wide as 16 feet, with an 18-foot overall width including eaves. Such movements over Oregon highways would be by single trip permits only.

The rule change would bring Oregon's maximum size limitations in line with limitations in Idaho and California. The Oregon manufactured home industry believes the change is necessary so they can remain competitive with neighboring states' markets.

A public hearing is scheduled for December 19, 1997, at 9 a.m. in Room 122 of the Oregon Department of Transportation Building on the Capitol Mall in Salem. Please contact Craig Bonney at (503) 378-4851 to receive a copy of the proposed amendments.

A Publication of the
Oregon Department of Transportation
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Post-accident drug and alcohol testing responsibility extends to employers

Testing for controlled substances and alcohol is now just part of the routine for anyone with a commercial driver license (CDL) to operate trucks over 26,000 lbs. Most trucking companies are well aware of the pre-employment, random, and reasonable suspicion testing requirements for drivers with a CDL.

Some companies may not be aware, however, that when one of their trucks is involved in an accident, federal and state rules hold the employer responsible for conducting post-accident testing of the driver (see table below). The requirement also applies to drivers who are individual truck owner/operators.

When Motor Carrier Transportation Branch (MCTB) safety inspectors investigated recent truck crashes in Oregon, they found instances in which post-accident tests detected the use of controlled substances by the driver. They also found instances in which employers failed to conduct tests.

Commercial motor vehicle drivers are required to submit to post-accident controlled substances and alcohol testing whenever they're involved in an accident that results in a fatality. Tests are also required if the driver is issued a citation for a moving traffic violation **AND** there is bodily injury that requires immediate medical treatment away from the scene, or there is disabling damage to a vehicle requiring that it be towed. These rules apply regardless of who is at fault in the accident.

Tests must be taken as soon as practicable after the accident. Alcohol tests should be taken within two hours of the accident, but no later than eight hours. Controlled substances tests must be taken within 32 hours. The post-accident testing rules are not intended to delay the provision of necessary medical attention to an injured person and they don't prohibit a driver from leaving the scene of an accident for a period of time needed to obtain medical assistance.

Drivers must remain available for testing or they may be deemed by the employer to have refused testing. A refusal is considered the same as a positive test. The responsibility for testing remains with the employer, and failure to conduct post-accident testing can lead to penalties in a civil enforcement action.

MCTB safety staff advises carriers to always conduct post-accident testing and look at it as a way to protect themselves. Information confirming that neither drugs nor alcohol were a factor contributing to an accident can be extremely valuable. Carriers with questions should contact MCTB safety staff at (503) 378-6166.

Oregon carriers get US DOT number, inspection records filed in national safety data bank

Many Oregon-based carriers noticed one new form in the annual truck registration renewal packages they received in September. Intrastate carriers, those operating just within Oregon, received an application for a US DOT number (Form MCS150). Oregon is requiring that every motor carrier have a USDOT number, in addition to the "AF" Oregon tax identification number, so that safety inspection information can be entered into the national data bank called SAFETYNET.

This change does not affect interstate carriers that already have a US DOT number. Intrastate carriers that need a number were asked to complete the application and send it to the Motor Carrier Transportation Branch (MCTB). Beginning in January, MCTB will send each carrier an official Federal Highway Identification Record showing their US DOT number. There is no charge for obtaining the number.

Vehicle identification rules require that carriers display the US DOT number on both sides of the truck cab, in a color that contrasts with the background, in letters large enough to be visible from at least 50 feet. Other identifying numbers already on the cab can be removed or left in place.

MCTB is reminding carriers that adding a US DOT number does not change their operating authority. Carriers register as an interstate operator by submitting an application to the US DOT Federal Highway Administration (*formerly submitted to the Interstate Commerce Commission—ICC*).

Questions? Please contact the MCTB registration staff at 503-378-6699.

Post-Accident Controlled Substances and Alcohol Testing Federal Safety Regulations — Part 382.303(a)(3)

Type of Accident	Citation Issued to Driver of Commercial Vehicle	Employer Responsible for Performing Test
Human fatality	Yes No	Yes Yes
Bodily injury with immediate medical treatment away from the scene	Yes No	Yes No
Disabling damage to any motor vehicle requiring tow away	Yes No	Yes No

Green Light Project launches first mainline preclearance system

Woodburn system makes weigh station stops a thing of the past

Motorists traveling on Interstate 5 are noticing something very unusual as they pass the Woodburn Port of Entry located about 30 miles south of Portland.

Several of the trucks that used to pull in for routine weighing and inspection are now cruising by at highway speed because of a new automated system.

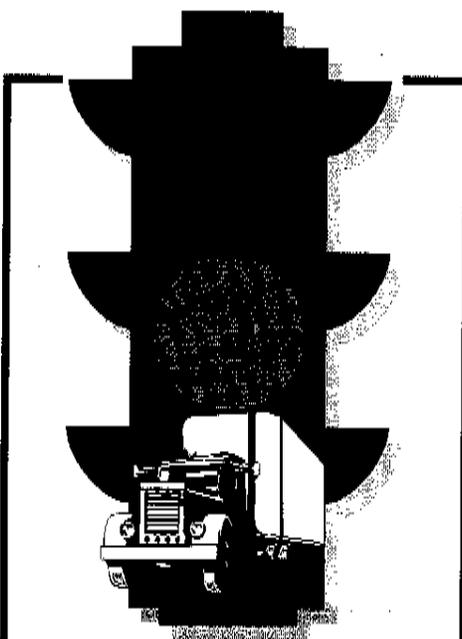
Beginning October 29 it became possible for trucks at Woodburn to be weighed in-motion by scales installed under the roadway about one mile ahead of the weigh station. Trucks with a palm-size electronic device (a transponder) mounted on the windshield can be automatically identified and sent a green light signal if they pass a quick computer check of records related to registration, safety, and truck size and weight requirements. The system sends a red light signal back to the transponder if the truck must pull in as usual.

The "preclearance" system at Woodburn is the world's first capable of weighing, identifying, and sorting truck traffic over two lanes. It is the first of 22 weigh stations located throughout the state that will be automated in the next two years in a modernization program called the Oregon Green Light Project.

The automated screening system is especially needed at Woodburn to manage increasing truck traffic, which has jumped 21 percent since 1990. The Woodburn station, designed in 1983 to weigh 2,300 trucks per day, now weighs more than 5,300 trucks on a busy day. ODOT's Motor Carrier Transportation Branch (MCTB) chose to install the automated system as a cheaper option than just building a bigger weigh station.

Because MCTB lacks the staff to distribute thousands of transponders to carriers, it reached out to the private sector earlier this year in a "Request for Proposal" process

seeking a contractor to take on the job. MCTB subsequently hired TransCore, a Pennsylvania-based company that is part of Science



Weigh station modernization spreads throughout Oregon

In the next two years, Oregon is streamlining trucking operations at 22 weigh stations and ports of entry located throughout the state. In December, two sites on the Idaho border — the Port of Entry at Farewell Bend and the weigh station at Olds Ferry — launch their own mainline preclearance systems.

In 1998 and 1999, the Green Light Project literally comes to a weigh station near you as work progresses at five sites on Interstate 84, five on Interstate 5, four on US97, two on US26, one on US30, and two on OR58.

Carriers can use the Transponder Application Form on the back of this page to order transponders and make weigh station stops a thing of the past!

Applications International Corporation. Their goal is to distribute at least 35,000 transponders over the next five years. In partnership to help TransCore is Northwest Transporter, a for-profit company formed by the Oregon and Washington Trucking Associations.

In October, MCTB and TransCore announced the creation of a unique program that makes weigh station preclearance one part of a "productivity package" with two levels of benefits for carriers.

Most carriers will qualify for the "Basic" program in which they are eligible for preclearance past a weigh station, but still subject to random pull-in for safety inspections. They're also eligible for added benefits, such as a 25 percent discount on ODOT-issued over-dimension permits.

Many other carriers will qualify for the "Premier" level of the program in which they're given special status as "Trusted Carrier Partners." Trusted Partners, those with a 12-month record of exemplary operations in Oregon, will not be subject to random safety inspections or terminal audits and comprehensive safety compliance reviews (unless warranted). They get more added benefits, such as a waiver of bond requirements and a 50 percent discount on ODOT-issued over-dimension truck permits. Someday, Trusted Partners based out-of-state may not have to display an Oregon tax license plate on their trucks because transponders essentially serve as electronic license plates.

TransCore is charging an administrative fee of \$45 per year for each transponder-equipped truck. There are no other charges associated with weigh station preclearance in Oregon. This is much less expensive than the HELP PrePass program in California, which charges fees ranging from \$4 per day to \$85 per month for each transponder-equipped truck.

Oregon Green Light Weigh Station Preclearance Program



GREEN LIGHT

T R A N S P O N D E R A P P L I C A T I O N F O R M

Customer Information

Carrier Name	DBA Name		
Carrier Shipping Address	City	State	Zip
Carrier Billing Address	City	State	Zip
Contact Person Name	Phone Number	FAX Number	
Contact Person Title	Email Address		
Oregon Operating Authority Number	US DOT Number		

No. of Transponders Requested: _____
 Annual Fee per Transponder: x \$45 each
 Billing Invoice Amount: = _____

TransCore will bill you for transponders issued.

Oregon DOT Plate Numbers on Trucks to be Equipped with Transponders

Truck #1	Truck #6	To request transponders for additional vehicles, please list their Oregon DOT license plate numbers on a separate worksheet.
Truck #2	Truck #7	
Truck #3	Truck #8	
Truck #4	Truck #9	
Truck #5	Truck #10	

Terms and Conditions of the Oregon Green Light Program

1. Transponders will be installed in accordance with instructions provided.
2. Transponders will be installed only on designated vehicles.
3. Carrier will bypass an open weigh station only when the transponder indicates a green light.
4. When the transponder indicates a red light, carrier will turn into the port or weigh station and follow instructions.
5. In the event the transponder indicates no light, or a yellow light, carrier will turn into the port or weigh station, when open, and follow instructions.
6. Carrier assumes full responsibility for lost, stolen, or damaged transponders.
7. Carrier will report any changes in the application information to the Oregon DOT.
8. Carrier will report any changes in vehicles added or removed from fleet operations to the Oregon DOT.
9. Carrier will return transponders to TransCore when vehicles are removed from service.
10. Carrier will pay annual administrative fees for use of transponders to TransCore on a timely basis.

Certification Statement

I / We agree to comply with applicable State and Federal motor carrier statutes and rules administered by the State of Oregon. I / We also agree to comply with the terms and conditions for the installation and use of the transponder provided by TransCore, and agree to return the transponder to TransCore when the vehicle is no longer in use.

Signature _____

Title _____

Date _____

FAX THIS APPLICATION TO: (503) 373-1940

OR MAIL TO: TransCore/MCTB, Attn: Steve Tydings, 550 Capitol St. NE, Salem OR 97310

For additional information, please call Steve Tydings, TransCore, at (503) 378-3421.