

**DATE:** March 31, 2003  
**TO:** House Transportation Committee  
**FROM:** Gregg Dal Ponte, Administrator,  
Motor Carrier Transportation Division  
**SUBJECT:** House Bill 2217

### **INTRODUCTION**

Oregon law exempts most farm trucks and certain other trucks from safety regulations. But the broadly worded law suggests that trucks are exempt even when operating in interstate commerce, which is beyond the scope of state law. The Federal Motor Carrier Safety Administration considers the exemptions to be in conflict with federal guidelines for states receiving grant funds and it's asking Oregon to change them. Oregon risks losing \$4.8 million per biennium in federal funds for truck safety enforcement work if it doesn't change the law.

### **WHAT THE BILL DOES**

House Bill 2217 makes the following changes to motor carrier safety regulation:

- Removes unnecessary safety exemptions for mail carriers, private carrier buses and vans under 12,001 lbs., trucks soon to be used in commercial operation, trucks hauling fishing boats when combined weight is under 15,001 lbs., forest fire fighting trucks, and limousines
- Clarifies that commercial vehicle drivers in interstate commerce must wear seat belts
- Adds hazardous material tank vehicles to a list of high-risk vehicles that must follow special rail crossing procedures
- Clarifies that farm truck safety exemptions apply to intrastate commerce

The changes are needed to bring Oregon law in line with federal guidelines for states receiving Motor Carrier Safety Assistance Program (MCSAP) grant funds. In a March 2000 program review, U.S. DOT officials concluded that Oregon exemptions are so broadly worded and interpreted that they exempt vehicles operating in both interstate and intrastate commerce. But federal regulations must govern vehicles in interstate commerce. State law can only exempt vehicles or industries operating in intrastate commerce.

Thus, while the bill changes wording in state law, it essentially maintains the status quo for farmers because they technically never were exempt from federal regulation when operating in interstate commerce.

Moreover, the changes to exemptions will have little, if any, practical effect on truck safety enforcement. Oregon inspectors follow a performance-based enforcement plan that focuses on causes of truck-at-fault accidents. The ones most notably affected by HB2217 changes – farm truck operators hauling products in interstate commerce – have not been a target of safety enforcement in the past because they are involved in relatively few accidents. They will not be a target of safety enforcement in the future unless accidents increase.

It's important to note that farm trucks operating in intrastate commerce are subject to safety regulation today when pulling triple trailers, when over 80,000 pounds, when hauling hazardous materials, and when they have four axles or more and they're hauling for hire. These intrastate farm operations are unaffected by HB2217. They would continue to be subject to regulation in the future.

Without the HB2217 changes to statutes, Oregon risks losing \$4.8 million of federal funds it receives each biennium to support enforcement efforts by the State Police and 57 other law enforcement agencies, including City Police, County Sheriffs, and county agencies.

If Oregon were to lose MCSAP funds, it would lose about 35,000 truck and driver safety inspections that are done each year. Most of these inspections are done by law officers after a "probable cause" stop for traffic violations like speeding, tailgating, or changing lanes unsafely. Those bad driving habits or fatigue are blamed for nine out of ten truck accidents. If law officers stop inspecting trucks and drivers after probable cause stops, it's likely that truck accidents would increase. The state's Truck Safety Corridors, stretches of highways that have been plagued by truck accidents, could become especially dangerous. MCSAP funds currently provide for extra patrols along these routes and the officers' work stopping and inspecting trucks is proving very effective.

MCSAP funds are used for more than just safety inspections and increased patrols in Safety Corridors. Examples of other MCSAP-supported activities include:

- Vehicles and computers used by all inspectors, including State Police officers
- Special operations, including the State Police Operation Trucker Checks and other driver logbook checks performed by law officers
- Training, equipment, and certification for the 500 safety inspectors at work in Oregon today
- Oregon's Truck Safety Hotline for reporting safety problems – 1-800-248-6782
- Public education and outreach about truck safety

## **SUMMARY**

House Bill 2217 removes several unnecessary motor carrier safety exemptions and amends others to clarify that Oregon law does not exempt vehicles operating in interstate commerce. It also adds to a statute related to high-risk vehicles at rail crossings. Most of the changes are needed to bring Oregon law in line with federal guidelines for states receiving grant funds for safety enforcement work. The U.S. DOT is asking Oregon to change exemption statutes so they're not interpreted to exempt vehicles operating in interstate commerce. The bill addresses those concerns and allows Oregon to continue to receive federal Motor Carrier Safety Assistance Program funds.

The changes to exemptions will have little, if any, practical effect on truck safety enforcement. Oregon inspectors follow a performance-based enforcement plan that focuses on causes of truck-at-fault accidents. The graph on the attached page shows a Motor Carrier Transportation Division performance measure that is illustrative of this performance-based approach to enforcement. The Division tracks the number of truck drivers found with critical safety violations because there is a statistical correlation between violations and truck-at-fault accidents. As more drivers are placed out of service for critical violations, truck accidents decline. This underlines the importance of MCSAP-funded truck and driver inspections by law officers after probable cause stops.

