

DATE: April 4, 2003
TO: House Transportation Committee
FROM: Gregg Dal Ponte, Administrator,
Motor Carrier Transportation Division
SUBJECT: Additional information regarding House Bill 2217

INTRODUCTION

At the March 31 hearing for House Bill 2217, the Committee heard testimony from farmers concerned that roadside truck safety inspections could delay their movements from farm to market during busy harvest seasons. Farmers wondered if they could self-certify the safety of their trucks. They also wondered if ODOT could inspect farm trucks before busy seasons in order to avoid untimely roadside checks.

ADDITIONAL INFORMATION

Safety regulations make the motor carrier responsible for ensuring that vehicles are inspected and are in safe condition before being placed in operation. A safety self-certification program is essentially already in place for interstate carriers. Regulations require every carrier to complete their own safety inspection of trucks on an annual basis and keep documentation of the inspection in each truck (CFR Part 396.17). Carriers can fulfill this requirement by applying their own decals indicating the date of this annual inspection, but they do not qualify for a decal issued by the Commercial Vehicle Safety Alliance (CVSA). The CVSA decal can only be applied after checks by a certified safety inspector working for government jurisdictions. Only a valid and current CVSA decal will deter a roadside safety inspection.

It's not possible to implement a program for voluntary inspections of farm trucks before busy seasons. Under Motor Carrier Safety Assistance Program (MCSAP) grant guidelines, states cannot use the funds for prescheduled safety inspections of trucks as a convenience to motor carriers. Trucks can be inspected as part of a safety compliance review at a carrier's terminal, but that's the only instance in which they can be checked outside of the roadside inspection setting. There are many private consultants available to perform inspections for a fee, but the U.S. DOT does not recognize these third-party inspections nor does it allow their inspection results to be included in the national safety databank.

It's important to remember that the Motor Carrier Transportation Division has 97 enforcement officers and 28 safety specialists who conduct safety inspections. But there are more than 300,000 trucks registered to operate in Oregon. If we were to accommodate every request for a volunteer safety inspection, our staff would be wholly occupied by the work and random roadside enforcement would come to a halt. Moreover, inspections of trucks at a carrier's terminal do not provide an opportunity to check the driver. Bad driving habits, fatigue, and driver errors are far and away more often the cause of truck accidents (93%) than the mechanical condition of trucks (7%). Safety professionals throughout the country agree that there is a greater deterrent value from an effective roadside inspection program than from inspections done by invitation.

In addition to being impractical, it would be arguably inappropriate to implement a program through which farm trucks were inspected in advance and then not checked during busy seasons. First, it would result in excessive scrutiny of farm trucks as opposed to the entire truck traffic stream. Second, that kind of favorable treatment of one motor carrier over all others would engender expressions of discrimination and lack of a level playing field for the remainder of the trucking industry.

Farmers have reasonable concerns that roadside checks will delay their movements from farm to market during busy harvest seasons. I would submit that these concerns are somewhat overstated and our enforcement officers and safety specialists can be sensitive to the fact that they should not unnecessarily delay motor carriers, including farmers in the midst of the time-constrained movement of harvest.

We had a situation last year on the Coast, for example, in which we were criticized for weighing a number of trucks all headed to the same construction project. By stopping virtually every dump truck laden with asphalt we caused a paving project to continue well into the night on an overtime basis. The criticism was warranted and we took that opportunity to instruct staff that when they see so many trucks all obviously related to a similar project or purpose, they should spot-check the traffic. They should simply sample from the traffic stream to ensure they're not unnecessarily delaying all trucks. We are capable of lapses of judgment in the field, but we are also capable of learning from them and changing our practices. I can assure this committee and the farm industry that all of this discussion has etched this concern upon us at ODOT.

SUMMARY

Safety regulations already essentially provide a self-certification program because they require interstate motor carriers to annually inspect their trucks. Safety grant guidelines prohibit states from using funds to inspect trucks brought in on a volunteer basis. There are practical reasons not to implement a program to inspect trucks in advance and then not check them again when they're busy hauling products from farm to market. Enforcement officers and safety specialists can be sensitive to the fact that they should not unnecessarily delay motor carriers.

House Bill 2217 clarifies safety exemptions so they're not interpreted to exempt trucks operating in interstate commerce. It maintains the status quo for farmers operating in intrastate commerce. The bill 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. Farmers hauling products in interstate commerce have not been a target of safety enforcement in the past because existing statutes exempted them from the scrutiny of state inspectors and there are relatively few federal inspectors who do have oversight. Farmers will likely not be a target of safety enforcement in the future because our performance-based enforcement plan recognizes that farm trucks are simply not involved in any significant percentage of truck accidents. They will not become a target of safety enforcement unless accidents increase. I strongly urge your favorable consideration of HB2217.