

DATE: June 19, 2003

TO: Senate Revenue Committee

FROM: Gregg Dal Ponte, Administrator,
Motor Carrier Transportation Division

SUBJECT: House Bill 2217 A-Engrossed

INTRODUCTION

House Bill 2217 A-Engrossed clarifies motor carrier safety exemptions so they're not interpreted to exempt trucks operating in interstate commerce. This allows Oregon to continue to receive approximately \$4.8 million per biennium in federal funds for safety enforcement. The bill directs the department to continue to produce an annual commercial vehicle safety plan and work to reduce accidents, injuries, and fatalities.

WHAT THE BILL DOES

House Bill 2217 A-Engrossed 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.

The changes to exemptions will have little, if any, practical effect on truck safety enforcement. Our 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.

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 A-Engrossed. They would continue to be subject to regulation in the future.

Without HB 2217, Oregon risks losing \$4.8 million of federal funds it receives each biennium to support enforcement efforts. 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 and 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

Under the proposed A-3 amendment, all trained and certified inspectors would be required to adhere to provisions of the department’s commercial vehicle safety plan. While the intent of the amendment is to ensure a level of statewide uniformity in truck inspection activity, it’s important to note that the Motor Carrier Transportation Division will not act as an arbiter if a local law enforcement agency undertakes inspection activity inconsistent with safety plan guidelines. Any such incident would be a matter to be resolved between the aggrieved party and the local law enforcement entity involved.

SUMMARY

House Bill 2217 A-Engrossed 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 the \$4.8 million in federal funds.