



# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Office of the Director

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**DATE:** March 20, 2009

**TO:** House Transportation Committee

**FROM:** Matthew L. Garrett, Director  
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**SUBJECT:** House Bill 2884 – Motor Carrier Enforcement

## INTRODUCTION

HB 2884 allows weighmasters and motor carrier enforcement officers to use warning lights and other signals to stop commercial motor vehicles when officers see size and weight violations or drivers fail to comply with officers' instructions.

## BACKGROUND

Oregon law allows the department's motor carrier enforcement officers (MCEO) to act when a truck fails to stop at a weigh station, fails to move to the right lane to go over weigh-in-motion scales, or fails to follow instructions. At one time in the past, MCEOs did use their vehicles' warning lights to stop trucks. But in 2004 the practice was ended in response to Department of Justice advice that MCEO staff lack clear authority to do that, their vehicles are not equipped with appropriate, blue lights, and they don't have the special training required to safely pursue and stop trucks. Today as a result of the advice, MCEOs do not pursue and stop trucks. They work under a policy that if they ever do follow a truck to try to identify it, they must observe the speed limit and all other traffic laws and stop following when safety concerns or risky conditions exist. If they need help they call police.

The current policy is consistent with how most other states handle this aspect of truck size and weight enforcement. States that operate weigh stations with enforcement personnel who are not State Police or Highway Patrol also have a policy not to pursue and stop trucks. In California, Colorado, Illinois, Maine, Maryland, Minnesota, South Dakota, and Wyoming, weigh station operators call for police help. In Idaho and Indiana, station operators will pursue trucks, but police are called if drivers don't stop.

## WHAT THE BILL DOES

HB 2884 gives MCEOs authority to use warning lights or other signals to pursue, stop, and detain vehicles for size and weight violations. ODOT's principle concern is with the safety of its employees and the public. Should this policy be adopted in legislation, a number of decisions would need to be made regarding employee training.

HB 2884 directs the Department of Transportation to provide training and education for weighmasters and motor carrier enforcement officers that will address how to safely stop and detain vehicles. Because of the liability risks and inherent dangers involved in pursuing and detaining trucks and performing related actions, the Department of Public Safety Standards and Training must be engaged to develop a specialized training course curriculum which may include, legal briefings covering laws and rules, verbal communications skills, including skills needed to defuse hostile situations, emergency vehicle operations and communications procedures during pursuit, roadside safety, mitigation strategies, personal safety, self defense, first aid, and physical training.

HB 2884 allows for the use of warning lights to stop trucks, but based on DOJ advice the department may need to consider upgrading its vehicles with appropriate safety equipment such as blue lights. Further, the department will need to develop clear policies addressing which situations escalate to a point where they require the intervention of professional law enforcement officers.

#### **SUMMARY**

HB 2884 allows a motor carrier enforcement officer to stop and detain vehicles using warning lights or other signals. If implemented, this legislation will require special training for personnel, the establishment of clear operating procedures, and the acquisition of appropriate vehicle safety equipment. ODOT is committed to working out a viable solution that keeps our employees and the traveling public safe.