

MCTAC Agenda

April 14, 2016

Time: 8:30 a.m.

Location:

**Motor Carrier Transportation Division
3930 Fairview Industrial Drive S.E.
Salem, Oregon 97302
2nd Floor – Ashland Conference Room**

Facilitator: David McKane

- I. OAR Updates . . . Kim Cline**
- II. SHV Update . . . Bert Hartman**
- III. DMV Service Transformation Program changes . . . Ben Kahn**
- IV. DMV Updates . . . Lydia Beebe**
 - Commercial Learner Permit Project**
 - Third Party CDL Testing Program**
- V. Fleet and Mileage growth . . . Amy Ramsdell**
- VI. Highway Over-dimension Load Pinch Points (HOLPP) Study**
. . . Erik Havig
- VII. Freight Highway Bottleneck Project . . . Roseann O’Laughlin**
- VIII. MCTD Service Center Announcement . . . Amy Ramsdell**

MINUTES

MOTOR CARRIER TRANSPORTATION ADVISORY COMMITTEE MEETING April 14, 2016

Attendees:

Bob Wilhelm – Wilhelm Trucking
Cliff Speck – Wilhelm Trucking
Tom Lauer – ODOT/Chief Engineer
Roger Banks – Wildish Group
Matt Briggs – North Santiam Paving Co.
Kevin Hutchison – Clackamas County Motor Carrier
Debi Normand – Clackamas County Motor Carrier
Tony Coleman – ODOT/Mobility Liaison
Ben Kahn – ODOT/DMV
Steve Bates – V. Van Dyke, Inc.
Kristine Kennedy – Highway Heavy Hauling
Ryan Walsh – Glostone Trucking Solutions
Alex Vukonich – Glostone Trucking Solutions
Gregg Dal Ponte – ODOT/MCTD
Sven Johnson – ODOT/MCTD
Bob Russell – OTA
David McKane – ODOT/MCTD
Kim Cline – ODOT/MCTD
Amy Ramsdell – ODOT/MCTD
Bert Hartman – ODOT Bridge
Christy Jordan – ODOT/MCTD
Dave Gray – Glostone Trucking Solutions
Leon Fischer – Siletz Trucking Co.
John McLaughlin – RCM, Inc.
David Jostad – May Trucking Co.
Gail Levario – EROAD
Paul Clark – EROAD
Brice McKenna – ODOT/DMV
Lydia Beebe – ODOT/DMV
Erik Havig – ODOT/TDD
Roseann O’Laughlin – ODOT/TDD
Tara L. Caton – ODOT/MCTD

Facilitator: David McKane

OAR Updates . . . Kim Cline

◆ **(See Attach. A)**

The following OARs are affected by the annual re-adoption of the Federal Safety Regulations and have been updated accordingly:

- 740-100-0010
 - 740-100-0065
 - 740-100-0070
 - 740-100-0080
 - 740-100-0085
 - 740-100-0090
 - 740-110-0010
- ◆ In order to implement the changes required by Senate Bill 142A, the following OARs have been updated or repealed:
- 740-020-0010
 - 740-030-0010
 - 740-035-0010
 - 740-035-0145 The significant changes are found in this OAR and are due to the deregulation of for-hire Passenger Carriage. There is a new Class 1P Permit and application for an “Oregon Intrastate Permit to Transport Passengers In Regular Route, Full-Service Scheduled Transportation.”
 - 740-035-0150
 - 740-035-0160 (repealed in its entirety)
 - 740-035-0165
 - 740-045-0110
 - 740-050-0010
 - 740-050-0020
 - 740-050-0050
 - 740-050-0060
 - 740-050-0070 (repealed in its entirety)
 - 740-050-0080 (repealed in its entirety)
 - 740-050-0090 (repealed in its entirety)
 - 740-050-0100
 - 740-050-0110
 - 740-050-0120
 - 740-050-0130 (repealed in its entirety)
 - 740-050-0140
 - 740-050-0210 (repealed in its entirety)
 - 740-050-0220
 - 740-050-0230
 - 740-050-0270 (repealed in its entirety)
 - 740-050-0400 (repealed in its entirety)
 - 740-050-0410 (repealed in its entirety)
 - 740-050-0430 (repealed in its entirety)
 - 740-050-0500
 - 740-050-0610
 - 740-050-0630
 - 740-050-0820
 - 740-050-0830
 - 740-055-0150

- 740-055-0170
- 740-055-0190
- 740-055-0210
- 740-055-0310 (repealed in its entirety)
- 740-055-0500
- 740-300-0040

Gregg Dal Ponte explained that the majority of for-hire passenger carriage services have moved from the private sector to the public transit sector over time.

Steve Bates asked for clarification on what a 1P permit is. Kim answered that it's a permit for regular route for-hire passenger carriage.

Bob Russell moved that the group approve all of the proposed OAR changes. The motion was seconded by Bob Wilhelm and passed unanimously.

SHV Update . . . Bert Hartman

- ◆ Bert shared the latest Specialized Hauling Vehicle PowerPoint presentation. An FHWA memo required that states evaluate the load rating of all bridges specifically for SHVs. Category 1 bridges must be evaluated by December 2017 and Category 2 bridges must be completed by December of 2022. There is a map of all bridges which need to be evaluated by 12/17 available at: <https://gis.odot.state.or.us/transgis/>

The topic of today's update is the SHV Live Load Rating Factor, which is calculated using Oregon Calibrated Live Load Factors for State Highway Bridges, and Live Load Factors from the Manual for Bridge Evaluation on Local Agency Bridges.
(See Attach. B)

There are 246 concrete bridges for which ODOT has no "as built" plans or blueprints, which means their load capacity cannot be calculated. In these cases, judgement must be used. Bridges which have been in service for 20 years or more and have no distress are deemed adequate for legal loads up to SU4 (4 axle single unit). Concrete bridges without plans that are in fair or better condition will be posted for the SU5, SU6, and SU7. Capacity will be reduced based on the condition of the bridge.

There are a total of 728 Category 1 bridges, of which 186 have already been rated. The rating procedures for Arch bridges and Timber bridges are still being developed.

There are currently 42 bridges that we are in the process of writing load restriction letters on.

Bob Russell asked if it was time to get the Blue Ribbon Committee back together since one of their members raised the concern about SHV Live Load Rating and he thinks an update to that group would be appropriate.

Gregg said that the Blue Ribbon committee had completed its purpose and been disbanded. He added that there are some points that cannot yet be addressed because we don't know the total impact. Many bridges have yet to be load rated by an external contractor and many of them belong to local agencies. We won't know for quite some time what actions a local agency might take for a bridge that is rated as being deficient. Could it be premature to reassemble the Blue Ribbon Committee? He suggested that Bert take this question back to Paul Mather.

Tom Lauer added that it's going to be a question of how much we have and how much it's going to cost to fix the bridges in question. There are multiple options that need to be evaluated on a case-by-case basis:

1. We can replace a bridge
2. We can reinforce a bridge
3. We can smooth the approach to reduce impact
4. We can post the bridge at a reduced capacity

We won't know which of the options will be taken to resolve the concern for each bridge if we reconvene the Committee now.

DMV Service Transformation Program changes . . . Ben Kahn

- ◆ The current DMV business process is paper-centric, error prone, difficult to use, and has limited online services. The computer system is out-of-date and in need of replacement. DMV is beginning the process of overhauling their entire system, which is going to occur over the next 10 years and will be taken in multiple stages. Here's a link to their YouTube video: <https://www.youtube.com/watch?v=PHRqXkiWTKA>
(See Attach. C)

The new system will provide improved customer service, efficient business processes, increased flexibility, enhanced fraud protection, security and controls, and real-time access to data and information. DMV's two Salem offices will begin accepting credit/debit cards in May. If that goes well, credit/debit availability will roll out to all field offices thereafter. You can keep up-to-date on the process by checking out the Service Transformation Program website: www.oregon.gov/odot/dmv/pages./stp/stp_information.aspx

Dave Gray said that he is looking forward to the process change. He did suggest that Ben keep in mind that managing fleets is much more difficult than the average person going in to DMV to deal with one vehicle.

Bob Wilhelm asked what kind of manpower savings DMV expects to see due to this transformation. Ben answered that he doesn't expect to reduce any FTE since freed up staff will be redeployed. DMV expects to realize cost savings through increased electronic transactions and less paper. The process should streamline workload and perhaps reassign employees to new areas from ones that have become obsolete. Staff that are currently doing the microfilm/microfiche tasks will be reassigned to different processes. The new system will be more efficient and allow DMV to better respond to customer needs.

DMV Updates . . . Lydia Beebe

(See Attach. D)

- ◆ Lydia announced that she would be retiring from the Senior CDL Policy Analyst position at the end of May. Russ Casler will be the new Sr. Analyst. She will introduce him to MCTAC in May if we have a May meeting.
- ◆ **New Medical Certification form:** As of April 20, 2016, only the new Medical Examiner's Certificate (Form MCSA-5857) will be accepted as proof of physical qualification for exams performed on or after April 20. DMV will continue to accept other medical certificate forms after April 20 only if the examination was performed before April 20, 2016. FMCSA has sent the forms to all of the physicians on the National Registry of Certified Medical Examiners, so drivers no longer are required to print and bring a form with them to the examination.
- ◆ **Vehicle inspection question:** DMV has been looking at our CDL testing process. We try to be fair and objective with the correct level of difficulty. One of the parts we've been looking at is the memory aid sheet that we allow testers to use. During the test, the applicant is given the CDL PRE-TRIP VEHICLE INSPECTION MEMORY AID. This sheet lists the vehicle components that the applicant is expected to be able to touch or point to and then explain how they know the component is in good condition and working properly. It is supposed to show that the potential driver could properly do a pre-trip inspection. Lydia wanted to know if the group thinks the memory aid gives away too much information.

FMCSA has a required checklist for pre-trip inspections, so the group feels that providing a similar memory aid during testing is appropriate, though they suggested

that Lydia compare DMVs form to the FMCSA checklist and ensure that the DMV version aligns with the FMCSA version if necessary.

- ◆ **Commercial Learner Permit project:** The new federal guidelines for the Commercial Learner Permit (CLP) indicate that the states can issue the CLP for 180 days (6 months) and then can renew it for another 180 days – for an additional fee. The previous Instruction Permit was valid for 1 year. Oregon did not agree with the 180 day limit, which seems to have no other purpose than generating additional paperwork and fees. As a result, Oregon submitted a request for regulatory release from the 180 day permit requirement. The request was granted and the exemption will last for 2 years. Oregon’s CLPs will be valid for 1 year.

FMCSA is planning a rewrite that will say that the CLP is valid for up to 1 year. If the CLP is allowed to expire before the driver obtains their CDL, then the driver will have to start over and retake all of their tests. If a person is issued a Class B CLP and then subsequently needs a Class A, they will have to start the entire process over as well.

- ◆ **National Registry 2:** We hope to be able to get the I.S. project started for the National Registry of Medical Examiners sometime this year. It will mitigate a lot of the fraud on medical certifications because the examiners send the certification information to the DMV electronically. The Final Rulemaking says FMCSA is providing 3 years for implementation: 1 year to develop specifications and 2 years for the states to implement the changes. The implementation date is June 22, 2018.
- ◆ **Entry Level Driver Training:** A notice of preliminary rulemaking (NPRM) was published March 2, 2016. Oregon and other states protested and asked for an extension of the 30 day comment period. Oregon listed the following objections:
 1. 30 days to review and comment on a proposed rule of this size was not enough time.
 2. It will take longer than 3 years for states to comply with changes that are this complex. Oregon adamantly disagrees with FMCSA’s approach in this case and feels that it is promoting noncompliance. Oregon urges FMCSA to provide a longer period.
 3. The methods and processes for notification of training completion are vague and in some cases just wrong.
 4. FMCSA may not have given sufficient consideration to the opportunities for fraud with ELDT.
 5. Refresher training:
 - a. Completely out of scope for ELDT and should be eliminated

- b. Must be limited to disqualifications under 49 CFR 383.51(b) – majors – and only if it was in a CMV.
 - c. The “restricted CDL” would mean extra visits to a DMV field office and having to get two replacement cards.
- 6. The costs seem to be under-estimated and the benefits over-estimated.
- 7. Many other problems:
 - a. Requiring a surety bond from training providers to cover when they are removed from the training registry would be better than leaving people in the lurch.
 - b. FMCSA did not do enough to learn about the costs of this rule-making.
 - c. The language in the preliminary rule is often too vague.
- 8. FMCSA should publish another NPRM rather than making changes in the final rule.

FMCSA estimated that the total cost for all states to implement these changes would be 26 million dollars. Oregon estimates our costs at 1.1 million so the 26M quoted appears to be drastically under what the actual costs will be.

We are also concerned that students who have paid a school which is subsequently removed from the program will be unable to get their tuition returned without a surety bond for the school. When DMV broached that topic the advisory committee suggested leaving it up to the driver to try and get their funds back directly from the discredited school.

- ◆ **CDL Third-Party Testing Program:** Bryce McKenna, the Driver Programs Manager, said that DMV had the opportunity to fund a limited position through FMCSA which reviewed CDL third-party testing. The person they hired was an experienced CDL examiner and knew what he should be seeing. He found a couple of third-parties which had significantly higher pass/fail rates than other examiners. He also found several other things that didn’t look right. DMV conducted covert operations and found suspicious situations. A CDL examination can’t be done in under an hour if all necessary steps of the exam are followed. It appears that these two entities cut corners. As a result, DMV has revoked their ability to administer CDL testing. Both have requested administrative hearings. Additionally, DMV is looking at a third for possible revocation.

DMV has involved the fraud protection unit. Some of the concerns are that these testers potentially may not just be cutting corners on the administrative side. It is possible they have been accepting payment to pass drivers. DMV is also concerned that they may be issuing a certification without actually conducting a test. This issue

isn't new. We have similar documentation and findings for third party testers and examiners from 10 years ago. The names may have changed, but the bad behavior seems to be the same. Some of the challenges that DMV faces are a lack of investigatory and statutory authority to do something like set up a false credential and send that person to a testing site. Law enforcement isn't likely to step in unless this is a criminal offense rather than just administrative. The bottom line, per Bryce, is that DMV doesn't have the authority to do what they'd like to address the problem.

Ben Kahn asked if DMV is going to increase CDL testing in the field to make up for losing the third parties mentioned. Bryce answered that DMV is now ramping back up their internal resources to be able to administer CDL tests at DMV. It takes approximately 2 weeks depending on where you are testing to get a drive test scheduled through DMV. The third-party examiners can usually do it within a few days.

Lydia said that she hasn't yet heard any complaints about timely testing concerns since the revocations were processed.

Bob Russell wanted to know what percentage of tests are administered by third party testers. The answer is that about 75% are done by entities other than DMV. There are about 8 third-party entities that test the public.

Fleet and Mileage growth . . . Amy Ramsdell

- ◆ IRP registered fleets are slightly down, but the number of power units continued to increase over the last 5 years. The number of IRP vehicles per fleet has also been increasing steadily. Weight Mile Tax receipts have also been going up since 2012. The numbers include annual receipt and temporary pass miles. Overall, business is increasing. **(See Attach. E)**

MCTD Service Center Announcement . . . Amy Ramsdell

- ◆ The Salem Registration office and Service Center averaged 16,690 calls per month in 2015. This was up from 15,476 calls per month in 2014. Of those, 1,844 were abandoned in 2015, which was up from 1,173 abandoned in 2014. The current average hold time is 3 minutes. It was 2.5 minutes in 2014. In reviewing the numbers it became obvious that calls volumes drop dramatically between 12 a.m. and 4:30 a.m. In order to better allocate our resources and cover peak call times, we will be eliminating phone service from 12 a.m. – 4:30 a.m. This change will allow us to shift the two staff who cover those hours to a 5 day 8 hour shift instead of the 4

day 10 hour shift they currently have. Trucking On-Line can provide the services that are requested after hours. **(See Attach. F)**

We anticipate that this change will improve productivity during our busiest times. It will reduce wait times during our peak periods, and it will improve staff skills and knowledge as it will expose everyone to the same types of work throughout the day. We plan to implement the change during our next shift rotation, which will be start October 3, 2016. This change will take place in time for us to address our peak season, which lasts from October through February. In addition to sharing this update at MCTAC, we will have an article in the Motor Carrier Newsletter and place a feature story on our web page. We will also include the information in our 2017 Renewal Packets, post a news piece on Trucking On-Line, and record the information on our Alternate Greeting. We will reach out to our partners within ODOT such as Communications to help spread the information.

Amy asked Bob if he would put an article in the OTA newsletter too. Bob agreed.

Highway Over-dimension Load Pinch Points (HOLPP) Study . . . Erik Havig

- ◆ The ODOT Freight Planning Unit, Transportation Development Division, has created district-specific pinch point reports for all of the 15 maintenance districts in the state. Erik shared the District 12 Pinch Point Report. Each report has a table which breaks down the type of pinch point noted within the report, a color-coded and numbered map showing where the pinch points are, and a table which refers back to the map and shows information about each pinch point, including an image of the obstruction. This study has provided a data-driven approach to say where these points exist and tie them in to our State Transportation Improvement Program. We can take care of some of these pinch points as we are already out doing work. **(See Attach. G)**

Bob Russell asked if Erik has an industry advisory committee. Erik answered no. His group has been working directly with Christy Jordan with Motor Carrier and the district staff. He added that these reports will all be available and posted on their website within the month so that the industry can provide feedback.

Erik said that this doesn't cover every freight route in Oregon. The study focused on the Reduction Review Routes and encompasses all of the National Freight Routes.

Tony Coleman asked if the high routes are covered and was told that the vertical clearance high route definition was used for this report.

Tony said that Region 1 is currently working with Multnomah County and others for vertical clearance local routes.

Erik said that the FAST legislation has resulted in a lot of work for his group. There is additional federal funding available for freight mobility projects and there is a FASTLANE grant available. The freight plan must include an inventory of freight needs in order to comply with the grant requirements. The freight plan must be adopted by November of 2017.

Freight Highway Bottleneck Project . . . Roseann O'Laughlin

- ◆ The Freight Bottleneck Project is designed to identify Oregon data and analytical tools available to provide information relevant to freight movement, develop data-driven freight metrics designed to reveal bottleneck locations, and develop an approach to prioritizing freight bottleneck locations using an identified set of criteria. TDD is looking to identify the bottlenecks, not evaluating solutions or determining costs. The preliminary list will be unranked, but should be available in September. Roseann stressed that stakeholder input will be critical throughout. **(See Attach. H)**

Roundtable

- ◆ Steve Bates said that his company is still receiving late billings from ODOT's Claims Against Others department for property damage. Gregg said that he will have information soon about this topic and will share it at that time.
- ◆ Steve also asked about alcohol and drug test positive results in Oregon. He is wondering specifically about positive alcohol tests and if they are being reported to DMV. Washington reports both positive drug tests and positive alcohol tests to DMV. David McKane said he will check and subsequently provide the official answer as to what is occurring in Oregon.
- ◆ A question was asked on when the credit card service fee would be implemented. Gregg answered that it will be in place later this year, possibly as early as July.
- ◆ The next MCTAC meeting is scheduled for May 12.

Meeting adjourned at 11:20 a.m.

Text to be added in **bold**

Text to be deleted in [*italics*]

740-100-0010

Adoption of Federal Safety Regulations

(1) Except as provided in section (4) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards) and all amendments thereto in effect April 1, [2015] **2016**, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(a) Relating to Part 385:

(A) The provisions of Part 385.1(b), 385.13(b), 385.13(c), 385.13(d)(3), 385.301 through 385.337 and Appendix A to Part 385 do not apply to a motor carrier operating exclusively in intrastate commerce.

(B) With reference to Part 385.13(a), 385.19(c) and 385.19(d), current intrastate safety rating information is available from ODOT only by telephone at (503) 378-6963.

(C) With reference to Part 385.15 and 385.17, requests for administrative review of an intrastate safety rating or requests for a change to a proposed or final intrastate safety rating based on corrective actions must be submitted in writing to the ODOT Motor Carrier Transportation Division, 3930 Fairview Industrial Drive SE, Salem OR 97302.

(D) With reference to Appendix B of Part 385, a final intrastate safety rating will be determined by the Department and the motor carrier to whom the rating applies will be notified in writing of its intrastate safety rating.

(E) In addition to the violations described in the List of Acute and Critical Violations in Appendix B of Part 385, the Department will include the following violations in a determination of an intrastate or an interstate safety rating:

- (i) Financial responsibility requirements in OAR 740-040-0010 (critical) and 740-040-0020 (acute); and
- (ii) Intrastate drivers hours-of-service requirements found in OAR 740-100-0010(2)(i) (critical).
- (b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes.
- (c) With reference to Part 390.21, external identification requirements do not apply to vehicles operated exclusively in intrastate private carriage provided that neither the gross vehicle weight, the gross vehicle weight rating, the gross combination weight or the gross combination weight rating exceeds 26,000 pounds, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles designed or used to transport more than 15 passengers including the driver.
- (d) The rules in Part 391.11(b)(1) regarding the minimum age for a commercial motor vehicle operator do not apply to a driver engaged in intrastate commerce. A driver engaged in intrastate commerce must be at least 18 years old.
- (e) The rules in Part 391 (except Part 391.11(b)(2), English Speaking Driver, Part 391.11(b)(5), Valid Operator's License and Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and:
 - (A) Does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating of 26,000 pounds or less; or
 - (B) Operates a passenger vehicle designed or used to transport fewer than 16 passengers, including the driver.
- (f) Notwithstanding Parts 391.41 to 391.49 (Subpart E — Physical Qualifications and Examinations) the Department may issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Driver and Motor Vehicle Services Division.
- (g) With reference to Part 395.1(e)(1), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to exceed 12 hours driving following ten consecutive hours off-duty;
- (h) With reference to Part 395.1(g), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:
 - (A) Exceed 12 hours driving following ten consecutive hours off-duty;
 - (B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(i) With reference to Part 395.1(e)(2) and Part 395.3, a motor carrier conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week, however, any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours which must include two periods from 1 a.m. to 5 a.m. and may only be used once per week; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week, however, any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours which must include two periods from 1 a.m. to 5 a.m. and may only be used once per week.

(j) The provisions of subsections (g) through (i) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. A motor carrier transporting hazardous materials of a type or quantity requiring placarding must comply with Part 395.

(3) The provisions of Part 386.83(a)(1) and Part 386.84(a)(1), related to sanctions for failure to pay civil monetary penalties are adopted for operations conducted in intrastate commerce and apply to penalties and sanctions found in ORS Chapter 825, pursuant to the provisions of ORS Chapter 183.

(4) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(5) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to "Federal Highway Administrator," "Regional Director," "Special Agent of the Federal Highway Administration" or the "Federal Motor Carrier Safety Administration," it will be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(6) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252

Stats. Implemented: ORS 825.210, 825.250 & 825.252

740-100-0065

North American Standard Administrative Out-of-Service Criteria

The North American Standard Administrative Out-of-Service Criteria, as recognized by USDOT, in effect April 1, [2015] **2016**, is adopted and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as “Out-of-Service” must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252

Stats. Implemented: ORS 825.210 & 825.252

740-100-0070

North American Standard Vehicle Out-of-Service Criteria

The North American Standard Vehicle Out-of-Service Criteria, as recognized by USDOT, in effect April 1, [2015] **2016**, is adopted by and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or more of the following:

(1) Out-of-Service Condition: When any motor vehicle by reason of its mechanical condition or loading, is determined to be so unsafe as to likely cause an accident or breakdown or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle must be placed out-of-service. No motor carrier shall permit or require nor shall any person operate any motor vehicle declared and marked “out-of-service” until all required repairs of violations which resulted in the out-of-service condition have been completed. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted only at the direction of an official authority.

(2) Other: Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to redispach.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252

Stats. Implemented: ORS 825.250 & 825.252

740-100-0080

North American Standard Hazardous Material Out-of-Service Criteria

The North American Standard Hazardous Materials Out-of-Service Criteria, as recognized by USDOT, in effect April 1, [2015] **2016**, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as “Out-of-Service” must not be allowed to continue in commerce until

the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252

Stats. Implemented: ORS 825.250, 825.258 & 825.260

740-100-0085

North American Standard Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials

The North American Standard Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials, as recognized by USDOT, in effect April 1, [2015] **2016**, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252

Stats. Implemented: ORS 825.250, 825.258 & 825.260

740-100-0090

North American Standard Driver Out-of-Service Criteria

(1) Except for any content that conflicts with requirements of section (2) of this rule, the North American Standard Driver Out-of-Service Criteria, as recognized by USDOT in effect April 1, [2015] **2016**, is adopted and incorporated by reference. Inspection violations identified in the Out-of-Service Criteria may be subject to one or both of the following:

(a) Out-of-Service Violation: Drivers with violations under this category must not operate a commercial motor vehicle for a specified period of time or for some violations until a required condition is met.

(b) Other: Violations other than out-of-service violations require no immediate action by the driver or motor carrier. The carrier must certify in accordance with the terms contained on the inspection document and return it to the Department of Transportation within 15 days.

(2) Drivers found to be disqualified in this state or any other jurisdiction, as specified in 49 CFR 391.15 will be placed Out-of-Service until re-qualification is established.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252

Stats. Implemented: ORS 825.250 & 825.252

740-110-0010

Adoption of United States Department of Transportation Hazardous Materials Regulations

(1) Any person subject to ORS Chapter 825 who transports a hazardous material and any person subject to 823.061 who causes to be transported a hazardous material must comply with the rules and regulations governing the transportation of hazardous materials as prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 397 and such portions of Parts 107-178 and 180 as are applicable and amendments thereto, in effect on April 1, [2015] **2016**.

(2) Copies of the federal regulations referred to in this rule are available from ODOT, Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 823.061, 825.258

Stats. Implemented: ORS 823.061, 825.258

Text to be added in bold
Text to be deleted in [italics]

740-020-0010

Scope Defined

(1) ORS 823.007(1) requires each employee of the department who performs a function concerning the economic regulation of motor carriers to file with the department an employee statement of pecuniary interests in motor carriers. Division 20 rules establish when a statement is required, defines terms associated with the statement and describes the circumstances under which disciplinary action may occur for failure to comply with ORS 823.007(1).

(2) For the purposes of ORS 823.007(2), "a function concerning economic regulation of motor carriers" means any action or transaction that affects or potentially affects the financial status of a motor carrier. Such functions include, but may not be limited to:

- (a) Entry, including issuance of operating authority;
- (b) Regulation and establishment of rates of household goods [*and passenger*] carriers described in ORS 825.202;
- (c) Registration of commercial motor vehicles for highway use tax purposes;
- (d) Registration or apportioned registration of commercial motor vehicles;
- (e) Receiving, collecting and accounting for money received from motor carriers;
- (f) Enforcement of motor carrier regulations, including audit, inspection and investigation for compliance with tax, safety and other regulations;
- (g) Issuance of variance permits under ORS Chapter 818;
- (h) Weighing commercial vehicles and enforcing highway size and weight standards;
- (i) Authorization of farm registration under ORS Chapter 805;
- (j) Processing insurance and surety deposit filings; and
- (k) Processing refunds.

Stat. Auth.: ORS 184.616, 184.619 & [823.007] **823.011**

Stats. Implemented: ORS **805.300, 818.200, 823.007, 825.100 & 825.202**

740-030-0010

Applicability, References and Terminology

(1) No rule listed in Divisions 30 through 60 and 105 through 115 is intended to expand the authority granted in existing certificates.

(2) When grants of operating territory are expressed in terms of miles for for-hire carriers of household goods [*or passengers*], air miles will be employed as the measure unless otherwise described or specified. This shall apply to any lateral distances from designated highways and named points.

(3) "Air miles" express distance as statute miles of 5,280 feet, measured in a straight line without regard to terrain features or differences in elevation on maps designated by the Department of Transportation.

(4) When "air miles" are designated in an application for for-hire household goods [*or passenger carrier*] authority, a known ascertainable reference point must be designated from which the air mile radius or distance should be computed.

(5) Some household goods [*and passenger*] carrier certificates of authority, issued prior to the effective date of this rule, express an authorized territory in terms of "road miles." If any certificate holder claims a particular highway or roadway as a measure to place his operations within the scope of such defined authority, the burden of proof is upon said holder to show that such highway or roadway is practical and operational for use in transporting the affected traffic and the certificate holder normally and regularly uses such highway or roadway to transport the affected traffic.

Stat. Auth.: ORS **184.616, 184.619**, 823.011, [ORS 825.202, ORS] 825.232

Stats. Implemented: ORS **825.100, 825.110 & 825.202**

740-035-0010

Applications for Authority or Change of Authority

(1) All applications for a certificate or permit or for the extension, contraction, abandonment or other change in operating authority or for adding vehicles to certificate or permit must be made on forms approved by the Department.

(2) *[Any passenger carrier certificate holder desiring full-service, scheduled, regular route authority to operate on a permanent basis over alternate or different route or to extend, reduce, or change any of its services as to routes, points or territories as provided in its certificate must make application on forms furnished by the Department. No such change shall be made unless and until approved by the Department.]*

[(3)] Additional filing requirements and attachments to or in support of applications are specified in OAR 740-035-0150 *[and 740-035-0160]*.

Stat. Auth.: ORS **184.616, 184.619 &** 823.011 [*& ORS 825.125*]

Stats. Implemented: ORS 825.100, **825.102, 825.110 & 825.202**

740-035-0145

Application for New Permit Authority

(1) Applications for new Class 1A intrastate permit authority must be accompanied by the following:

(a) A filing fee in the amount provided in ORS 825.180;

(b) An "Oregon Class 1A Permit Application," ODOT Form Number 735-9745, *[indicating the applicant's choice regarding optional regulations -- uniform cargo liability law, uniform cargo credit rule, uniform bill of lading rule, joint line rates, mileage guides, and commodity classification guide]*;

(c) An "Application For Motor Carrier Account," ODOT Form Number 735-9075;

(d) Certification of liability and cargo insurance coverage as required by OAR 740-040-0010, 740-040-0020, and 740-040-0030; and

(e) Documentation of the form of business organization for the motor carrier that shows the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(2) Applications for new Class 1B intrastate permit authority to transport household goods in local cartage service under ORS 825.240 must be accompanied by the following:

(a) A filing fee in the amount provided in ORS 825.180;

(b) An "Application for Motor Carrier Account," ODOT Form Number 735-9075;

(c) Certification of liability and cargo insurance coverage as required by OAR 740-040-0010, 740-040-0020, and 740-040-0030; and

(d) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(3) Applications for new Class 1R intrastate permit authority to transport passengers for-hire in other than as a regular route, full-service, scheduled carrier, must be accompanied by the following:

(a) A filing fee in the amount provided in ORS 825.180;

(b) An "Application For An Oregon Intrastate Permit To Transport Persons (In Other than Regular Route, Full-Service Scheduled Transportation)," ODOT Form Number 735-9751;

- (c) An "Application For Motor Carrier Account," ODOT Form Number 735-9075;
- (d) Certification of liability insurance coverage as required by OAR 740-040-0010, and 740-040-0020; and
- (e) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(4) Applications for new Class 1P intrastate permit authority to transport passengers, for-hire in regular route, full-service, scheduled transportation, must be accompanied by the following:

(a) A filing fee in the amount provided in ORS 825.180;

(b) An "Application For A 1P Permit Oregon Intrastate Permit To Transport Passengers In Regular Route, Full-Service Scheduled Transportation" ODOT Form Number 735-9057p;

(c) Certification of liability insurance coverage as required by OAR 740-040-0010, and 740-040-0020; and

(d) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(5) Applications for new, Class 4A, 4E, 3A, 6A, or 7W permits must be accompanied by the following:

(a) An "Application For Motor Carrier Account," ODOT Form Number 735-9075.

(b) Verification of all applicable insurance coverage required by ORS chapter 825.

[5] **(6) Permits are non-transferable.**

Stat. Auth.: ORS **184.616, 184.619 &** 823.011[, 825.200]

Stats. Implemented: ORS **825.100,** 825.102, 825.104, 825.106 & 825.108

740-035-0150

Application for New Authority, Extension or Transfer of Certificate, Intrastate

(1) Applications for new intrastate authority and applications for extension of existing intrastate authority must be accompanied by the following:

(a) Exhibits describing the requested territory, if the application is for household goods [*or regular route full-service scheduled passenger*] authority;

(b) Proposed Tariff of Rates [*and Operating or Time Schedule,*] if required by ORS Chapter 825, in the form prescribed by OAR 740-050-0400, 740-050-0410 and 740-050-0500;

(c) A filing fee in the amount provided in ORS 825.180;

(d) Certification that the applicant can or will provide proof of liability and cargo insurance coverage, or acceptable surety, as required by ORS 825.166, OAR 740-040-0010, 740-040-0020, and 740-040-0030. No certificate will be issued until the Department has received proof that the required coverage is in effect;

(e) A current financial statement consisting of the following:

(A) A balance sheet showing the value of assets owned, the amount of liabilities owed and net worth; and

(B) An income statement for the most recently completed year immediately preceding the date of the application showing revenues, expenses and profits or losses; or

(C) A pro-forma, or projected, income statement for the first year of operations if a new business.

(f) The results of a criminal background check for each applicant for authority, except for an applicant seeking an extension of existing authority. For the purpose of criminal background checks, "applicant" has the meaning ascribed to it in ORS 825.135, and includes each sole proprietor, all partners of a partnership, all officers and majority stockholders of a corporation,

and all members of a limited liability company. The Department may obtain, or require an applicant to provide, a fingerprint based criminal background check if the Department is not satisfied that the criminal background check provided with the application is current or accurate.

(g) Any other information or documents pertaining to the above requirements that the Department may deem appropriate.

(2) Authority granted for extension of geographic area shall not be broader in terms of types of services offered than that granted in the original application. An application to remove a service restriction from an existing authority must be made as an application for new authority.

(3) Authority sought by application for transfer must be limited to that authority contained in the certificate subject to transfer.

(4) An application for transfer of a certificate must be accompanied by the following:

(a) All items listed in subsections (1)(a) through (g) of this rule;

(b) A written consent of transfer signed by the certificate holder or the certificate holder's personal representative; and

(c) Evidence under ORS 825.129 of authority to transfer the certificate or license, if the individual certificate holder is deceased, and the operation is to be continued for purpose of transfer.

(5) When a certificate holder is granted additional authority by transfer or extension, the two authorities will be merged and a single authority will be issued.

(6) Any application, petition or other filing that contains false information, is incomplete, or does not comply with all the Department's rules and regulations may be rejected.

(7) No certificate holder shall hold more than one certificate authorizing the same service.

Stat. Auth.: ORS 181.534, 823.011, 825.125 & Ch. 433, OL 2009

Stats. Implemented: ORS 825.102, 825.110 & 825.240

This rule is repealed in its entirety

[740-035-0160

Applications for Temporary Authority to Transport Passengers

Any person requesting temporary operating authority to transport passengers in regular route full-service scheduled operations must comply with the following requirements, if applicable:

(1) Applications for temporary authority under ORS 825.115 must be accompanied by the following completed documents and must be on forms approved by the Department:

(a) Exhibits describing the type of service and requested routes if application is for regular route service;

(b) Written statements of request for service for the applicant's proposed operation. Statements should specifically explain why the applicant's service is needed, including a description of the deficiencies or absence of service provided by existing carriers;

(c) Proposed tariff of rates and operating or time schedule, if required by ORS Chapter 825, in the form prescribed by OAR 740-050-0400, 740-050-0410 and 740-050-0500;

(d) Proof of liability insurance and proof of cargo insurance if required by OAR 740-040-0030 coverage as required by 740-040-0010, 740-040-0020, and 740-040-0030.

(2) Temporary authority shall be issued only to applicants that have demonstrated a legitimate need, as determined after investigation by the Department's staff, for service.

(3) Applications which are approved shall be published in the monthly notice of applications filed with the Oregon Department of Transportation. Formal protests to the granting of the temporary authority can be filed by motor carriers having existing authority to provide the proposed service or by persons who have an application pending to provide the proposed service. The protest must be received by the Department within 15 days of the date of service of the notice.

(4) *If a protest is received pursuant to section (3) of this rule, a public hearing shall be held within 90 days of issuance of the temporary authority certificate to determine if the authority should remain in effect.*

Stat. Auth.: ORS 823.011, 825.115 & 825.125

Stats. Implemented: ORS 825.115

740-035-0165

Applications for Authority to Transport Household Goods [*or Passengers in Regular Route Service*]

The application of any person requesting operating authority to transport household goods [*or passengers in regular route, full-service scheduled operations*] will be evaluated by the department to determine if it complies with provisions of law set out in ORS 825.110, 825.115 and 825.135. The application will be approved if the department finds that it meets the requirements of OAR 740-035-0150(1)(a)–(g), and the applicant demonstrates to the department’s satisfaction that it is fit, willing and able to perform the service proposed. For the purpose of this rule:

(1) “Fit” means that the applicant has not, during the five years preceding the application, been convicted of a crime punishable by imprisonment for a period of time in excess of one year under the law under which he or she was convicted, or a crime regardless of punishment involving:

- (a) Theft;
- (b) Burglary;
- (c) Sexual conduct;
- (d) Manufacture, sale or distribution of a controlled substance;
- (e) Identity theft; or
- (f) False statements.

(2) “Willing” means the applicant is prepared to provide all service sought in the application in compliance with ORS Chapter 825 and Department rules; and

(3) “Able” means:

- (a) The applicant has or can provide adequate facilities, vehicles and equipment to perform the service proposed;
- (b) The applicant certifies that these vehicles comply with all Oregon laws and rules covering vehicle safety and operations, and will be so maintained; and
- (c) There is no significant evidence concerning the proposed service submitted by the applicant, by members of the public, or in the department’s files that suggests a compelling reason to deny the application. Examples of evidence of a compelling reason to deny an application may include:

(A) A record of a pattern of violations of laws or rules administered by the Department.

(B) Two or more complaints from customers regarding applicant’s unsatisfactory resolution of loss or damage claims.

(4) Application approval and disapproval decisions will be documented by issuance of notices of intent and final orders of the agency.

(a) Approval of applications will be documented by issuance of a final order approving the application for authority and issuance of a new or amended certificate of authority.

(b) Proposed disapproval of applications will be documented by issuance of a notice of intent to issue a final order disapproving application.

(A) The notice will cite the reason or reasons for disapproval and provide an opportunity for the applicant to request a contested case hearing. Contested case hearings will be conducted in accordance with ORS Chapter 183;

(B) Judicial review of final orders of the department issued after a contested case hearing may be obtained by filing a petition with the Oregon Court of Appeals within sixty (60) days of service of the final order under the provisions of ORS 183.482.

Stat. Auth.: ORS 823.011, 825.110, 825.125, Ch. 433, OL 2009

Stats. Implemented: ORS 183.482, 825.110, Ch. 433, OL 2009

740-045-0110

Lease of Vehicles by Household Goods Carriers [*and Regular Route Full-Service Scheduled Passenger Carriers*]

(1) Except as otherwise expressly provided, a vehicle may be operated under lease in for-hire carriage of household goods [*or passengers in regular route full-service scheduled operations*] in Oregon intrastate commerce only in accordance with the terms of OAR 740-045-0110 to 740-045-0130 and a written agreement on a form supplied by the Department. The compliance of a lease with the requirements of the rules of the Department pertaining to leasing is the responsibility of the parties to the lease. The filing of the lease with the Department does not constitute approval by the Department of the terms of the lease or the legality of the operations thereunder.

(2) A vehicle lease shall contain all of the terms and conditions of the lease, and shall provide:

(a) The full name and address of each contracting party (lessor and lessee);

(b) A complete description of the vehicle;

(c) That the lessee has the right to exclusive possession, use and control of the leased vehicle, with the exception that the lessor may use the leased vehicle for personal noncommercial uses with the permission of the lessee;

(d) A detailed statement of the compensation to be paid for the use of the vehicle while under lease;

(e) A statement of the terms of renewal, if any;

(f) That during the period of the lease:

(A) The lessee shall assume full and sole responsibility for payment of all Oregon highway use taxes, fees and penalties arising from operation of the vehicle, except to the extent lessee is relieved of such responsibility by OAR 740-045-0150 and shall not be reimbursed by the lessor for such taxes, fees and penalties, directly or indirectly;

(B) The lessee will bear all risk of loss or damage to property or injury to persons incident to the operation of the vehicle and shall be responsible to maintain cargo and liability insurance covering all operations of the vehicle under the lease. In fulfilling this requirement, it is permissible for the lessor to name the lessee as an insured on the lessor's insurance policy;

(C) The lessee assumes full responsibility for compliance with the rules of the Department, and in particular, OAR 740-045-0110 to 740-045-0130, relating to leasing, and the laws of the State of Oregon applicable to the operation of motor vehicles.

(3) The lessee shall exercise exclusive supervision and control of a leased vehicle during the period of the lease, except for the personal uses of the lessor referred to in subsection (2)(c) of this rule. Furthermore, neither the lessor, nor a driver furnished or arranged for by the lessor, shall participate in any of the following activities:

(a) The dispatching of traffic;

(b) The billing and collection of freight charges for transportation performed by the vehicle; and

(c) The solicitation of shipments other than that which takes place in conjunction with the pickup or delivery of freight at a shipper's place of business.

(4) If the lessor provides a driver to a lessee who is a for-hire carrier of household goods [*or passengers in regular route full-service scheduled operations*], and any party to the lease has been found by order of the Department to have violated ORS 825.100, ORS 825.950, OAR [740-

045-0170, OAR] 740-045-0110, [or OAR] 740-045-0120 or 740-045-0170 through a leasing arrangement within the preceding two years of the effective date of the lease, the lessee shall include the driver on the payroll of the lessee if lease compensation for the use of the vehicle is based on a division of revenues. "Payroll," as used in sections (4) and (6) of this rule, means that with respect to the compensation paid the driver, the lessee's records reflect that the lessee has included the driver as one of its employees in reports of employment to governmental agencies. (5) The lessee shall be solely responsible for the safe operation of the vehicle. The parties may agree that, as between themselves, the lessor may maintain the vehicle and assume such other costs of vehicle maintenance, including fuel costs, as are specifically listed in the lease. If not included as part of the compensation for the use of the vehicle, the terms of compensation for maintenance shall be expressly stated in the lease.

(6) If the transportation to be performed under the lease is private carriage, the lessee must actually include the driver on the payroll of the lessee and treat such driver as an employee of the lessee in all respects as it does any regular employee.

(7) Within 90 days from the date of any transportation performed, the lessee shall pay to the lessor all compensation which the lessor has earned under the lease. The payment shall be in settlement of all obligations which have accrued under the lease, after deduction of just credits and offsets. The lessee shall prepare an itemized record of the settlement, including credits and deductions, and shall maintain such record for a period of three years after the termination of the lease.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.100

DIVISION 50

TARIFFS [AND TIME SCHEDULES

Filing]

740-050-0010

Regulation of Oregon Intrastate Motor Carrier Rates and [Routes,] Classifications and Mileage Guides

(1) [As used in Chapter 740 rules:

(a) "Joint line rate" means a rate which applies to transportation of property over the lines of two or more carriers. "Joint line rate" does not include:

(A) A rate established by:

(i) A single motor for-hire carrier for application to transportation that it can provide over its line; or

(ii) Two or more interlining carriers without collaboration with each other in an organization referred to in OAR 740-050-0640.

(B) A through rate, or a discount on a joint rate, in which other interlining carriers have concurred, if such through rate or discount was established by a single motor carrier, without collaboration with other carriers or without participation in an organization referred to in OAR 740-050-0640;

(C) An agreement relating to a division of revenues among carriers.

(b) "Concurrence" means an agreement between interlining carriers to participate in a rate or discount offered to a shipper by another carrier.]

[(c)] "Participating carriers" means a carrier[s] for whom an agent files a tariff, or any part thereof, with the Department for review and approval.

[(2) *Except as otherwise provided in this section, until revised or amended by the Department, all rates and all classifications, routes, mileage guides and other publications relating to rates filed with and prescribed by the Oregon Public Utility Commission and in effect on December 31, 1994, shall be valid and in full force and effect for all carriers shown by such tariffs to be participants therein. On and after January 1, 1995, rates relating to property other than household goods shall be valid and effective only as joint line rates.*]

[(3)] **(2)** To provide antitrust immunity to persons who collaborate for the purpose of determining all rates for the transportation of household goods[, *joint line rates*] for the transportation of other property, [*and routes,*] classifications, mileage guides and other publications relating to the transportation of property, the Department will accept for review and approval tariffs and other relevant submissions presented by carriers or their agents. The following apply to mileage guides:

(a) Mileage guides, electronic or otherwise, or any amendments thereto, [*used in constructing joint line rates*] shall be submitted to the Department for approval; and

(b) The Department shall, within 60 days, determine the accuracy of the mileage guide, or amendments thereto, and shall either accept or reject the submission. In determining accuracy, the Department shall, to the extent possible, rely on the Official Highway Map of Oregon.

(4) The rules of the Department in division 50 shall apply:

(a) To the transportation of [*persons and*] household goods;

[(b) *To the transportation of other property under joint line rates which have been submitted to the Department for review and approval;*] and

[(c)] **(b)** To tariff provisions relating to [*routes,*] classifications and mileage guides which have been submitted to the Department for review and approval.

(5) Tariffs which are subject to the jurisdiction of the Department and are filed by a carrier for review and approval may be filed by an authorized agent of the carrier if the carrier has provided the agent with a written power of attorney authorizing the agent to act on its behalf. A tariff published and filed by an agent on behalf of a carrier shall identify clearly the carrier for whom the tariff is being published.

Stat. Auth.: ORS **184.616, 184.619 &** 823.011 & 825.200

Stats. Implemented: ORS 825.200

740-050-0020

Tariffs [*and Time Schedules*] Must Conform to Rules Prescribed Herein and Must Be Filed
All tariffs [*and time schedules*] related to the intrastate for-hire transportation of household goods [*or regular route full-service scheduled intrastate for-hire transportation of passengers, or property transported under joint line rates,*] must be filed and compiled in compliance with and conform to these rules. The Department may direct the reissuance of any such tariff or time schedule at any time.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

740-050-0050

Size and Form of Tariffs and Time Schedules

(1) Tariffs and time schedules must be in book, loose-leaf, sheet or pamphlet form. Individual pages to loose leaf tariffs shall be designated so that changes can be made by reissuing individual pages or pages published as a unit.

(2) Tariffs and time schedules or supplements thereto containing five or more pages must be printed on regular letter size paper of good quality, 8 or 8-1/2 x 11 inches, from type of size not less than 6 point, full face. Tariffs and time schedules containing four pages or less may be typewritten, provided all copies are clear and legible. Alterations in writing or erasures must not be made. Reproduction may be by any process, providing all copies are clear and permanently legible.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

740-050-0060

Form of Appointment of Agent

The following form will be used in giving a power of attorney to an agent:

POWER OF ATTORNEY

To be filed with the Oregon

Department of Transportation

_____ (Name of Carrier in full) _____

_____ (Place) _____ (Date) _____

Form A.F. 1 No. _____

To the OREGON

DEPARTMENT OF TRANSPORTATION

Salem, Oregon

This is to certify that (name of carrier) has made, constituted and appointed and by these presents does make, constitute and appoint (name of person appointed) the true and lawful attorney and agent for the said carrier and in its name, place and stead: (1) for it alone, and (2) [*for it jointly with other carriers,*] to file tariffs, classifications, and exception sheets and supplements thereto, as required of transportation companies under the laws of Oregon and rules and regulations established by the Oregon Department of Transportation, thereunder for the period of time, the traffic and territory herein named:

And the said (name of carrier) does hereby give and grant unto said attorney and agent full power and authority to do and perform all and every act and thing above specified, as fully to all intents and purposes as if the same were done and performed by the said carrier, hereby ratifying

and confirming all that said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of said attorney and agent hereunder.

IN WITNESS WHEREOF, the said carrier has caused these presents to be signed (in its name by its legal executive officer) at _____ in the State of Oregon, on this ____ day of _____, 19__.

_____(Name of Carrier)_____

By:

_____(Name of Officer)_____

_____(Title of Officer)_____

Attest:

(Corporate Seal)

Carrier issuing this form will file the original with the Department and will furnish duplicate to the agent to whom power of attorney is given.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

This rule is repealed in its entirety

[740-050-0070

Form of Concurrence

Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates to and from points on and via its lines and in the following format:

CONCURRENCE

To be filed with the Oregon Department of Transportation Form A.F. 2 No. _____

To the OREGON

DEPARTMENT OF TRANSPORTATION

Salem, Oregon

This is to certify that (name of carrier) assents to and concurs in the publication and filing of any tariff or supplement thereto which (name of carrier or agent) may make and file, and in which this carrier is shown as a participating carrier, and hereby makes the undersigned a party to, and bound thereby insofar as such tariff contains rates, fares and charges applying to or from points on and via its lines, until this authority is revoked by formal and official notice of revocation placed in the hands of the Oregon Department of Transportation and of the carrier or agent to which this concurrence is given.

_____(Name of Carrier)_____

By:

_____(Name of Officer)_____

_____(Title of Officer)_____

Witness:

This form may be qualified to apply to a designated tariff, rate or fare. Carrier issuing this form will file the original with the Department and will furnish duplicate to the carrier publishing the tariff.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

This rule is repealed in its entirety

[740-050-0080

Number of Concurrences and Authorizations

(1) *Each carrier will assign serial numbers to powers of attorney and concurrences, beginning with No. 1 in each series, as indicated by forms, and continuing in consecutive numbers as to each series.*

(2) *A power of attorney or concurrence may be revoked by filing notice of such revocation with the Department and serving same upon carrier to which such concurrence was given. Such notice must specify the date upon which revocation is to be made effective, and must give not to exceed sixty (60) days' notice to the Department and to the carrier to which concurrence was given.*

(3) *All powers of attorney and certificates of concurrence must be printed or typewritten on paper of good quality 8-1/2 x 11 inches in size.]*

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

This rule is repealed in its entirety

[740-050-0090

Changes in Joint Routing and Operating or Time Schedules on Less than 10 Days' Notice

(1) *No change shall be made by any regular route full-service scheduled passenger carrier or operator in any operating or time schedule for service or of any rule or regulation relating to any operating or time schedule, service, privilege or facility except after 10 days' notice to the Department and to the public.*

(2) *For good cause shown, the Department may permit such change on less than 10 days' notice. In cases of voluntary reduction of scheduled service, no such changes will be allowed on less than 10 days' notice except where actual emergency and real merit are shown.*

(3) *Applications for changes on less than 10 days' notice shall be addressed to the Oregon Department of Transportation on a form approved by the Department and must be over the signature of an executive officer, specifying title, or any agent to whom power of attorney has been given.*

(4) *Unless authorized by the Department, regular route full-service scheduled passenger carriers may not establish, cancel or change joint routings, except after 14 days' notice to the Department.*

(5) *For good cause shown, the Department may permit joint routings to be established, cancelled or changed on less than 14 days' notice.*

(6) *Application for such changes must be made on forms approved by the Department.]*

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202 & ORS 825.224

740-050-0100

Adoption of Tariffs[— *Time Schedules*]

(1) In case a for-hire household goods carrier[*regular route full-service scheduled passenger carrier, or a for-hire carrier of property that is party to a joint line rate*] tariff, is transferred from the operating control of one company to that of another, or when its name is changed, the new carrier, if it intends to use tariffs [*and/or time schedules*] issued by the old carrier [*or joint agents under concurrences or*] powers of attorney granted by the old carrier, shall issue and file supplements to such tariffs and/or time schedules containing an adoption notice reading substantially as follows:

"The ____ (Name of Carrier) ____ hereby adopts, ratifies, and makes its own in every respect as if the same had been originally issued and filed by it; all tariffs, [*time schedules,*] rules, notices, [*concurrences,*] traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Public Utility Commission of Oregon or the Oregon Department of Transportation by the ____ (Name of Old Carrier) ____ prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above tariffs, [*time schedules, etc.,*] which have heretofore been filed with said Commission or **the** Department."

(2) [*Concurrences and*] [*p*] **P**owers of attorney so adopted must be replaced and superseded by new [*concurrences and*] powers of attorney issued by and in the name of the new carrier, and in each instance cancelling the [*concurrences or*] powers of attorney superseded.

(3) In case a household goods [*or regular route full-service scheduled passenger*] carrier secures permission from the Department to temporarily discontinue operation of all or a part of its service, it shall issue and file supplements to its tariffs [*and time schedules*] containing notice of such temporary discontinuance, and upon resumption of the discontinued service file further supplements containing notice of such resumption.

(4) Adoption, discontinuance and resumption supplements shall be assigned the next consecutive supplement number. Adoption notices may be filed and made effective immediately. Discontinuance and resumption supplements will be made effective in accordance with the Department's permission in each case. Such supplements will not be counted against the number of supplements permitted to such tariffs [*and/or time schedules*].

(5) Subsequent amendments to adopted tariffs [*and/or time schedules*] must be filed in consecutively numbered supplements until the tariffs [*or time schedules*] are reissued. The reissued tariffs and/or time schedules shall be numbered in the ODOT Oregon series of the new carrier.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

740-050-0110

Suspension of Tariff [*and Schedule Publications*]

(1) When the Department suspends the operation and defers the use of a tariff [*or an operating or time schedule,*] the following course shall be pursued by carriers.

(2) Upon receipt of the order of suspension the carrier or agent shall immediately issue and file with the Department a supplement stating that the tariff[, *operating or time schedule*] is under suspension and shall not be used until further and proper notice.

(3) When the Department vacates an order of suspension, the carrier or agent who published and filed such suspended tariff[, *operating or time schedule*] or supplement thereto shall immediately issue and file with the Department a supplement stating the date upon which the [*operating or time schedule*] **tariff or supplement** becomes effective.

(4) Every suspension or vacation supplement issued under authority of this rule must bear on title page the following notation: "Issued under authority of OAR 740-050-0110 and in compliance with Order No. _____ of the Oregon Department of Transportation of (date) _____, [19] **20** ___."

(5) Suspension and/or vacation supplements will be assigned the next consecutive supplement number and will not be counted against the number of supplements permitted to such tariffs [*or operating or time schedules*].

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

740-050-0120

Rejected Tariffs [*or Operating or Time Schedules*]

When a tariff [*or an operating or time schedule*] is rejected by the Department, it must not thereafter be referred to, nor the ODOT Oregon number or carrier's serial number assigned thereto again used, except to note on a new publication that it is issued in lieu of such rejected tariff, [*operating or time schedule,*] i.e.: "In lieu of _____, rejected by the Department."

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

This rule is repealed in its entirety

[740-050-0130

Joint Agent Will Use His Own ODOT Oregon Serial Number

(1) *A joint agent duly authorized to act for several carriers must file joint tariffs, classifications or exception sheets in the name of the agent or his organization and under ODOT Oregon serial numbers of his own.*

(2) *The agent or the carrier that issues a joint tariff shall at once send copies thereof to each and every carrier that is named as a party thereto.*

(3) *A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates or fares must not in its own publications publish rates or fares that duplicate or conflict*

with those which are published by such authorized agent or other carrier. This rule will not prevent the filing of joint "Agent and Carrier" tariffs.

(4) An agent who acts under power of attorney is fully authorized to act for the carriers that have named him their agent and attorney, and therefore it is permissible for him to cancel by his tariffs issues of such principals.

(5) Joint time schedules will not be accepted.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

740-050-0140

Posting of Tariffs [*and Operating or Time Schedules*]

(1) The provisions of this rule shall apply to for-hire carriers transporting household goods [*or engaging in regular route full-service scheduled transportation of passengers, and for-hire carriers participating in Department-approved joint line rates*].

(2) A copy of the tariffs of carriers showing all rates, [*fares,*] classifications, charges, or rules and regulations affecting rates, [*fares,*] classifications or charges [*and a copy of all operating or time schedules*] shall be kept by every carrier readily accessible for inspection by the public at all reasonable times in every station or office of such carrier where [*passengers or*] property [*are*] **is** received for transportation, when such station or office is in charge of an agent.

(3) Agents shall be provided with facilities for tariffs [*and operating or time schedules*] in readily accessible form and shall be instructed and required to give information contained in such tariffs [*and operating or time schedules,*] to lend assistance to seekers for information therefrom and to accord inquirers opportunity to examine any of said tariffs [*and operating or time schedules,*] without requiring the inquirer to assign any reason for such desire.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202, ORS 825.224 & ORS 825.234

This rule is repealed in its entirety

[*Tariffs*

740-050-0210

Definitions for Passenger Tariffs of Regular Route Carriers

(1) *The term "local fare" as used in Division 50 means a fare that extends over the line of one carrier only, and the tariff carrying such fare is a "local tariff."*

(2) *The term "interdivision fare" as used in Division 50 means a fare from a point on one division to a point on another division of the same carrier, and the tariff carrying such fare is an "interdivision tariff."*

(3) *The term "joint fare" as used in Division 50 means a fare that extends over the lines of two or more carriers, and the tariff carrying such fare is a "joint tariff."*

(4) *The term "basing fare" as used in Division 50 means a fare specifically published to be used only as a factor in making a combination through fare and the tariff carrying such fare is a "basing tariff."]*

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202 & ORS 825.224

740-050-0220

Title Page of Every Tariff

Title page of every tariff shall show:

(1) Oregon DOT number of tariff at the top of the page, and immediately thereunder the Oregon DOT number or numbers, if any, cancelled thereby. Oregon DOT serial number will be assigned to each tariff and run consecutively. Tariff serial number of carrier may also be entered on title page, run consecutively and show cancellations. Separate serial Oregon DOT numbers will be used for tariffs related to household goods, [*passengers, and for-hire carriers participating in Department-approved joint line rates*].

(2) Name of issuing carrier or agent.

(3) Whether tariff is local, [*joint, interdivision, basing, or a combination of same,*] and whether it is a class, commodity, mileage, or combination of same, or a tariff of rules and regulations.

(4) The territory or points from, to or between which the tariff applies, briefly stated. Where detailed information is required, the title page may give reference to the items where the application of the tariff and the governing publications may be found.

(5) Date of issue on the lower left and date effective on the lower right hand of the page.

(6) Name, title and address of officer by whom tariff is issued on the lower part of the page.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 823.200, ORS 825.202 & ORS 825.224

740-050-0230

Tariffs Shall Contain in the Order Named

All tariffs related to [*the transportation of property under joint line rates or*] the transportation of household goods [*or regular route full-service scheduled transportation of passengers*] shall contain:

(1) Table of contents or index: a full and complete statement, in alphabetical order, of the exact location where information under general headings will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that the contents are plainly disclosed, the table of contents or index may be omitted.

(2) Names of issuing carriers, [*including those for which joint agent acts under power of attorney and the names of carriers participating under concurrence*], alphabetically arranged, or by proper reference describe the tariff containing these provisions. If there be not more than five participating carriers, their names may be shown on the title page. The form and number of power of attorney [*or concurrence*] to the tariff must be shown (see OAR 740-050-0060 [*and 740-050-0070*]).

(3) Complete index, alphabetically arranged, of all commodities upon which commodity rates are named, showing page upon which such rates will be found, also item numbers.

- (4) Complete index, alphabetically arranged, of all commodities upon which exceptions to the classification are made, showing page upon which they are found, also item number.
- (5) Complete index, alphabetically or geographically arranged, of all points from and to which tariff rates or fares apply, showing the index numbers and/or item numbers under which rates or fares will be found.
- (6) An official list of all the points in connection with which the tariff applies.
- (7) The different routes via which tariff applies must be shown together with appropriate reference to application of rates [*or fares*]. When a tariff specifies routing, the rates [*or fares*] may not be applied via routes not specified.
- (8) Explanation of reference marks and technical abbreviations used in the tariff, except that a special provision applying to a particular rate [*or fare*] may be shown in connection with and on the same page with such rate [*or fare*].
- (9) Such explanatory statement in clear and explicit terms regarding the general application of rates [*or fares*] and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.
- (10) Complete description of all commodities upon which exception to the classification class ratings, rules or requirements are authorized showing item number, classification and other detail information.
- (11) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown, or by proper reference describe the tariff containing such rules and regulations. Under this head all of the rules, regulations or conditions which in any way affect the rates [*or fares*] named in the tariff will be entered.
- (12) An explicit statement of the rates [*or fares*], in cents or in dollars and cents together with the names of the points from, to or between which they apply, arranged in a simple and systematic manner, under proper index and item numbers. Tariffs shall be arranged in sections to separate different kinds of rates[, *fares*] or provisions. The sections must be consecutively numbered and differentiation among sections must be clear.
- (13) Each tariff which contains class and/or commodity rates shall also contain a rule reading, "Whenever a class rate and a commodity rate are named between specified points, the lower of such rates is the lawful rate."
- (14) Tariff publications or supplements thereto must indicate increases, reductions, changes made in existing rates, charges, rules, regulations or classifications, or the insertion of new material, by the use of uniform symbols. Clear explanation of the use of symbols must be made in the tariff.
- (15) At the foot of the last page of a tariff or supplement the words "The End" or "Last Page" should be shown.
- (16) The terms "all points," "in the vicinity of" or similar terms must not be used in any tariff for the purpose of indicating the points from, to or between which rates or fares named therein apply.
- (17) Commodity rates must be specific and must not be applied to analogous articles.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

This rule is repealed in its entirety

[740-050-0270

Round-Trip Excursion Fares of Regular Route Passenger Carriers

(1) *Fares for an excursion limited to a designated period of not more than three days may be established, without further notice upon posting a tariff one day in advance in a public and conspicuous place in the waiting room of each station where tickets for such excursions are sold, and filing two copies thereof with the Department.*

(2) *Fares for an excursion limited to a designated period of more than three days and not more than 30 days, or for a series not exceeding 30 days, may be established upon a like notice of three days.*

(3) *The term "limited to a designated period" is construed to cover the period between the time at which the transportation can first be used and the time at which it expires. If tariff names different selling dates for excursions which form a series and the period of time between the first selling date and the last date upon which any ticket sold under the tariff may be used exceeds 30 days, the series of excursions so provided for do not come within the period of "not exceeding 30 days," and such tariff may not be issued by authority of this rule. But it is permissible to establish fares for two or more distinct and separate excursions to various points and for various occasions, each such excursion limited to a designated period of not more than 30 days.*

(4) *No supplement may be issued to tariffs and under this rule except for the purpose of cancelling the tariff.*

(5) *Round-trip tickets on certificate plan may be issued at reduced fares and their use confined to the delegates to a particular convention or to members of a particular association or society. The condition upon which certificate plan tickets are issued is that a specific number of such tickets shall be presented for validation for return trip before the reduced fare for return trip will be granted to any person.*

(6) *Tariffs naming fares for excursions may use such terms as "One first class fare for the round-trip"; "One first class fare plus \$__ for the round-trip." Specific reference to Oregon DOT No. of the tariff containing such basing fare must be given.]*

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202 & ORS 825.224

This rule is repealed in its entirety

[Time Schedules

740-050-0400

Operating and Time Schedules

Time schedules of all regular route full-service passenger carriers shall contain:

(1) *A title page showing the Oregon DOT number of schedule at the top of the page and immediately thereunder the Oregon DOT number, if any, cancelled thereby. A Oregon DOT*

serial number will be assigned each operating and time schedule and run consecutively. The operating and time schedule serial number of carrier may also be centered on title page, run consecutively and show cancellations.

(2) Name of issuing carrier or agent.

(3) The points between which the schedule applies, briefly stated.

(4) Date of issue on the lower left and date effective on the lower right hand of the page.

(5) Name, title and address of officer by whom schedule is issued on the lower part of the page.

(6) On every operating or time schedule or supplement thereto issued on less than ten days' notice there must appear a notation that it is issued in compliance with, or authority of, order of the Oregon Department of Transportation No. ___, dated ___.]

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202, ORS 825.224 & ORS 825.234

This rule is repealed in its entirety

[740-050-0410

Time Schedules of Regular Route Passenger Carriers

Time schedules of regular route passenger carriers shall contain:

(1) A list of all stations on route in geographical order with distances to each station from all termini; the time of arrival and departure at and from all termini; the time of departure from intermediate points between termini; whether service is daily or otherwise; whether service is limited or local or restricted in any way. Flag stops, if any, should be designated by the symbol (F) shown in connection with the station to which it refers.

(2) P.M. and A.M. times must be clearly indicated.

(3) Rest and/or meal stops must be shown on all passenger service time schedules, either by note reference to such stops, naming the stations, or by flag reference to same.

(4) Such other information regarding the schedule that in any way affects the service should be shown.

(5) Exact location of depots at main terminals, rests and meal stop stations must be shown.

(6) Full and complete description of route to be used between all points served. Detailed route description may be omitted if same is provided in the regular route tariff for which the time schedule is provided.]

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202, ORS 825.224 & ORS 825.234

This rule is repealed in its entirety

[740-050-0430

Posting

All regular route full-service scheduled passenger carriers must:

(1) Insofar as operating conditions permit, maintain established operating schedules, whether carrying passengers or not.

(2) Post applicable operating schedules in a conspicuous place in each station served.

(3) Promptly post in each station affected notice of interruptions in operating schedules likely to continue for more than 24 hours, and render a full statement of the cause and probable duration of such interruption to the Department.]

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202, ORS 825.224 & ORS 825.234

Procedure Requirements for Household

Goods [*and Passenger*] Carriers

740-050-0500

Filing Requirements for Tariffs [*and Time Schedules*]

(1) Applicants for authority to transport household goods [*or regular route full-service scheduled transportation of passengers*] must:

(a) File two copies of a proposed tariff of rates, [*fares,*] charges, classifications, practices, privileges and rules, compiled in conformity with **Division 50 rules** [*OAR 740-050-0020 to 740-050-0650, inclusive,*] and secure tariff approval; or

(b) Designate a tariff publishing agent and file:

(A) Written power of attorney appointing such agent; or

(B) Confirming letter from such agent indicating that a tariff filing will be made in behalf of applicant if and when the requested authority is granted; [*and*]

[(C) File two copies of a time schedule, if the proposed operation is regular route full-service scheduled passenger service, showing the stations, route, distance, times of arrival and departure of vehicles, location of depots, meal and rest stops.]

(2) Applicants designating tariff publishing agents will not be issued a certificate until such agent has established in its tariff the rates and charges [*or fares*] applicable to the proposed operation.

(3) All supplements or amendments to original tariffs and reissues thereof must also be filed.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202, ORS 825.224 & ORS 825.234

Changes in Rates, [*Fares,*] Charges, Classifications and

Rules and Regulations Governing the Practices and [*or*] Services, in Intrastate Commerce of Carriers

[*Participating in Joint Line Rates and Carriers*] Transporting Household Goods [*or Passengers*] by Motor Vehicles

740-050-0600

New Rates Effective on Granting of Authority

The initial rates of a household goods [*or regular route full-service scheduled passenger*] carrier shall be effective with the granting of authority to operate as a motor carrier.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.110, ORS 825.202 & ORS 825.224

740-050-0610

Procedures for Changing Tariffs

(1) All rates, [*fares,*] charges, classifications and rules and regulations governing the practices or services of a motor carrier [*participating in joint line rates or*] transporting household goods [*or engaging in regular route full-service scheduled transportation of passengers*] in intrastate commerce in Oregon must be filed as a tariff and fixed by order of the Department. Changes in tariffs must be made pursuant to Division 50 rules.

(2)(a) Written petitions to amend tariffs may be submitted to the Department by a household goods carrier, [*a regular route full-service scheduled passenger carrier, carriers participating in a joint line rate,*] a tariff bureau under OAR 740-050-0640, or by any other party having an interest in the matter;

(b) The Department may permit a tariff change to become temporarily effective if that action is in the public interest.

(3)(a) All petitions for changes in tariffs will be assigned for public hearing. The hearing notice will set the time and place for the hearing;

(b) If the petition is for a general increase, the Department will use the Oregon Consumer Price Index-Urban (ORCPI-U) as the basis for determining if the requested increase is justified. The Department will use a comparison of the ORCPI-U in effect at the time of the last general increase with the current ORCPI-U;

(c) As used in this rule, “general increase” means a general increase in, restructuring of, or substantial change in rates previously approved by the Oregon Public Utility Commission or the Oregon Department of Transportation.

(4)(a) The Department’s notice will designate as respondents in petitions for general increases, unless specifically exempted, all carriers who [*participate in joint line tariffs, or*] possess authority to transport household goods and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640, or who publish individual tariffs and generate Oregon intrastate revenues from economically regulated commodities of \$500,000 or more annually;

(b) Exemptions under subsection (4)(a) of this rule may be granted by the Department upon a showing that the territory served by the carrier, or the carrier’s method of operation is such that the carrier does not compete with the petitioner;

(c) If the Department approves the petition for general increase, the tariff change will apply to all respondents. A respondent may tender evidence at the hearing justifying independent rates which will apply only to that carrier. Upon giving seven days written notice to the Department, the petitioning carrier and any supporting rate bureau, any respondent may participate at the hearing as a party in opposition to application of the proposed general increases for its account. Upon a proper showing the Department may exclude such respondent from the application of the general increase proposal.

(5)(a) A tariff bureau may support or oppose another tariff bureau’s petition at the Department’s hearing;

(b) If the Department approves a tariff bureau petition which is not a general increase, the tariff change will apply to members of all Oregon tariff bureaus;

(c) For a tariff bureau petition, other than that described in section (3) of this rule, the notice shall describe as respondents all carriers who possess authority and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640.

(6) Individual carrier proposals submitted by independent action and approved by the Department shall apply only to the petitioning carrier.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 825.200, 825.202, 825.224 & 825.226

740-050-0630

Rates Orders

Unless otherwise provided by rule or specific order of the Department, rate orders related [*to joint line rates or*] the transportation of household goods shall be mandatory upon all carriers enjoying operating authority to transport the affected commodities.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

740-050-0820

Collection of Transportation Charges -- Extension of Credit

(1) The provisions of this rule shall apply to carriers for hire in the transportation of household goods and other for-hire carriers of property that elected to be subject to this rule by filing a written election to that effect with the Department.

(2) Except as provided in this rule and OAR 740-060-0040(3), no for-hire carrier shall deliver or relinquish possession of any freight until all lawful transportation charges thereon have been paid.

(3) This rule does not prevent extension of credit for such transportation charges provided:

(a) An arrangement has been made providing for payment within 7 days (excluding Sundays and legal holidays) following delivery;

(b) Such 7-day period shall commence at 12 a.m. of the day following delivery whenever the freight bill is presented at or before delivery of the freight;

(c) Such 7-day period shall commence at 12 a.m. of the day following presentation of the freight bill if presented after delivery of freight; and

(d) The freight bill must in any case be presented within 7 days after delivery of the freight.

(4) A motor carrier may extend credit in excess of the time period provided in section (3) of this rule to the United States, the State of Oregon, any county, city, town or municipality in this state or any department of any of them.

(5) [*Freight, passenger, express and any and*] [a] All charges incident to transportation must be paid in lawful money of the United States. This rule shall not be construed to prohibit the payment by valid checks, drafts, credit cards or money orders which are convertible into [*case*] **cash** on demand in the ordinary course of business.

(6) Under no condition may payment [*of freight, passenger, express*] and any [*and all*] charges incident to transportation **of household goods** be made by credit memorandum, personal service,

merchandise or the exchange of goods or services. The offsetting or balancing of amounts receivable against accounts payable by means of accounting entries is prohibited.

Stat. Auth.: ORS 823.011 & ORS 825.200

Stats. Implemented: ORS 825.200

740-050-0830

Overcharge Claims Against Household Goods [*and Passenger*] Carriers

(1) Claims by shippers must be submitted to for-hire carriers of household goods [*and regular route full-service scheduled passenger carriers*] in writing.

(2) The following documents must be furnished in support of overcharge claims:

(a) Original paid freight bill;

(b) Original sales invoice or certified copy, when claim is based on weight or valuation or when shipment has been improperly described;

(c) Original bill of lading, if not previously surrendered to carrier, when shipment was prepaid or when claim is based on misrouting or valuation;

(d) Weight certificate or certified statement of weight when claim is based on weight; and

(e) Bond of indemnity in lieu of original bill of lading or freight bill when lost or destroyed.

(3) When claim is paid by agent, signature of claimant must be secured. All claim papers must be attached to collection sheet on which credit is taken.

(4) All claims must be promptly acknowledged by the carrier. If the claim is not paid in full, the carrier shall advise the claimant in writing of the reason for refusal to make full payment, including reference to any applicable tariff.

Stat. Auth.: ORS 823.011, ORS 825.224 & ORS 825.950

Stats. Implemented: ORS 825.224 & ORS 825.950

740-055-0150

Records -- General -- Household Goods [*and Passenger Carriers, and Carriers Participating in Joint Line Rates*]

(1) Carriers authorized to transport household goods [*and regular route full-service scheduled passenger carriers, and carriers participating in joint line rates,*] shall keep and maintain complete and comprehensive records of all business transactions as set forth in the prescribed Uniform System of Accounts.

(2) All papers, books, accounts, payroll, records, time records, bills, invoices, notes, mortgages, memoranda, correspondence files, vouchers, journals, ledgers, contracts, leases and agreements, operating and statistical statements or exhibits, stock books, minutes of meetings of directors, trustees and/or stockholders, records of mileage operated, annual or other periodic or special reports, working sheets or papers and all other papers and records disclosing or appertaining to operations of holders of certificates or permits authorizing transportation of household goods [*or regular route full-service scheduled passengers by motor vehicle, and that which relates to operations of carriers participating in joint line rates,*] shall be maintained and shall at all reasonable times be available for examination, inspection and audit by the Oregon Department of Transportation and[*or*] its authorized representatives.

Stat. Auth.: ORS 823.011, ORS 825.200 & ORS 825.202

Stats. Implemented: ORS 825.200 & ORS 825.202

740-055-0170

Bills of Lading (Shipping Receipts) and Freight Bills

(1) The provisions of this section shall apply to carriers for hire in the transportation of household goods in intrastate commerce within the State of Oregon [*and in the transportation of property under joint line rates*] which are submitted to the Department for review and approval.

(2) Carriers shall prepare freight bills for each and every shipment transported. Unless otherwise authorized by the Department, bills of lading, freight bills, and combination bills of lading and freight bills must be issued in sets of not less than triplicate for each shipment transported.

(3) Bills of lading shall show the date, name of the carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, description of the manner in which the shipment is packed and weight of shipment. The bill of lading shall also show whether the freight charges are to be prepaid or collect. The original of the bill of lading shall be signed and given to the consignor and shall constitute receipt by the carrier of the property for transportation. The number two copy (the shipping order) shall be retained by the carrier. If freight is delivered on the bill of lading, the consignee receives the memorandum copy. The consignee shall sign the carrier's shipping order as a receipt for freight delivery.

(4)(a) A freight bill shall contain the following information: date, freight bill number, name and address of carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, weight, rate and freight charge. When the rate assessed is a class rate, the applicable classification rating of the article(s) shall be shown on the freight bill. The freight bill shall also show charges for accessorial or special services provided by the carrier. If detention charges are applicable, the freight bill shall show the time that the equipment was placed on detention and when it was released from detention;

(b) If the applicable rates are published on an hourly or time basis, the freight bill or other documentation retained by the carrier shall show time taken for meals and other nonproductive time, and either:

(A) Time of departure of carrier's equipment from its terminal and time of return of equipment to carrier's terminal or next point of loading; or

(B) Time of arrival of the vehicle at the point of origin and the time service is completed at the point of destination, if rates are based on time consumed between arrival at origin and departure from destination.

(c) The freight bill shall also show advances or other charges, space to note whether the shipment is collect or prepaid, space for carrier to receipt for charges paid, and space for consignee to receipt for shipment. The signed original shall be given to the party paying transportation charges, a signed copy shall be retained by the carrier as a receipt for delivery of freight and a copy shall be given to the consignee on prepaid shipments.

(5) When a combination bill of lading and freight bill form is used, it must contain the same information required of a bill of lading and freight bill. The signed original is to be given to the party paying the freight bill, the second part (shipping order) is retained by the carrier, the third part is given to the consignor on a collect shipment or to the consignee on a prepaid shipment.

(6) If the combination bill of lading and freight bill is used as a bill of lading only, and an invoice for the transportation is issued by the carrier for submitting to the party paying the freight charges, the distribution of copies remains the same as delineated in section (3) of this rule.

(7) Shipments of machinery, machines, or heavy equipment shall be fully described on the bill of lading, freight bill, and combination bill of lading and freight bill by recording the trade name, model, number, type, kind of special equipment and parts, size, and capacity.

[(8) Carriers while not engaged in the transportation of household goods or while not providing transportation under joint line rates submitted to the Department or the Public Utility

Commission for review and approval, nevertheless, may elect to be subject to this section by filing a written election to that effect with the Department. Thereafter, and until the election is withdrawn by the carrier in a writing filed with the Department, such carriers agree to and shall use ODOT Form No. 747 as their straight bill of lading, except:

- (a) Where the shipper has drafted the bill of lading or the shipper has substantially participated in the drafting of the terms and conditions contained in the contract for transportation, or;*
- (b) Where the bill of lading tendered by the carrier to the shipper contains substantially the same terms and conditions as ODOT Form No. 747.]*

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 823.101 & ORS 825.204

740-055-0190

Record of Receipts and Disbursements

(1) Household goods [*and regular route full-service scheduled passenger*] carriers[, *and carriers participating in joint line rates,*] shall maintain a record of all moneys received from any source. The record shall show the date received, amount received, from whom received, number of freight bills being paid or description of service rendered for which payment is received, and any other pertinent information necessary to explain the transaction. The record shall show whether amount collected is retained as cash on hand or deposited in the bank and the account to be credited with the amount of collection.

(2) Household goods [*and regular route full-service scheduled passenger*] carriers[, *and carriers participating in joint line rates,*] shall keep and maintain a complete and accurate record of all moneys disbursed in conducting their operations whether such disbursements are made in cash or by check:

- (a) The record must show amount disbursed, a description of what the payment covers, the proper account chargeable and all essential information to identify and explain the disbursement;
- (b) All bills, invoices, receipts, memoranda and papers supporting and explaining payments must be carefully filed and retained for the prescribed time.

Stat. Auth.: ORS 823.011, ORS 825.200 & ORS 825.202

Stats. Implemented: ORS 825.200 & ORS 825.202

740-055-0210

Ledger and Journal

(1) All household goods [*and regular route full-service scheduled passenger*] carriers [, *and carriers participating in joint line rates,*] shall keep and maintain a ledger in which shall be recorded in appropriate accounts the assets, liabilities, capital, surplus, revenues, expenses, other income, other deductions and all other accounts prescribed by the Uniform System of Accounts and necessary to meet the requirements in OAR 740-055-0310 and 740-055-0320.

(2) Accounts shall be written up monthly and accruals stated on a monthly basis to permit preparation of financial exhibits from the books of record.

(3) All accounts must be closed on December 31 of each year and the profit or loss determined and stated in the books of record.

(4) All entries for which special journals have not been provided must be journalized in a general journal before posting to the ledger account. Entries must be fully explanatory and entered in sufficient detail to permit audit at any time. References to supporting papers and records must be

specific and such subsidiary records and memoranda shall be filed and retained to support the entries in the general journal.

Stat. Auth.: ORS 823.011, ORS 825.200 & ORS 825.202

Stats. Implemented: ORS 825.200 & ORS 825.202

This rule is repealed in its entirety

[740-055-0310

Motor Carriers of Regular Route Full-Service Scheduled Passengers

(1) All Class I and II for-hire motor carriers of regular route full-service scheduled passengers shall use the Uniform System of Accounts published by the Department for all record keeping and reporting and shall submit annual financial results of operations to the Department on ODOT Form 735-9438. The Uniform System of Accounts referred to in this section is available from the Motor Carrier Transportation Division, 550 Capitol Street NE, Salem, OR, 97310.

(2) All Class III for-hire motor carriers of regular route full-service scheduled passengers shall submit annual financial results of operations to the Department on ODOT Form 735-9208.]

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.202 & ORS 825.234

740-055-0500

Motor Carriers of Property [*and Passengers*]

Except as modified by ORS 825.515, "Preservation of Records," contained in 49 CFR, Parts 1220-1239, revised as of October 1, [1998] **2015**, a copy of which is available from ODOT Motor Carrier Transportation Division, is adopted and prescribed by the Department for all for-hire motor carriers of property [*and passengers*].

[Publications: The publication referenced in this rule is available from the agency.]

Stat. Auth.: ORS 823.011, ORS 825.202, ORS 825.232 & ORS 825.515

Stats. Implemented: ORS 825.202, ORS 825.232 & ORS 825.515

740-300-0040

Violation of ORS Chapter 825 and 826 Not Otherwise Provided For -- General Penalties

(1) Except as otherwise ordered by the Department in a particular case, any person who violates any provision of ORS Chapter 825 or 826, or any rule or order of the Department related thereto which has not otherwise been provided for in the Department's rules, shall be subject to the penalties in sections (3), (4) and (5) of this rule.

(2) As used in this rule, "similar violation" means a violation which is similar to the violation alleged in the notice of proposed civil penalty. For the purpose of determining similarity under this rule, violations shall be classified as those relating to:

- (a) Registration of vehicles;
- (b) Oregon Weight Receipt and Tax Identifiers or other authorized identification devices;
- (c) Economic regulation of transportation of [*passengers and*] household goods, except rates;
- (d) Rates for the transportation of [*passengers and*] household goods; or
- (e) Violations of a statute or rule not included in subsections (a) through (d) of this section.

(3) Level I finding of violation(s) apply if no penalty order, cease and desist order or finding of violation(s) has been entered against the defendant within the preceding five years for similar violations of statutes and rules described in this section and no other notice of proposed civil penalty or notice of proposed finding of violation(s) is pending against the defendant for similar violations. If such violations have been found within the last five years, or a notice of proposed penalty or notice of proposed finding of violation(s) is pending against the defendant for

violations described in this rule, penalties will be assessed at Level II. Upon a finding of violation(s) at Level I, the Department will issue an order finding such violation(s).

(4) Level II penalties, except as provided in section (5) of this rule, apply to a defendant who does not meet the criteria in section (3) of this rule. The penalties shall include:

(a) \$100 for each new violation committed; and

(b) Suspension of operating authority for five working days.

(5) Level III penalties apply to a defendant who has been penalized for similar violations at Level II within 12 months preceding the violation. The penalties shall include:

(a) \$100 for each new violation committed;

(b) Imposition of penalties suspended under prior orders for similar violations, unless suspensions have become permanent; and

(c) Suspension of operating authority for five working days, or cancellation of authority if warranted by the circumstances of the particular case, for violation of ORS Chapter 825 or 826.

(6) Unregistered Vehicles: For the purpose of assessing penalties for violations of ORS 826.031, a defendant will be deemed to have committed one violation for each unregistered vehicle operated in a given month.

(7) Vehicles Operated Without Oregon Weight Receipt and Tax Identifier or other Authorized Identification: For the purpose of assessing penalties for violations of ORS 825.450 or 825.470, a defendant will be deemed to have committed:

(a) One violation per day for each vehicle operated without an Oregon Weight Receipt and Tax Identifier or valid temporary pass; or

(b) One violation per vehicle for each vehicle operated with an expired (non-renewed) Oregon Weight Receipt and Tax Identifier.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 818.210, ORS 818.230, ORS 825.104, ORS 825.110, ORS 825.160, ORS 825.166, ORS 825.204, ORS 825.206, ORS 825.224, ORS 825.234, ORS 825.320, ORS 825.470, ORS 825.950 & ORS 826.031



Oregon Department of Transportation



ATTACH. B

Posting Bridges for Specialized Single-Unit Trucks



**Bert Hartman
April 2016**



FHWA Memo on SHV Ratings November 2013

- Category 1 Bridges
 - Rating factors less than 1.3 for any of the 3 standard legal vehicles
 - Must be complete by December 2017
- Category 2 Bridges
 - All remaining load ratings need to be updated for the SHV's
 - Must be complete by December 2022



***Map of bridges to be evaluated
by December 2017 is available***



<https://gis.odot.state.or.us/transgis/>



Expert Panel – December 2014

- Review ODOT's approach to SHV's
- Comment on the benefits and risks associated with the time frame to conduct load ratings
- Evaluate Load Posting Signs
- Review public outreach plan



Blue Ribbon Panel – Nov 2014

- Provide questions and concerns from owners and operators
- Provide the local agency perspective
- Receive the final report
- Review and provide comments on the draft report to ensure that questions or concerns raised are addressed⁵



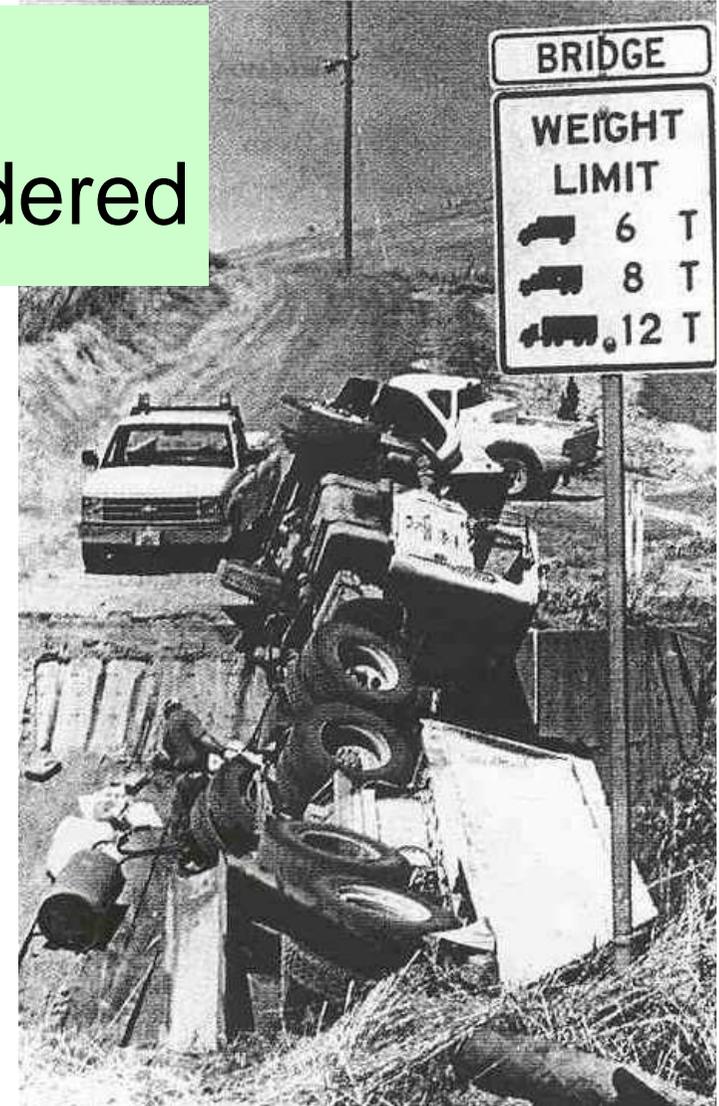
Expert Panel Results

- ODOT's general approach to SHV's is reasonable
- Minor Adjustments to ODOT Load Rating Manual
- Disagreement on live load factors by one panel member
- Development of signs



What is a Rating Factor?

$$RF = \frac{\text{Safe Level of Loading}}{\text{Load of Vehicle Considered}}$$





$$RF = \frac{\text{Capacity} - \text{Dead Load}}{\text{Liveload} + \text{Impact}}$$





Live load

$$(\gamma_L) * (LL + IM)$$




Oregon Calibrated Live Load Factors

$$RF = \frac{\text{Capacity} - \text{Dead Load}}{\text{Liveload} + \text{Impact}}$$



Table 6A.4.4.2.3a-1—Generalized Live Load Factors, γ_L for Routine Commercial Traffic

Traffic Volume (one direction)	Load Factor for Type 3, Type 3S2, Type 3-3, and Lane Loads
Unknown	1.80 1.45
$ADTT \geq 5,000$	1.80 1.45
$ADTT \leq 1,000$	1.65 1.30
$ADTT \leq 100$	1.40



National and Oregon-Specific Live Load Factors for SHV's

<u>ADTT</u>	<u>National</u>	<u>Oregon</u>
>5000	1.45	1.40
1000	1.30	1.33
<500	1.30	1.30



Live Load Factors in Oregon

- State Highway Bridges
 - Oregon Calibrated Live Load Factors
- Local Agency Bridges
 - Live Load Factors from the Manual for Bridge Evaluation



Oregon Permit Live Load Factors

Permit Trucks	Liveload Factor γ_L by ADTT (one direction)				
	Truck Type	Unknown	≥ 5000	1500	≤ 500
OR-CTP-2A		1.35	1.35	1.35	1.25
OR-CTP-2B		1.35	1.35	1.35	1.25
OR-CTP-3		1.45	1.45	1.40	1.30
OR-STP-3		1.25	1.25	1.20	1.10
OR-STP-4A		1.40	1.40	1.35	1.25
OR-STP-4B		1.00	1.00	1.00	1.00
OR-STP-4C		1.10	1.10	1.05	1.00
OR-STP-4D		1.05	1.05	1.05	1.00
OR-STP-4E		1.00	1.00	1.00	1.00
OR-STP-5BW		1.00	1.00	1.00	1.00

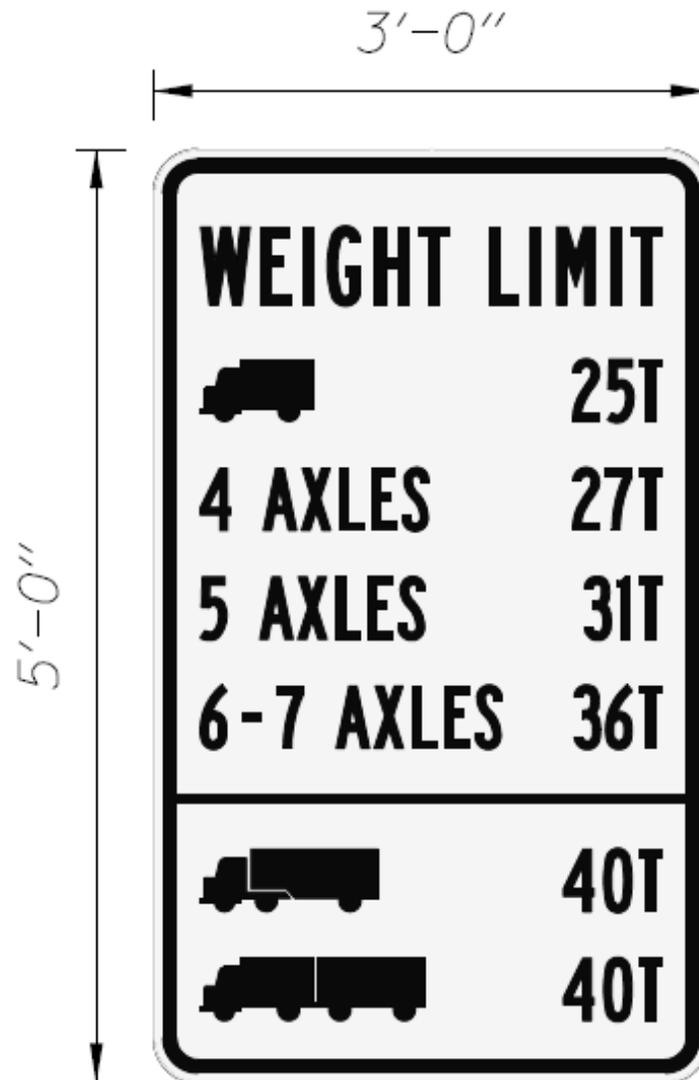


Manual For Bridge Evaluation Single Trip Live Load Factor

- Escorted, no other vehicles on bridge
 - **1.1**
- Mix with traffic
 - **1.2**

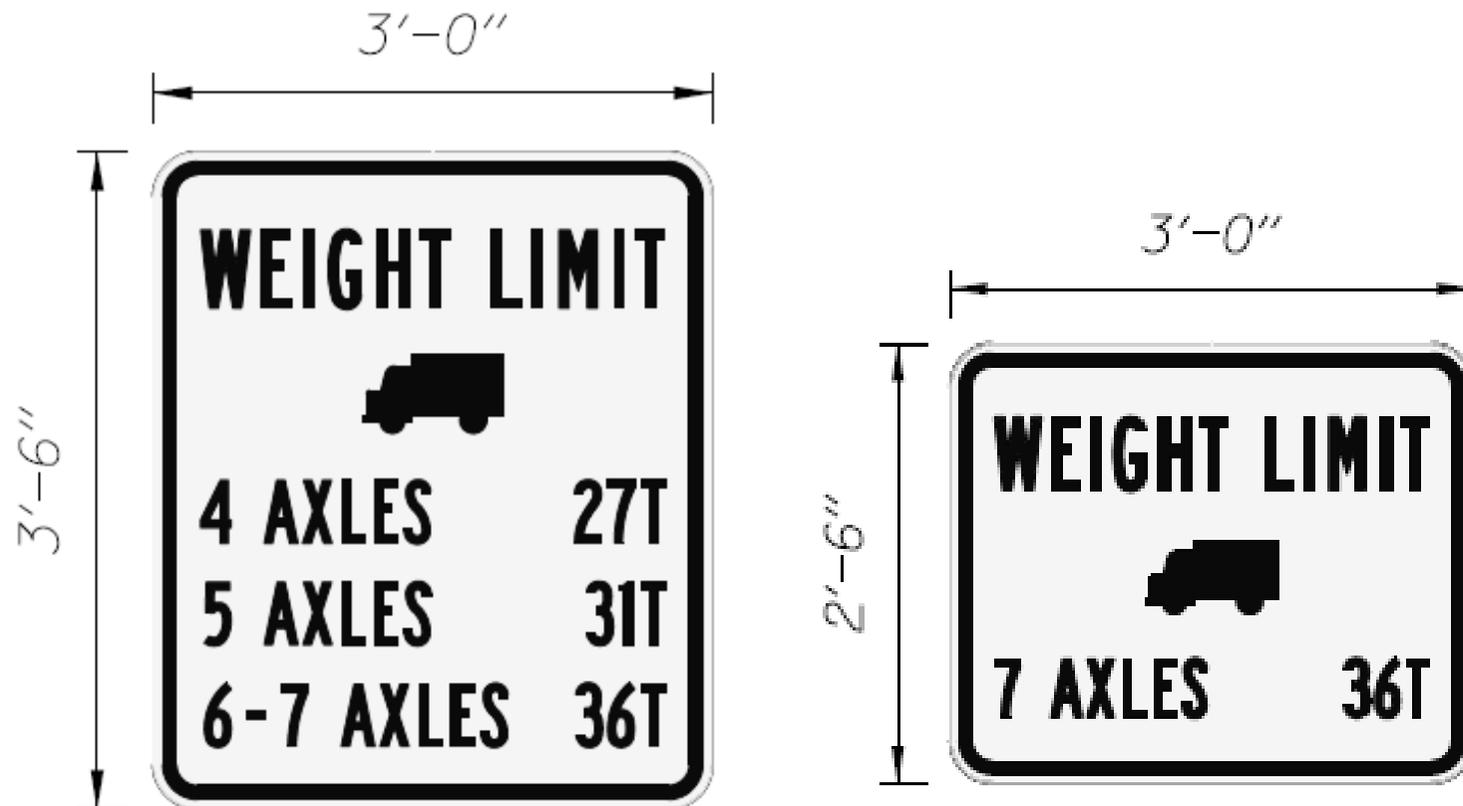


Weight Limit Reduced for Legal Loads





Weight Limit Reduced for Single Unit Vehicles Only

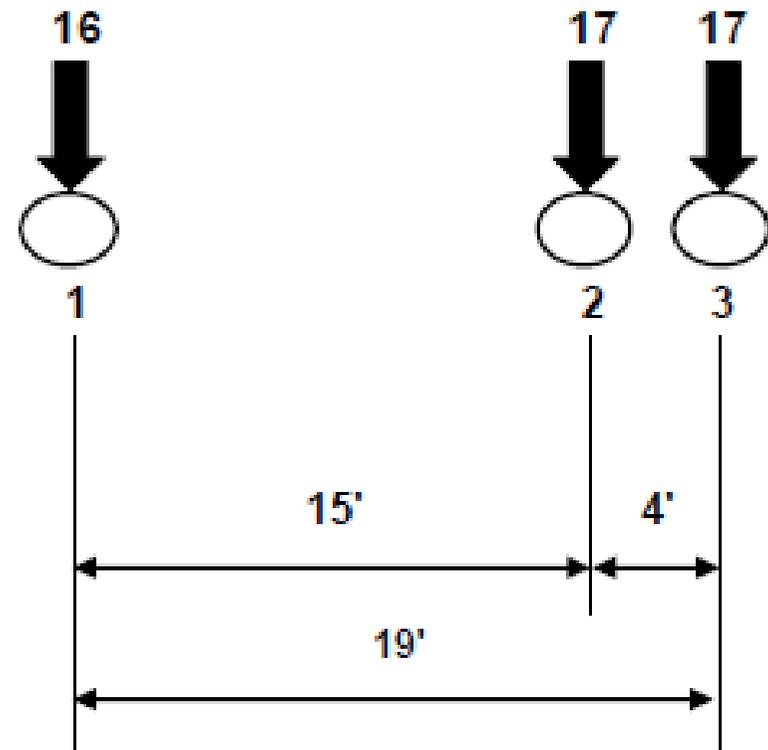


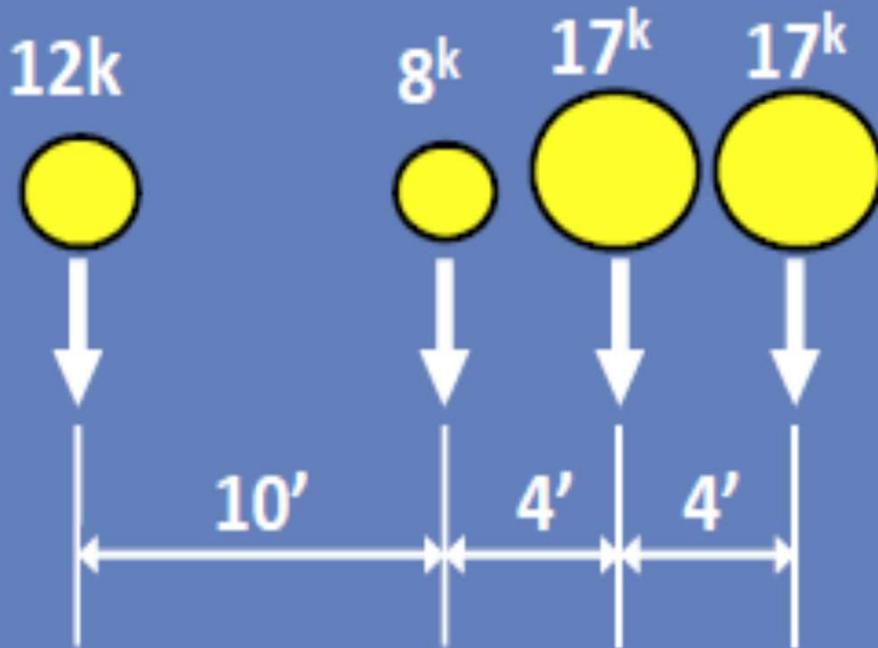


TYPE 3 Legal Truck

3 Axle Vehicle
Gross Weight = 50 k

Axle No.





SU4 Truck
GVW = 54 kips





Bridge With 15 Foot Spans

WEIGHT LIMIT	
	24T
4 AXLES	22T
5 AXLES	24T
6-7 AXLES	24T
<hr/>	
	38T
	40T



Concrete Bridges With No Plans (246)

- Load capacity cannot be calculated
- Judgement is used
 - Bridges in service more than 20 years with no distress have adequate load capacity for legal loads up to the SU4
 - Concrete bridges without plans that are in fair or better condition will be posted for the SU5, SU6, and SU7



Concrete Bridges With No Plans

- Reduced capacity based on condition

NBI Item 59 (or 60), Superstructure (or Substructure) Condition Rating	Condition Factor (CF)
5 "Fair Condition" or better	1.00
4 "Poor Condition"	0.50
3 "Serious Condition" *	0.25
2 "Critical Condition" *	0.12



728 Category 1 Bridges To Rate

- 259 Reinforced Concrete Girder
- 213 Timber
- 178 Steel I Girder
- 43 Steel Truss
- 15 Arch Bridges
- 12 Complex Bridges
- 4 Culverts
- 2 Post Tensioned Girder
- 2 Steel Box Girder



186 Category 1 Bridges Rated

- 59 Reinforced Concrete Girder
 - 20 Rating Factors Above 1.0
 - 39 Under Review
- 126 Steel I Girder
 - 15 Rating Factors Above 1.0
 - 111 Under Review (Bracing Issues)
- 1 Post Tensioned Girder
 - 1 Rating Factor above 1.0



Category 1 Load Rating Status

- Arch Bridges
 - Procedures under development
 - 2 bridges to be rated
 - 13 remaining arch bridges
- Timber
 - Procedures under development
 - 4 bridges to be rated
 - 194 remaining timber bridges



Load Restriction Letters

- There are currently 42 bridges that are in progress for writing load restriction letters on.



Oregon Department of Transportation



Steel I-Girder Bridge Under Review





Oregon Department of Transportation

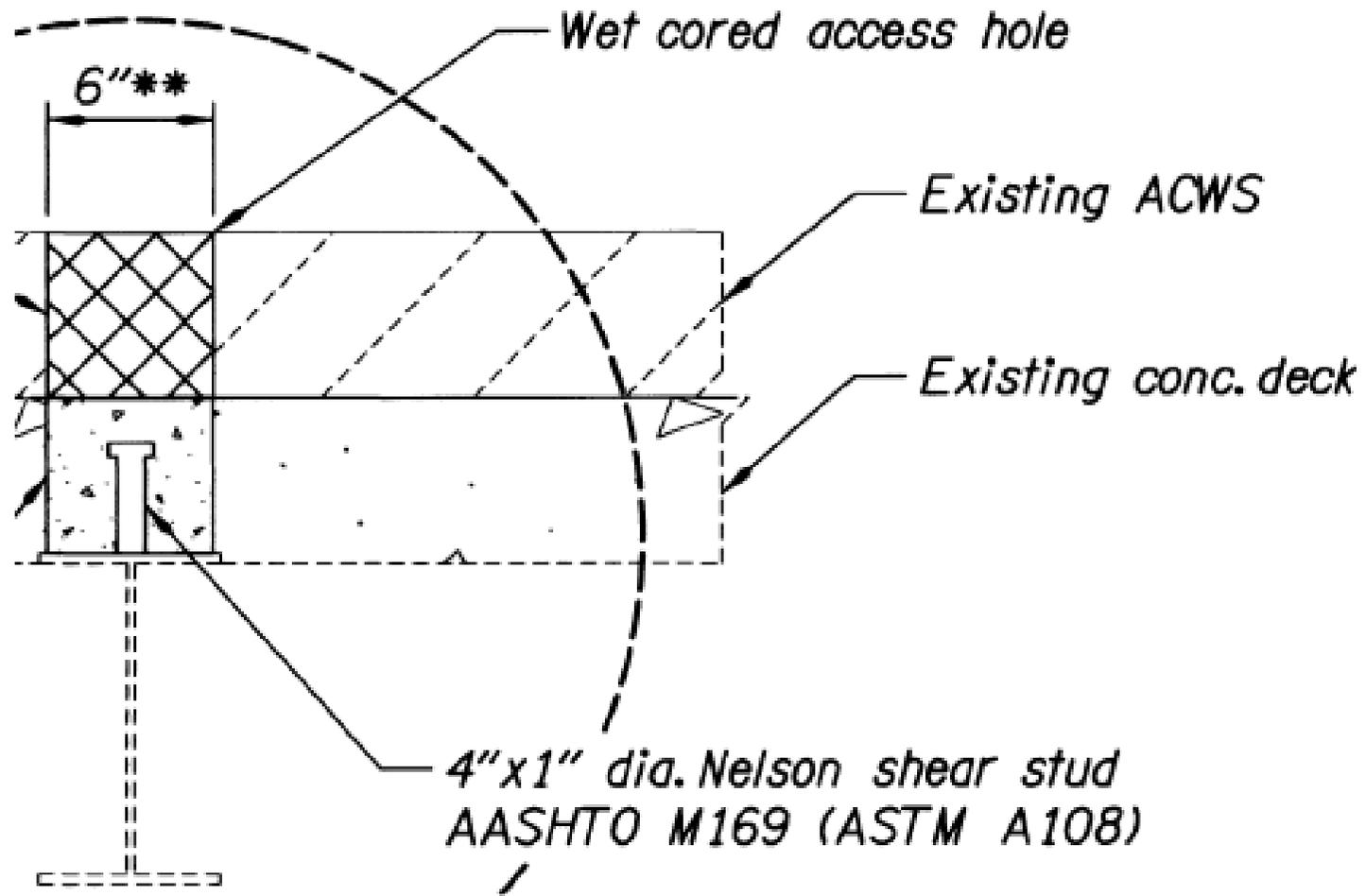


Steel I-Girder Bridge Under Review





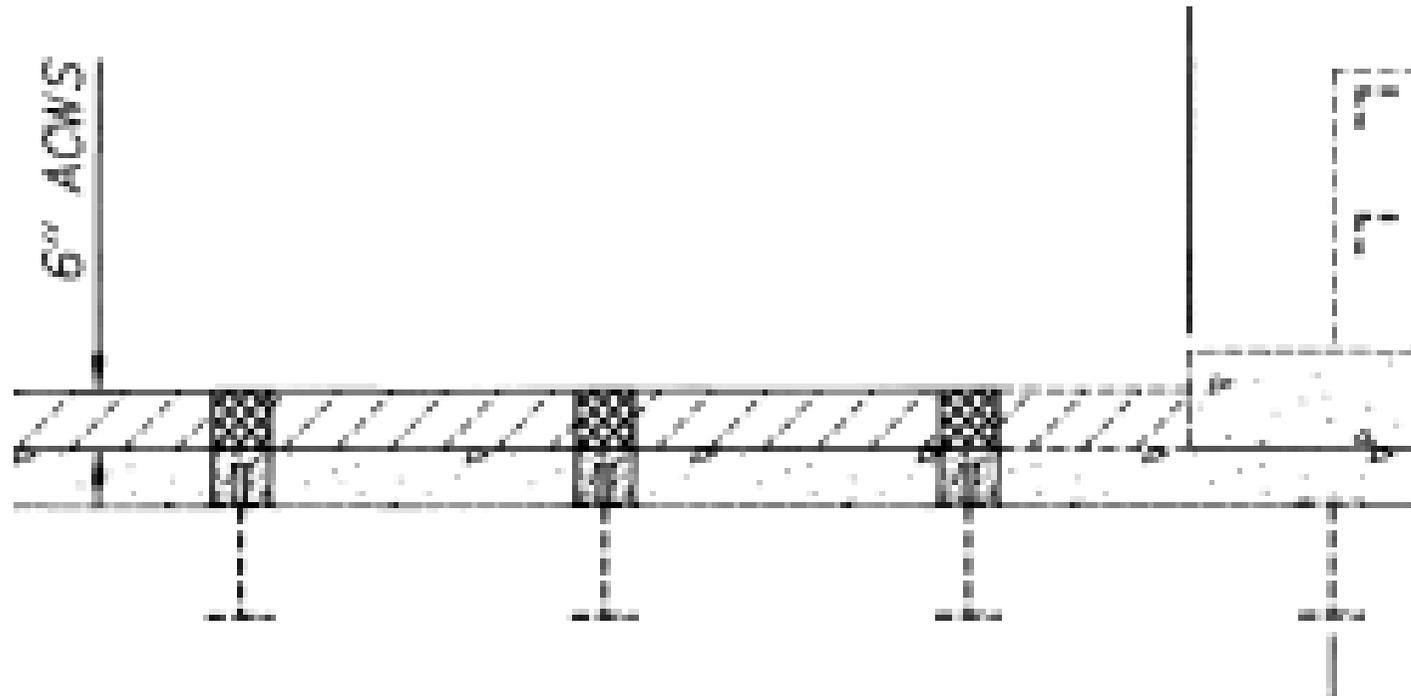
Retrofit of ODOT Bridge





Retrofit of ODOT Bridge

96 holes drilled in the deck of a
22 foot by 26 foot bridge





Steel I-Girder Bridge, Steel Deck





Oregon Department of Transportation



Load Testing



The End





DMV's Service Transformation Program

Motor Carrier Transportation Advisory Committee (MCTAC) Presentation

Ben Kahn, DMV Transformation Manager

Oregon Department of Transportation

April 14, 2016



DMV's Business Case



Key drivers of change

Error prone

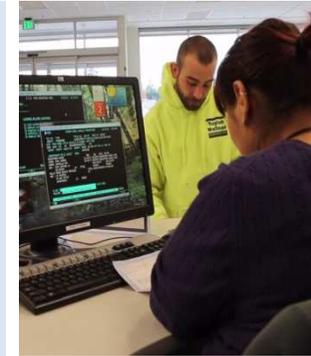
Paper-centric

Inadequate tools

Difficult to use

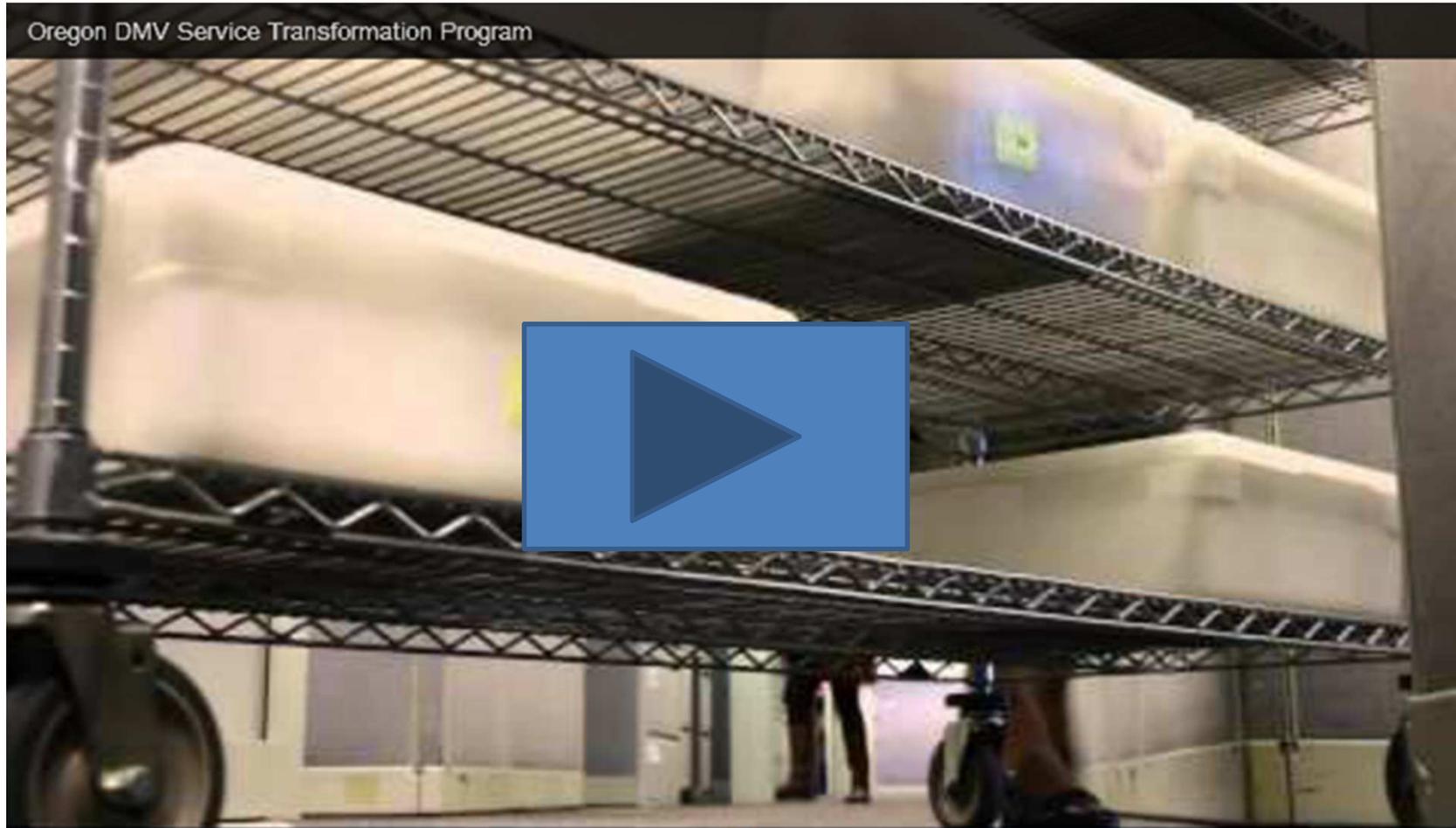
Limited online services

Expensive to adapt to changes



Business Case for Transformation – Video

DMV's current business processes



Service Transformation Program Benefits

Improved customer services

Efficient business processes

Increased flexibility

Enhanced fraud protection,
security and controls

Real time access to data
and information



Approach to Service Transformation

STP pillars of transformation

Technology
Enabled Business
Transformation

Rigorous Project
Management

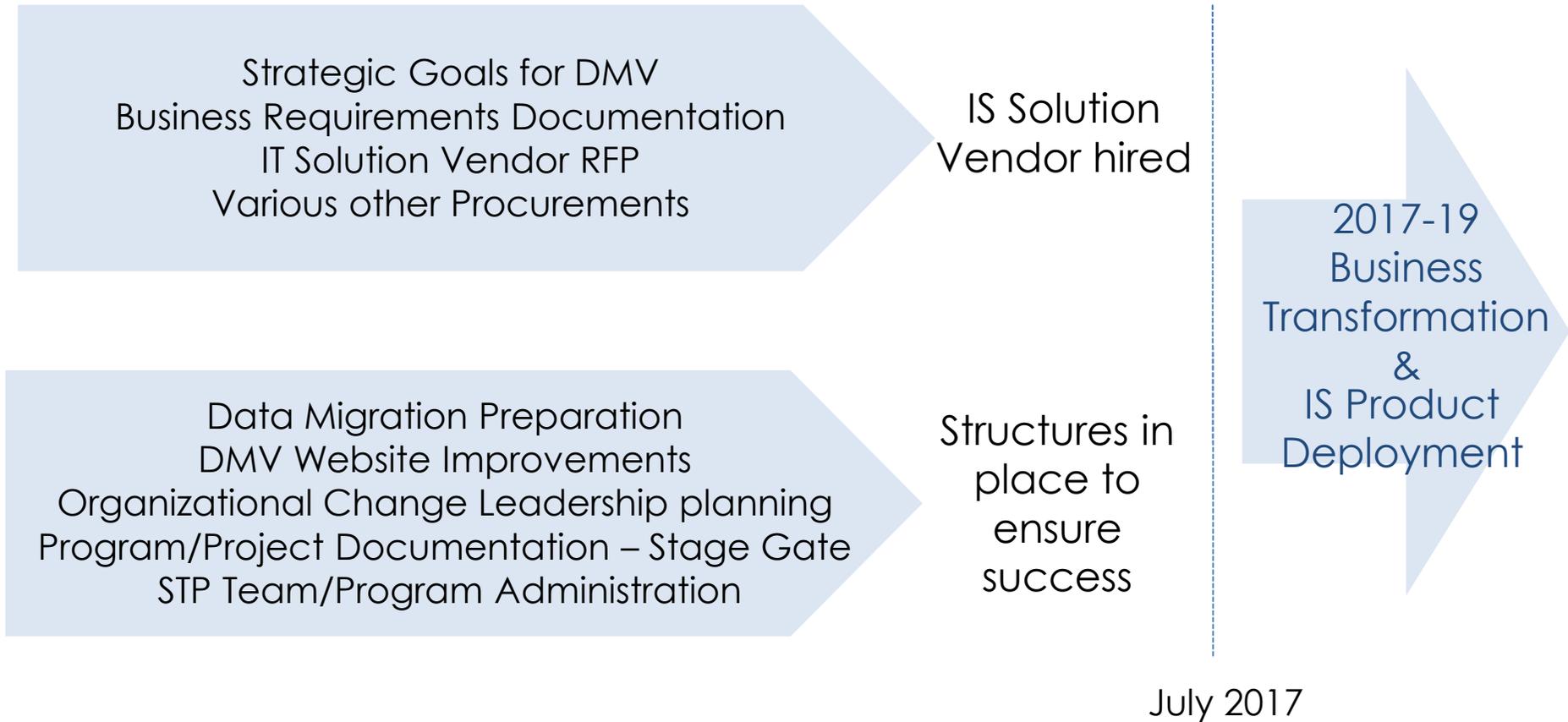
Communication
and
Transparency

Effective
Governance



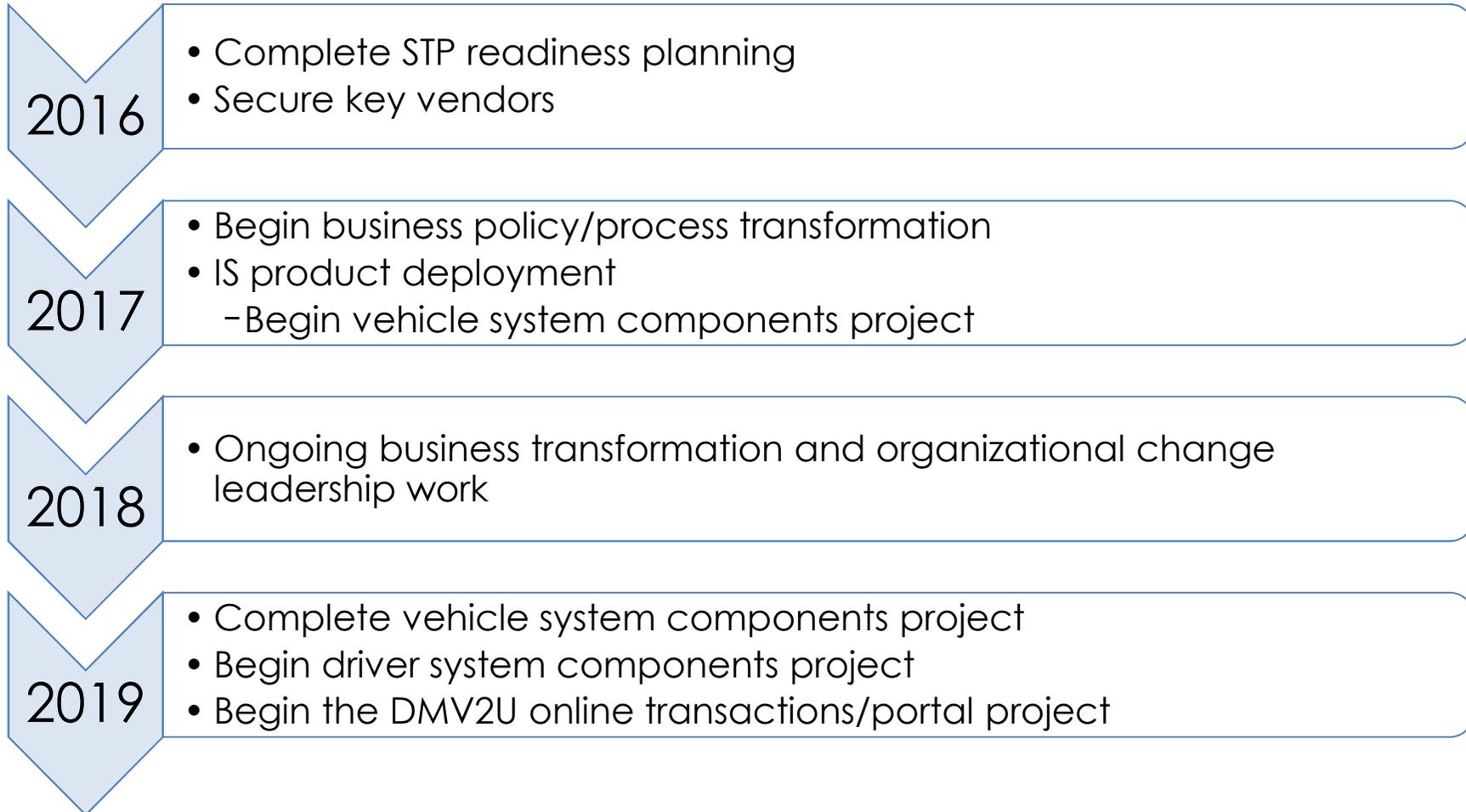
STP 2015-17 Key Milestones

Planning for Service Transformation



STP Key Milestones

Looking to the future



Accomplishments to Date



Improving the way we do business

- Sharing data
- Fee structures
- Service delivery methods
- Leveraging the web



Looking forward

What do we plan to accomplish in 2016?



Release IS solution RFP and begin evaluation

Create data migration physical model

Prepare legislative requests

- Simplified fee structure
- STP continued funding package



Sharing our progress

Enter subtitle here



Four ways to stay up to date with STP

STP website

Sign up for info

MCTAC

Contact STP



DMV Service Transformation Program

Questions?

Ben Kahn

Transformation Manager

Benjamin.S.Kahn@odot.state.or.us

503-945-5353





MCTAC

April 14, 2016



DMV Update

- Senior CDL Policy Analyst position
- New med cert form
- Vehicle inspections question
- CLP project
- National Registry 2
- Entry Level Driver Training – DMV’s comments
- CDL Third-Party Testing Program



Update - ELDT

1. 30 days was not enough time for stakeholders to thoroughly review this lengthy and complicated rulemaking.
2. 3 years for states to comply is not enough time. We adamantly disagree with FMCSA's approach of planned noncompliance and urge FMCSA to provide a longer period.



Update - ELDT

3. The methods and processes for notification of training completion are vague and in some cases just wrong.

4. FMCSA may not have given sufficient consideration to the opportunities for fraud with ELDT.



Update - ELDT

5. Refresher training:

- Completely out of scope for ELDT and should be eliminated.
- Must be limited to disqualifications under 49 CFR 383.51(b) – majors – and only if it was in a CMV.
- The “restricted CDL” would mean extra visits to a DMV field office and having to get two replacement cards.



Update - ELDT

6. The costs seem to be under-estimated and the benefits over-estimated.

7. Many other problems:

- Requiring a surety bond from training providers to cover when they are removed from the training registry would be better than leaving people in the lurch.
- FMCSA did not do enough to learn about the costs of this rule-making.
- The language in the preliminary rule is often too vague.

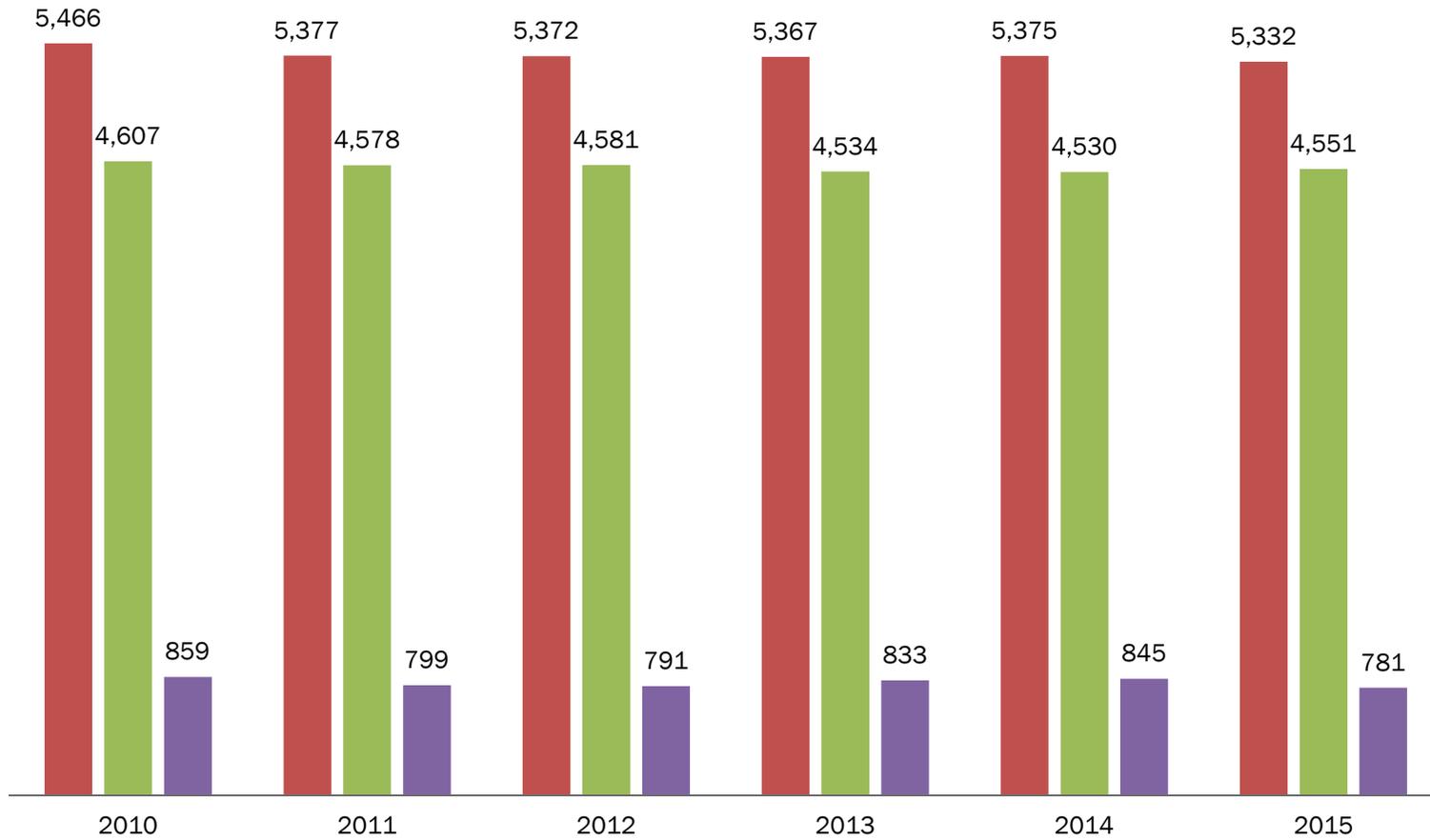


Update - ELDT

8. FMCSA should publish another NPRM rather than making changes in the final rule.

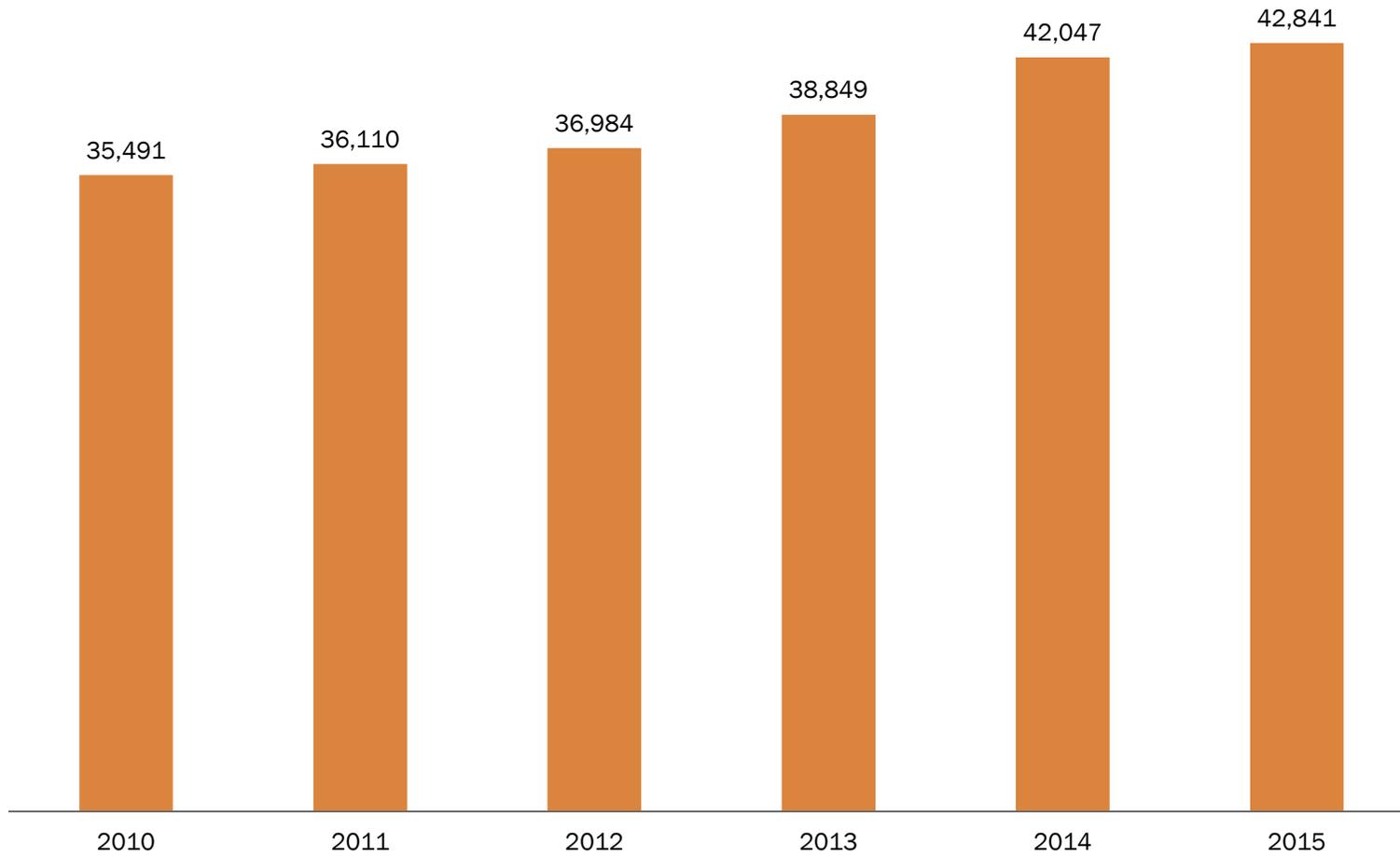
IRP Fleets

■ Total IRP Fleets ■ IRP Fleets Renewed ■ New IRP Fleets



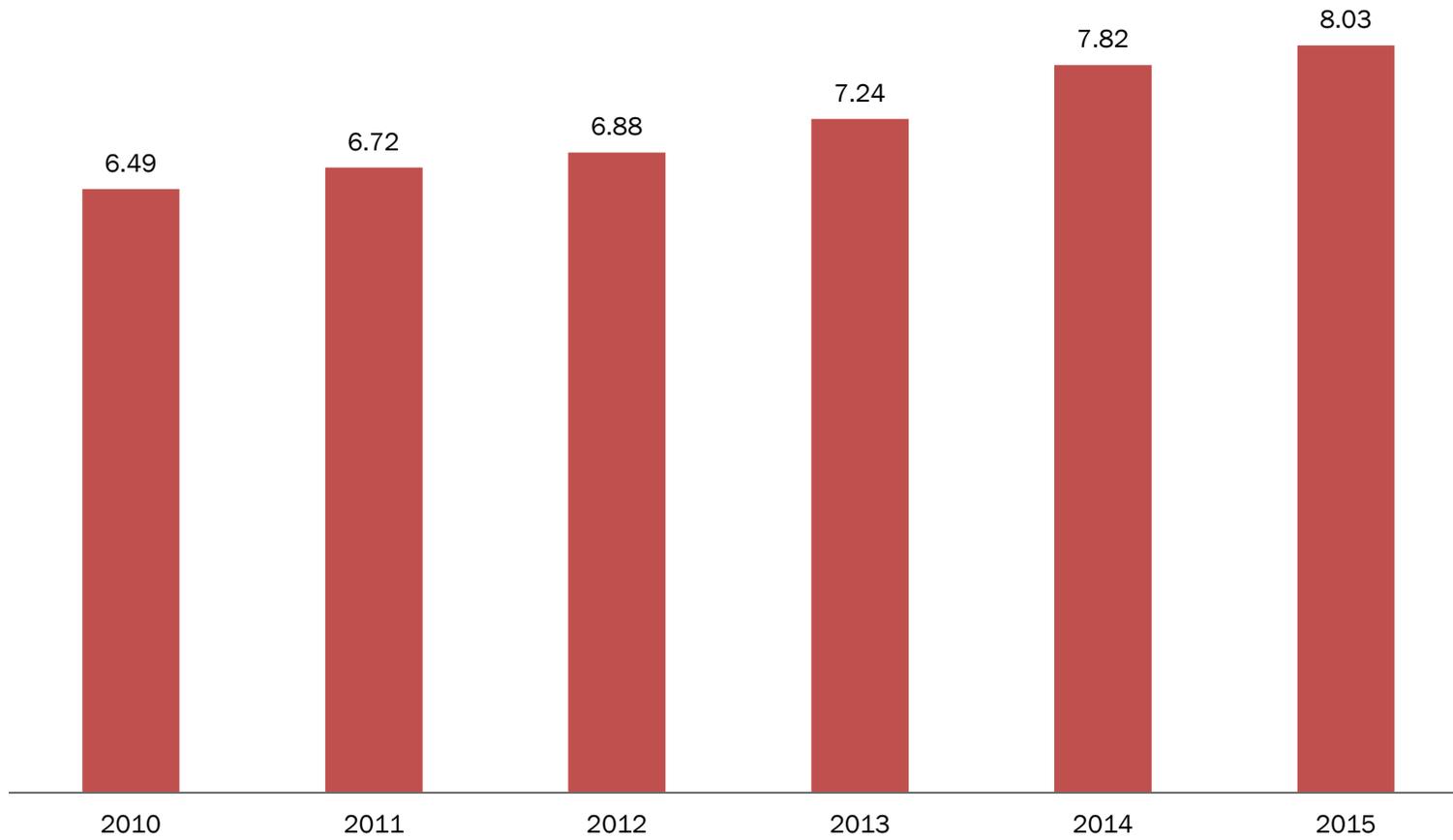
IRP Power Units

■ IRP Power Units

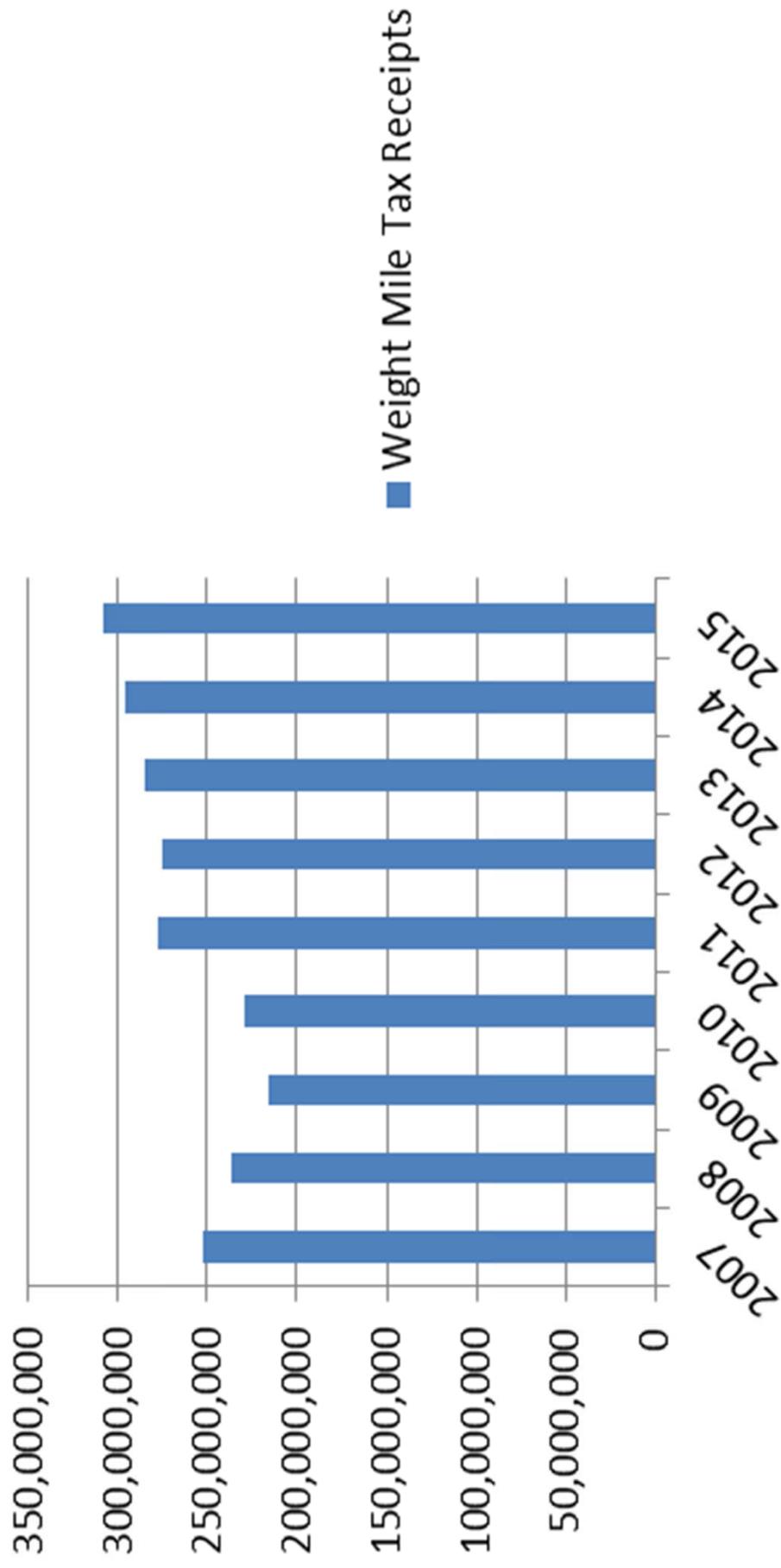


IRP Vehicles Per Fleet

■ Average Vehicles Per Fleet



Weight Mile Tax Receipts





Registration Service Center

Level of Service Overview
Motor Carrier Transportation
Advisory Committee
April 14, 2016



Quarterly Business Review Phone Stats

- We averaged 16,690 calls per month in 2015, up from 15,476 per month in 2014.
- We averaged 1,844 abandoned calls per month in 2015, up from 1,173 in 2014.
- The current average hold time is 3 minutes. The average hold time in 2014 was 2.5 minutes.



Service Center Changes

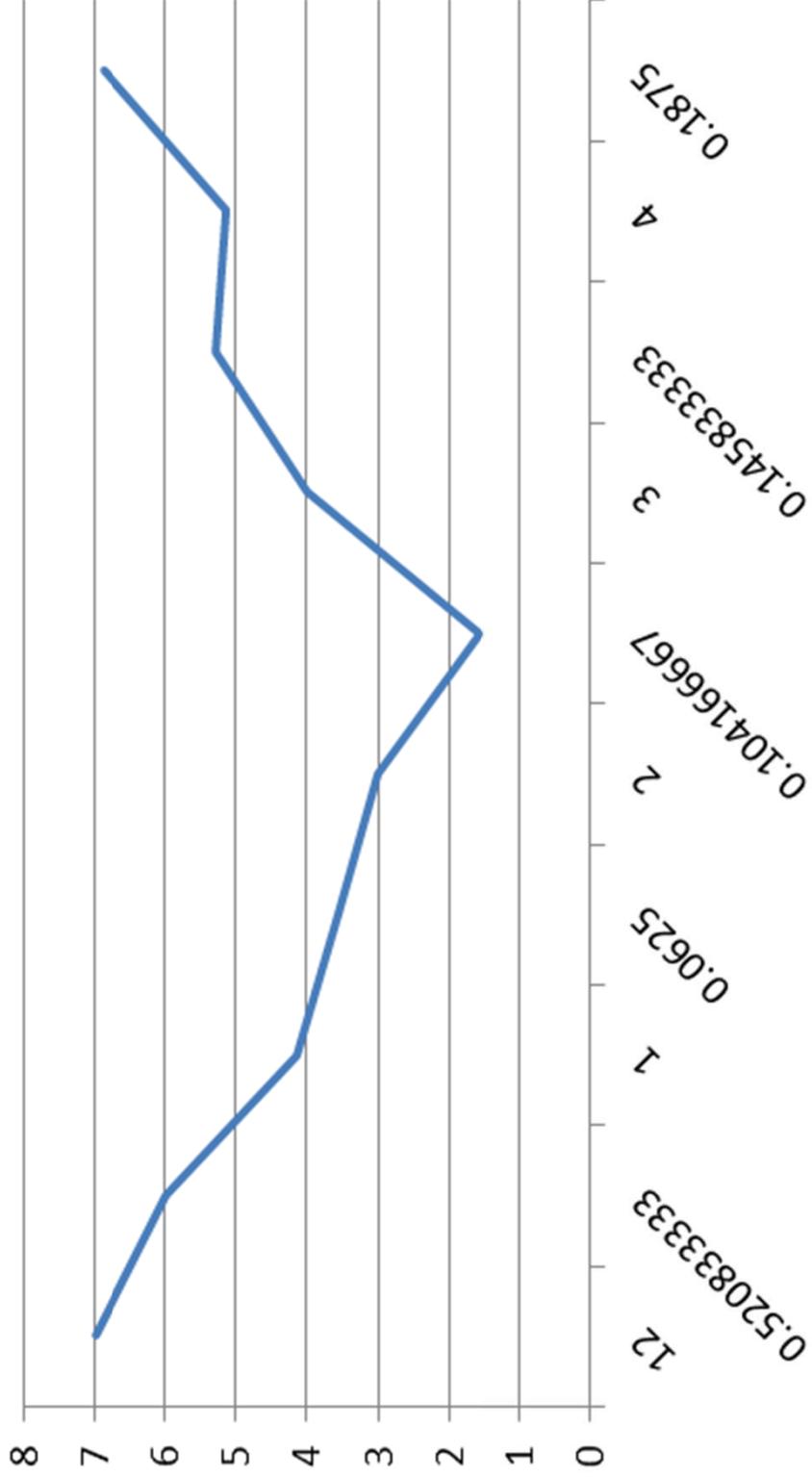
- Eliminate phone service from 12 a.m. – 4:30 a.m effective.
- Shift the two staff that cover those hours to a 5 day 8 hour shift.
- Trucking On-Line can provide the services that are requested after hours.
- This provides additional staff during the following hours:

Anticipated Results

- Improved productivity during our busiest times.
- Reduced wait times during peak periods.
- Improved skills and knowledge.



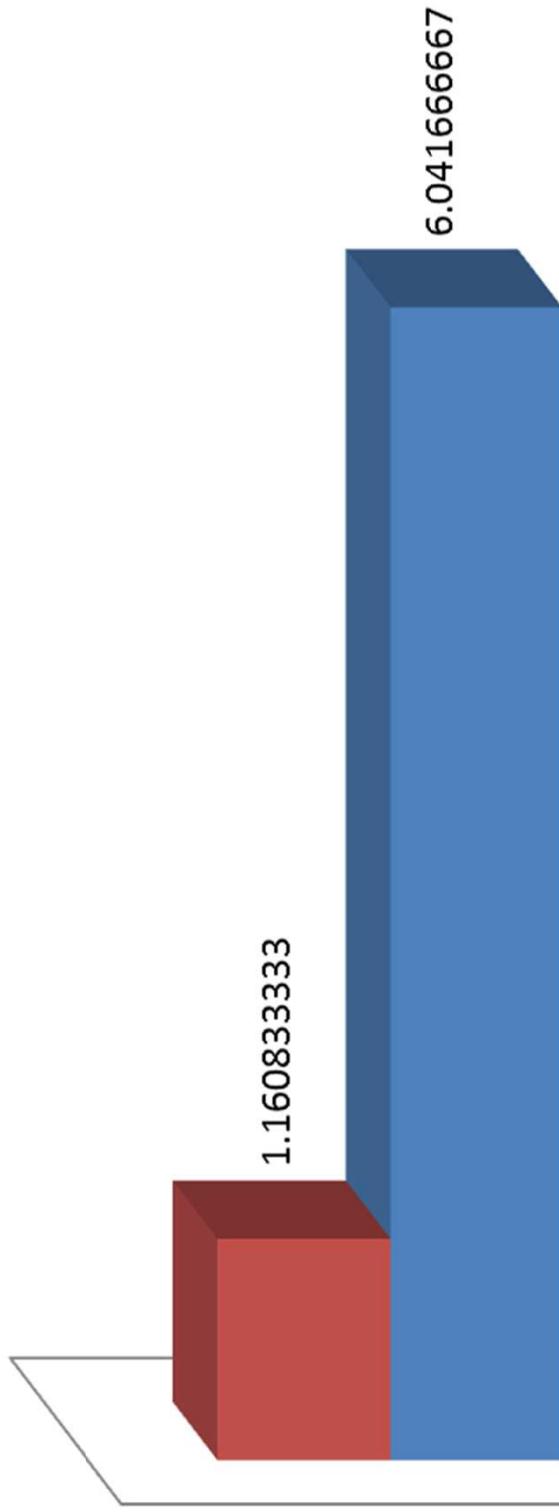
Average Call Distribution by Time Interval





Activity Duration v Payroll

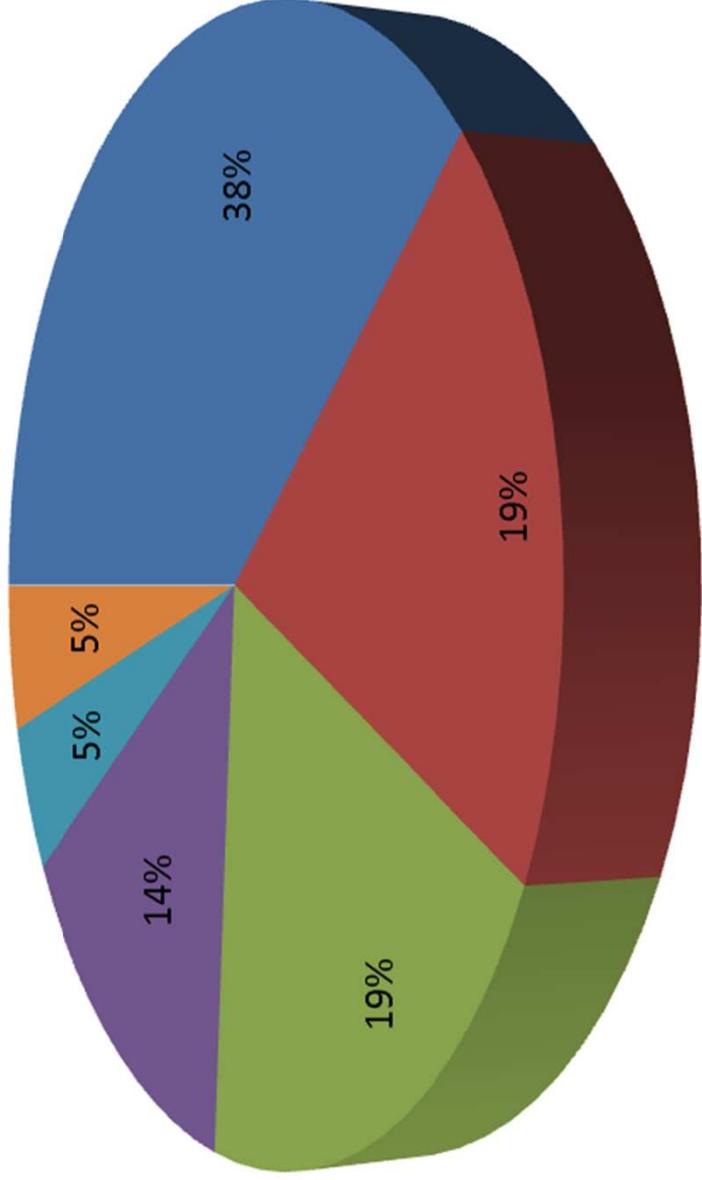
■ Talk Time ■ Payroll





% of Calls by Call Type

- Pass
- WRATI
- Info
- Trip
- OD
- R&S





When will the hours change?

- We plan to make the change during our next shift rotation.
- We rotate shifts every six months. The next change is scheduled to start October 3, 2016.
- This change will take place in time for us to address our peak season which lasts from October through February.



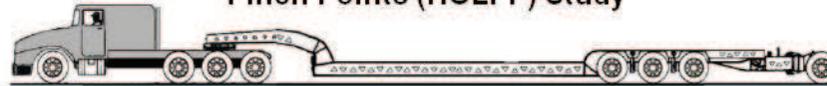
How will we communicate this change to our customers?

- We will provide information in the Motor Carrier Newsletter and place a feature story on our web page.
- We will put the information in our 2017 Renewal Packets, a news piece on Trucking On Line and record the information on our Alternate Greeting.
- We will reach out to our partners within ODOT such as Communications to help spread the information.



Questions?

Highway Over-Dimension Load
Pinch Points (HOLPP) Study



January 20, 2016

Region 5

Maintenance District 12

Pinch Point Report

Introduction

The ODOT Freight Planning Unit, Transportation Development Division, is conducting the Highway Over-dimension Load Pinch Points (HOLPP) study. The purpose of the study is to identify, analyze and rank highway pinch points that restrict the movement of over-dimension loads. A pinch point report will be developed for each of the 15 maintenance districts. The Oregon Freight Advisory Committee and other freight stakeholders will review the pinch point reports. The study goal is to develop a list of key pinch points that will be presented to the ODOT Regions and the Area Commissions on Transportation (ACTs) so that they may recommend projects that will remove some of these pinch points. Please see the appendix for more information about the study including definitions, methodology and rating criteria.

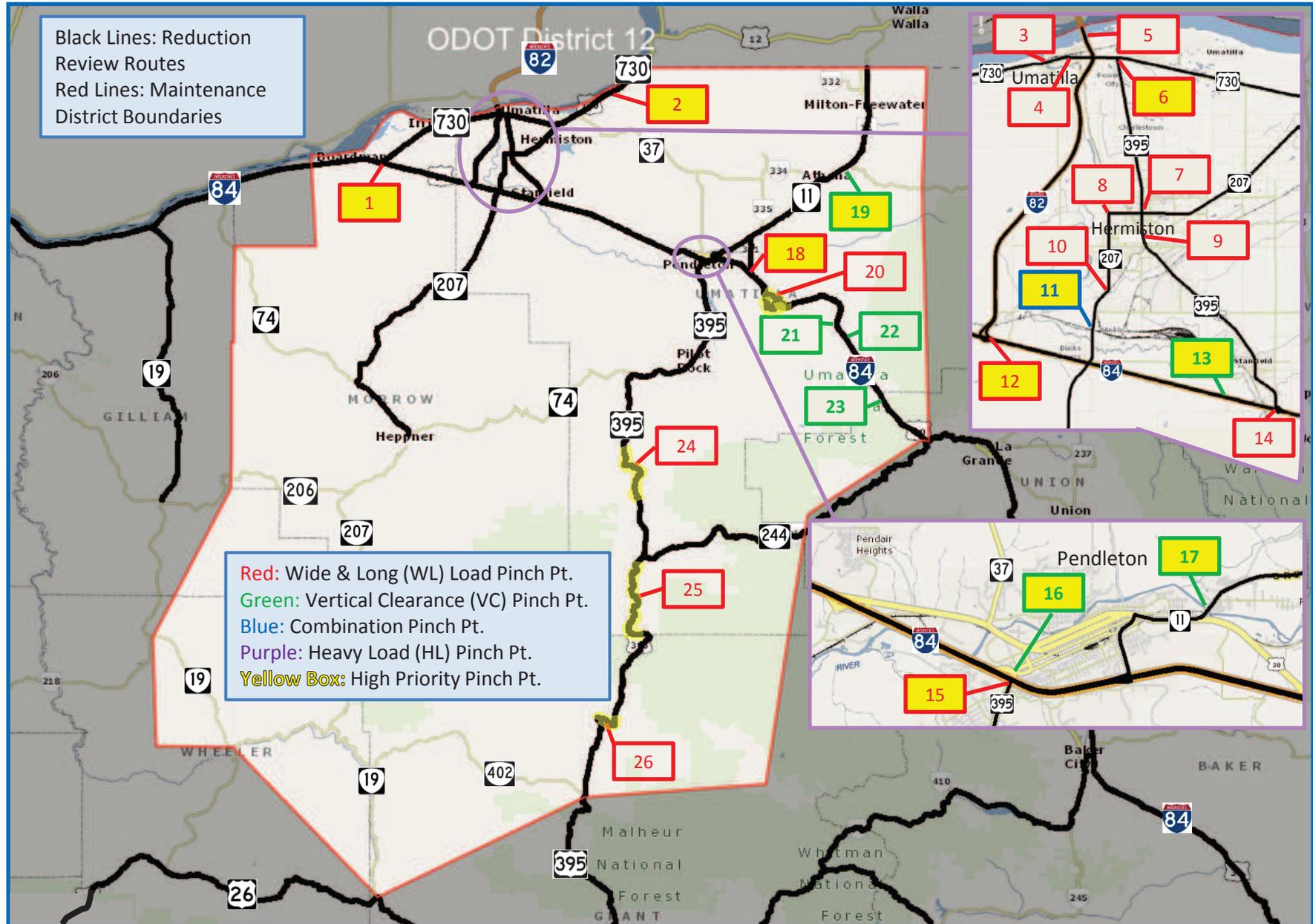
Region 5 - District 12 Pinch Points

Region 5 Maintenance District 12	Wide & Long Load Pinch Pts	Vertical Clearance Pinch Pts	Heavy Load Pinch Pts	Combination Pinch Pts (ex.- WL/VC)	Total
Total	18	7	0	1 (WL/VC)	26
Low Priority Pinch Pts	12	3	0	0	15
High Priority Pinch Pts	6	4	0	1	11

The map below shows the location and types of pinch points in Maintenance District 12. A map showing District 12 boundaries and High Routes is located on page 16 in the Appendix. Following the map is the Pinch Point Data Table, which includes a brief description, analysis and recommendation for each of the 26 pinch points. Each pinch point in the table has an ID number in the first column that corresponds to the pinch points in the map.

(Insert map after this page in the PDF)

Region 5 – Maintenance District 12 Pinch Points



DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #1 US730/I-84 Hwy# 002 County: Morrow MP 168.23 Travel Direction: Both Approx. # of Over-dimension loads/month: 10 on US730	Pinch Point Type: WL This is the US730/I-84 interchange east of Boardman. OD loads have difficulty because the ramps/connections have sharp curves with narrow shoulders.	Pinch point appears to be a significant constraint. Impact of Removing Pinch Point: This interchange would probably be able to accommodate wider and longer loads. Recommendation: High Priority Pinch Point.	
Pinch point #2 US730 Hwy# 002 County: Umatilla MP 197.65 to 198.10 Travel Direction: Both Approx. # of Over-dimension loads/month: 48	Pinch Point Type: WL This section is located along the Columbia River just east of Umatilla. OD loads have difficulty because of the narrow roadway, shoulders, rock face and guardrail.	Pinch point appears to be a significant constraint and is the only pinch point on this RRR segment (see appendix for definition of RRR segment). Impact of Removing Pinch Point: This RRR segment would probably be able to accommodate wider and longer loads. Recommendation: High Priority Pinch Point.	
Pinch point #3 US730 Hwy# 002 County: Umatilla MP 182.6 Travel Direction: Both Approx. # of Over-dimension loads/month: 10	Pinch Point Type: WL This bridge is located in Umatilla and spans the Umatilla River. OD loads have difficulty because of the narrow roadway with no shoulders.	Pinch point appears to be a significant constraint but there is another WL pinch point about 1 mile east (#4). Recommendation: Low Priority Pinch Point.	

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #4 US730 Hwy# 002 County: Umatilla MP 183.26 to 183.51 Travel Direction: EB Approx. # of Over-dimension loads/month: 10	Pinch Point Type: WL This section is located in Umatilla (6th St couplet) east of L St to Sloan Ave. OD loads have difficulty because of the narrow roadway, raised median and on-street parking.	Pinch point appears to be a significant constraint but there is another WL pinch point about 1 mile west (#3). In addition, the city would probably not want to remove parking from the street. Recommendation: Low Priority Pinch Point.	
Pinch point #5 I-82 Hwy# 070 County: Umatilla MP 0.0 to 0.40 Travel Direction: SB Approx. # of Over-dimension loads/month: 273 on one bridge	Pinch Point Type: WL This bridge is located in Umatilla and spans the Columbia River. OD loads have difficulty because of the narrow roadway with no shoulders. There is a bridge in each direction. The pinch point is the SB bridge (the older bridge with steel trusses) which has two SB lanes.	Pinch point appears to be a significant constraint but there are two lanes for SB travel. Recommendation: Low Priority Pinch Point.	
Pinch point #6 US730/US395 Hwy# 002 County: Umatilla MP 184.87 Travel Direction: Both Approx. # of Over-dimension loads/month: 60	Pinch Point Type: WL This is the US730/US395 intersection in Umatilla. Turning movements are difficult for OD loads except EB US730 to SB US395 because there is a free-flow right turn lane (not visible in image).	Pinch point appears to be a significant constraint and is the only WL pinch point on this segment (see appendix for definition of RRR segment). Impact of Removing Pinch Point: This intersection would probably be able to accommodate wider and longer loads. Recommendation: High Priority Pinch Point.	

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #7 OR207/US395 Hwy# 333 County: Umatilla MP 7.05 Travel Direction: Both Approx. # of Over-dimension loads/month: 18	Pinch Point Type: WL This is the OR207/US395 intersection in Hermiston. Turning movements are difficult for OD loads.	Pinch point appears to be a significant constraint but there is another WL pinch point about 1 mile west (#8). In addition, the city would probably not want to increase capacity at the intersection just for OD loads. Recommendation: Low Priority Pinch Point.	
Pinch point #8 OR207 Hwy# 333 County: Umatilla MP 8.07 Travel Direction: Both Approx. # of Over-dimension loads/month: 7	Pinch Point Type: WL This is the intersection of W Elm Ave and NW 11 th St in Hermiston. OR207 makes a sharp turn here and OD loads have difficulty because making the turn.	Pinch point appears to be a significant constraint but there is another WL pinch point about 1 mile east (#7). In addition, the city would probably not want to increase capacity at the intersection just for OD loads. Recommendation: Low Priority Pinch Point.	
Pinch point #9 US395 Hwy# 054 County: Umatilla MP 5.46 to 5.54 Travel Direction: Both Approx. # of Over-dimension loads/month: 17	Pinch Point Type: WL This section of roadway is located in Hermiston between E Main Street and E Hurlburt Ave. OD loads have difficulty because of the curve, narrow roadway with no shoulders.	Pinch point appears to be a significant constraint but there are two lanes in each direction. In addition, the city would probably not want to increase capacity at the intersection just for OD loads. Recommendation: Low Priority Pinch Point.	

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #10 OR207 Hwy# 333 County: Umatilla MP 9.93 to 10.05 Travel Direction: Both Approx. # of Over-dimension loads/month: 6	Pinch Point Type: WL This section of roadway is located SW of Hermiston. OD loads have difficulty because of the curve, narrow roadway, narrow shoulders and guardrail.	Pinch point appears to be a significant constraint but there is another WL pinch point about 2 miles north (#8). Recommendation: Low Priority Pinch Point.	
Pinch point #11 OR207 Hwy# 333 County: Umatilla MP 11.45 Travel Direction: Both Approx. # of Over-dimension loads/month: 6	Pinch Point Type: WL & VC This is the UPRR (Hinkle) Railroad Trestle located SW of Hermiston near I-84. OD loads have difficulty because of the narrow roadway, bridge structure and no shoulders. This is a Non-NHS and Non-High Route and VC should be 16'-0" but the NB VC is 15'00" and the SB VC is 15'00". Carriers can bypass this structure by taking US395, US730, I-82, I-84. It may also be possible to use county roads (contingent on county approval).	Pinch point appears to be a significant constraint as it is the only VC pinch point on this RRR segment (see appendix for definition of RRR segment). Impact of Removing Pinch Point: This RRR segment would probably be able to accommodate taller, wider and longer loads. Recommendation: High Priority Pinch Point.	

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #12 I-82/I-84 # 070 County: Umatilla MP 10.61 Travel Direction: Both Approx. # of Over-dimension loads/month: 558 on I-82	Pinch Point Type: WL This is the I-82/I-84 interchange west of Stanfield. OD loads have difficulty because the ramps/connections have sharp curves with narrow shoulders.	Pinch point appears to be a significant constraint. This is the only pinch point on this RRR segment (see appendix for definition of RRR segment). Impact of Removing Pinch Point: This interchange would probably be able to accommodate wider and longer loads. Recommendation: High Priority Pinch Point.	
Pinch point #13 I-84 Hwy# 006 County: Umatilla MP 187.24 Travel Direction: Both Approx. # of Over-dimension loads/month: 843	Pinch Point Type: VC. This is the Echo-Meadows Rd overcrossing west of Stanfield. This is a High Route and VC should be 17'-4" but the EB VC is 16'10" & WB VC is 16'08" & 16'10". Motor carriers can bypass this structure by taking US395, US730, and I-82.	Pinch point appears to be a significant constraint as it is the only VC pinch point on this RRR segment (see appendix for definition of RRR segment). Impact of Removing Pinch Point: This RRR segment would probably be able to accommodate taller loads. Recommendation: High Priority Pinch Point.	
Pinch point #14 US395/I-84 Hwy# 054 County: Umatilla MP 12.44 Travel Direction: Both Approx. # of Over-dimension loads/month: 20 on US395	Pinch Point Type: WL This is the US395/I-84 interchange south of Stanfield. OD loads have difficulty because the ramps/connections have sharp curves with narrow shoulders. One ramp has a hump which makes it difficult for OD loads with low clearance.	Pinch point appears to be a significant constraint but there is another WL pinch point about 7 miles north (#9). Recommendation: Low Priority Pinch Point.	

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #15 US395/I-84 Hwy# 028 County: Umatilla MP 1.68 Travel Direction: Both Approx. # of Over-dimension loads/month: 701 on I-84	Pinch Point Type: WL This is the US395/I-84 interchange Pendleton. OD loads have difficulty because the ramps/connections have sharp curves with narrow shoulders.	Pinch point appears to be a significant constraint. The closest WL pinch point on this RRR segment is 32 miles south (#24). Impact of Removing Pinch Point: This interchange would probably be able to accommodate wider and longer loads. Recommendation: High Priority Pinch Point.	
Pinch point #16 US395 Hwy# 028 County: Umatilla MP 1.66 Travel Direction: SB Approx. # of Over-dimension loads/month: 5	Pinch Point Type: VC. This is the I-84 overcrossing in Pendleton. This is an NHS Route and VC should be 17'-0" but the SB VC is 16'01" & 15'10". In addition, the SB left turn lane to EB I-84 is 16'02". Carriers can bypass this structure by going west on I-84, then take Exit 207 to US30, cross over Hwy & enter I-84 east, & then take Exit 209 to US395 south.	Pinch point appears to be a significant constraint and is the only VC pinch point on this RRR segment. Impact of Removing Pinch Point: This interchange would probably be able to accommodate taller loads. Recommendation: High Priority Pinch Point.	
Pinch point #17 OR11 Hwy# 008 County: Umatilla MP 0.14 Travel Direction: Both Approx. # of Over-dimension loads/month: 4	Pinch Point Type: VC. This is the UPRR Railroad overcrossing in Pendleton. This is an NHS Route and VC should be 17'-0" but the NB VC is 16'07" & 16'11" and the SB VC is 16'05" and 16'01". Carriers can bypass this structure by taking I-84 and the Umatilla-Mission Highway/OR331.	Pinch point appears to be a significant constraint and the closest VC pinch point on this RRR segment is #19 which is over 19 miles NE. Impact of Removing Pinch Point: This RRR would probably be able to accommodate taller loads. Recommendation: High Priority Pinch Point.	

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #18 OR331/I-84 Hwy# 331 County: Umatilla MP 4.44 Travel Direction: Both Approx. # of Over-dimension loads/month: 22 on OR331	Pinch Point Type: WL This is the OR331/I-84 interchange east of Pendleton. OD loads have difficulty because the ramps/connections have sharp curves with narrow shoulders.	Pinch point appears to be a significant constraint and is the only WL pinch point on this RRR segment. Impact of Removing Pinch Point: This interchange would probably be able to accommodate wider and longer loads. Recommendation: High Priority Pinch Point.	
Pinch point #19 OR11 Hwy# 008 County: Umatilla MP 19.62 Travel Direction: Both Approx. # of Over-dimension loads/month: 21	Pinch Point Type: VC. This is the Blue Mountain Railroad Overcrossing in Weston. This is an NHS Route and VC should be 17'-0" but the NB VC is 16'02" & 16'03" and the SB VC is 16'02" and 16'05". Carriers can bypass this structure by taking OR204, Johnson Rd., Schrimpf Rd., re-enter OR11 (contingent on county approval).	Pinch point appears to be a significant constraint and is the only VC pinch point on this RRR segment. Impact of Removing Pinch Point: This interchange would probably be able to accommodate taller loads. Recommendation: High Priority Pinch Point.	
Pinch point #20 I-84 Hwy# 006 County: Umatilla MP 218.17 to 224.13 Travel Direction: Both Approx. # of Over-dimension loads/month: 697	Pinch Point Type: WL This section of roadway known as Cabbage Hill is located 10 miles east Pendleton. Long loads have difficulty because of the sharp curves and steep grades.	This pinch point appears to be a significant constraint but extends for several miles. There are at least two lanes in each direction with adequate shoulders. The highway winds through mountainous terrain with huge rock faces. Removal of the pinch point would involve significant environmental issues and major earthwork and construction. Recommendation: Low Priority Pinch Point.	

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #21 I-84 Hwy# 006 County: Umatilla MP 233.95 Travel Direction: Both Approx. # of Over-dimension loads/month: 697	Pinch Point Type: VC. This is the West Emigrant Springs Interchange overcrossing north of Meacham. This is a High Route and VC should be 17'-4" but the EB VC is 16'11" & 16'03" and WB VC is 16'04" & 16'08".	Pinch point appears to be a significant constraint but there is another VC pinch point (#22) about 1 mile south. Recommendation: Low Priority Pinch Point.	 <p>8/25/2015 Hwy 006 (1) Old Oregon Trail MP 233.950 I-84</p>
Pinch point #22 I-84 Hwy# 006 County: Umatilla MP 235.04 Travel Direction: EB Approx. # of Over-dimension loads/month: 697	Pinch Point Type: VC. This is the Old Emigrant Springs Rd overcrossing north of Meacham. This is a High Route and VC should be 17'-4" but the EB VC is 17'02" & 17'03". No known local detour.	Pinch point appears to be a significant constraint but there is another VC pinch point (#21) about 1 mile north. Recommendation: Low Priority Pinch Point.	 <p>8/25/2015 Hwy 006 (1) Old Oregon Trail MP 235.060 I-84</p>
Pinch point #23 I-84 Hwy# 006 County: Umatilla MP 243.83 Travel Direction: WB Approx. # of Over-dimension loads/month: 697	Pinch Point Type: VC. This is the Summit Road overcrossing south of Meacham. This is a High Route and VC should be 17'-4" but the WB VC is 16'11" & 17'00". No known local detour.	Pinch point appears to be a significant constraint but there is another VC pinch point (#22) about 9 miles north. Recommendation: Low Priority Pinch Point.	 <p>8/25/2015 Hwy 006 (1) Old Oregon Trail MP 243.815 I-84</p>

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

DIST 12 PINCH POINT DATA TABLE General Information	Pinch Point Type * Location & Description	Analysis & Recommendation	Image
Pinch point #24 US395 Hwy# 028 County: Umatilla MP 34.0 to 43.0 Travel Direction: Both Approx. # of Over-dimension loads/month: 10	Pinch Point Type: WL This section of roadway is located south of Nye and runs through Battle Mountain Forest State Park. OD loads have difficulty because of the sharp curves and narrow shoulders. Pinch point is located on a highway that is a MCTD Route Map 6 restriction (max. 12' width).	This pinch point appears to be a significant constraint but extends for 9 miles. The highway winds through mountainous terrain with earthen slopes and rock faces adjacent to the pavement. Removal of the pinch point would involve significant environmental issues and major earthwork and construction. Recommendation: Low Priority Pinch Point.	
Pinch point #25 US395 Hwy# 028 County: Umatilla MP 50.0 to 63.0 Travel Direction: Both Approx. # of Over-dimension loads/month: 10	Pinch Point Type: WL This section of roadway is located south of Ukiah along Camas Creek near the Bridge Creek Wildlife Area. OD loads have difficulty because of the sharp curves, narrow shoulders, rock walls and earthen slopes. Pinch point is located on a highway that is a MCTD Route Map 6 restriction (max. 12' width).	This pinch point appears to be a significant constraint but extends for 13 miles. The highway winds through mountainous terrain with earthen slopes and rock faces adjacent to the pavement. Removal of the pinch point would involve significant environmental issues and major earthwork and construction. Recommendation: Low Priority Pinch Point.	
Pinch point #26 US395 Hwy# 028 County: Umatilla MP 77.0 to 80.0 Travel Direction: Both Approx. # of Over-dimension loads/month: 10	Pinch Point Type: WL This section of roadway is located about 10 miles north of Long Creek near the intersection with Ritter Road. OD loads have difficulty because of the sharp curves, narrow shoulders, rock walls and earthen slopes. Pinch point is located on a highway that is a MCTD Route Map 6 restriction (max. 12' width).	This pinch point appears to be a significant constraint but extends for 3 miles. The highway winds through mountainous terrain with earthen slopes and rock faces adjacent to the pavement. Removal of the pinch point would involve significant environmental issues and major earthwork and construction. Recommendation: Low Priority Pinch Point.	

* Pinch Point Types: WL = Wide & Long Loads, VC = Vertical Clearance HL = Heavy Loads

APPENDIX

The HOLPP Study

The Highway Over-dimension Load Pinch Points (HOLPP) study is being conducted by the ODOT Freight Planning Unit. The purpose of the study is to identify, analyze and rank highway pinch points that restrict the movement of over-dimension loads. This study will implement Strategy 5.2 in the Oregon Freight Plan. <http://www.oregon.gov/ODOT/TD/TP/pages/ofp.aspx>. Please refer to the HOLPP scope of work for more information about this study.

Pinch points are due to width, length, vertical clearance (VC) or weight constraints and can include low overpasses, narrow roadways, sharp curves, weight-restricted bridges and other features. Since the daily routing for over-dimension loads is coordinated between the Motor Carrier Transportation Division (MCTD) and the ODOT maintenance districts, both of these groups are actively involved in this study. Each maintenance district will be analyzed to obtain information about pinch points.

The economy of the state and nation depends on transporting over-dimension loads such as equipment and goods from where the product is manufactured or assembled to where it will ultimately be used. The efficient and safe movement of over-dimension loads is critical to Oregon in meeting its goals of economic competitiveness, retaining, and attracting heavy industry including those that involve haulage of large loads.

DEFINITIONS

Heavy Load Pinch Point

Pinch points for heavy loads are bridges along the highway that cannot support the weight of over-dimension loads. The most current list of weight-restricted bridges provided by the ODOT Bridge Program shows that none of the weight-restricted bridges can handle a weight in excess of 60,000 lbs. Since the MCTD's definition of an over-dimension load includes vehicles and/or combination weight that exceed 80,000 lbs., pinch points for heavy loads are weight-restricted bridges. The MCTD Permit Unit is providing the data for Heavy Load pinch points for this study.

High Route

High routes are state highways designated as the routes used to move over-dimension loads that need a high vertical clearance. The High Routes are listed in the Highway Design Manual. A map showing the High Routes in District 3 is located on page 16 of the Appendix. See "Vertical Clearance Pinch Point" below for more information about High Routes.

Over-dimension Load

This study uses the definition in ORS 818 to define what an over-dimension load is. Drivers need a permit when a vehicle combination exceeds any of the following dimensions:

- Width of the load exceeds 8 feet 6 inches
- Height of the vehicle or vehicle combination exceed 14 feet
- Front overhang exceeds 4 feet beyond the front of the bumper of the vehicle
- Load is greater than 40 feet and extends 5 feet beyond the end of the semi-trailer; or load less than or equal to 40 feet exceeds 1/3 of the wheelbase of the combination, whichever is less.
- Vehicle combination length that exceeds those authorized on the reverse of MCTD Group Map 1.

- Any single axle weight that exceeds 20,000 lbs. Any tandem axle weight that exceeds 34,000 lbs. and gross combination weight that exceeds 80,000 lbs.

Examples of over-dimension loads include cranes, excavators, steel plates, modular/manufactured homes, steel beams, generators, bulldozers, wheel loaders, forklifts, boats, feller bunchers, scrapers, dump trucks, backhoes, drillers, transformers, windmill turbines (blades, hubs & nacelles) and other industrial equipment.

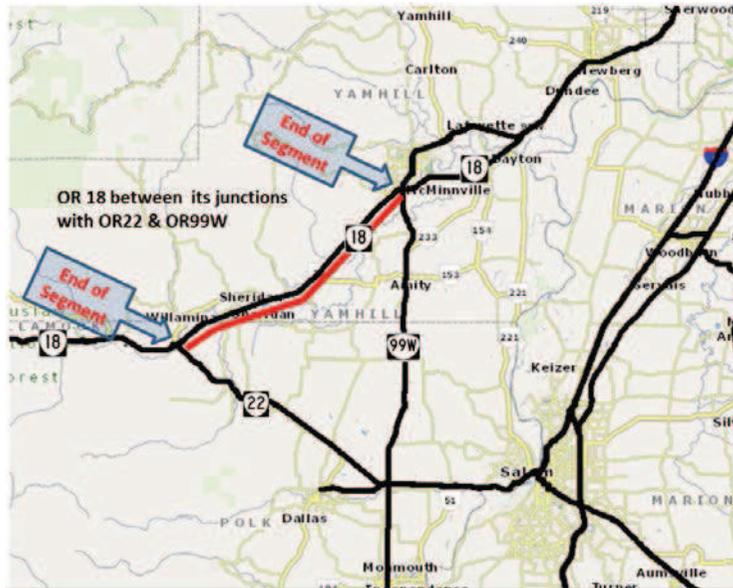
Reduction Review Routes (RRR)

Reduction Review Routes are the highways associated with ORS 366.215 and OAR 731-012-0010. The statute states that the OTC may not permanently reduce vehicle-carrying capacity of identified freight route. Exceptions are allowed if safety or access considerations require the reduction. An exception may be granted by OTC if it is in the best interest of the state and freight movement is not unreasonably impeded.

These highways were selected as the routes to be analyzed in the HOLPP Study because most of the truck freight moves on these highways, it includes all of the Oregon Highway Plan Freight Routes and the freight stakeholders identified these as the highways critical to the movement of freight in the state.

RRR Segment

A Reduction Review Route (RRR) segment is a section of a RRR between two intersecting RRR.



Vertical Clearance Pinch Point

VC pinch points are based on the vertical clearance design standards in the Oregon Highway Design Manual: 17'-4" on High Routes, 17'-0" on NHS Non-High Routes and 16'-0" on Non-NHS and Non-High Routes. The MCTD Over-Dimension Permit Unit is providing the data for VC pinch points.

The VC measurements in this report are the actual VC measurements used for ODOT Bridge data. The MCTD takes the actual VC measurement from the Bridge Unit and adds a 4" buffer when routing over-dimension loads as a safety buffer. For example, if an overpass has an actual VC of 16'-4", the MCTD will not route any truck under it that has a load that is taller than 16'.

If there is at least one travel lane with the minimum clearance then it is NOT a VC pinch point in that direction. Each direction is reviewed separately in this determination. If there is an up & over at an interchange that does not meet the VC then it is NOT a pinch point. There must be an up & over for each direction in order for it NOT to be a VC pinch point. Data for sign bridges was not available for this study.

Wide and Long Pinch Point

Pinch points for wide and long loads are specific locations along the highway where it is difficult or impossible to move some over-dimension loads due to horizontal constraints. This study does not define any minimum dimensions of an over-dimension load. ODOT Maintenance District staff has identified Wide and Long pinch points based on their experience and knowledge of routing over-dimension loads on the highways within their district.

Examples of pinch points for wide and long loads may include narrow horizontal clearance (due to rock faces or slopes), guard rails, sharp curves, narrow bridges, diamond interchanges, curbs, non-removable signs, medians, enhancements at pedestrian crosswalks, intersections and other horizontal constraints. Temporary width restrictions due to maintenance or construction are not included.

MAINTENANCE DISTRICT 12 BOUNDARIES AND HIGH ROUTES



The green highways are the High Routes. All of the High Routes in District 12 are RRR.

Pinch Point Rating Criteria

High Priority Pinch Points for Wide & Long Loads

1. All High Priority WL Pinch points on the same RRR segment (See “RRR segment” definition in Appendix) must be separated from any other WL pinch point on that RRR segment by at least 15 miles (either direction). This criterion may help focus on situations where by removing one pinch point can open up a RRR segment to wider and longer loads.
2. All High Priority WL pinch points must be less than one mile in length.

High Priority Vertical Clearance Pinch Points

3. All High Priority VC pinch points must be at least 6” less than the design standard for that type of highway.
4. All High Priority VC Pinch points on the same RRR segment (See “RRR segment” definition on page 14) must be separated from any other VC pinch point on that RRR segment by at least 15 miles (either direction). This criterion may help focus on situations where by removing one pinch point can open up a RRR segment to taller loads

High Priority for Combination Pinch Points

5. Combination pinch point types (like a WL/VC pinch point) only have to meet the criteria for one type of pinch point listed above. For example, if a WL/VC pinch point meets the criteria listed above for WL pinch points, then it does not need to meet the criteria for VC pinch points in order to be categorized as a High Priority pinch point.

High Priority Heavy Load Pinch Points

6. All HL pinch points are categorized as High Priority pinch points since there are very few weight-restricted bridges on the RRR.

Other Information

7. Special circumstances can warrant a High Priority ranking of a pinch point and must be documented.

8. All other pinch points not meeting the criteria listed in 1 through 7 above are rated as Low Priority.

FREIGHT HIGHWAY BOTTLENECKS LIST

Project Begin Date: January 7, 2016
Project Completion Date: January 6, 2017
ODOT Project Manager: Roseann O’Laughlin, TDD
Consultant: Parsons Brinckerhoff WSP

PROJECT DESCRIPTION

The Project will be directed by the Agency’s Freight Planning Unit, as an implementation initiative from the *Oregon Freight Plan* (2011) (“OFP”), and is important for ODOT to direct funding to projects that alleviate critical freight bottlenecks. It is expected this list will play a key role in ODOT project review processes such as the STIP and *ConnectOregon*. The primary outcome of this WOC will be a “Freight Highway Bottlenecks List” (FHBL) that encompasses analysis and background research and will be in prioritized order, with an accompanying location map of all listed bottlenecks. It is expected that the final list will be endorsed by freight stakeholder groups including, at a minimum, the Oregon Freight Advisory Committee. The FHBL is expected to play a major role in freight project selection for FAST monies as well as state level project selection processes.

General Background Information

Bottleneck identification is of national concern. MAP-21 identified the importance of identifying and addressing bottlenecks on the freight system and more recently, the FAST Act underscored the importance of bottleneck identification.

The Freight Planning Unit within the ODOT Transportation Development Division (“TDD”) is currently implementing the OFP. Congestion from bottlenecks was identified as a major issue, impairing Oregon’s economy with variations in travel time reliability and rising travel costs. OFP Strategy 2.3 directs ODOT to identify and rank bottlenecks on the strategic freight system as identified in the OFP.

Data assembly and performance metric development were identified as action items in the OFP. Previously, ODOT embarked on a proof-of-concept project to develop a systematic data-oriented approach to reporting highway performance with respect to moving freight. Nineteen corridors were evaluated using a set of standardized metrics. The Oregon Freight Advisory Committee provided feedback at key phases of the research. This approach was accepted as a viable and informative approach to generating information to evaluate highways for potential freight bottlenecks. However, the approach was not implemented by ODOT.

The objectives of this Project are threefold:

- Identify Oregon data and analytical tools available to provide information relevant to freight movement;
- Develop data-driven freight metrics designed to reveal bottleneck locations;
- Develop an approach to prioritize freight bottleneck locations using an identified set of criteria.

Related Efforts

There are related efforts, both in the past and presently occurring, that the Project must complement. First, ODOT previously completed a freight highway bottlenecks list, endorsed by the Oregon Freight Advisory Committee (“OFAC”) in January 2013. This list, publically available, did not prioritize bottlenecks, and numerous locations have been addressed since. Second, regional offices have completed similar efforts. For example, Region 1 (Portland) completed the *Corridor Operations Bottlenecks Study* in April 2013. This study outlined bottlenecks but did not examine freight bottlenecks specifically, nor did it offer a prioritized list. Similar efforts in other States have been completed or are currently underway.

Stakeholder Engagement

Feedback and responses/contributions from freight stakeholders are essential for the successful identification and ranking of freight highway bottlenecks. A technical advisory committee (TAC), made up of local and regional freight practitioners, an OFAC representative, ODOT Motor Carrier Division representative, Oregon Trucking Associations and other stakeholders to be determined will be convened for a minimum of three workshops to review data, assess indicators and review bottlenecks list.

Additionally, OFAC will be convened for a minimum of two workshops for input. OFAC will ultimately adopt the final form of the FHBL and ranking, underscoring the important role of stakeholder engagement. Professional facilitation will be utilized for all stakeholder involvement.

Key Milestones

Jan 2016 - Project Kickoff
May 2016 - Draft Indicators
Sept 2016 - Preliminary Freight Highway Bottlenecks List
Jan 2017 - Final Freight Highway Bottlenecks List in Prioritized Order
Jan 2017 - OFAC Endorsement

Contact Info

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<http://www.oregon.gov/ODOT/TD/TP/Pages/FreightHighwayBottlenecks.aspx>

Freight Highway Bottlenecks List – Technical Advisory Committee

Name	Affiliation
Don McGinn	McGinn Brothers Trucking
Shelly Boshart Davis	Boshart Trucking / Agriculture
Bob Russell	Oregon Trucking Association
Martin Callery	Oregon Freight Advisory Committee
Bud Reiff	Metro
Charlie Every	Every Trucking
Steve Bates	V. VanDkye Incorporated
Emily Ackland	Association of Oregon Counties
Jeremy Foreman	Walmart
Steve Akre	OIA Global / Logistics
Scott Drumm	Port of Portland
Chuck Ireland	Ireland Trucking / Timber
Diane Schyler	Lowe's
Amy Ramsdell, MC	Friend
Trevor Sleeman, ODOT	Friend
Nick Fortey, FHWA	Friend

Freight Highway System Bottlenecks – Key Milestones

Data Assessment	3/29/16
TAC Workshop 1	4/20/16
OFAC Workshop 1	5/11/16
Indicators Report	6/1/16
Thresholds Report	6/29/16
ODOT identification of data driven bottlenecks list	7/27/16
Bottlenecks List analysis, QA/QC, revision	8/22/16
TAC Workshop 2	9/7/16
OFAC Workshop 2	9/20/16
Final List in Prioritized Order	11/14/16
TAC Workshop 3 – review and recommend OFAC endorsement	12/15/16
OFAC Endorsement	Jan 2017

