

MCTAC Agenda

May, 14, 2015

Time: 8:30 a.m.

Location:

Motor Carrier Transportation Division

3930 Fairview Industrial Drive S.E.

Salem, Oregon 97302

2nd Floor Hearing Room

Facilitator: Ed Scrivner

- I. OReGo Road Use Charge Program . . . Michelle Godfrey**
- II. OAR Revisions & additions in Division 100 . . . David McKane**
- III. SHV Weight Limit Reduction Signs – New Versions . . . Bert Hartman**
- IV. ODOT / CVSA – variances . . . David McKane**
- V. OAR Updates . . . Ric Listella**
 - 740-055-0020: Payment of Fees and Refunds**
 - 740-055-0110: Fuel Purchase Records and Refunds**
- VI. Common Medical Certification errors & omissions . . . Lydia BeeBe**
- VII. Oregon City – West Linn Bridge Length Restriction . . . Tony Coleman**

MINUTES
MOTOR CARRIER TRANSPORTATION ADVISORY COMMITTEE MEETING
April 9, 2015

Attendees:

Ed Scrivner – ODOT/MCTD
Ric Listella – ODOT/MCTD
Leon Fischer – Siletz Trucking Co.
Nina Elter – EROAD
Kristan Mitchell – ORRA
Jeff Lewis – OSP
Lydia Beebe – ODOT/DMV
David McKane – ODOT/MCTD
Joel Shega – OCAPA/Cemex
Bob Russell – OTA
Matt Briggs – North Santiam Paving
Gregg Dal Ponte – ODOT/MCTD
Dave Gray – Glostone Trucking Solutions
Maureen Bock – ODOT/RUC
Bob Wilhelm – Wilhelm Trucking
Steve Bates – V. Van Dyke, Inc.
Tony Coleman – ODOT/Region 2
Bert Hartman – ODOT/Bridge
Andy Eno – FMCSA
David Rios – FMCSA
Margaret Geer – DMV
Gayle Green – ODOT/MCTD
Nikki Bakkala – ODOT/MCTD
Tara L. Caton – ODOT/MCTD
Michelle Godfrey – ODOT/RUC
Gail Levario – EROAD
Dave Jostad – May Trucking Company

Facilitator: Ed Scrivner

***Reorganizing Agenda, we will start with David McKane's topics and then come back to the OReGo presentation. We are also going to add a topic at the end that David Gray would like to discuss.**

OAD Revisions and additions in Division 100 . . . David McKane

◆ **(See Attach. A)**

We are adding several sections in Division 100 to make it clear that Oregon trains safety inspectors to the national standard recognized by USDOT and performs vehicle and driver inspections to the national standard recognized by USDOT.

We are also adding new language which would clarify Oregon's authority to issue its own vehicle inspection decal for the purpose of documenting successfully completed commercial vehicle inspections conducted by certified inspectors in accord with a USDOT recognized national standard.

The majority of these changes are just cleanup items.

Bob asked about reciprocity. Are other jurisdictions going to recognize the "Oregon" inspection decal?

David said that he has approached several states and some have said they will recognize an Oregon inspection decal and others are hesitant to commit as it's not something that an individual state has done before. Currently, the only truck inspection decals being used are those provided by the Commercial Vehicle Safety Alliance (CVSA), but Oregon is unaware of any federal code or regulation that exclusively directs the use of a CVSA decal. For the states that accept MCSAP funding, FMCSA rules state that they must acknowledge other state inspections done to a national standard as a condition of being MCSAP recipients.

Gregg shared that we have consulted with the Department of Justice. DOJ recommended these OAR changes to clearly show that our inspectors are certified to the national standard as recognized by USDOT and similarly that Oregon inspects to a national standard recognized by USDOT. Other jurisdictions should reasonably accept an Oregon decal attesting that a vehicle passed an inspection done to a national standard when performed by an inspector trained and certified to a national standard. Since CVSA is a voluntary alliance of participating US/Canada jurisdictions and not a regulatory body, it has no governance authority. Reference to it in OAR and statute is misplaced. Reference to USDOT is more appropriate.

David asked Andy Eno who owns the Out-of-Service Criteria. Per Andy, OOS Criteria is an agreement between CVSA and FMCSA. However, it was unspecified where such an agreement is memorialized. Further, Andy remarked that FMCSA will neither prohibit nor require other states to recognize an Oregon decal. He did not address the MCSAP grant requirement which directs that they must acknowledge other state inspections done to a national standard as a condition of being MCSAP recipients.

Gregg suggested that the national vehicle/driver safety program is under the jurisdiction of FMCSA and certification to the standard recognized by USDOT/FMCSA should not require participation in CVSA. He committed that Oregon will seek to preserve reciprocity and will honor valid CVSA decals affixed by other jurisdictions. Oregon's preference would be for CVSA to continue to sell CVSA decals to Oregon after it is no longer a member of CVSA. Not doing so seems to be unnecessarily creating an issue of contention.

A motion was made by Bob Russell to advance rules as originally proposed and amended after discussion to reflect that Oregon will honor standards recognized by USDOT. Steve Bates seconded the motion. There were no objections.

ODOT / CVSA – variances . . . David McKane

- ◆ CVSA was originally the brainchild of the Oregon Public Utility Commission / Motor Carrier Transportation Division in 1979. It originally was an alliance of member states joining together to achieve reciprocity between the states for completed vehicle inspections so as to not unnecessarily inspect and re-inspect previously inspected vehicles. We set up a decal system to indicate roadside when a truck had last been inspected. Also, the original intent was for the states to speak together with a louder voice when we found it necessary to communicate our safety policy considerations to the federal government.

A couple of years ago at a MCTAC meeting, we talked about CVSA removing language regarding disqualified drivers from the out-of-service criteria. These drivers had their privileges withdrawn in another jurisdiction for offenses which should have resulted in them being disqualified to operate anywhere, but CVSA's removal of the language from the OOS criteria meant that they didn't consider it a disqualifying event in other jurisdictions. This change conflicted with existing federal code and with Oregon Revised Statutes. Oregon strongly objected to this, did not adopt the criteria, and continued to enforce the disqualification. We later discovered that most states were against removing that language from the criteria. (The language was later put back in.)

More and more we see CVSA lobbying for things Oregon doesn't want or support. We believe they are going beyond their intended scope. For example, they are currently promoting a Level 8 truck inspection, an automatic "inspection" done wirelessly from the vehicle to a scale as the truck drives past after getting an ok to bypass the scale. This would dilute the inspection pool by having non-violation inspections flooding the database. More positive "inspection" data would eventually influence the safety rating upward. Our goal is to improve highway safety and we don't know that adding multiple irrelevant data points to increase the data pool is an effective method. This idea is being pushed by a private industry which happens to be a "Platinum Sponsor" of CVSA and is a company which also has the programming capability and technology available to create and market a Level 8 inspection. Our concern is that this amounts to selling inspections. Has CVSA compromised its arm length distance from the regulated industry and the industries that serve it by accepting cash for sponsorships from motor carriers and vendors?

Gregg stated that ODOT/MCTD feels strongly about these issues. The Director of ODOT has sent a letter saying that CVSA does not speak for the State of Oregon. It seems reasonable that any state can choose whether or not to belong to a voluntary organization based on whether or not the state embraces the policies espoused by that organization. CVSA does not have the same status as given by congress under

ISTEA to either IRP or IFTA. Therefore, our original intent was to quietly not pay the dues to renew our membership after it expires in December. We were amenable to continue purchasing and using CVSA inspection decals; however, CVSA now says we can't purchase decals if we aren't a dues-paying member. That feels like coercion to remain a member of CVSA.

David: When you look at CVSA revenue, it's predominately tracked back to USDOT, since the dues payments and inspector training programs are a qualifying and acceptable use of MCSAP funds. Sponsorships are another revenue source for the Alliance. If we've lost our ability to influence through this organization, and I think we (all states) have, then all we are doing is paying dues for the privilege of buying their decals.

Gregg: Other entities have garnered influence in CVSA. CVSA is an affiliation of regulators (states) and therefore collectively as such it should act with the same sort of ethical standards that the individual member states are bound to recognize. ODOT could hardly announce to the regulated motor carrier industry that we seek to solicit and accept sponsorships from them. In other words, a motor carrier could be a gold, silver, or bronze sponsor by paying the appropriate amount of money to ODOT and by so doing they would get a seat at the table when we sit down to promote policy governing motor carrier regulation. However, that is precisely what CVSA is doing, and they are not bashful about it as they advertise the process on their website. http://www.cvsa.org/members/become_a_sponsor.php CVSA states, "CVSA Sponsors garner premium exposure with government, industry leaders, and law enforcement."

Rest assured, in Oregon you can sit down and discuss policy and enforcement issues with government and leave your check books at home. We will not charge you for the access!!

Steve Bates said he has one concern with an Oregon decal. On various occasions over the last year, California Highway Patrol has required the CVSA sticker on a superload coming in, or they will park it until a certified inspector can inspect it, which may take days. He understands that is a practice rather than a written rule, but it's something that CHP officers do.

Kristan Mitchell said her opinion is that CVSA should issue the decal to jurisdictions which train inspectors and perform inspections to the North American Standard recognized by USDOT.

OReGO Road Use Charge program . . . Michelle Godfrey

◆ **(See Attach. B)**

Senate Bill 810 directs the implementation of a fully operational per-mile charging program for up to 5,000 light vehicles on July 1, 2015. The program is intended to counterbalance the loss of federal transportation funding, increased construction

costs, and inadequate funding from the current gas tax. Nationally, the gas tax has been flat and hasn't kept up with inflation or the increased costs for construction.

The whole fleet is becoming more efficient which means less tax (fuel) funding. We need to our transportation system and how we pay for it.

At a tax of 1.5 cents per mile, vehicles which average 20 MPG are basically going to break even. Vehicles with less MPG will get a credit and vehicles with higher MPG will owe tax. Up until now, less fuel efficient vehicles have basically been subsidizing the high efficiency vehicles, under this program that will change.

The in-vehicle mileage counter transmits miles and fuel consumption totals to the private sector account manager the participant chooses. The account manager sends a bill (or net refund) to the vehicle owner for mileage charge less fuel tax. The vehicle owner then pays road usage charge as part of the account manager's bill. The account manager forwards the road use charge collected from the driver to the State.

David Jostad asked if participants will be paying in arrears for miles traveled. That is one of the options in the virtual wallet per Maureen Bock.

Ric Listella asked what happens if you purchase fuel in another state, pay their gas tax, but then burn the fuel here in Oregon. Maureen answered that Oregon is currently the only state using this method, so where fuel is purchased isn't considered in the equation. The Oregon system will apply the fuel burned in Oregon at the Oregon fuel tax rate and either bill or credit the driver depending on MPG. So, it is conceivable that you could pay tax in WA for example and then get a credit in Oregon for fuel consumed here.

Michelle said that there is an application on the website where you can calculate what your tax would be under this system. Visit www.MyOReGO.org. You can also sign up to be on the list of interested parties for continual updates. The list will be used to fill the 5,000 program participant slots beginning July 1. We are looking for 1,500 vehicles who average less than 17MPG, 1,500 who average 17-23MPG, and 2,000 who average 23+MPG.

Ric asked about the security of the plug-in device since he's heard stories about them being hacked. Maureen explained that the devices which utilize the internet are the ones most likely to be hacked, and none of their vendors are using that type of plug-in. She said that there is always risk, but they think it's a fairly low for this program.

Ed Scrivner asked how this plug-in device is going to work for vehicles with only one dongle port. For example, he has one port which his insurance company's dongle is plugged into. There is going to be competition for that one port. Michelle said that

both State Farm and Progressive are working with the program to make their devices compatible with it.

SHV Weight Limit Reduction Signs – New Versions . . . Bert Hartman

◆ **(See Attach. C)**

Bert brought in the latest SHV restriction signs for comment.

Bob Russell suggested Bert simplify the sign to only show the limit for the number of axles that are actually restricted on a given short-span bridge.

Bob Wilhelm suggested underlining “OR” so the sign would read:

**‘WEIGHT LIMIT REDUCED
TRUCK OR TRAILER’**

Finally, a formatting change is needed to tighten up the line spacing above and below the axle restriction table.

The goal is to make the sign as easy to understand as possible to avoid confusion.

OAR Updates . . . Ric Listella

◆ **(See Attach. D)**

740-055-0020: Payment of Fees and Refunds

We brought this topic to MCTAC last year because we were interested in industry feedback before we set a dollar amount at which the Department would issue a refund check to a carrier, since it is not cost effective to issue checks for smaller dollar amounts. Industry suggested \$100.00 and this is the rule amendment which adopts that amount. Carriers can request to apply any credits under \$100.00 to other taxes due, such as Weight/Mile, IFTA, or IRP. The Department will only issue a check for less than \$100.00 after a motor carrier’s account has been audited and closed.

David Gray asked Ric when the first refund under this amendment would take place and Ric answered that it will likely take three months.

◆ **(See Attach. E)**

740-055-0110: Fuel Purchase Records and Refunds

Some fuel card networks have loosened their systems to allow use of cardlock cards at retail locations and it is becoming increasingly difficult and time consuming to determine whether or not fuel tax was actually paid at the time of purchase. MCTD Audit staff are finding that companies are not actually paying for tax at the pump though the receipts given to the driver look like tax was paid, so the carrier claims credit on mileage reports which they aren’t entitled to.

To address this issue, we are amending this rule to allow fuel card statements from retail stations if they clearly separate and identify retail and cardlock purchases. Purchases from retail stations require an invoice or receipt from the original seller to be accepted. These documents must include:

- The date and location of purchase,
- From whom the fuel was purchased,
- The kind of fuel and number of gallons purchased,
- The Oregon Weight Receipt and Tax Identifier number, or temporary pass number, or Special Transportation Permit of the vehicle if the fuel is delivered directly into such vehicle, and
- The amount of fuel tax paid.

Bob Russell asked if Audit has talked to the cardlock companies. He suggested sitting down with Fuels Tax Branch to work through this.

Gayle Green said that the national systems many cardlocks are connected to do not allow changes that will affect only Oregon.

Bob Russell motioned to approve both OAR amendments and Steve Bates seconded. There were no objections.

Common Medical Certification errors & omissions . . . Lydia Beebe

- ◆ At the last MCTAC meeting, Bob Russell asked Lydia to the list of reasons why DMV rejects medical certifications. She has compiled and provided that information. **(See Attach. F)**

Lydia noted that DMV has 5 or 6 drivers that are grandfathered in under 49 CFR 391.64.

A new certification is usually received prior to the current one's expiration date. If DMV rejects a medical certification, the document is mailed back to the driver with a letter explaining what the driver needs to do. The previous certificate remains valid through the expiration date. If DMV doesn't get a corrected certificate before the previous cert expires, then the driver would get a warning of cancellation letter and has 30 days from the mailing date to get the new certificate filed before the CDL is cancelled.

David McKane asked Lydia if their CDL is automatically downgraded to a regular class C license. Lydia said the State is supposed to follow their process to downgrade, which in Oregon requires cancelling the CDL.

Oregon City – West Linn Bridge Length Restriction . . . Tony Coleman

- ◆ Tony shared a request to add signage and further restrict the West Linn Bridge due to the narrowness of the bridge and the sharp turns necessary to navigate to and from it. Currently the bridge is a black route rated for annual permits up to 14' wide and 35' long. Industry suggested that the bridge should be closed to trucks entirely and unanimously recommended a full restriction to that effect.

Tony will take that recommendation back to Region 1.

Downgrading USDOT Drug Testing . . . David Gray

- ◆ David wanted to share with MCTAC members that FMCSA has changed their practice on downgrading USDOT drug testing. Per FMCSA, downgrading must now be done by the programming manager with FMCSA rather than by a certified medical examiner. David is concerned that this will place a burden on trucking companies because it forces them to apply to FMCSA for a test downgrade in the event a driver takes an unnecessary USDOT drug test after an accident. If the accident wasn't one that required a USDOT drug test, then the results should not have been filed on the USDOT testing form.

Andy said that FMCSA has no jurisdiction to enforce the findings on a test that wasn't required by USDOT. The company would need to go to FMCSA themselves and request a downgrade. He added that most companies have a no tolerance policy, so if the results were positive, even if it wasn't a required USDOT test, then the employer has the right to terminate the employee.

- ◆ Kristan Mitchell asked about the upcoming legalization of recreational marijuana in Oregon.

Meeting adjourned at 11:00.

Text to be added in **bold**

Text to be deleted in [italics]

740-100-0015

Commercial Vehicle Inspector

(1) The Department may certify an individual as a commercial vehicle inspector pursuant to ORS 810.560 if the individual:

(a) Is an employee of the Department and:

(A) Successfully completes a commercial vehicle safety inspector training program administered by the Department; and

(B) **Annually** [P] **p**erforms the minimum number of North American Standard safety inspections as **required by U.S. Department Of Transportation (USDOT)** [*prescribed by the Commercial Vehicle Safety Alliance*]; or

(b) Is employed by an Executive Branch agency of state government, or is employed by an agency or party under contract with the Department to conduct commercial vehicle inspections and:

(A) Successfully completes a commercial vehicle safety inspector training program administered by the Department;

(B) **Annually** [P] **p**erforms the minimum number of North American Standard safety inspections as **required by USDOT** [*prescribed by the Commercial Vehicle Safety Alliance*]; and

(C) Has disclosed to the Department any pecuniary interest in, or current employment relationship with, a regulated motor carrier, and if requested by the Department, has divested of any such pecuniary interest or severed any such employment relationship.

(2) A commercial vehicle inspector certification may be revoked by the Department if Department records or investigation indicates that the inspector:

(a) No longer meets the criteria established in section (1) of this rule;

(b) Has repeatedly failed, without adequate reason, to maintain annual equipment or driver out-of-service rates that are reasonably consistent with, or exceed, Oregon out-of-service averages;

(c) Has failed to adhere to the Commercial Vehicle Safety Plan published by the Department;[or]

(d) [*Has committed malfeasance in the performance of official duties.*] **Has failed to follow the guidelines regarding the Oregon Commercial Vehicle Inspection decal; or**

(e) Has committed malfeasance in the performance of official duties.

(3) A commercial vehicle inspector who has had their certification revoked, may be re-certified only after Department approval.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 810.560, 825.210 & 825.250

NEW RULE

740-100-XXXX (0045)

North American Standard Level I and V Commercial Vehicle Inspection Procedures

Inspections must be performed by North American Standard Level I certified inspectors. The term “Level 1 certified inspectors” means the government employee conducting inspections must meet the certification requirements found in Title 49, Code of Federal Regulations, Part 385, Subpart C. Level I and V commercial vehicle inspections must be conducted in accordance with the North American Standard Inspection Procedures and all applicable policies.

NEW RULE

740-100-XXXX (0050)

Oregon Commercial Vehicle Inspection Decal

The North American Standard Level I and V commercial vehicle inspections are the only inspections that may result in issuance of an Oregon Commercial Vehicle Inspection Decal. Level I certified inspectors may apply decals to vehicles in accordance with the procedures contained in the North American Standard Level I and V Inspection Procedures. Decals, when affixed, shall remain valid for a period not to exceed three consecutive months. The issuance, distribution, or display of inspection decals other than by authorized persons is prohibited.

NEW RULE

740-100-XXXX (0055)

Commercial Vehicle Inspection Reciprocity

In general, vehicles displaying a valid Oregon Commercial Vehicle Inspection Decal are not subject to re-inspection. However, if an obvious defect is noticed on a vehicle with a current decal, nothing prevents a party from re-inspecting that vehicle. Maximum reciprocity will be granted to inspections conducted pursuant to the North American Standard Inspection procedures by other jurisdictions.

740-100-0065

North American Standard Administrative Out-of-Service Criteria

(1) The North American Standard Administrative Out-of-Service Criteria, **as recognized by USDOT**, [*published by the Commercial Vehicle Safety Alliance,*] in effect April 1, 2015, 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.

[(2) Copies of the North American Standard Administrative Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.]

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.210 & 825.252

740-100-0070

North American Standard Vehicle Out-of-Service Criteria

(1) The North American Standard Vehicle Out-of-Service Criteria, **as recognized by USDOT**, [*published by the Commercial Vehicle Safety Alliance,*] in effect April 1, 2015, 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:

(a) 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.

(b) 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.

[(2) Copies of the North American Standard Vehicle Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.]

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.250 & 825.252

740-100-0080

North American Standard Hazardous Material Out-of-Service Criteria

(1) The North American Standard Hazardous Materials Out-of-Service Criteria, **as recognized by USDOT**, *[published by the Commercial Vehicle Safety Alliance,]* in effect April 1, 2015, 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.

[(2) Copies of the North American Standard Hazardous Materials Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.]

Stat. Auth.: ORS 823.011 & 825.232

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

[(1)] The North American Standard Out-of-Service Criteria Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials, **as recognized by USDOT**, *[published by the Commercial Vehicle Safety Alliance,]* in effect April 1, 2015, 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.

[(2) Copies of North American Standard Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.]

Stat. Auth.: ORS 823.011 & 825.232

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** *[published by the Commercial Vehicle Safety Alliance,]* in effect April 1, 2015, 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.

[(3) Copies of the North American Standard Driver Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.]

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.250 & 825.252

This rule is repealed in its entirety

[740-100-0110

Commercial Vehicle Safety Inspection Decal

The issuance, distribution, or display of safety decals other than by authorized persons is prohibited.]

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: Commission policy per CVSA

ATTACH. B



Oregon's Road Usage Charge Program

ATTACH. E



Michelle D. Godfrey, PIO
ODOT's Office of Innovative Partnerships
Michelle.D.Godfrey@ODOT.state.or.us
(503) 986-3903

It's the law.



Senate Bill 810 directs the implementation of a fully operational per-mile charging program for up to 5,000 light vehicles on July 1, 2015



Why is Oregon creating the Road Usage Charge Program?



It's the perfect storm.



Federal funds are drying up.



Construction costs are going up.



The gas tax is failing to keep up.



Federal and state gas taxes have not kept up with inflation.



**Here's
what that
means to
Oregonians:**

*The last time the federal gas tax was increased was in 1993.
The last state increase was in 2011.

For every mile of road that Oregon could build in 1993...

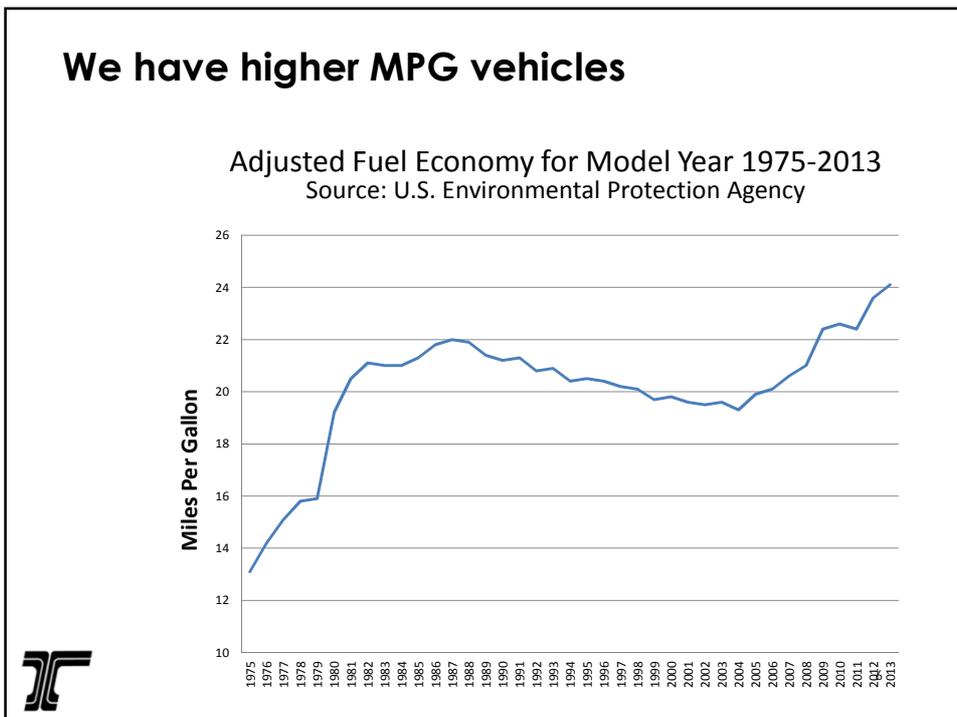
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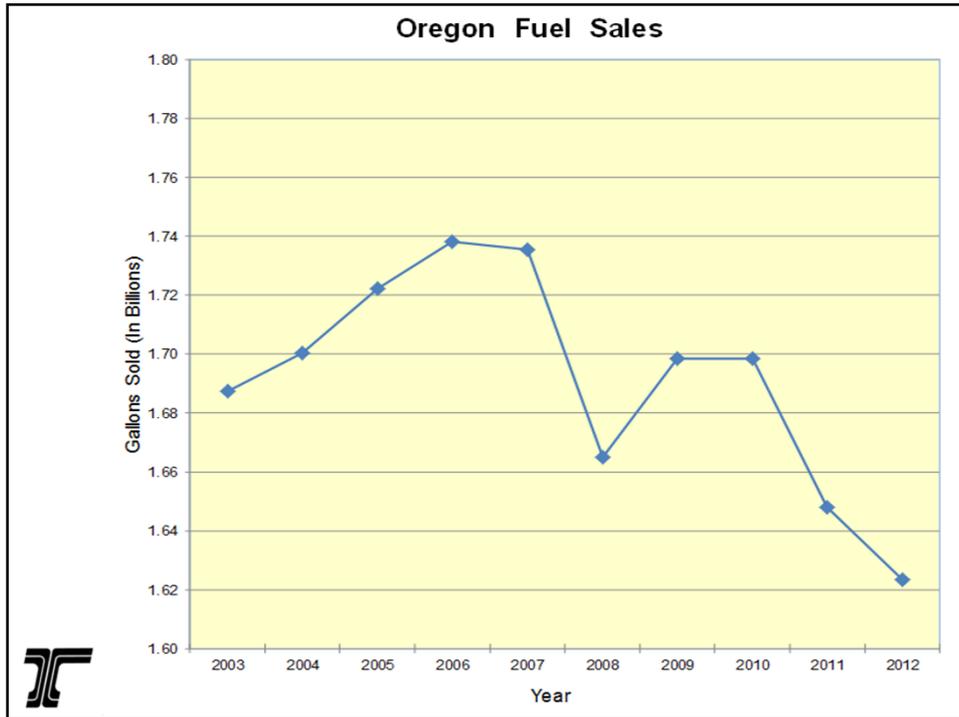
...ODOT can only build about a half-mile in 2014 because costs have more than doubled.

↙



Sources: Oregon Department of Transportation, Washington Department of Transportation, U.S. Bureau of Labor Statistics





How is the program going to work?



The Road Usage Charge Program (7/1/2015)

FULLY OPERATIONAL FOR 5,000 VOLUNTEERS

myOReGO.org

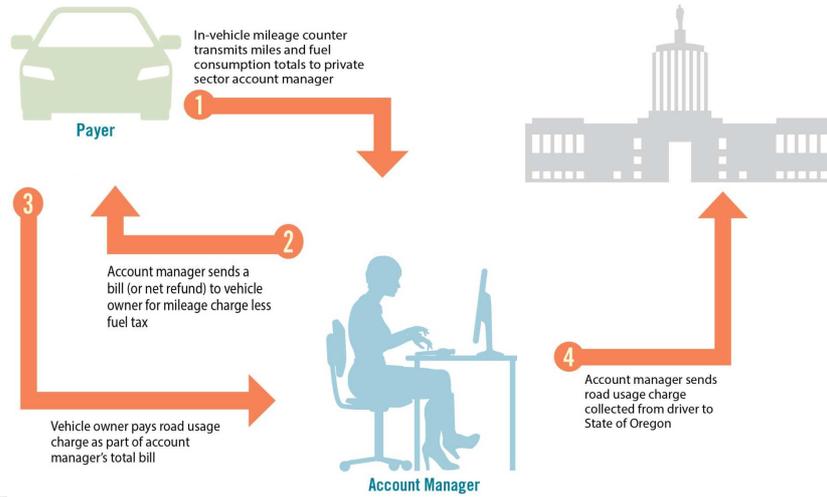


OReGO

- 1.5 cents per mile
- Fuel tax credit
- Mileage reporting *choices*
- GPS *not* required
- Open system
- Private sector administration option
- Penalties for fraud
- Protects personally identifiable information



How it works



What does it mean for me?



We heard you.



- Is my privacy protected?
- Isn't this too much government bureaucracy?
- Will it be complicated and costly?
- It's unfair!



13

Privacy

It's protected by the law.

- Cannot use personally-identifiable information without explicit permission from the participant
- Must destroy data records of subject vehicles after proper use



14



The fairness issue

Rural drivers

- Pay more fuel tax now
- More off-road driving

Fuel efficient vehicles

- Not paying fair share for road use
- Already avoid cost of fuel
- Road Usage Charge not a large burden

Non-resident drivers

- Still pay fuel tax
- Western States Consortium addressing a solution



Understand the benefits

Comparing road charge to the gas tax

Annual miles	MPG	Gallons consumed	OR gas tax per year	Road usage charge per yr	Road charge benefit (loss) per yr	Road charge benefit (loss) per month
10,000	20	500	\$150.00	\$150.00	\$ 0.00	\$ 0.00
30,000	20	1,500	\$450.00	\$450.00	\$ 0.00	\$ 0.00
10,000	12	833	\$250.00	\$150.00	\$100.00	\$ 8.33
30,000	12	2,500	\$750.00	\$450.00	\$300.00	\$ 25.00
10,000	40	250	\$ 75.00	\$150.00	(\$ 75.00)	(\$ 6.25)
30,000	40	750	\$225.00	\$450.00	(\$225.00)	(\$ 18.75)



Public-private partnership



The private sector is invested



Because all seek solutions, and...



Road charging is the most fair



Join us!



OREGO

www.MyOREGO.org





Oregon Department of Transportation



ATTACH. C

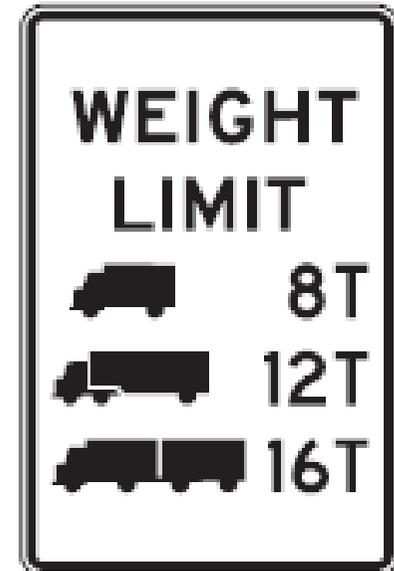
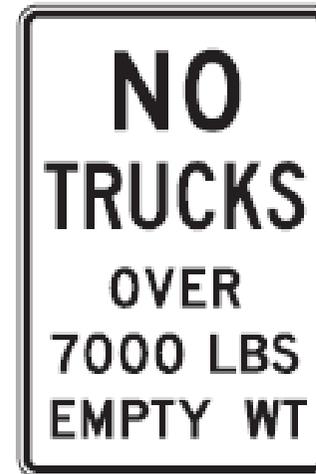
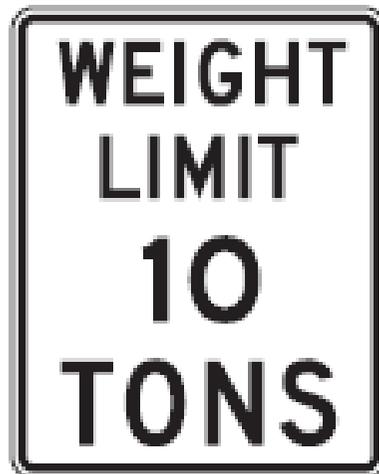
Posting Signs for Specialized Single-Unit Trucks



**Bert Hartman
May 2015**



Weight Limit Signs





Enforcement Question

Do SHV limits
affect log
Trucks?



FHWA Guidance – 4 or more axle
log trucks that meet SHV models,
the combination is subject to load
posting requirements



Proposed Posting Sign

WEIGHT LIMIT REDUCED TRUCK OR TRAILER

4 AXLES	54,000 LBS
5 AXLES	62,000 LBS
6 AXLES	69,500 LBS
7 AXLES	77,500 LBS

TOTAL GROSS MAX 80,000 LBS



105,500 Lb. Extended Weight



51,000 Lbs. in 13.5 Ft.



Proposed Posting Signs

WEIGHT LIMIT REDUCED

TRUCK OR TRAILER

4 AXLES

54,000 LBS

5 AXLES

62,000 LBS

6 AXLES

69,500 LBS

7 AXLES

77,500 LBS

SINGLE-TRIP PERMITTED LOADS

NOT SUBJECT TO WEIGHT LIMITS



Coordination with FHWA on 31 Posted Bridges





Oregon Department of Transportation



THE END



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740-055-0020

Payment of Fees **and Refunds**

(1) Carriers registered with the Oregon Department of Transportation, or their agents as established either through an approved Power of Attorney or prior remittance of taxes or fees on behalf of the carrier, shall pay taxes and fees by either:

- (a) Cash;
- (b) Bank Draft;
- (c) Guaranteed Draft;
- (d) Credit card, under the conditions described in ORS 825.502;
- (e) Cashier's Check;
- (f) Travelers Check;
- (g) Company check when drawn in the name of record of the account to which it is to be applied;
- (h) Personal or business check from an agent described in subsection (1);
- (i) Personal check when drawn in the name of a company employee;
- (j) Personal check from a corporate officer; or
- (k) Personal check when drawn in the name of a lessor driver when accompanied by a copy of the lease.

(2) Carriers not registered with the Oregon Department of Transportation shall pay fees and taxes due by either:

- (a) Cash;
- (b) Bank Draft;
- (c) Guaranteed Draft;
- (d) Credit card, under the conditions described in ORS 825.502;
- (e) Cashier's Check; or
- (f) Travelers Check.

(3) All payments to the Oregon Department of Transportation for taxes and fees shall be in United States funds.

(4) In the event any check drawn payable to the Department for payment of taxes or fees is not honored, the motor carrier account for which the check was drawn will be assessed the maximum service charge authorized by ORS 30.701(5) for each such check and the motor carrier account for which the check was drawn may thereafter be required to remit taxes or fees by money order, bank draft, certified check, or cash.

(5) The Department will not issue a refund by cash to a motor carrier. The Department will not issue a refund by check to a motor carrier unless the dollar amount is equal to or greater than \$100.00.

(6) The Department will only issue a check for less than \$100.00 after a motor carrier's account has been audited and closed.

Stat. Auth.: ORS 30.701, 823.011 & 825.502

Stats. Implemented: ORS 30.701, 825.498 & 825.502

Text to be added in **bold**

Text to be deleted in [italics]

740-055-0110

Fuel Purchase Records and Refunds

(1) All motor carriers must obtain an invoice covering every purchase of motor vehicle fuel and preserve the same for a period of three (3) years subject to inspection by the Department or its representatives at all reasonable times. Fuel Card **statements reflecting purchases from retail stations must clearly separate and identify retail and cardlock purchases. Purchases from retail stations require an invoice or receipt from the original seller to be accepted.**

(2) Such invoice **or statement** must disclose:

(a) Date and location of purchase;

(b) From whom purchased;

(c) Kind of fuel and number of gallons purchased;

(d) Oregon Weight Receipt and Tax Identifier number, [or] temporary pass number, **or Special Transportation Permit** of the vehicle if fuel is delivered directly into such vehicle; and

(e) Amount of fuel tax paid.

(3) Motor carriers purchasing fuel in Oregon may claim a credit for Oregon state fuel tax paid at the pump. Carriers shall deduct the amount of fuel tax paid from the highway use tax due on the highway use tax report for the period in which the fuel was purchased. Motor carriers taking a deduction on the highway use tax report for fuel tax paid shall attach a copy of all fuel invoices for which credit is claimed. Carriers who purchase fuel in bulk shall attach to the highway use tax report for the period in which the fuel was dispensed into a motor vehicle copies of invoices from fuel suppliers indicating Oregon state fuel tax paid and fueling records showing fuel dispensed for each motor vehicle.

(4) Motor carriers may submit a written request for refund of Oregon state fuel tax paid up to three years after purchase. A written request for refund may be granted for any Oregon fuel tax paid but not deducted from the highway use tax report for the period in which the fuel was purchased. Motor carriers requesting refund must attach copies of all invoices. No such refund will be issued until an audit has been performed.

Stat. Auth.: ORS 823.011 & ORS 825.484

Stats. Implemented: ORS 825.484 & ORS 825.486

Rejections of Med Certs Nov 2014 - Apr 2015

	Number	Monthly Avg
National Registry Number (missing or invalid)*	39*	39
Missing Portion of Card (not providing both sides)	179	30
No Issuance Date*	21*	21
Not a Medical Examiner's Cert (report only)	119	20
Valid for Over 2 Years	33	6
No Expiration Date	32	5
Illegible	31	5
Expired Card Received	30	5
Qualified by Operation of 49 CFR 391.64 Box Checked	21	4
No Examiner's Signature	18	3
Future Issuance Date	18	3
Exam Date & Expiration Date the Same	7	1
Intracity Zone Box Checked	3	1

*April only

37,523 med certs were submitted to DMV in the November - April timeframe
551 were rejected (1.5%)