



**MINUTES**  
**MOTOR CARRIER TRANSPORTATION ADVISORY COMMITTEE MEETING**  
**January 09, 2020**

**Attendees:**

Lukas Shaw – CleanFleet  
Dave Gray – Glostone  
Jonathan Wilson – FMCSA  
Tasha Cockreham – Highway Heavy Hauling  
Rick Kokel – May Trucking Company  
Travis Brouwer – ODOT/Director’s Office  
Howard ‘Russ’ Russell – ODOT/Commerce & Compliance Division (CCD)  
Tony Knudson – ODOT Research  
Leslie Williams – May Trucking Company  
Carla Phelps – ODOT/CCD  
Bert Hartman – ODOT/Bridge  
Amy Ramsdell – ODOT/CCD  
Sven Johnson – ODOT/CCD  
Andrea Comer – ODOT/CCD  
Tara Caton – ODOT/CCD  
Hannah Wilson – ODOT/CCD  
Jon Reimer – ODOT/MCAD  
Audrey Lawson – ODOT/CCD  
Tony Hugo – Knife River  
Soona Lee – EROAD

**PHONE:**

Andrea A. - Daimler  
Kristan Mitchell – ORRA  
Joe Marek – Clackamas County

**Division Structure and Vision . . . Travis Brouwer**

**(See Attachment A)**

The Oregon Transportation Commission has approved the ODOT Director’s plan for a long-term agency realignment to bring like functions together under four Assistant Directors.

- The Assistant Director for Operations will oversee all functions for transportation infrastructure, including the Delivery & Operations Division (formerly Highway), the Policy, Data, & Analysis Division (Transportation Development), the Public Transportation Division (Rail & Public Transit), the Safety Division, Support Services (Central Services), and Urban Mobility & Mega Projects (New).
- The Assistant Director for Government & External Relations will oversee both Government Relations and Communications.
- The Assistant Director for Revenue, Finance, and Compliance will oversee all functions relating to Driver and Motor Vehicle Services, the Commerce & Compliance Division (formerly Motor Carrier Transportation Division), the Office of Innovation, and the Finance and Budget Division.
- The Assistant Director for Social Equity will oversee the Office of Civil Rights.

Travis has been named the Assistant Director for Revenue, Finance, and Compliance. Today, revenue collection is spread across four Divisions. We need to coordinate and reevaluate while we look for opportunities to better align and meet mission goals. To that end, the Rail Division's Safety functions will come here to the Commerce and Compliance Division (CCD, formerly MCTD). In the long term, in CCD we are creating a place for state compliance over new functions as well as those that are already in place. For example, oversight of Transportation Network Companies and tolling programs will land at CCD if the state moves in that direction.

CCD is not the delivery arm of the agency so our Mobility team will be moving over to the new Statewide Project Delivery group in the Operations branch. We are working on that transition. We are also transferring the design and engineering portion of the Green Light program to Galen McGill's Intelligent Transportation Systems group (Operations). As mentioned, the Rail Safety Unit is coming to CCD, which gives us an opportunity to collaborate, particularly on our Hazardous Materials operations and inspections.

This is not just an organizational structure shift; it's designed to better serve the public and the trucking industry. CCD will still largely remain focused on the motor carrier industry. Amy Ramsdell is the CCD Administrator and will be around the table to ensure the trucking industry has the opportunity to talk to those on the infrastructure side. We want to expand on that and do everything possible to ensure that trucking needs are not diluted.

We facilitate Oregon's economy. We work to coordinate, collaborate, and communicate in order to meet safety, commerce, and infrastructure needs. If you have any ideas or suggestions, please reach out to us.

### **November MCTAC Minutes**

Dave Gray motioned to approve the November 14, 2019 minutes and Rick Kokel seconded the motion. The minutes were approved unanimously.

### **Rule Updates – Safety Federal Rule Adoption . . . Howard Russell**

#### **(See Attachment B)**

Other than updating the dates, the primary change is the adoption of the intrastate ELD requirements. As of April 1, 2020, intrastate carriers will have to comply with the federal ELD requirements if their operations meet the ELD criteria. When we first adopted the ELD regulations, we surveyed the Oregon-only intrastate carriers and the majority were on timecards, so ELDs were not required.

To be eligible for certain grants, Oregon has to be in full compliance with the federal regulations by October 2020. We will most likely do a soft enforcement period for intrastate carriers similar to what we did initially for the interstate carrier ELD enforcement effort. We are hoping that the federal rule change that is currently proposed will be adopted, and that it will help mitigate ELD issues for intrastate carriers.

David Gray motioned to approve the rule adoption and Rick Kokel seconded the motion. Approval was unanimous.

### **Bridge Restriction Update . . . Bert Hartman**

#### **(See Attachment C)**

Load Ratings are planned on 433 State and Local Agency Bridges in the 2019-2021 biennium. ODOT is working on plans for corrective action since we did not meet date requirements for initial load ratings – bridges, initial load ratings – culverts, Specialized Hauling Vehicles groups 1 & 2, and Emergency Vehicles. Moving forward, ODOT will meet the requirements of our Plans of Corrective Action by rating 20+ unrated culverts by March 31, 2020, 350+ SHV Group 1 Bridges by December 2020, 1000+ SHV Group 2 Bridges by December 2022, and 200+ Emergency Vehicle Bridges, likely by December 2021. Excluding culverts, there needs to be an average of two load ratings per day for the next two years to meet these goals.

We will be looking at the current rating and then infer which of those may need to be rated for SHVs. Bridge and CCD staff will meet tomorrow to discuss outreach to the Oregon Fire Chief's Association regarding Emergency Vehicles, as they didn't realize there are special permit requirements for these apparatus. We are also working under the 30 day restriction posting requirement. We will continue to update the map and try to get restriction information posted as quickly as possible. Our concern is that a lot of these are on local roads, which makes it more challenging due to local funding limitations.

## **Safety & Mobility Policy Advisory Committee (SMPAC) Update . . . Audrey Lawson**

SMPAC met for the third time on December 18, 2019. The meetings have been comprehensive brainstorming sessions to establish goals and guidelines, as well as a charter to balance efforts between Safety and Freight Mobility. SMPAC's focus is to identify freight corridors throughout the state and design and plan for heavy/wide/high loads. For more information, please check out the [SMPAC website](#).

We are trying to engage everyone earlier in the planning process so we can be proactive with future projects rather than reactive to those about to start. To that end, the [draft 2021-2024 STIP](#) will be available for public comment in February. You are all encouraged to review it and comment on any proposals that may be controversial or have a high impact on the freight industry. We need to discuss issues that are anticipated with the STIP projects. Also, we will soon be kicking off the revised Highway Plan.

The Statewide Mobility Unit's transition to the Delivery and Operations Division will occur within a handful of months.

## **Drug & Alcohol Clearing House . . . Lukas Shaw & Dave Gray**

### **(See Attachment D)**

The Clearinghouse went live earlier this week. Although Lukas and Dave believe it will be an excellent tool for the industry, initially there have been multiple issues, including communication problems between the query function and the Commercial Driver's License Information System (CDLIS). Registering a carrier requires an FMCSA Portal account and a USDOT number and PIN. Many users didn't have one or the other, so had to request them before being able to access the Clearinghouse. Another issue is the requirement to enter a federal tax id number. The tax id number replaced the social security number as identification; however, long-established carriers frequently still have their businesses set up under their social security number.

FMCSA made an update that allowed carriers to skip linking their portal account upon initial registration, but they will still need to go in later and manually update the profile and add their portal information.

Jonathan Wilson with FMCSA noted that they believe the CDLIS issue is due to the sheer volume of queries received. Over 11,000 people registered with the Clearinghouse yesterday. He asked that people be patient as FMCSA works through the issues and gets the system running smoothly. Please direct customers to the Clearinghouse [website](#) and to the [FAQ](#) page. There are also [registration](#) instructions available for a variety of users. Because there have been system issues, the following notice is displayed on the Clearinghouse web page:

***Notice: If you are an employer currently experiencing technical difficulties accessing the Clearinghouse and are unable to conduct required pre-employment queries, you may hire a driver using solely the procedures set forth in 49 CFR 391.23(e). Once FMCSA has determined and announced that users are able to access the Clearinghouse, pre-employment queries must also be conducted as required by section 382.701(a).***

Jonathan assured the group that FMCSA will not issue violations to users who couldn't access the Clearinghouse system to conduct their pre-employment queries due to these issues, as long as companies follow the alternate procedures mentioned above.

Leslie Williams shared that May Trucking has experienced issues with drivers not receiving notifications that the company has queried the system about them. (Drivers aren't receiving the consent form because of the break in communication with CDLIS.)

Lukas said that his company receives calls from OSP troopers and Washington State Police when they are trying to check on a driver's drug and alcohol consortium information if they aren't able to access it themselves roadside.

Jonathan provided his contact information if you have additional questions or concerns:

**Jonathan D. Wilson**, State Program Specialist  
United States Department of Transportation, Federal Motor Carrier Safety Administration  
Oregon Division  
530 Center Street NE, Suite 440  
Salem, Oregon 97301  
Phone: (503) 399-5775  
Fax: (503) 316-2580  
[Jonathan.wilson@dot.gov](mailto:Jonathan.wilson@dot.gov)  
[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

## **Oregon IFTA Audits . . . Sven Johnson**

### **(See Attachment E)**

In Oregon, we conduct Weight/Mile Tax audits, IRP audits, and IFTA audits. We do provide IFTA licenses/decals and filing options to Oregon based carriers, although we don't benefit from the taxes. Three percent of the IFTA population is audited annually, which is around 120-125 audits per year. IFTA audits take a large percentage of time to complete, around 58 hours each, and cost approximately \$4,635. This is non highway-fund eligible workload. The fees we collect have to cover the cost of the program. Oregon receives 10% of the assessed tax from an audit, which does not entirely cover the cost. IFTA registration and licensing fees also help pay for the program.

Oregon currently audits and samples 3 years as a default, and generally we audit two sample quarters. If the records are inadequate, then we will typically do a full fuel audit for the 3-year period. Our default audits are about 25-30%. The audit & sample period varies across the jurisdictions, with a large portion conducting audits of only a 1-year period. Oregon is proposing to switch to a 1-year period as of January 2020. It will reduce audit impact to Oregon based licensees and save the agency time and cost. Our goal is compliance, which we can still obtain with a shorter audit period. For a default audit, we'd be looking at fuel for just the one year period rather than three, which will reduce the overall fiscal impact on the carrier.

The group unanimously approved switching to a 1-year IFTA audit period.

## **Administrator's Report . . . Amy Ramsdell**

As noted earlier in Travis's update, we are undergoing a great deal of change. At both the division and agency level, we are evaluating what we do to see how we can simplify and collaborate with others across the agency. This is a first step.

Over this year, CCD will kick-off a large taskforce group looking at automating OD Permits. We want to simplify permitting and deliver services timely and more efficiently using automated routing. We are working closely with the Intelligent Transportation Systems group and want to enhance Tripcheck for freight users. We are working with the Transportation Safety Division (TSD) to incorporate CCD into the agency-wide Safety Action Plan. Truck-at-fault crashes are largely due to driver behaviors and we are planning to partner with TSD on a communication campaign to help raise awareness. There is a lot of work to do in the PRISM world to be eligible for the Federal MCSAP grant. Sporadic and ongoing phone issues are frustrating for our staff and customers. We want to add more functionality to Trucking Online to help mitigate some of the phone issues by providing an alternative to calling.

ODOT is also evaluating emergency response for projected large issues like a Cascadia earthquake. The short legislative session will be kicking off later this month and cap and trade is expected to be a focus. Amy Williams is our new Government Relations liaison, so she will likely be giving an update to this group as session progresses. ODOT Communications is working on drafting a message about the agency structure changes. We will send out a large-scale communication on our name change once we have additional guidance from Communications.

The new Emergency Text Alert system is live. A company can sign up however many employees they want to on the [emergency text alerts](#) system. We are keeping the texts specifically to emergency issues; however, in the event of something like a widespread weather event, be prepared for a large volume of texts.

### **Agenda Build:**

**The next scheduled meeting is for March 12, 2020.**

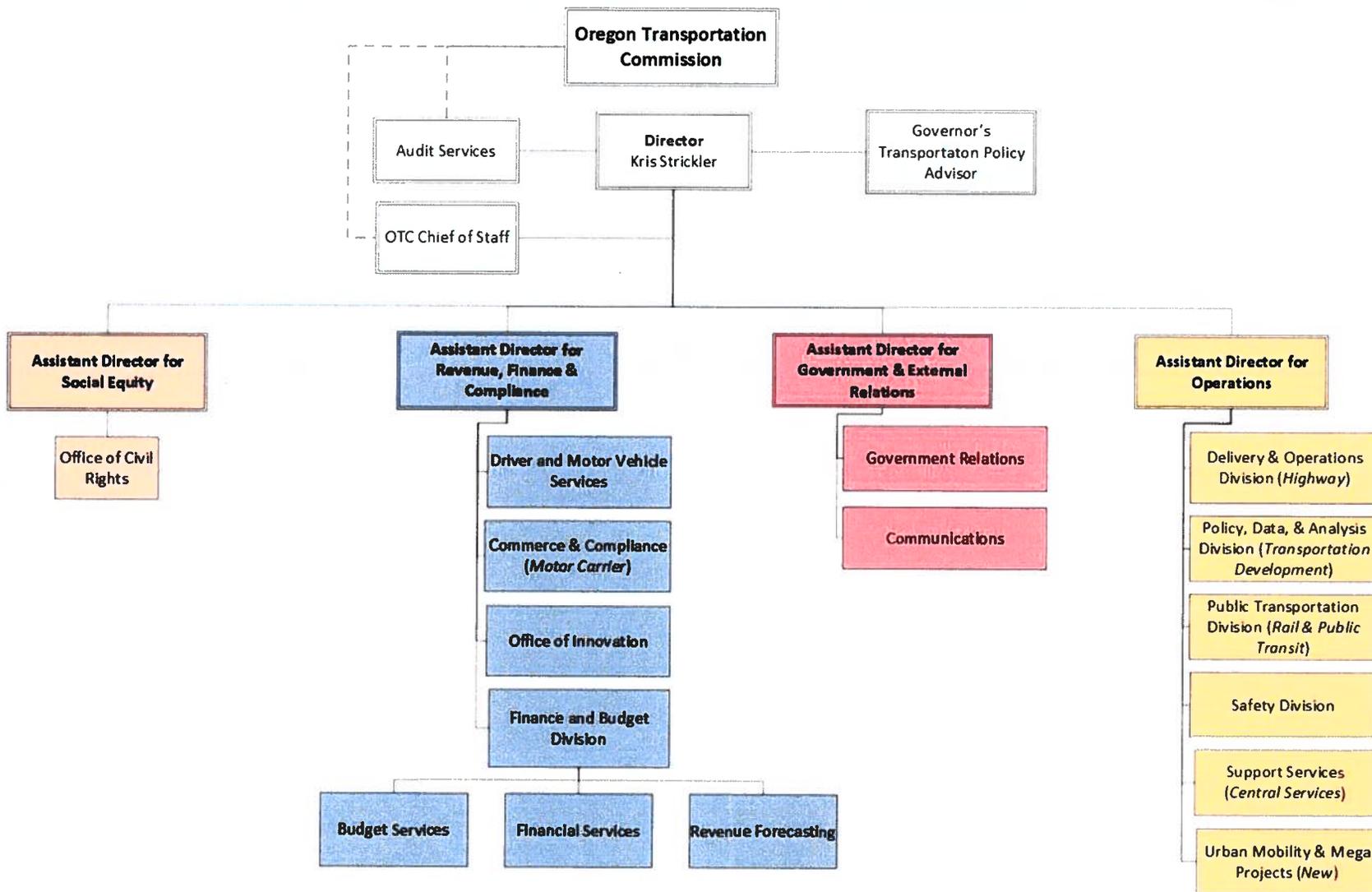
Proposed topics include:

- Drug and Alcohol Clearinghouse Update.
- Weight/Mile Tax Evasion Study Update.
- List of proposed research projects.
- IFTA/IRP Audit Workshop report if there is timely or new information out of it.
- Bridge Restriction Update.
- Oregon Highway Plan guest.

Meeting adjourned 10:25 am

# **Attachment**

A



# **Attachment**

B

## Chapter 740

### Department of Transportation, Motor Carrier Transportation Division

#### 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 40 (Procedures For Transportation Workplace Drug and Alcohol Testing Programs), 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, 2019] April 1, 2020, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 823 and 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 823 and 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 engaged in intrastate commerce and:

(A) Does not drive a motor vehicle with a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating of 26,001 pounds or more; and

(B) 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; or

(C) Does not operate a passenger vehicle designed or used to transport 16 or more 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; 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.

(j) With reference to Part 395.1(k), the planting and harvesting period in Oregon begins January 1 of each year and ends December 31 of each year.

**[(k) With reference to Part 395.8(a)(1)(i), a motor carrier conducting intrastate transportation is not required to install and require each of its drivers, operating in intrastate commerce, to use an electronic logging device to record the drivers duty status.]**

**[(L) (k)]** The provisions of subsections (g) through **[(k) (j)]** 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 intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(4) 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.

(5) 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](http://www.fmcsa.dot.gov).

**Statutory/Other Authority:** 823.011, 825.232, ORS 184.619, 825.252

**Statutes/Other Implemented:** ORS 825.210, 825.250, 825.252

## **Chapter 740**

### **Department of Transportation, Motor Carrier Transportation Division**

#### **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, 2019] April 1, 2020, 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.

**Statutory/Other Authority:** ORS 184.619, 823.011, 825.232, 825.252

**Statutes/Other Implemented:** ORS 825.210, 825.252

## **Chapter 740**

### **Department of Transportation, Motor Carrier Transportation Division**

#### **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, 2019] April 1, 2020, 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.

**Statutory/Other Authority:** ORS 184.619, 823.011, 825.232, 825.252

**Statutes/Other Implemented:** ORS 825.250, 825.252

## **Chapter 740**

### **Department of Transportation, Motor Carrier Transportation Division**

#### **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, 2019] April 1, 2020, 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.

**Statutory/Other Authority:** ORS 184.619, 823.011, 825.232, 825.252

**Statutes/Other Implemented:** ORS 825.250, 825.258, 825.260

## **Chapter 740**

### **Department of Transportation, Motor Carrier Transportation Division**

#### **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 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, 2019] April 1, 2020, 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.

**Statutory/Other Authority:** ORS 184.619, 823.011, 825.232, 825.252

**Statutes/Other Implemented:** ORS 825.250, 825.258, 825.260

## **Chapter 740**

### **Department of Transportation, Motor Carrier Transportation Division**

#### **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, 2019] April 1, 2020, 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.

**Statutory/Other Authority:** ORS 184.619, 823.011, 825.232, 825.252

**Statutes/Other Implemented:** ORS 825.250, 825.252

## **Chapter 740**

### **Department of Transportation, Motor Carrier Transportation Division**

#### **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, 2019] April 1, 2020.

(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](http://www.fmcsa.dot.gov).

**Statutory/Other Authority:** ORS 184.619, 823.011, 823.061, 825.258

**Statutes/Other Implemented:** ORS 823.061, 825.258

# **Attachment**

C



# Load Rating Update January 2020

# Load Rating Efforts (November)

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- SHV Group 1 (2020)
- SHV Group 2 (2022)
- Emergency Vehicles (Interstate System) (2019)

Load Ratings are planned on 433 State and Local Agency Bridges in the 19-21 biennium

# Plans of Corrective Action

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- Initial Load Ratings-Bridges
- Initial Load Ratings-Culverts
- Specialized Hauling Vehicles
  - Group 1
  - Group 2
- Emergency Vehicles

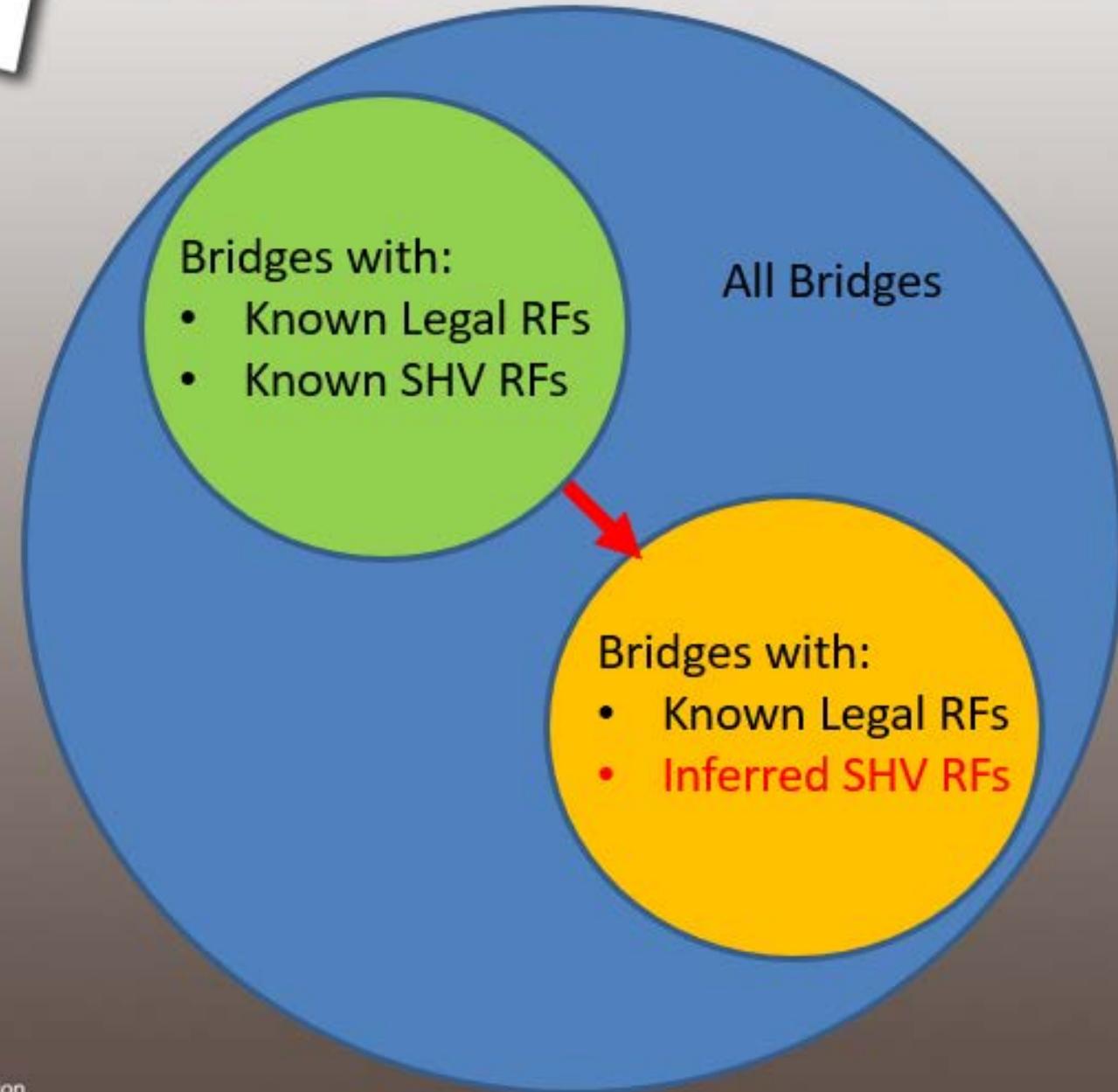
# The Path Forward

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- ODOT will meet the requirements of our Plans of Corrective Action
  - 20+ Unrated Culverts – March 31 2020
  - 350+ SHV Group 1 Bridges – Dec 2020
  - SHV Group 2 Bridges – Dec 2022
  - 200+ Emergency Vehicle Bridges - TBD

# SHV Group 2

DRAFT



# SHV Group 2

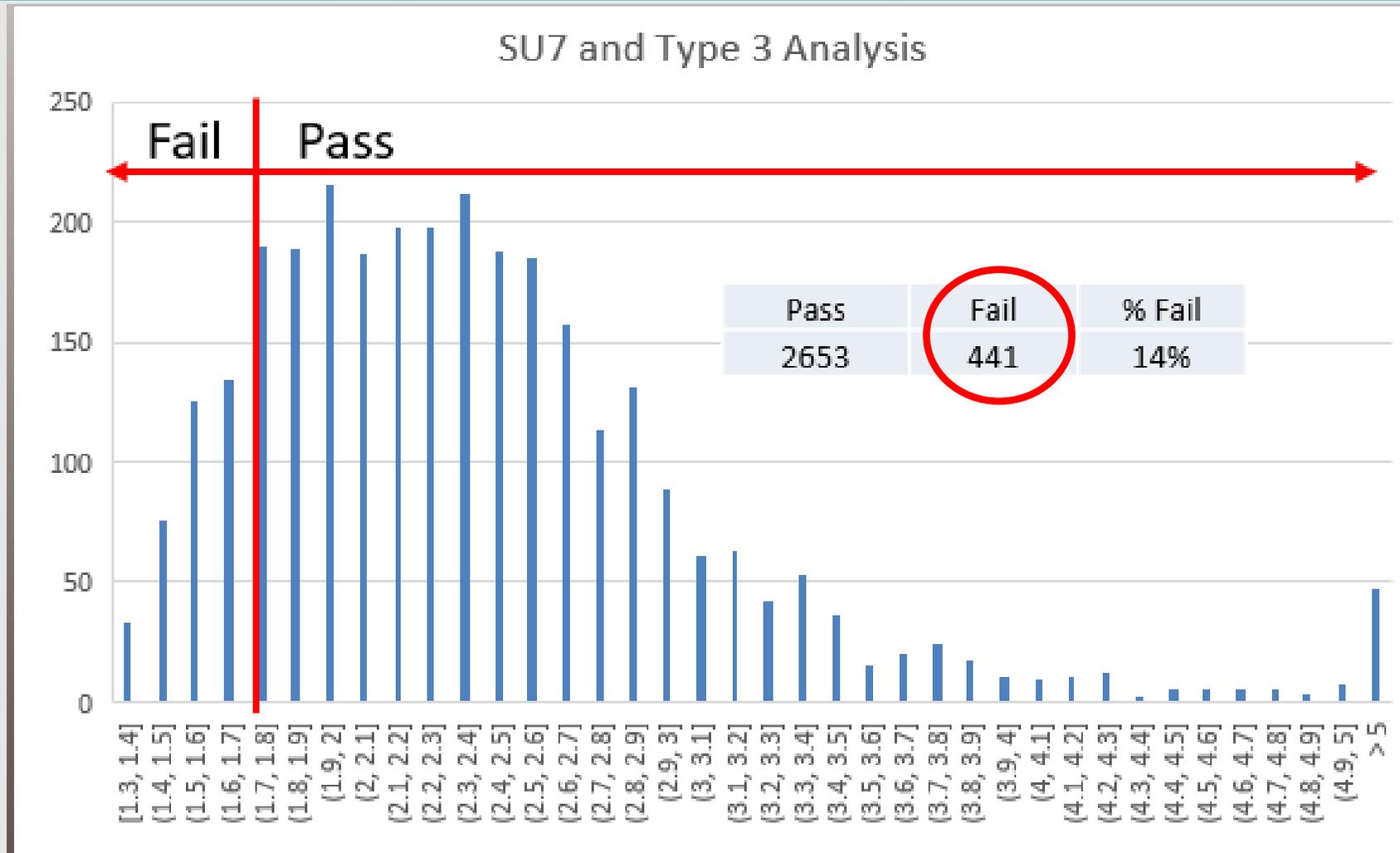
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DRAFT

- Exclude the following from the population (859 bridges total)
  - Culverts (276 bridges)
  - Timber Bridges (328 bridges)
  - Assigned Load Ratings (82 bridges)
  - Unknown Design Loads (155 bridges)
  - Questionable RFs (18 bridges)

# SHV Group 2

DRAFT



# Emergency Vehicles

Oregon Fire Chiefs Association  
25030 SW Parkway Ave Ste| 330  
Wilsonville, OR 79070

We recently worked with [REDACTED] Fire and Rescue. His department purchased a new fire apparatus, and he seemed surprised by the permitting requirements. We appreciate working with him and his team, and were able to get permit issued for the delivery and use of this vehicle on state highways.

- Motor Carrier and Bridge will meet tomorrow to discuss outreach to the Oregon Fire Chief's Association



# Summary

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- 20+ Unrated Culverts – March 2020
- 350+ SHV Group 1 Bridges – Dec 2020
- 200+ Emergency Vehicle Bridges – TBD
- 1000+ SHV Group 2 Bridges – Dec 2022

Excluding culverts, there needs to be an average of 2 load rating per day for the next two years

# 30 Day Posting Requirement

<b>Oregon Department of Transportation</b>  <b>POLICY</b>	NUMBER PMT 06-01	SUPERSEDES 11/25/2015
	EFFECTIVE DATE 10/1/2019	PAGE NUMBER 01 OF 11
	VALIDATION DATE	
	REFERENCE OAR 734-050-0090; 734-020-0150; ODOT Policy DES 05-02; Mobility Procedure Manual	
SUBJECT <b>SIZE AND WEIGHT RESTRICTIONS ON STATE HIGHWAYS</b>	APPROVED SIGNATURE Signature on file with Business & Performance Services Branch  Paul Mather, Deputy Director	

# The End



# **Attachment**

D

# Commercial Driver's License Drug and Alcohol Clearinghouse



by Lukas Shaw, *CleanFleet*

# What is it?

- A tool for managers to determine whether a prospective driver or their current workforce is eligible to perform safety sensitive functions.
- The contents will include contributions from all service agents of the drug and alcohol testing process



# Who uses the Clearinghouse?

- Employers (or C/TPA's acting on their behalf)
- Drivers
- Medical Review Officers (MRO)
- Substance Abuse Professionals (SAP)
- State Driver Licensing Agencies (SDLA)
  - Not required until 2023



# What gets reported?

1. A verified positive, adulterated, or substituted controlled substance test
2. Refusal to test (includes failure to appear)
3. A verified positive EBT above .04
4. Actual knowledge of illicit alcohol or drug use
5. Negative return-to-duty
6. Completion of follow-up



# What it looks like

United States Department of Transportation

About DOT | Our Activities | Areas of Focus



Log Out Lukas

## DRUG & ALCOHOL CLEARINGHOUSE

-  My Dashboard
-  FAQ
-  About
-  Contact

### WELCOME LUKAS

Registering early is an important step to ensure you are ready when the Clearinghouse is operational on January 6, 2020. Download the [Clearinghouse for C/TPAs](#) brochure to learn more about what you will be required to do after implementation.



#### Learn More

Browse or search the Clearinghouse FAQs to find information to help you get ready for January 6, 2020.

[Read the FAQs](#)



#### Edit Profile

Make updates to the details you entered during your Clearinghouse registration.

[Edit Profile](#)

# How do Carriers use the Clearinghouse?

- Registering on the Clearinghouse
  - Go to <https://clearinghouse.fmcsa.dot.gov/>
  - Things you will need
    - USDOT Number
    - FMCSA Portal credentials

11 Select Yes, and click Next.

2. Select Your Role

Your answer to the question below will determine which steps you will take to complete the Clearinghouse registration for you and your company.

DO YOU HAVE AN FMCSA PORTAL ACCOUNT?

YES I have an FMCSA Portal Account  NO I do not have an FMCSA Portal Account

Previous Next

12 Enter your Portal username and password and click Sign In.

If your Portal account has not been granted access to the Clearinghouse, you will need to log into your FMCSA Portal account to request this access before you can link your Portal and Clearinghouse accounts.

3. Contact Information

Link With Your FMCSA Portal Account

We will import your company and personal contact information so you will not need to manually enter it.

Why link your Clearinghouse account and Portal account?

Linking with your Portal account will associate your Clearinghouse activity with your USDOT Number, which will enable enforcement personnel to verify your Clearinghouse activity quickly and easily after January 6, 2020. Establishing the link today will help enforcement later actions with enforcement personnel down the road.

Note: You can link your accounts after you complete your Clearinghouse registration, but this may result in some of your activity not being associated with your USDOT Number.

ENTER YOUR FMCSA PORTAL CREDENTIALS

Enter your Portal User ID and password below to link your Clearinghouse account with your Portal account.

Username:  Register your user ID

Password:  Register your password

Sign In

Previous Cancel

U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
FMCSA Portal

Login to Access the FMCSA Portal

User ID:

Password:

Login

[Forgot your Password?](#) [Forgot your User ID?](#) [Unlock your Account?](#)

*To register for a portal account, please click [here](#).*

*To access portal training, please click [here](#).*

You are accessing a U.S. Government information system. This information system, including all related equipment, networks, and network devices, is provided for U.S. Government-authorized use only. Unauthorized or improper use of this system is prohibited, and may result in civil and criminal penalties, or administrative disciplinary action. The communications and data stored or transiting this system may be, for any lawful Government purpose, monitored, recorded, and subject to audit or investigation. By using this system, you understand and consent to such terms. For details on how we use your information, please see our [Privacy Policy](#).

# How do Carriers use the Clearinghouse?

- Creating a Portal account
  - DOT #
  - DOT PIN (#X##XX#X)

Account Request

Step 1-2-3-4-5

Select Portal Roles

USDOT # List

Enter the USDOT# you want access to. Click the "Lookup" button to see if your USDOT# is registered in our system.

\*USDOT #:

\*Pin #:

Company Legal Name: Currently there is not a Company Official registered in the FMCSA Portal for the entered USDOT# 743006. A Company Official is an individual who represents a company with a USDOT# registered with FMCSA, and is responsible for administering access to the company's sensitive information in the FMCSA Portal or other FMCSA Systems for the specific USDOT#. Please contact the person expected to be the Company Official for the USDOT# for which you are applying for access and ask them to register with the FMCSA Portal. Once the Company Official has registered in the FMCSA Portal, you may resubmit your account request. If you are requesting access to the FMCSA Portal as the Company Official you must enter and validate the FMCSA issued PIN associated with the USDOT# for which you are requesting access.

Available Roles

Requested Roles

\*Reason for Request

<< Back Next >> Cancel

# How do Carriers use the Clearinghouse?

- Adding *DACH Motor Carrier Admin Role*

Account Request

Step 1-2-3-4-5

Select Portal Roles

USDOT # List    Enter the USDOT# you want access to. Click the "Lookup" button to see if your USDOT# is registered in our system.

\* USDOT #:    

Company Legal Name: SIXTHIRTY INC    The Company Official associated with the USDOT# for which you are requesting access is identified to the left. The Company Official will be required to approve your access request before your account can become active. Please contact the registered identified Company Official for this USDOT# if you have a dispute over who should have the Company Official role in the FMCSA Portal. If you are unable to resolve who should have the Company Official role for this USDOT#, you may [Submit a Challenge](#).  
Company Official Name: John Albrecht

Available Roles    Requested Roles    \* Reason for Request

Portal View Sensitive Company Informati  
DataOs Secure Access  
A&I Carrier  
NCCDB Secure Access  
DACH Motor Carrier Admin  
DACH Motor Carrier

<< Back    Next >>    Cancel

# How do Carriers use the Clearinghouse?

- Acquire consent for Limited Queries

I, (Driver Name), hereby provide consent to (Company Name) to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse. *[Employers and employees may also wish to include the terms of the consent. For example, is the driver consenting to a single limited query or multiple limited queries? If the driver consents to multiple limited queries, will those queries be conducted over a fixed period of time or for the duration of employment? Is the number of limited queries specific or unlimited? The scope of this consent would be determined by the employer and the employee.]*

I understand that if the limited query conducted by (Company Name) indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to (Company Name) without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for (Company Name) to conduct a limited query of the Clearinghouse, (Company Name) must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

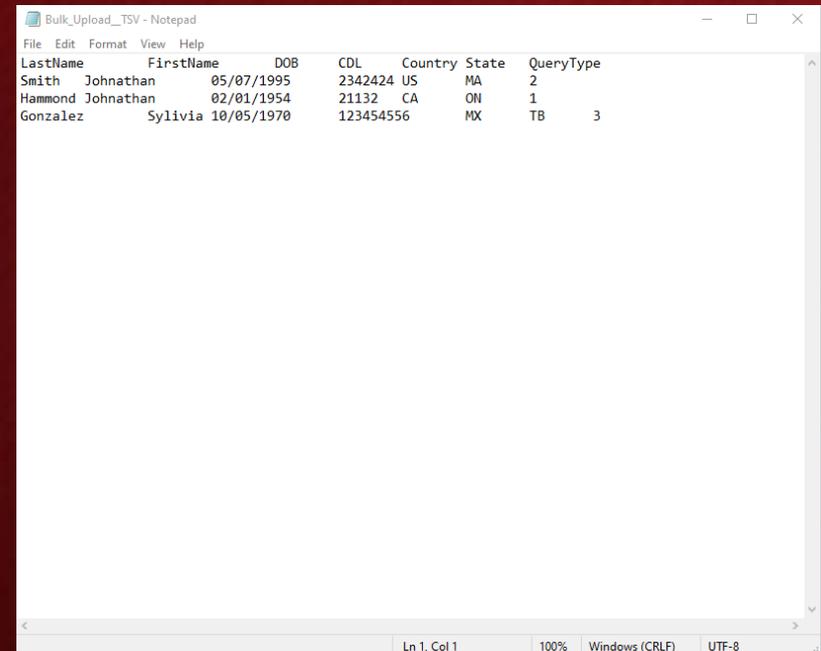
\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

# How do Carriers use the Clearinghouse?

- Querying the Clearinghouse
  - Perform a Pre-Employment (Full) query on a prospective driver **before** performing a Pre-Employment drug screen.
  - Annually query (Full or Limited) the Clearinghouse for **all** drivers.

First row	Field Contents
<b>LastName</b>	The driver's last name. This would include hyphenated last names. Suffix to a last name should not be included in the submittal. Maximum length 40 characters.
<b>FirstName</b>	The driver's first name. Maximum length 40 characters.
<b>DOB</b>	The driver's date of birth. Format is MM/DD/YYYY
<b>CDL</b>	The driver's Commercial Driver's License Number or Commercial Learner's Permit Number. Maximum length 25 characters.
<b>Country</b>	The Country Code where the CDL was issued: For CDLs issued in the United States use <b>US</b> For CDLs issued in Canada use <b>CN</b> For CDLs issued in Mexico use <b>MX</b>
<b>State</b>	For CDLs issued in the United States and Canada, this field contains the two-character abbreviation for the State or Province where the CDL was issued. See below for acceptable abbreviations for U.S. States and Canadian Provinces.  For Mexican States, this field should contain MX.
<b>QueryType</b>	This field contains the type of query that is being requested ( <a href="#">learn more about the different types of queries</a> ). The values should be 1, 2, 3, or 4 with the values indicating the following: 1 – Limited Query 2 – Full Query 3 – Pre-employment Query 4 – Limited Query with Automatic Consent Request*



```
Bulk_Upload_TSV - Notepad
File Edit Format View Help
LastName   FirstName  DOB       CDL       Country  State  QueryType
Smith      Johnathan  05/07/1995 2342424  US      MA      2
Hammond   Johnathan  02/01/1954 21132    CA      ON      1
Gonzalez  Sylvania  10/05/1970 123454556  MX      TB      3
```

# How do Carriers use the Clearinghouse?

- Report the following information about a driver within 3 business days
  - An alcohol confirmation test result with an alcohol concentration of 0.04 or greater
  - A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the employer may report only those admissions made to the specimen collector;
  - Actual knowledge of illicit alcohol or drug use
  - Reporting of negative return-to-duty test results
  - Reporting completion of follow-up programs

# Query Rates

- Employers will be required to purchase a “query plan bundle”
- Plans do not expire
- No price difference between limited or full query

### QUERY PLAN BUNDLES

**\$1.25**  
Flat per query rate  
(limited or full)

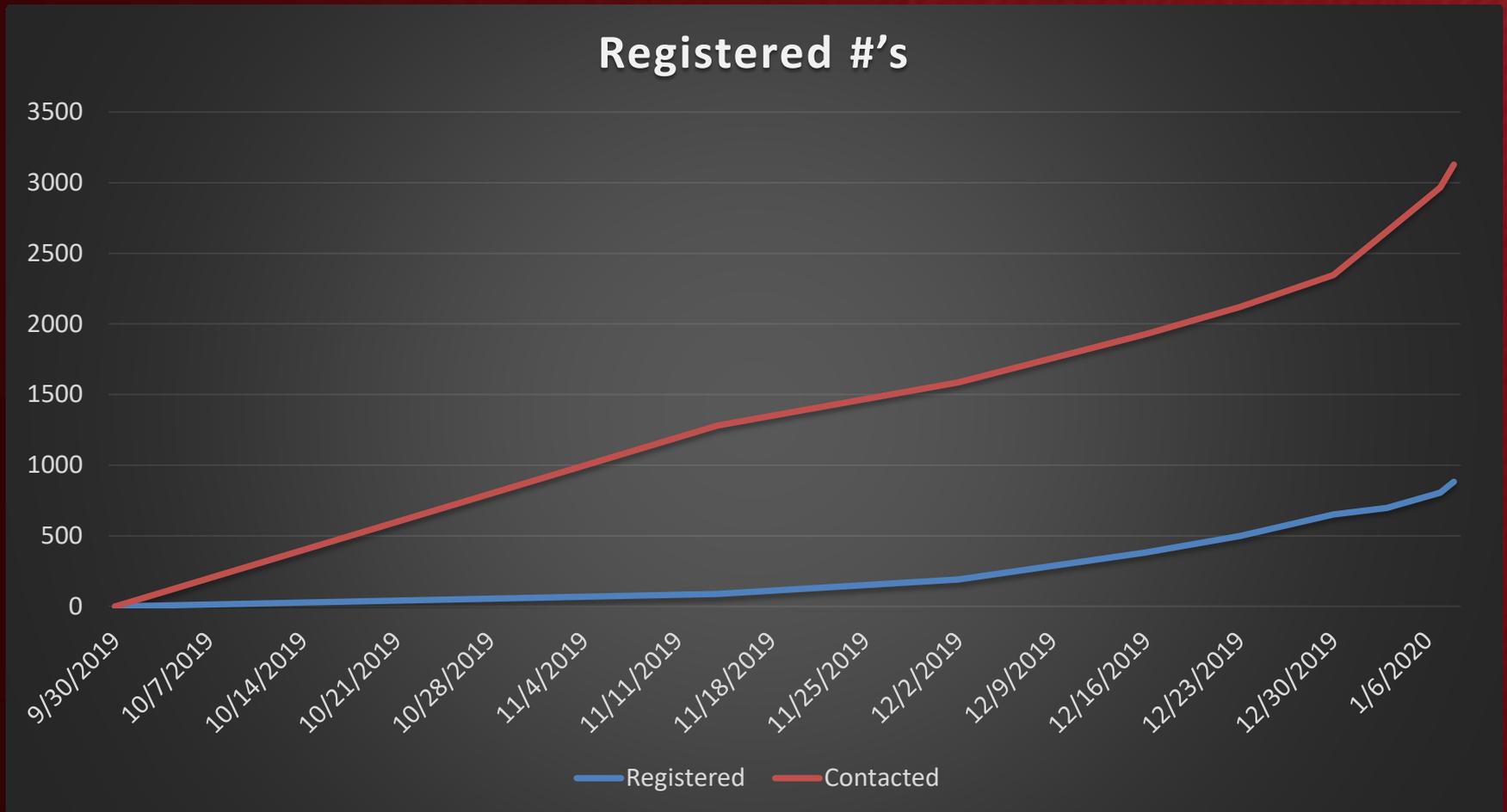
- ✓ Flat per query rate (\$1.25), for limited and full queries
- ✓ Bundles customized to meet your business needs and never expire
- ✓ Options are available for high-volume users, see: <https://clearinghouse.fmcsa.dot.gov/Query/Unlimited>

*Beginning fall 2019, registered employers will log into their Clearinghouse accounts to purchase their query plan.*

*Query plans may be purchased from the FMCSA Clearinghouse only.*

Query Bundle	Plan Cost
1	\$1.25
2	\$2.50
3	\$3.75
4	\$5.00
5	\$6.25
10	\$12.50
20	\$25.00
50	\$62.50
100	\$125.00
150	\$187.50
200	\$250.00
300	\$375.00
500	\$625.00
1,000	\$1,250.00
1,500	\$1,875.00
2,000	\$2,500.00
2,500	\$3,125.00
5,000	\$6,250.00
7,500	\$9,375.00

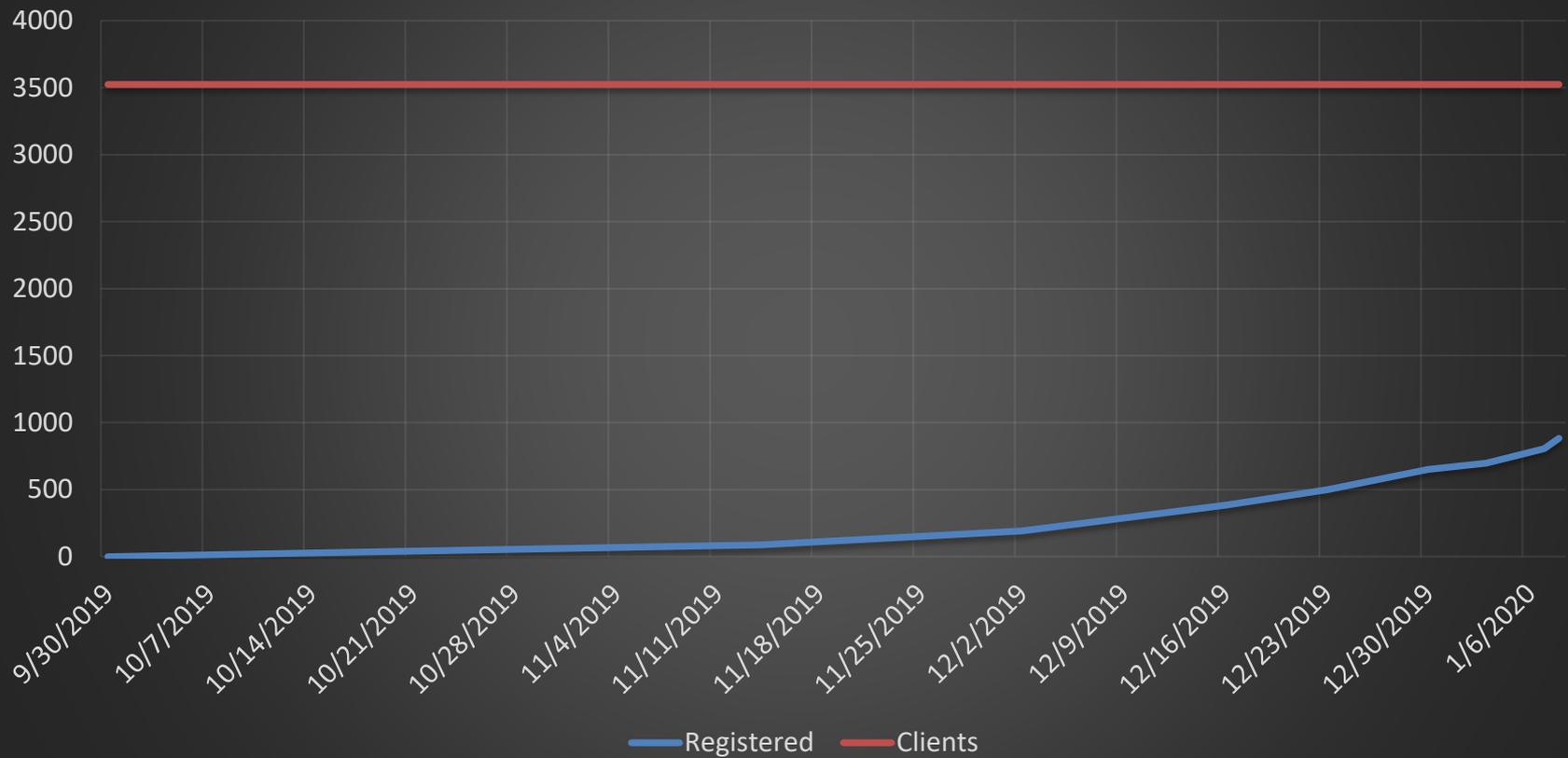
# Problems With DACH



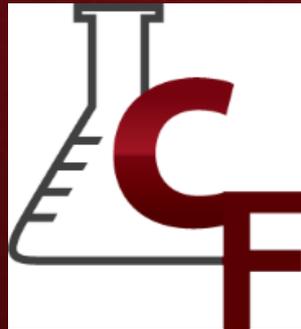
# Problems With DACH



## Client #'s



# Questions?



Lukas Shaw

[lukass@cleanfleet.org](mailto:lukass@cleanfleet.org)

[www.CleanFleet.org/clearinghouse](http://www.CleanFleet.org/clearinghouse)

503-479-6082

# **Attachment**

**E**



# OREGON IFTA AUDITS

Auditing for Compliance



**Oregon  
Department  
of Transportation**

# Audit Population & Requirements

IFTA						
Population Year	IFTA Licensees	New Licensees	Audit Population	Audit Year	Audited Accounts	Audited % Per Year
2016	4,581	484	4,097	2017	84	2.05%
2017	4,530	467	4,063	2018	145	3.57%
2018	4,509	491	4,018	2019	121	3.01%
2019	4,575	502	4,073	2020		0.00%
2020	4,511	527	3,984	2021		0.00%
<b>Total</b>	<b>22,706</b>	<b>2,471</b>	<b>20,235</b>		<b>350</b>	<b>1.73%</b>

Audit Year	25 % High Distance		15% Low Distance		Total	
	Required	Completed	Required	Completed	Required	Completed
2017	31	18	18	15	123	84
2018	32	36	19	43	126	145
2019	32	40	19	16	125	121
2020	32		20		126	
2021	30		18		120	
<b>Total</b>	<b>157</b>	<b>94</b>	<b>94</b>	<b>74</b>	<b>620</b>	<b>350</b>
		<b>59.87%</b>		<b>78.72%</b>		<b>56.45%</b>

## Cost to Perform an IFTA Audit

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- 58 hours to complete an IFTA Audit
- \$4,636 to complete
- \$5,300 average assessment
- Oregon revenue = 10% of the assessed tax

# IFTA Audit Periods and Sampling

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- Current Oregon practices and methodology
- Practices in other jurisdictions

## Proposed Change

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- Reduce audit periods and sampling
- Save agency time and cost
- Reduce audit impact to Oregon-based licensees



# Questions?

