

# Motor Carrier Transportation Advisory Committee (MCTAC) Agenda

Thursday, July 9, 2020 | 8:30 a.m. to 10:30 a.m.



[Join Skype Meeting](#) 971-277-1965 | Conference ID 937442643

Agenda/Meeting Materials: <https://www.oregon.gov/odot/MCT/Pages/MCTAC.aspx>

Time		Topic		Action	Lead
8:30 – 8:40	10 min	01	Welcome and <a href="#">Meeting Minutes</a> Approval	Decision	All
		<b>Objective:</b> Approve May 2020 meeting minutes			
8:40 – 9	20 min	02	Rule Updates	Discussion	Audrey Lawson
		<b>Objective:</b> Elicit feedback and comment for the following rules: <ul style="list-style-type: none"> <li>- PRISM Program Definition</li> <li>- Adoption of Federal Regulations</li> <li>- CMV Application Requirements</li> <li>- Denial, Suspension, or Revocation of CMV Registration</li> </ul>			
9 – 9:30	30 min	04	FMCSA Hours of Service Rules	Informational	Jonathan Wilson
		<b>Objective:</b> Discuss updates to the FMCSA HOS Rules			
9:30 – 9:45	15 min	05	COVID-19 Update	Informational	Amy Ramsdell
		<b>Objective:</b> Receive high-level update of any changes in service and/or staffing due to current COVID conditions.			
9:45 – 9:350	5 min	06	Agenda Build	Discussion	All
		<b>Objective:</b> Identify potential topics for upcoming agendas			
<b>Next Meeting:</b> Ashland Conference Room, Room 230, 3930 Fairview Industrial Drive SE, Salem September 10, 8:30 – 10:30 am					

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

**Skype Attendees:**

Tara L. Caton – ODOT/CCD  
Andrea Comer – ODOT/CCD  
Howard Russell – ODOT/CCD  
Jonathan Wilson – FMCSA  
Carla Phelps – ODOT/CCD  
Sven Johnson – ODOT/CCD  
Dave Gray – Glostone Trucking Solutions  
Audrey Lawson – ODOT/CCD  
Amy Ramsdell – ODOT/CCD  
Kristan Mitchell – ORRA  
Waylon Buchan – OTA

**May MCTAC Minutes**

Dave Gray asked for a wording change in the Rule Updates section of the May minutes to refer to employer identification number instead of taxpayer identification number. With that change, he motioned to approve the May minutes and Howard Russell seconded. The minutes were unanimously approved.

**Rule Updates . . . Audrey Lawson**

**(See Attachment A)**

Audrey shared four draft rules with the group for feedback and comment. These drafts are part of the permanent rule making process for Oregon participation in FMCSA's Performance and Registration Information Systems Management (PRISM) Program. The first rule establishes the criteria to administer PRISM here. The second deals with adoption of the federal regulations around PRISM. The third is Commercial Motor Vehicle application requirements. The fourth is for denial, suspension, or revocation of CMV Registration. There is a statistical correlation between Registration and Safety.

There are three levels of participation: Full, Enhanced, and Expanded. We are moving toward Full participation. We have brought this topic up at previous meetings; the only change this time is some formatting and a language update suggested by Dave Gray.

This process is similar to our current operational practice. This just formalizes the practice by putting it in Rule.

Dave Gray voted to move the drafts forward and the rest of the group agreed.

**FMCSA Hours of Service Rules . . . Jonathan Wilson**

**(See Attachment B)**

FMCSA published a revised Hours of Service (HOS) final rule June 1, 2020 and Jonathan went over the updates with the group. Drivers must operate under the new rule starting September 29, 2020, not before. The rule changes the following four provisions: Short Haul Exception, Adverse Driving Conditions Exception, 30-Minute Break Requirement, and Sleeper Berth Provision. The changes were developed based on input from truckers, industry, safety advocates, Congress, and the American people. They provide greater flexibility while still maintaining safety, and the revision may alleviate unnecessary burdens placed on drivers. In addition, the rule will result in a critical regulatory savings of over \$270 million dollars, which will help create more jobs and strengthen the motor carrier industry.

### **Short Haul Exception:**

CDL carriers using the short-haul exception are not required to use a RODS or ELDs, or take a 30-minute break (§395.1(e)(1))

### **HOS final rule:**

1. Extends maximum driving distance allowed under the short-haul exception from a 100 to a **150 air-mile radius**.
2. Extends maximum duty period from 12 to **14 hours**.

### **To be able to use the short-haul exception, the CMV driver must:**

- Operate within a 150 air-miles radius.
- Not exceed a maximum duty period of 14 hours.
- Start and end shift in the same location.
- Have at least 8 (passenger) or 10 (property) hours off between shifts.
- Include the start and end times for the day and the total hours on-duty on the time record for the day.

While operating under the short-haul exception, drivers are not required to fill out a log with a graph grid or use an Electronic Logging Device (ELD); they can use a time record instead.

### **Adverse Driving Conditions Exception:**

Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions that were not known, or could not reasonably be known, to:

- **A driver** immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or.
- **A motor carrier** immediately prior to dispatching the driver.

### **HOS final rule:**

1. **Extends the duty day by 2 hours when adverse driving conditions are encountered.**
  - In addition to the 2 hours of driving time already allowed, and applies to both:
    - a. Property carrier 14-hour driving window (§395.3(a)(2)) and.
    - b. Passenger carrier 15-hour on-duty limit (§395.5(a)(2)).
2. Updates the **adverse driving conditions definition** to include the role of the driver.

Drivers do need to document the reason for any unexpected delay.

### **30-Minute Break Requirement:**

#### **HOS final rule:**

1. 30-minute break is required after **driving** for a total of 8 hours (driving time does not need to be consecutive) without at least a 30-minute break.
2. 30-minute break can also be satisfied by an “on-duty not driving period”.

### **Sleeper Berth Provision:**

Allows drivers to split 10-hour off-duty period, as long as:

- **One off-duty period (whether in or out of the sleeper berth) is at least 2 hours long, and;**
- **The other involves at least 7 consecutive hours in the sleeper berth.**

When used together, neither period counts against the 14-hour driving window.

- 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window

For information, visit: <https://www.fmcsa.dot.gov/regulations/hours-of-service>.

## COVID-19 Updates . . . Amy Ramsdell

At this time, everything remains status quo. CCD is working with customers by appointment only in both the Salem office and at Portland Bridge. All waivers are still in effect; however, we have begun discussions with industry about when certain waivers will roll back. We would like to start with a soft enforcement of whatever the rollback ends up being. New carrier application requirements were waived at the beginning. It is time to start rolling back some of those requirements. We will begin by issuing broad communications.

Federal HOS and Registration waivers will remain in effect until all of our counterparts are back up and functioning. Our peers aren't all in the same place. We expect to begin the rollbacks in the next few weeks. Working by appointment is expected to continue for quite a while and Renewal will be by appointment as well and we will want to advertise that. We have multiple online services available, but know there will be some customers who prefer to come in person. We will set up the appointment schedule process well before we mail out the annual renewals.

Please let us know if you have feedback or concerns. You can reach out to Audrey Lawson with any ideas. [Audrey.L.Lawson@odot.state.or.us](mailto:Audrey.L.Lawson@odot.state.or.us)

Dave Gray suggested signage on doors and windows.

This is an opportunity to provide updates using the communication plan developed last year. In addition, we are looking at the possibility of extending the window for renewal.

### Agenda Build

The next MCTAC meeting is scheduled for September 10, 2020 and will be another virtual / teleconference format.

Suggested topics for future meetings include:

- STIPP Building Outreach (planning future projects and transportation needs on the system), either in Sept. or Nov.
- Update from Region 1 on the I-5 Bridge trunnion replacement.
- Update on Bridge Load Rating.
- Budget Status Update.
- Communication plan and operations update for Renewal.
- COVID-19 Update.

Please email any other suggested topics to [Tara.L.Caton@odot.state.or.us](mailto:Tara.L.Caton@odot.state.or.us).

Meeting adjourned at 9:25

# **Attachment**

A

## **DIVISION XX**

### **The Federal Motor Carrier Safety Administration's (FMCSA's) Performance and Registration Information Systems Management (PRISM) Program**

#### **XXX-XX-XXXX**

##### **Purpose**

The purpose of division XX is to establish criteria to administer the FMCSA's PRISM program to improve motor carrier safety by making safe performance a requirement for obtaining and keeping commercial motor vehicle registration.

#### **XXX-XX-XXXX**

##### **Adoption of Federal Codes**

The Oregon Department of Transportation (The Department) adopts the federal statutes of the United States Department of Transportation contained in Title 49, US Code, Section 31106 (Information Systems).

#### **XXX-XX-XXXX**

##### **Division Commercial Motor Vehicle (CMV) Application Requirements**

A motor carrier or vehicle owner(s) registering CMV(s) with The Department's Commerce and Compliance Division shall submit the information or documents listed below, as required:

- (a) Documentation identifying as to who is responsible for the safety fitness of the CMV(s) being registered;
- (b) The U.S. Department of Transportation Number (USDOT#) of the motor carrier responsible for safety fitness;
- (c) The Federal Employer Identification Number (FEIN) of the motor carrier responsible for safety fitness;
- (d) Such other information as required, or may be hereafter required, by The Department.

#### **XXX-XX-XXXX**

##### **Denial or Suspension of CMV Registration**

- (1) The Department shall not issue registration for CMV(s) to any motor carrier or vehicle owner who has been prohibited from operating on public highways by FMCSA.
- (2) The Department shall suspend the registration for CMV(s), issued to any motor carrier or vehicle owner who has been prohibited from operating on public highways by FMCSA.
- (3) The Department shall reject applications for CMV registration(s) if the USDOT # and/or FEIN of the motor carrier and of the entity responsible for motor carrier safety for each vehicle is not provided, or if the submitted information does not match information from FMCSA. Anyone providing false or fraudulent information herein required may be subject to suspension of CMV registration.

Any motor carrier who is denied commercial vehicle registration pursuant to the Department's participation in the FMCSA's PRISM program through this rule, or whose registration(s) are suspended or revoked pursuant to this rule may appeal.

# **Attachment**

B



# Hours of Service

What's new in the final rule published June 1, 2020

# Hours of Service (HOS) Final Rule

- FMCSA published a revised HOS final rule on June 1, 2020
- Drivers must operate under new rule starting on **September 29, 2020**, not before
- HOS final rule changes the following 4 provisions



Short-Haul  
Exception



Adverse Driving  
Conditions  
Exception



30-Minute Break  
Requirement



Sleeper Berth  
Provision



# Why did the HOS rule change?

- Developed based on direct **input from truckers, industry, safety advocates, Congress, and the American people**
- Rule will result in **critical regulatory savings of over \$270 million**—which will help create more jobs and strengthen the motor carrier industry



Rule aims to **provide drivers with greater flexibility** while **maintaining safety** on our Nation's roads

# Engaging Stakeholders in HOS Rulemaking

**2018**

**Advanced Notice of Proposed Rulemaking**

Determine if HOS revisions may alleviate unnecessary burdens placed on drivers while maintaining safety

**5,000+**  
public comments

**2019**

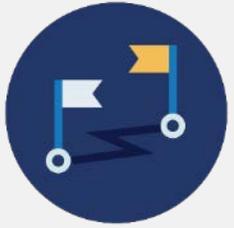
**Notice of Proposed Rulemaking**

Seek input on five specific changes to HOS provisions

**2,800+**  
public comments

# Understanding the HOS Changes





## Short-Haul Exception

CDL carriers using the short-haul exception are not required to use a RODS or ELDs, or take a 30-minute break ([§395.1\(e\)\(1\)](#))

### HOS final rule:

- 1 Extends maximum driving distance allowed under the short-haul exception from a 100 to a **150 air-mile radius**
- 2 Extends maximum duty period from 12 to **14 hours**

### EXAMPLE

Under the previous rule, a driver based in Peoria could not service Chicago and St. Louis. The new rule allows the driver to service those two cities, as well as an additional 2 hours to do so

### Previous rule:



### New rule:



# Short-Haul Exception



- No other provisions of the CDL short-haul exception changed
- New HOS rule does not change the non-CDL short-haul exception in [§395.1\(e\)\(2\)](#)

## To be able to use the short-haul exception, the CMV driver must:

- Operate within a 150 air-miles radius
- Not exceed a maximum duty period of 14 hours
- Start and end shift in the same location
- Have at least 8 (passenger) or 10 (property) hours off between shifts
- Include the start and end times for the day and the total hours on-duty on the time record for the day

# Short-Haul Exception and Logs



While operating under the short-haul exception, drivers are not required to fill out a log with a graph grid or use an Electronic Logging Device (ELD), they can use a time record instead

- Motor carrier must record the driver's time in, time out, and total number of hours per day
  - Time must include the total time for the 7 preceding days
  - Records must be maintained for 6 months
- When a driver no longer meets the exception (drives too far/works too many hours), the driver must complete a regular log or use an ELD for the day ([§395.8](#))
  - If driver is required to complete a log:
    - **8 or fewer days** within the last 30 days ► driver can use **paper log with a graph grid**
    - **More than 8 days** within the last 30 days ► driver must use an **ELD** to record time for that day





# Adverse Driving Conditions Definition

## Previous

Adverse driving conditions means snow, sleet, fog, or other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, **none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun**

## New

Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions **that were not known, or could not reasonably be known, to:**



**a driver** immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or



**a motor carrier** immediately prior to dispatching the driver



# Adverse Driving Conditions Exception

Under the previous rule, drivers were granted an exception to the 10- or 11-hour driving limits when unforeseeable adverse driving conditions affected their route

## HOS final rule:

- 1 Extends the duty day by 2 hours when adverse driving conditions are encountered**
  - In addition to the 2 hours of driving time already allowed, and **applies to both:**
    - **Property carrier 14-hour driving window** ([§395.3\(a\)\(2\)](#)) and
    - **Passenger carrier 15-hour on-duty limit** ([§395.5\(a\)\(2\)](#))
- 2 Updates the adverse driving conditions definition to include the role of the driver**

# Adverse Driving Conditions Exception

## EXAMPLE

A driver is 15 miles from his destination when there is a gravel spill on the bridge ahead (the bridge is the only access to the destination)

- Driver has 1 hour left of driving time and 1 hour left in the driving day
- Driver can stop at the next exit (for up to 2 hours) until the road is clear, and still have time to get to the destination without violating HOS rules

**Drivers should annotate, and include details about, the adverse driving condition in their log or Electronic Logging Device (ELD)**





## 30-Minute Break Requirement

Under the previous rule, property-carrying drivers were required to take a 30-minute break after 8 hours **on-duty** [§395.3\(a\)\(3\)\(ii\)](#)

### HOS final rule:

- 1 30-minute break is required after **driving** for a total of 8 hours (driving time does not need to be consecutive) without at least a 30-minute break
- 2 30-minute break can also be satisfied by an “on-duty not driving period”

#### Previous

30-minute break can be satisfied by:

- ✓ Off-duty
- ✓ Sleeper berth

#### New

30-minute break can be satisfied by:

- ✓ Off-duty
- ✓ Sleeper berth
- ✓ On-duty, not driving

# 30-Minute Break Requirement

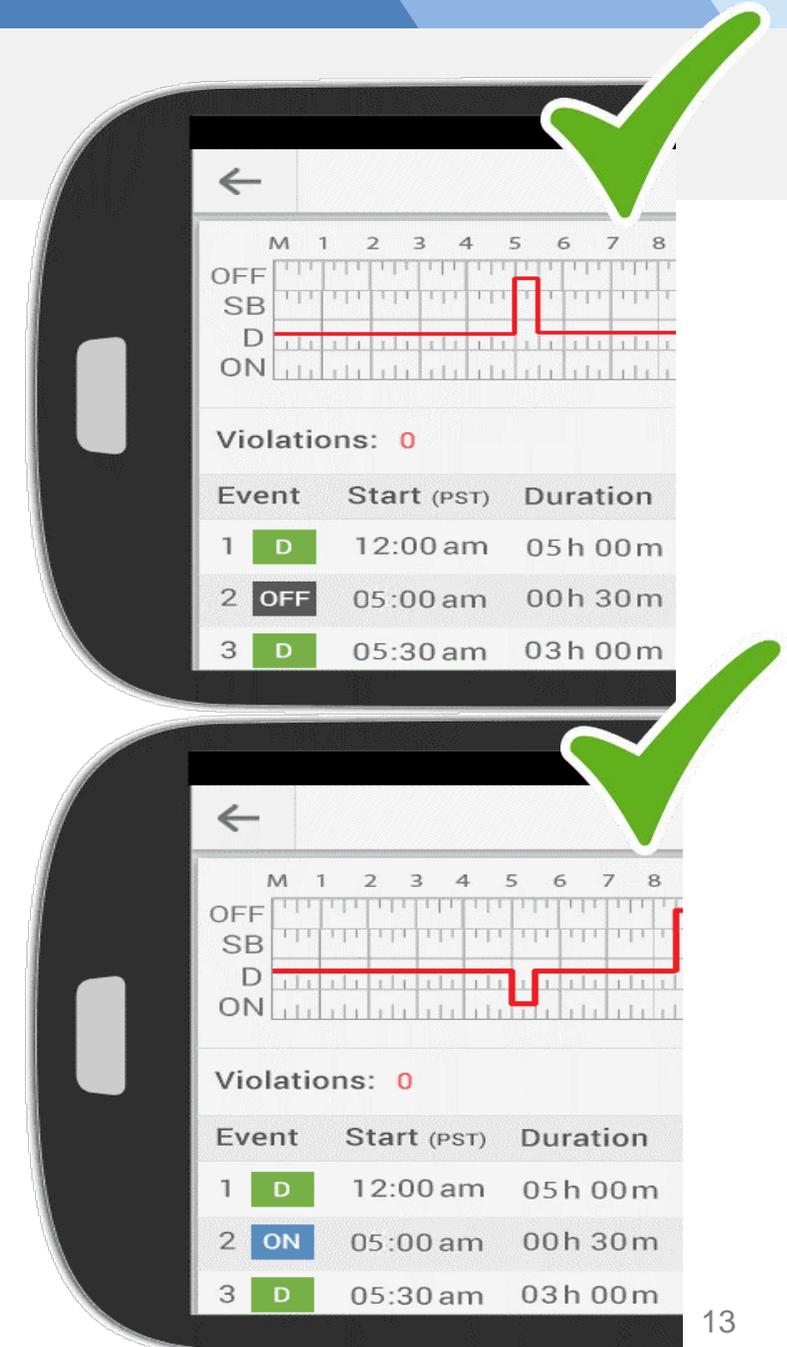
## EXAMPLE

The examples on this slide assume the driver has driven for 8 hours and needs to take a 30-minute break

- **Previous Rule:** only the top log is compliant
- **New Rule:** both logs are compliant



Short *non-consecutive* periods cannot be combined to reach 30 minutes of non-driving time. 30 minutes must be consecutive.





## Sleeper Berth Provision

Allows drivers to split 10-hour off-duty period, as long as:

- One off-duty period (whether in or out of the sleeper berth) is **at least 2 hours long**, and
- The other involves **at least 7 consecutive hours** in the sleeper berth

When used together, neither period counts against the 14-hour driving window

- 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window



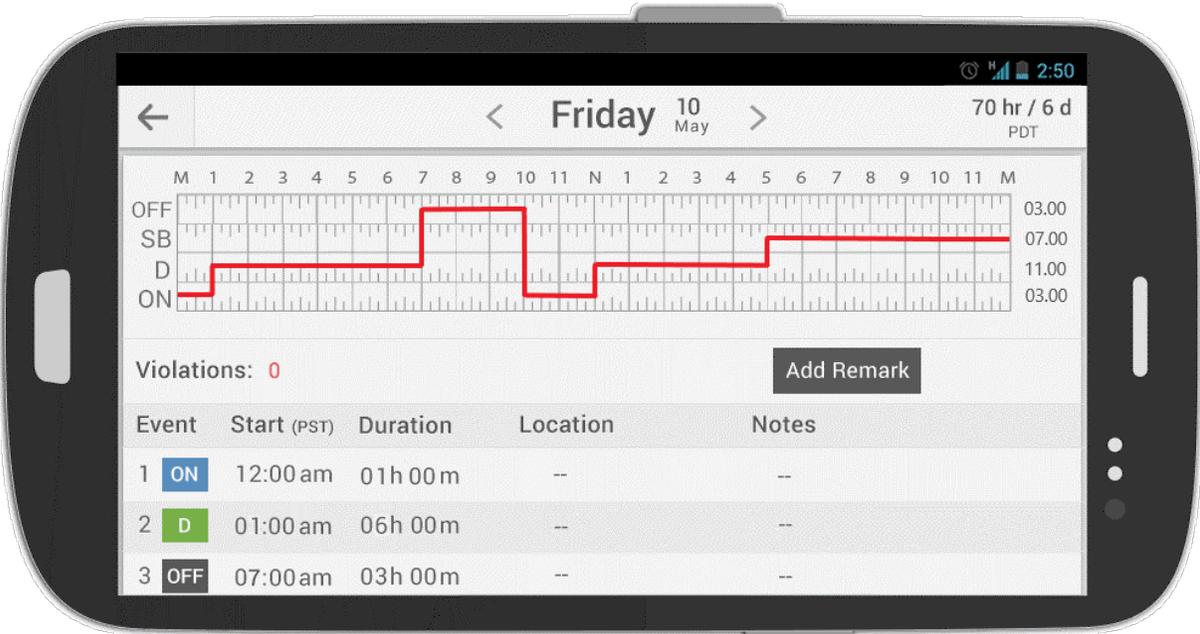
# Sleeper Berth Provision

**EXAMPLE**

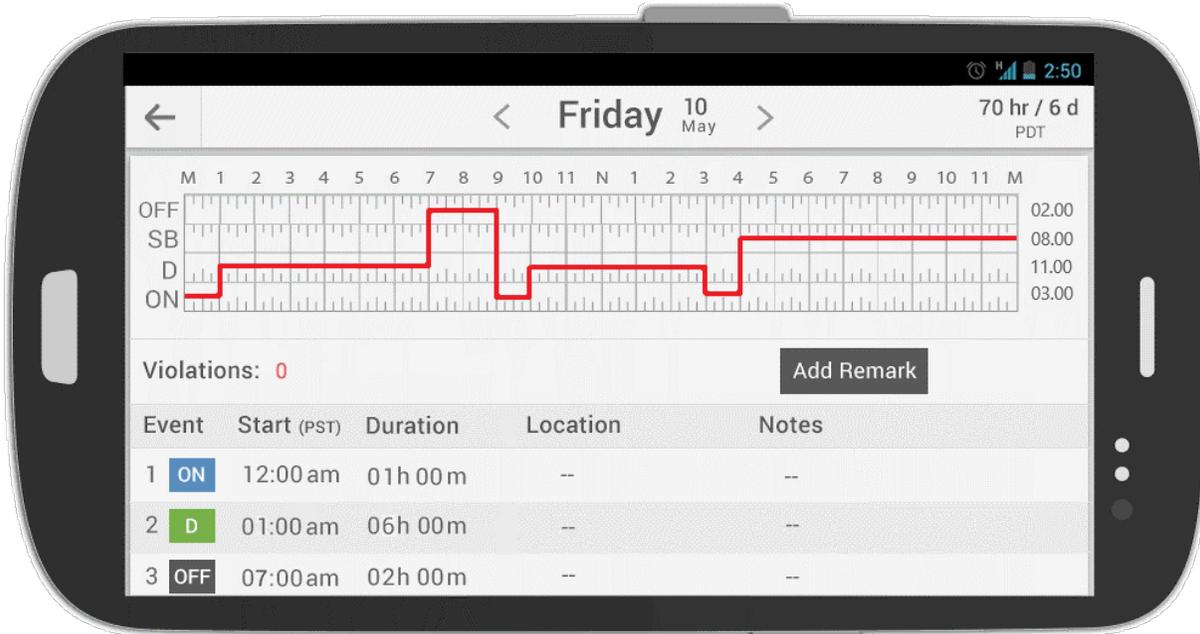
The example on this slide assumes the driver starts day 1 having just completed 10 consecutive hours off-duty

- None of the 4 break periods count against the driver's 14-hour window

**Day 1: Driver used a 7/3 split**



**Day 2: Driver used an 8/2 split**



# When do the changes take effect?



Drivers and carriers must operate under the HOS final rule starting on the **September 29, 2020**, and not before

# More Information & Resources



For information, visit:

<https://www.fmcsa.dot.gov/regulations/hours-of-service>