

# Motor Carrier Transportation Advisory Committee

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October 17, 2024

Commerce and Compliance Division

Oregon Department of Transportation

# Housekeeping

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- We are in a hybrid format.
- Today's meeting is being recorded.
- Please introduce yourself and with whom you are associated before speaking.
- We will pause throughout the presentation to allow time for questions.

# If you are on Teams ...

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- Please mute your microphone in the Teams application if you are using the application as your visual and calling in via phone for your audio.
- Turn down your desktop sound as well.
- Please use the “raise hand” function in Teams to signify you want to speak.

# Motor Carrier Transportation Advisory Committee (MCTAC) Agenda

Thursday, October 17, 2024 | 9 am to 10:30 am

[Click here to join the meeting](#) Audio only: +1 971-277-1965,,339809420#

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



Time		Topic		Action	Lead
9:00-9:05	5 min	01	Welcome and Housekeeping	Discussion	Jason Lawrence
			<b>Objective:</b> <ul style="list-style-type: none"><li>Welcome, housekeeping, etc.</li><li>Review and approve previous meeting summary</li><li>Overview of today’s agenda</li></ul>		
9:05-9:35	30 min	02	JCT Road Show and 2025 Legislative Session	Information	Carla Phelps
			<b>Objective:</b> <ul style="list-style-type: none"><li>Recap of Joint Committee’s Road Show</li><li>Overview of CCD’s 2025 legislative concepts</li></ul>		
9:35-9:55	20 min	03	Iowa IRP Fees Corrections	Information and Discussion	Nick Hopper and Carla Phelps
			<b>Objective:</b> <ul style="list-style-type: none"><li>What’s the issue?</li><li>Background information</li><li>Solution</li><li>Need feedback from members on communications</li></ul>		
9:55-10:05	10 min	04	Flat Fee Study	Information and Discussion	Sven Johnson and Daniel Porter
			<b>Objective:</b> <ul style="list-style-type: none"><li>Update on flat fee analysis</li></ul>		
10:05-10:15	10 min	05	CDL automatic downgrade when prohibited in DACH	Information	Reed Norton and Margaret Greer
			<ul style="list-style-type: none"><li>Update on DACH impact</li></ul>		
10:15-10:30	15 min	06	HB 2007 Titling Requirements for Mid- and Heavy-Duty Vehicles	Information	DMV and DEQ
			<ul style="list-style-type: none"><li>Our partners from DMV and DEQ will inform us about the next round of HB 2007 requirements for January 1, 2025</li></ul>		
Close		07	Agenda Build and Close	Discussion	All
			<b>Objective:</b> <ul style="list-style-type: none"><li>Identify agenda topics and action items for October 17, 2024</li></ul>		
Next Meeting: Thursday, January 16, 2025 9:00am-10:30 am					



## **MCTAC Summary Notes – July 25, 2024**

**Attendees:** Members - Amy Ramsdell (ODOT-CCD), Mark Gibson (OTA), Kaiger Braseth (Mountain West), Donny Callahan (OTTA), Reed Norton (FMCSA), Diane DeAutremont (Lile International); Support – Jason Lawrence (ODOT-CCD)

Presenters and Guests – Margaret Geer (ODOT), Charlie Hutto (ODOT-CCD), Andrew Eno (FMCSA), David Babb (ODOT-CCD), Elisha Brackett (ODOT-CCD), Jenny Galvin (ODOT-CCD), Carla Phelps (ODOT-CCD), Nick Hopper (ODOT-CCD), Matt Bagwell (ODOT), two unidentified phone participants

**Previous meeting's minutes approved.**

**ODOT Tax Evasion Study – Jenny Galving, Tax Program Branch Manager, CCD:** Jenny provided a recap of the ongoing work with ODOT's tax evasion study. Findings from the 2021 and 2022 studies were applied in new methodology for 2023. Key takeaways from the study were presented (see slides).

**Oregon Administrative Rule (OAR) Updates – Charlie Hutto, Over-Dimension Permit Coordinator, CCD:** Charlie gave an overview of the Rule amendments that will occur with the launch of our new OD permitting system, ORION (see slides) and highlighted anticipated benefits the new system will provide our customers.

**Jenny Galvin, CCD:** Jenny walked us through changes to parts of OAR 740 where we have cleaned up language regarding lease agreements, simplifying the wording to align with current best practices. Additionally, we updated some language within Oregon Trucking Online (TOL) Rules accounting for the impending launch of ORION, adjusting definitions as we will soon have multiple authorized systems for online transactions.

**Exemption Request for COFA Customer CDLs - Margaret Geer, CDL Programs Lead, Oregon DMV:** DMV requested an exemption from the CDL Requirements in 49 CFR 383.71(b)(9) Table 1 for Oregon residents from COFA nations to address an FMCSA finding of non-compliance. Margaret explained the what and why of this request and outlined what might change if the request is denied. An update on FMCSA's decision will be provided when finalized.

**Agenda build discussion. Close of meeting.**

# CCD Leadership Changes

- Carla Phelps, Interim Administrator
- Jess Brown, Interim Roadside Safety and Enforcement Branch Manager



# JCT Road Show Recap and CCD's 2025 Legislative Concepts

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Carla Phelps, Interim Administrator

# Tour Recap

- A Statewide Tour
- Takeaways & Looking Ahead
- Continuing the Conversation
- Questions?



ODOT Maintenance Yard  
Bend, Oregon





Coos Bay Bus Tour

## A Statewide Tour

Over the summer, the Joint Committee on Transportation (JCT) embarked on a **12-stop tour across the state to:**

- Develop deeper public + legislative **understanding** of structural transportation revenue challenges
- **Hear from Oregonians** their transportation-related needs and priorities
- Share ODOT's priorities: sufficient and sustainable funding to support a **safe, accessible, and reliable** transportation system.



# Tour Components

Each tour stop includes three components:

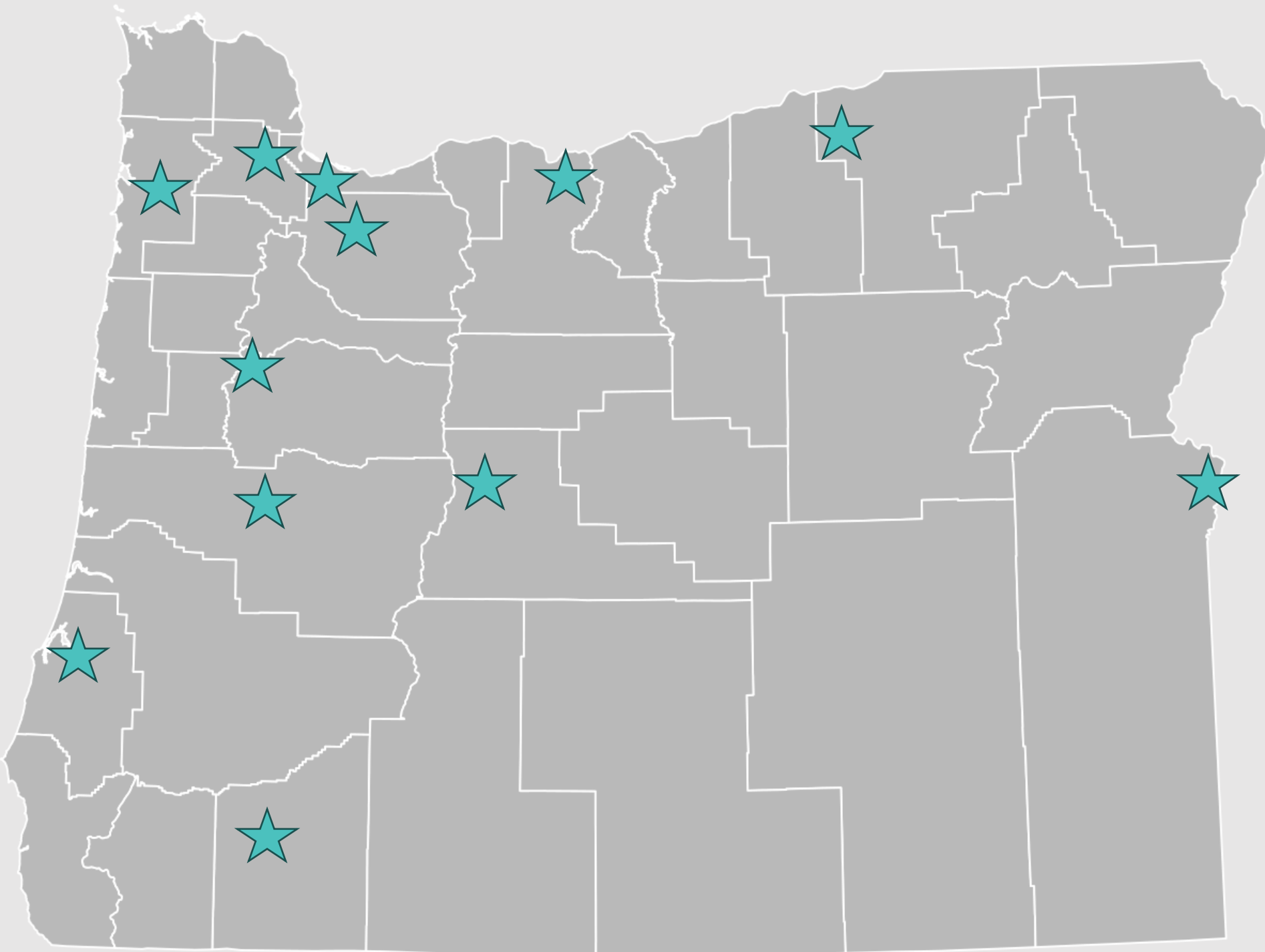
- 1) **Planned site tours** that demonstrate ongoing maintenance, operations, and safety needs
- 2) **Roundtable conversation** with local officials, partners, and community leaders
- 3) **Public hearing** including a presentation from ODOT and public testimony



Eugene Tour,  
Community Roundtable



Bus Tour in Albany



## Tour Dates & Locations

6/4: Portland

6/18: Tillamook

7/16: Albany

7/17: Eugene

8/7: Coos Bay

8/8: Medford

8/28: Ontario

8/29: Hermiston

9/12: Bend

9/13: The Dalles

9/26: Happy Valley

9/27: Hillsboro





## ODOT's Role

- **Working with local partners to plan tours** at each stop demonstrating ongoing maintenance and operations needs
- **Developing informational packets** for tour participants including transit, state, county, city transportation needs and services
- **Delivering a presentation** at each public hearing highlighting local Region, DMV, and CCD services and describing ODOT's needs and priorities
- **Building an understanding** of structural transportation funding challenges and **building trust + confidence** through performance, delivery, and stewardship



# Staff on the Ground

- Topics of discussion:
  - Winter maintenance, incident response, fire preparedness:
    - *"While there was a lot of important preparation and additional work for the tour, it was well worth the time spent preparing to share our story."*
  - A day in the life of a maintenance crew:
    - *"The opportunity to educate the group on what we do, what we do it with, and truly show a glimpse into our world."*
  - The essential services DMV staff and field offices provide Oregonians:
    - *"I thought I knew this already, but what we do at ODOT matters even more to individual Oregonians than I understood."*



# Staff on the Ground

## Carla Phelps

- Topics of discussion:
  - How CCD's work helps maintain a safe transportation system
- Questions:
  - Involvement of safety inspections
  - Weighing procedures and accuracy
  - Compliance rates, tax evasion rates, and legal dimensions of trucks
- Key takeaways:
  - Legislators were genuinely interested in understanding the issues facing ODOT
  - Each community has unique challenges
  - Overwhelming support for ODOT funding needs to maintain services
  - *"The representatives are better prepared now than prior to the tours and they are armed with knowledge to approach the hard task ahead."*



Bus Tour visit to the Farewell Bend Weigh Station





# Continuing the Conversation

- **Resource Library Development**
  - ODOT is developing a Resource Library to provide baseline information to inform the discussions around the development of the funding package
- **Work Groups**
  - October 2024 – April 2025
- **December Legislative Days** (10th – 12th)
- **2025 Session**
  - Transportation Funding Package Development & Passage



Medford Tour stop Public Hearing





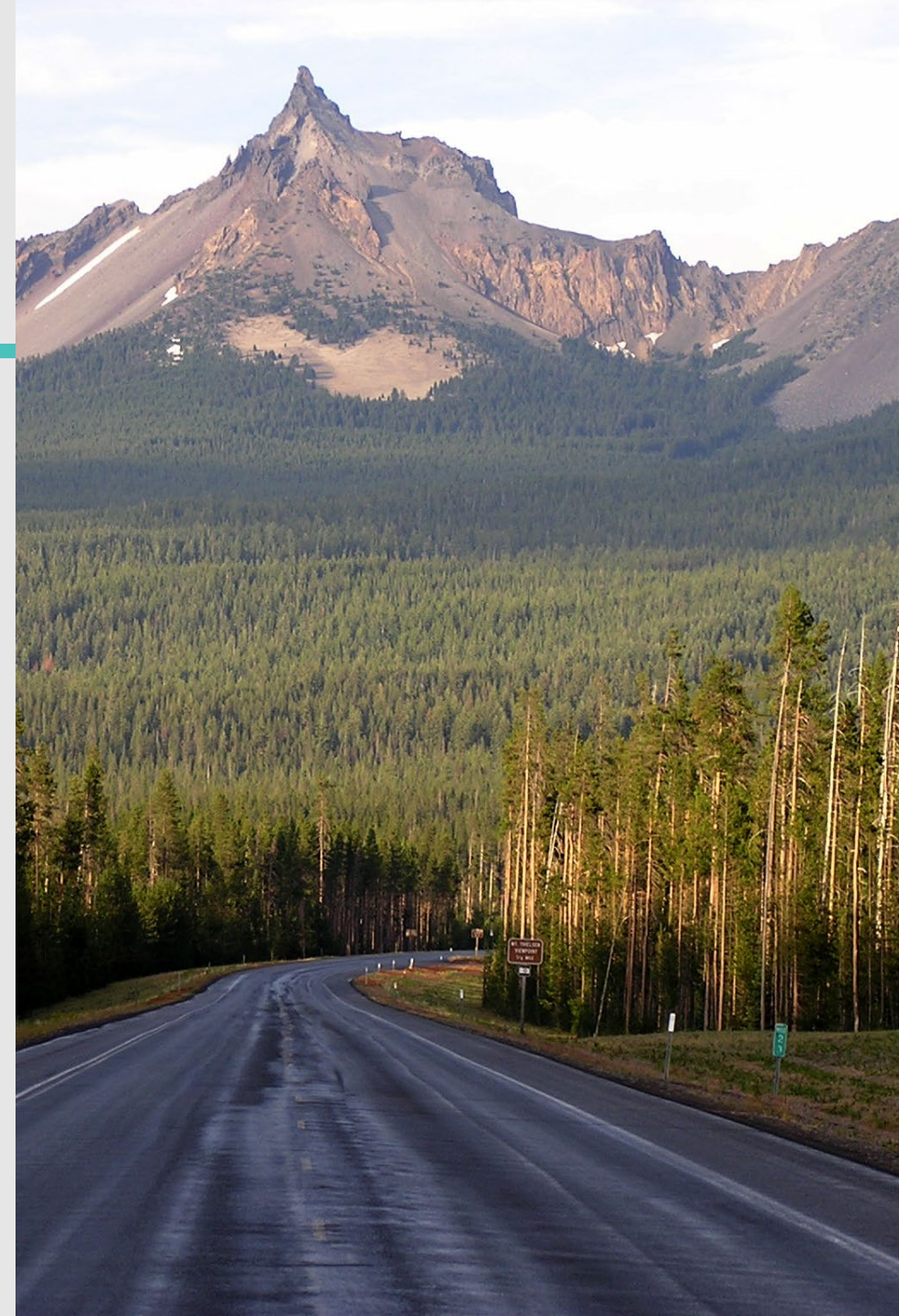
Questions?





## CCD's Legislative Focus

1. Consumer protection for household goods moving
2. Enforcement authority for mid-duty vehicles
3. Amendments to fees
4. Technical fixes
5. Weight-Mile Tax





# HHG Consumer Protections

Certificate Requirements and Penalties for HHG Carriers



# Consumer Protections with HHG Moves: ORS 825

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- Amends ORS 825.100 to require a certificate to offer, advertise and operate as an HHG mover
- Amends 825.950 to treat offering or advertising service without a certificate as equal to transporting without a certificate



# ORS 810.530 Enforcement Authority for Mid-Duty Vehicles

Regulating 10,000 to 26,000 lb. vehicles



# Regulating 10k to 26k lbs.

ORS 810.530(1)(r), 810.530(1)(s), 810.530(2) and 810.530(3)

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- Currently weighmasters and law enforcement have authority over “commercial motor vehicles.”
- Adding authority over a "commercial vehicle" that has:
  - A gross vehicle weight rating of 10,001 pounds or more;
  - A gross combination weight rating of 10,001 pounds or more;
  - A gross vehicle weight of 10,001 pounds or more; or
  - A gross combination weight of 10,001 pounds or more.
- As defined in Statute, “commercial vehicle” means a vehicle that:
  - (1) Is used for the transportation of persons for compensation or profit; or
  - (2) Is designed or used primarily for the transportation of property

# Why this change?

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- Equity: Makes things the same for all commercial vehicles
- Validating proper commercial registration & valid driver licensing
- Safety: Accidents for vehicles under 26k lbs. have jumped by more than 1.5 times relative to commercial vehicles over 26k lbs.
  - These vehicles are proliferating with e-commerce
  - Higher probability of increased crashes
  - Increased wear and tear to the roads
  - Driver oversight



# Amendments to Fees

Updates on plates, stickers, transponders and monitored moves



# Fees for cards, plates, stickers & transponders: ORS 826.023

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- Fee increases:
  - Variance permit fee: \$8 → \$9
  - Duplicate or replacement registration card: \$3 → \$15
  - Original, replacement or renewal of a registration plate: \$3 → \$20 (or \$25 for a pair)
  - Registration sticker(s): \$3 → \$12 (or \$13 for a pair)
- New fees:
  - Trusted carrier plate is \$36
  - Preclearance transponder is \$110

A semi-truck with a white trailer and a red cab is crossing a concrete bridge. Below the bridge, a road with yellow double lines curves through a forested area. A utility pole is visible on the left side of the road.

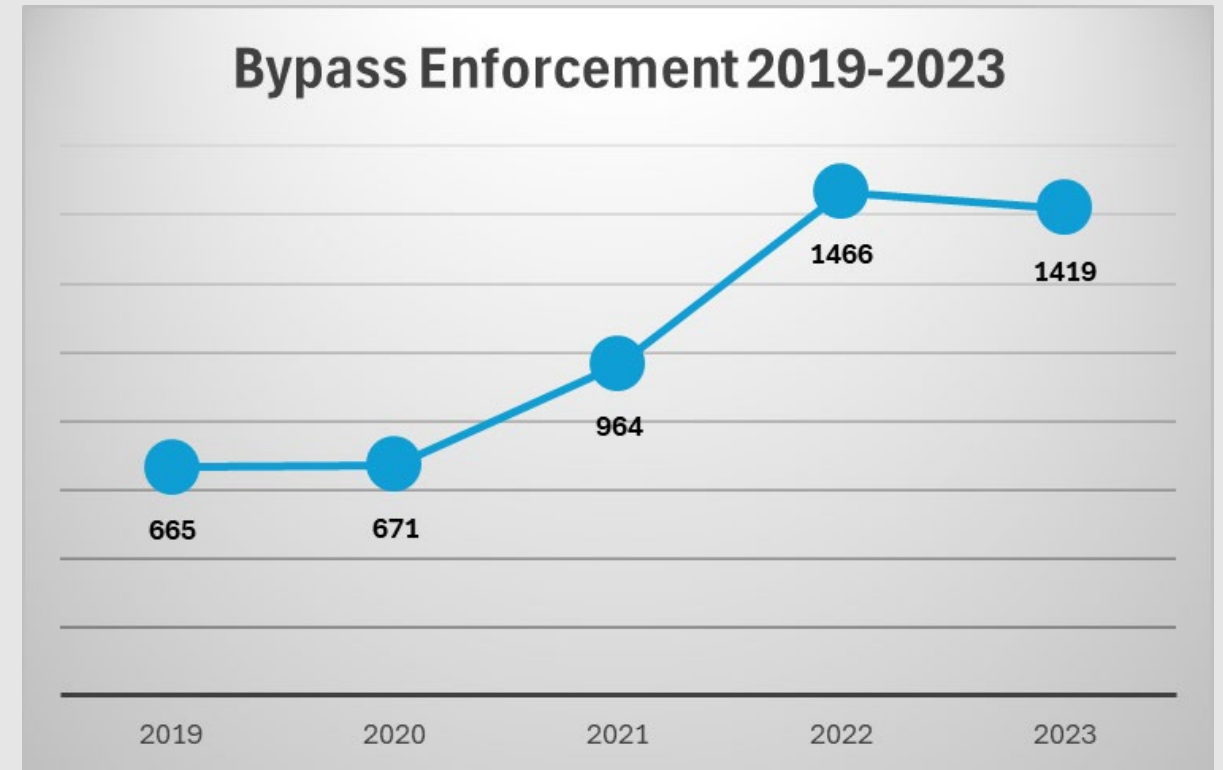
# Technical Fixes

FMCSA alignment, cleaning up language for best practice, etc.



# Illegal Bypassing: ORS 818.400

- Amends illegal bypass from a Class B misdemeanor to a Class A traffic violation
- Why this change?
  - Illegal bypassing is an ongoing issue in Oregon
  - Two primary benefits:
    - The motor carrier industry will have less of a legal burden.
    - The justice system can allocate resources to more serious crimes.



# Cleaning Up Court Procedures: ORS 810.370 and 825.450 & 825.470

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- ORS 810.370:
  - Would require convictions of violations with impacts to transportation safety be forwarded to the Department of record
    - This change will result in such violations showing on a commercial vehicle driver record.
- ORS 825.450 & 825.470:
  - Would eliminate the requirement for courts to forward convictions of violations related to WMT credential
    - This change will not impact the motor carrier industry.

# FMCSA Alignment: 825.017 & 825.020

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- Cleans up Statute to make it clear that there are no exemptions from Federal Motor Carrier Safety Regulations (FMCSRs)
  - These proposed changes will have minimal impact on the motor carrier industry.





# Weight-Mile Tax





Questions or comments?



# Iowa and IRP Fees

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Nick Hopper, Commercial Vehicle Licensing Services Branch Manager

# IRP Fees Issue

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- Iowa Fee Module Issue
  - Estimated range of costs to carriers is currently \$16.41 to \$50,000.
- Additional considerations:
  - Actual vs. chart miles
  - Number of vehicles added and renewed in affected registration years.
  - Weight at which the vehicle was registered.

# Background

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- What we know:
  - Part of a 2022 system change resulting from IA fee module update.
  - CCAD implements the programming, and CCD does the system testing.
  - Testing was performed correctly.
  - Temporary production environment is broken.
  - Upon detection, the system issue was fixed.

# Solution

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- Steps toward the solution:
  - Notify IRP Inc. and Iowa IRP Commissioner.
  - Identify affected vehicles.
  - Conduct a financial impact assessment.
  - Leadership to determine policy decisions.
  - Send invoices to carriers – estimated completion date is Q1 2025.

# Communications

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- Do you have any suggestions on how we can best communicate this with industry?





Questions or comments?



# Flat Fee Study: Findings and Recommendations

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Sven Johnson, Tax Program Analyst

# Study Summary

- Optional for three carrier classes:
  - Chips, Sand & Gravel, Log Haulers
- Study Question: Are flat fee rates revenue neutral with weight-mile tax?
- Study Finding: Sand and gravel carriers are significantly underpaying; log haulers are slightly overpaying.
- ODOT requests OTC recommend both sand and gravel and log rate adjustments.

2024 Sand & Gravel Rate (\$/100 lbs.)	2024 Revenue Neutral Sand & Gravel Rate (\$/100 lbs.)
\$11.50	\$16.98
2024 Log Rate (\$/100 lbs.)	2024 Revenue Neutral Log Rate (\$/100 lbs.)
\$11.60	\$10.50



Questions or comments?



# Drug and Alcohol Clearinghouse Update

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Richard “Reed” Norton, State Programs Specialist, FMCSA Oregon Division

Andy Eno, Division Administrator, FMCSA Oregon Division

Margaret Geer, Oregon DMV, CDL Programs

# DRUG & ALCOHOL CLEARINGHOUSE

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## FMCSA Clearinghouse Updates

Richard “Reed” Norton

State Programs Specialist, FMCSA Oregon Division

Andy Eno

Division Administrator, FMCSA Oregon Division

October 17, 2024



U.S. Department of Transportation  
**Federal Motor Carrier Safety Administration**



# The Clearinghouse First Final Rule

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- Mandated by Congress (MAP-21, Section 32402)
- Published December 5, 2016
- Established requirements for the Clearinghouse
- Implemented on January 6, 2020



**Learn more and access the Clearinghouse first final rule at:**

**[www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse](http://www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse)**



# Who is required to use the Clearinghouse?

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- ☑ Drivers who hold commercial driver's licenses (CDLs) or commercial learner's permits (CLPs)
- ☑ Employers of CDL drivers who operate commercial motor vehicles (CMVs)
- ☑ Consortia/Third-Party Administrations (C/TPAs)
- ☑ Medical Review Officers (MROs)
- ☑ Substance Abuse Professionals (SAPs)
- ☑ State Drivers Licensing Agencies (SDLAs)



# FMCSA CDL Drug and Alcohol Clearinghouse

- The Drug and Alcohol Clearinghouse prevents impaired operation of CMVs by giving employers access to **real-time information** about which CDL drivers have **drug and alcohol program violations**, enabling employers to determine which drivers to **remove from safety-sensitive functions**.



Verified positive drug test



Alcohol test 0.04 or greater BAC



Refusal to test



Actual knowledge of a drug and alcohol program violation

**DRUG & ALCOHOL  
CLEARINGHOUSE**

[My Profile](#) [Learn](#) [About](#) [Contact](#)

## Welcome to the Drug and Alcohol Clearinghouse

An online database that gives employers and government agencies real-time access to information about CDL driver drug and alcohol program violations.

[Register](#) [Log In](#)

The Clearinghouse contains information about holders of commercial driver's licenses (CDLs) and commercial learner's permits (CLPs) who are covered by FMCSA's Drug and Alcohol Testing Program.

### Before You Register

**Do you need help with registration?**  
Identify your Clearinghouse user role and find out what you will need to complete your registration.

[Read More](#)

- ☒ Record
- ☒ Consent
- ☒ Query
- ☒ Safety

### Learn More

Find Answers to Commonly Asked Questions  
[Read FAQs](#)

Download Resources and Job Aids  
[Visit the Learning Center](#)

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Clearinghouse Activity  
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### Clearinghouse-II Final Rule: CDL Downgrades

As required in the Clearinghouse-II final rule, beginning November 18, 2024, State Driver Licensing Agencies (SDLAs) must query the Clearinghouse before issuing, renewing, upgrading, or transferring CDLs and CLPs, and must review a driver's information when notified by the Clearinghouse of a status change. SDLAs will be required to remove the CDL or CLP privilege from the driver's license of an individual subject to the CMV driving prohibition, which would result in a downgrade of the license until the driver complies with the return-to-duty (RTD) requirements. [Read the second Clearinghouse final rule](#)

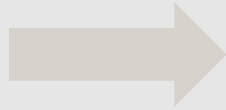
# The FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse

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## Record

**Employers and medical review officers** report violation information to the Clearinghouse (positive tests, refusals to test, actual knowledge)



## Retain

**Secure database retains the violation and CDL/CLP number**  
Includes driver's status in return-to-duty (RTD) process



Driver consent



## Query

**Employers and C/TPAs** query the Clearinghouse for driver status and any violation information, with driver consent

**FMCSA** uses data for enforcement purposes  
**State enforcement agencies** can access current and previous driver eligibility statuses (i.e., Prohibited/Not Prohibited)

**Drivers** can access only their own information



# Return-to-Duty (RTD) Process

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A driver with a drug and alcohol program violation is prohibited from performing safety-sensitive functions, including operating CMVs, for any DOT-regulated employer until the RTD process is complete.

The steps drivers must take to complete the RTD process is established by 49 CFR part 40, subpart O, as follows:

- 1 Select a Substance Abuse Professional (SAP) and successfully complete education/ treatment plan.
- 2 Take the return-to-duty test.
- 3 When employer or C/TPA enters negative RTD test, Clearinghouse status changes to “not prohibited” and driver is eligible to resume performing safety-sensitive functions.



**By November 18, 2024 (Federal Deadline)**, as part of new Federal regulations, drivers with a “prohibited” status in the Clearinghouse will lose or be denied their State-issued commercial driving privileges.

# Clearinghouse-II Final Rule

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# The Clearinghouse Second Final Rule

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- Federal Register Publication Date: October 7, 2021
- Effective Date: November 8, 2021
- Establishes requirements for State Driver Licensing Agencies (SDLAs) regarding commercial driving privileges
- **Compliance Date: November 18, 2024**
- Federal Motor Carrier Safety Regulation Parts Affected:
  - Parts 382, 383, 384, 390, and 392



**Read the Clearinghouse-II final rule at:**

<https://www.regulations.gov/document/FMCSA-2017-0330-0036>



# Clearinghouse-II: Commercial Driving Privileges

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Beginning November 14, 2024, in Oregon:

## CDL Downgrade

- When a CDL driver's Clearinghouse status changes to "prohibited," the SDLA must **remove the commercial driving privileges. Oregon DMV will begin cancellation process.**
- The commercial driving privilege will be reinstated if/when the driver's status changes to "not prohibited"

## CDL Non-Issuance

- Before any commercial licensing transaction, the SDLA will query the Clearinghouse
- If the driver has a "prohibited" status, the SDLA will **deny the commercial licensing transaction**



**Commercial licensing transactions include:  
issuing, renewing, transferring, or upgrading a CDL, or  
issuing, renewing, or upgrading a CLP**

# Mandatory CDL Downgrade

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- SLDA will receive notification of a driver's Clearinghouse status
  - SDLA to pull information from the Clearinghouse
  - FMCSA to push a notification to the SDLA
- SDLA must initiate the process to remove a CLP or CDL privilege (downgrade) when notified of a driver's Clearinghouse violation
- FMCSA will notify the SDLA when a driver completes the RTD requirements and is no longer prohibited
- If FMCSA removes a violation erroneously entered in the Clearinghouse, the SDLA will be notified
  - SDLA Must reinstate commercial driving privilege
  - SDLA to expunge the driving record accordingly

# Questions?

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- **For more information:**
  - Visit the Clearinghouse Learning Center at:  
<https://clearinghouse.fmcsa.dot.gov/Learn>  
for resources and answers to common questions
- **Contact Clearinghouse:**
  - Email  
<https://clearinghouse.fmcsa.dot.gov/Contact>
  - Call 800-832-5660
- **Contact FMCSA Oregon Division**
  - Call 503-399-5775







# HB 2007 Diesel Retrofit Compliance

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Jeffery Sanders, Legislative Analyst, DMV

# Jan. 1, 2025 – New Titling Requirement

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- New titling requirement for all truck owners with a registered address in **Multnomah, Washington or Clackamas** counties for:
  - **Medium-duty trucks:** GVWR 14,001 – 26,000 lbs., powered by a model year 2009 or older diesel engine; or
  - **Heavy-duty trucks:** GVWR over 26,000 lbs., powered by a model year 2006 or older diesel engine.
- For these trucks, **Oregon DMV** will only issue a certificate of title for a change of ownership, or a replacement certificate of title, after they've completed a retrofit and been approved by **Oregon DEQ**.





# Volkswagen Diesel Emissions Settlement

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- In 2016, Volkswagen announced it would pay Oregon \$85 million as part of a massive fraud settlement.
- Oregon set aside \$68 million for state programs aimed at curbing diesel emissions.
- HB 2007, passed in 2019, outlined a plan to reduce emissions by older diesel trucks in Oregon.
- DEQ manages the diesel retrofit program; DMV enforces it through titling and registration.



# Program Contacts

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**CALL TO ACTION:** Please share this information with fleet owners.

**For eligibility and exemption questions:**

- ODOT: Jeff Sanders, [jeffrey.d.sanders@odot.oregon.gov](mailto:jeffrey.d.sanders@odot.oregon.gov)

**For technical questions on retrofits:**

- DEQ: David Glomski, [david.glomski@deq.oregon.gov](mailto:david.glomski@deq.oregon.gov)





Thank You.







Questions or comments?

## **Agenda Build for Thursday, January 16, 2025**

- What would you like to see in January?
  - 2025 Legislative Session
  - ORION update
  - WMT simplification update?
  - MCSAP Partnerships with OSP and local law enforcement
  - I-5 joint operation with Washington
  - FMCSR annual adoption
  - Suggestions from the committee?

# Additional Resources & Information

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- [Oregon Transportation Plan](#)
- [Oregon Transportation Commission](#)
- [Oregon Freight Advisory Committee](#)
- [Urban Mobility Office](#)
- [Equity and Mobility Advisory Committee](#)
- [Oregon Safety Transportation Plan](#)

For questions or comments  
about MCTAC meetings,  
please email:

[MCTACContacts@odot.Oregon.gov](mailto:MCTACContacts@odot.Oregon.gov)