

MINUTES
MOTOR CARRIER TRANSPORTATION ADVISORY COMMITTEE MEETING
March 12, 2020

Attendees:

Zion Richardson – May Trucking Co.
Andrea Comer – ODOT/CCD
Tara L. Caton – ODOT/CCD
Jonathan Wilson – FMCSA
Charlie Hutto – ODOT/CCD
Anthony Barghini – ODOT/CCD
Yvonne Wolf – ODOT/CCD
Audrey Lawson – ODOT/CCD
Dave Gray – Glostone Trucking Solutions
Howard Russell – ODOT/CCD
Hannah Wilson – ODOT/CCD
Jon Golly – Jon L. Golly, Inc.
Sven Johnson – ODOT/CCD
Carla Phelps – ODOT/CCD
Amy Ramsdell – ODOT/CCD

Phone:

Waylon Buchan - OTA

Coronavirus Information: Per the Department of Administrative Services, please visit the [Oregon Health Authority's webpage](#) for the latest information and FAQs on the coronavirus in Oregon.

January MCTAC Minutes

Dave Gray motioned to approve the January minutes seconded by Howard Russell. The minutes were unanimously approved.

Rule Updates (See Attachment A)

- **Audit Waiver (New Rule Proposed) . . . Sven Johnson**

Sven reviewed the proposed rule with the group. It simply puts the Commerce and Compliance Division's (CCD) current Weight/Mile audit waiver policy in to Rule in order to provide awareness and transparency of the policy.

The group unanimously approved moving the rule forward in the formal approval process.

- **Division 45 . . . Audrey Lawson**

The following changes outline the emergency/temporary rule making for Division 45. More work is needed in future for the permanent rulemaking, but these changes address the current concerns.

740-045-060 (1) (c) (Qualifications for the Trusted Carrier Program) - Update language to require a transponder or device that allows electronic identification of a truck, rather than exclusively require participation in Oregon's Greenlight system via our transponder. This change makes interoperability workable and not limited to Oregon's Greenlight transponders.

740-045-070 (1) (Trusted Carrier Partner Plates for Property-Carrying Vehicles) - Update language to allow issuance of TCP plates to all vehicles within a fleet and not just to specific vehicles.

The emergency rule is moving forward.

Northbound Interstate Bridge Closure . . . Audrey Lawson

(See Attachment B)

Audrey provided a handout on the upcoming 9-day closure of the northbound span of the Interstate Bridge, currently scheduled for September 2020. The closure allows replacement of mechanical parts that help lift and lower the bridge and is expected to cause significant congestion when all NB traffic is rerouted to share the southbound lanes. The off-ramp to the CCD Portland Bridge Registration office will be closed, which means that we are looking at options including closing the office and temporarily relocating staff to Salem during the closure. We are beginning targeted outreach to the customers of that location and are looking for feedback so we can make plans.

Please provide any feedback or comments to Audrey.L.Lawson@odot.state.or.us

SC&RA WASHTO Conference Report . . . Charlie Hutto

(See Attachment C)

Charlie attended meetings with members of the Western Association of State Highway and Transportation Officials (WASHTO), the American Association of State Highway and Transportation Officials (AASHTO), and the Specialized Carriers and Rigging Association (SC&RA). There were three consistent topics among these groups: Automation, Harmonization, and Bridge Hits.

Automation - Currently in Oregon, a human being must touch each Single Trip Permit. It takes time; we would like to automate the process. Thirty-eight out of fifty states already have an automated STP process in place. Automation allows for increases in efficiency, customer service, and compliance. In some locations that have switched, issuance for these permits went from three days to twelve minutes, with a 3% increase in issuance for one of the states.

Harmonization among states would allow consistency in permitting. Multiple groups would like to see consistent laws, rules, regulations, and procedures as well as a similar application and permit issuance process. Consistency in permit provisions and the look and feel of the permit would also be helpful.

Bridge hits are becoming a bigger issue nationally. Some of the unanswered questions include: What is the cause nationally? Is it because loads aren't permitted at all? Are they under permitted? Are they off route? We don't know.

There are some technology tools that could be helpful in avoiding bridge hits, including lidar and sensors. (The encouraged method for accurately measuring loads is to do it by hand and use multiple people.) Another tool would be installing sensors to something in advance of a low bridge, but part of the challenge is determining where to put the technology so that it's most effective.

PRISM Update . . . Hannah Wilson

(See Attachment D)

Participation in the Performance and Registration Information System Management (PRISM) Program is required by the FAST Act. The program goal is to reduce CMV crashes, injuries, and fatalities. To this point, Oregon has been a partial participant in the program, but in order to apply for and obtain Federal grants, we need to be in full compliance with the program by October 2020. Full compliance means that Oregon must deny registration and pursue enforcement violations for motor carriers with serious safety deficiencies, such as federal out-of-

service orders or deactivated USDOT numbers. The program is managed at both the motor carrier account and the vehicle level identified by USDOT numbers and VINs.

Impacts of this change to carriers include:

- CCD shall not issue credentials to motor carriers or vehicles under a Federal OOS order.
- Need for supporting documents may slow the registration application process.
- Changes to cab cards and forms.
- Impacts only motor carriers operating with safety deficiencies.

These changes will go live in October 2020. Until then, we are working through the scoping, development, communication, and implementation process.

Administrator's Report . . . Amy Ramsdell

There is nothing to report out of the legislative session.

We will start working on our open-house planning soon. Feedback from last year's sessions indicated that some areas preferred meetings during work hours, while others wanted after-hours meetings. We will be evaluating all feedback gathered as we work on planning future meetings.

We are anticipating a full agenda in May due to the OTC Workshop scheduled for April, multiple agency program moves, and attendance by some of the Director's staff.

Our Division is now the Commerce and Compliance Division. This change should not affect MCTAC. We will still be providing all of the services to the Motor Carrier industry that we always have. In addition to that body of work, we will be acquiring some personnel from Rail who conduct Rail safety inspections, similar to what our Motor Carrier Safety officers do for the trucking industry. The name change more accurately reflects the broader body of commerce and compliance work which will fall under our purview now and in the future.

Please take the time to think about the upcoming Interstate Bridge closure and give us feedback on the Portland Bridge Registration office.

Comments / Updates

Dave Gray – The Drug and Alcohol Clearinghouse is working better, but is still not linked to the portal. Oregon Intrastate carriers need an updated MCS150 form in order to participate in the Clearinghouse, lack of it is slowing the process. (The form is supposed to be updated biannually per Jonathan Wilson with FMCSA) Dave suggested making the MCS150 update part of the registration process. Oregon statute requires positive drug tests being reported to DMV. This statute is going to be redundant due to the Clearinghouse so should be cleaned up.

Andrea Comer – Beginning this year, we are switching our Customer Satisfaction Survey to an electronic annual process. It will open in early-mid April and remain open for 6 weeks.

Agenda Build

The next MCTAC meeting is scheduled for May 14, 2020.

Suggested topics include:

- Director's Office report.
- Evasion update.
- Truck Parking Study update.

Meeting adjourned at 9:30

Attachment

A

New Rule

740-055-XXXX (0230)

Discretionary Waiver or Reduction of Charges and Penalties Assessed in Motor Carrier Weight-Mile Tax Audits

(1) The following charges and penalties assessed in motor carrier weight-mile tax audits may be waived or reduced under this rule at the discretion of the Department:

(a) Late payment charges assessed pursuant to ORS 825.490(1), 825.490(2), or 825.490(3);

(b) Penalties assessed pursuant to ORS 825.490(5), 825.490(6) or 825.494(3);

(c) Interest charges assessed pursuant to ORS 825.490(4) or 825.494(2).

(2) To qualify for a waiver, a motor carrier must make a written request for a waiver or reduction according to ORS 825.496(2). The motor carrier must explain the reasons for the failure to file, to file timely, or to pay amounts required by law, and identify the criteria that it qualifies for a reduction or waiver.

(3) Requesting a waiver does not temporarily stop the taxes from being due. Payment is due within 30 days after the service of the notice. A motor carrier's failure to pay within that time will result in an additional assessment of a penalty equal to 10 percent of the amount of the tax due, which cannot be waived or reduced by the Department.

(4) In exercising its discretion under ORS 825.496(2) to waive or reduce charges or penalties described in section (1), the Department shall consider:

(a) The facts of each circumstance on a case-by-case basis;

(b) Whether the reduction or waiver is in the best interests of the Department. The Department may waive or reduce any or all of the charges and penalties described in section (1) of this rule if it determines that doing so is in the Department's best interests. Notwithstanding any other consideration, the Department may refuse to waive or reduce any penalty or charge described in section (1) if the Department determines that the reduction or waiver is not in the best interests of the Department;

(c) Whether the motor carrier has cooperated in the audit process. The Department may not waive or reduce any charges or penalties described in section (1) of this rule if the auditor evaluates the motor carrier as "uncooperative" in the audit. A motor carrier cooperates with the audit by:

(A) Willingly providing requested records and information to the auditor;

(B) Maintaining continued communication during the audit, including

- returning all phone calls from the auditor and all emails that require a response and answering the auditor's questions, and
- (C) Generally helping the auditor to complete the audit.
- (d) Whether the motor carrier has demonstrated a good payment history. A good payment history means that the carrier timely filed at least 75 percent of its tax reports during the current audit period and the tax assessed in the current audit is 15 percent or less of the total tax reported during that period. If the Department determines that the motor carrier has a good payment history, it may reduce or waive late payment charges;
- (e) Whether the error was due to a recent policy, rule, or statutory change. If the Department determines that this circumstance caused the failure, it may reduce or waive penalty charges;
- (f) Whether the error was due to reasonable confusion about an area of law that the motor carrier was unfamiliar with because application of the law does not ordinarily arise in the normal course of the industry's operations. If the Department determines that this circumstance caused the failure, it may reduce or waive penalty charges;
- (g) Whether the failure was due to a unique error that is unlikely to be repeated. If the Department determines that this circumstance caused the failure, it may reduce or waive penalty charges;
- (h) Whether the failure was inadvertent, meaning due to a mistake or accident. However, the department reduces or waives penalty charges based on inadvertence only in unusual and compelling circumstances. The Department expects motor carriers to conduct their business in an orderly and professional manner. In addition, the department may reduce or waive late payment charges for errors caused by inadvertence only if the inadvertence caused the degree of error in the audit to exceed 15 percent.
- (A) Failures that may be considered to be inadvertent include, but are not limited to:
- (i) Errors due to circumstances beyond the reasonable control of the motor carrier, such as when a lessor operated on credentials without the knowledge of the motor carrier after the lease has been broken; and,
 - (ii) Errors that the Department did not cause but it may have contributed;
- (B) Errors caused by the following circumstances will not be considered inadvertent:
- (i) Personnel turnover at the motor carrier;
 - (ii) Reliance on computerized mileage programs;
 - (iii) Reliance on third parties [other than the Department];
 - (iv) Lack of awareness of reporting requirements;
 - (v) Mismanagement of business operations

- (vi) Lack of control over actions of drivers (employees or owner/operators);
or
- (i) Whether the failure was caused solely by the Department providing incorrect information to the motor carrier and upon which the motor carrier reasonably relied. If the Department determines that this circumstance caused the failure, the Department may waive any late payments, interest, and penalties.

740-045-0060

Qualifications for Trusted Carrier Partner Program for a Property-Carrying Motor Carrier

(1) In order to qualify for participation in the Trusted Carrier Partner program, a motor carrier must:

- (a) Have at least 12 months history of Oregon operations;
- (b) Have a valid USDOT number;
- (c) Be ~~a participant in Oregon's commercial vehicle electronic preclearance weigh station bypass program (GreenLight)~~ **equipped with a transponder or device that allows electronic identification of a truck;**
- (d) Not have an unsatisfactory safety rating with the State or Federal regulatory agencies;
- (e) Not be a carrier identified by the FMCSA Safety Measurement System as a carrier needing corrective interventions;
- (f) Not have a record of safety violations, including, but not limited to, violating an out-of-service order or having a driver found driving under the influence; or
- (g) Not have a driver and/or vehicle out-of-service percentage greater than the national compliance average.

(2) In addition to the requirements found in section (1) of this rule, the Department may deny participation in the Trusted Carrier Partner program for violations or conditions related to registration or tax requirements including, but not limited to:

- (a) Suspensions with the Department;
- (b) Civil monetary penalty actions;
- (c) Revocations of IFTA tax license;
- (d) More than one motor carrier related tax report filed late; or
- (e) More than one repayment plan entered into or satisfactorily concluded.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011, 825.232

Statutes/Other Implemented: ORS 825.212, 825.232, 825.250

History: MCTD 9-2012, f. & cert. ef. 10-23-12; MCTB 4-1998, f. & cert. ef. 10-16-98

740-045-0070

Trusted Carrier Partner Plates for Property-Carrying Vehicles

- (1) In order to identify their status, Trusted Carrier Partners will be issued Trusted Carrier Partner plates (TCP plates) for each motor vehicle **in their fleet** ~~equipped with an operable transponder.~~
- (2) A Trusted Carrier Partner must:
 - (a) Display TCP plates on the front of the vehicle(s) and in accordance with OAR 740-045-0020(2)(c); and
 - (b) Display the motor carrier's USDOT number on the TCP plate.
- (3) TCP plates are valid unless the Trusted Carrier Partner to which they are issued:
 - (a) No longer meets the qualifications identified in OAR 740-045-0060;
 - (b) Uses the transponder or TCP plate in a manner not authorized by the Department; or
 - (c) Files bankruptcy.
- (4) When the motor carrier is notified by the Department that a TCP plate is invalidated, the motor carrier must immediately remove the plate from the motor vehicle and return it to the Department.
- (5) A Trusted Carrier Partner who leases a motor vehicle with a TCP plate to another motor carrier must remove the TCP plate until the leased motor vehicle is returned to the control of the Trusted Carrier Partner.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011, 825.250, 825.232

Statutes/Other Implemented: ORS 825.212, 825.232, 825.250

History: MCTD 9-2012, f. & cert. ef. 10-23-12; MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02; MCTB 4-1998, f. & cert. ef. 10-16-98

Attachment

B

9-DAY CLOSURE OF INTERSTATE BRIDGE SEPTEMBER 2020

SEPTEMBER 2019
NEWSLETTER



PROJECT OVERVIEW

The northbound span of the Interstate Bridge will close from **September 12–September 20, 2020** as crews replace mechanical parts that help lift and lower the bridge.

Because this work takes place overhead, the northbound bridge must close to keep drivers safe and to provide access for construction crews and heavy equipment.

BRIDGE CLOSURE

The Interstate Bridge is located on Interstate 5 where it connects Oregon and Washington across the Columbia River.

During the closure period, travelers crossing the Interstate Bridge in both directions will share the three existing lanes and sidewalk on the southbound bridge. Movable concrete barriers will allow two lanes of traffic to travel in the heaviest direction.

AREA RAMP CLOSURES

Four ramps will close in the project area for traffic control and to ensure a safe work zone.

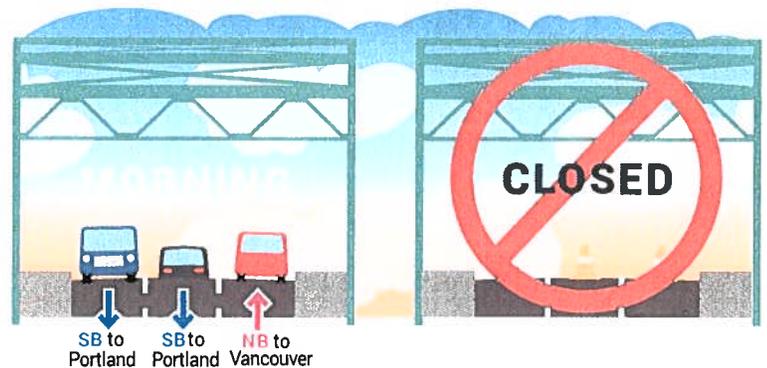
- Marine Drive on-ramp to I-5 north in Portland.
- Hayden Island on-ramp to I-5 north in Portland.
- I-5 north to SR 14 off-ramp in Vancouver.
- SR 14/Washington Street on-ramp to I-5 south in Vancouver.

TRAFFIC IMPACTS

Traffic impacts will occur in August and September of 2020. Lane closures on the Interstate Bridge and I-5 begin in late August 2020 and continue into late September 2020 in addition to the full 9-day closure of the northbound bridge.

Closing the northbound bridge reduces the amount of traffic that can travel across the Interstate Bridge. Heavy traffic, congestion and long delays are expected on I-5, Interstate 84, Interstate 205, and local streets in north Portland and south Vancouver throughout construction.

INTERSTATE BRIDGE



MORNING COMMUTE

Two southbound lanes and one northbound lane.



EVENING COMMUTE

Two northbound lanes and one southbound lane.

TRAVEL STRATEGIES

Everyone can help reduce congestion during the closure by using options such as:



Delaying or shifting trips.



Working from home or another location.



Bus and transit.



Rideshare, vanpool and carpool.



Passenger rail service.

SIGN UP FOR PROJECT UPDATES!
www.interstatebridge.org



9-DAY CLOSURE INTERSTATE BRIDGE SEPTEMBER 2020

SEPTEMBER 12-20
2020

The northbound span of the Interstate Bridge will close for maintenance.



Oregon Department of Transportation
123 NW Flanders Street
Portland, OR 97209

9-DAY CLOSURE INTERSTATE BRIDGE SEPTEMBER 2020

Look inside to read about bridge maintenance and traffic impacts.

www.interstatebridge.org



FOR MORE INFORMATION

Jessica Bull *Public Involvement Manager*
503-235-5881
jessica.bull@jla.us.com

www.interstatebridge.org

For ADA Title II or Civil Rights Title VI accommodations, translation/interpretation services or for additional information call 503-731-4128, TTY (800) 735-2900 or use the statewide Oregon Relay Service: 7-1-1.

¿Habla usted español? Podemos proveer la información en esta publicación en español. Para recibir la información en español, por favor llámé al: 503-731-4128.



September 2020



	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
WEEK 36	Aug 31	Sep 1	2	3	4	5	6
WEEK 37	7	8 <ul style="list-style-type: none"> July RUAUF Report & June OD Fees Due July Flat Monthly Report Suspension Date 	9	10 <ul style="list-style-type: none"> August Flat Monthly Report Due June Monthly Report Suspension Date 	11	BRIDGE CLOSURE	
WEEK 38	14	15 IFTA Q2 Return & July Notification for Fees Revocation Date	INTERSTATE BRIDGE CLOSURE				
WEEK 39	21	22	23	24	25 July RUAUF Report & June OD Fees Suspension Date	26	27
WEEK 40	28	29	30 August Mileage Report Due Date	Oct 1	2	3	4

Attachment

C

SC&RA Symposium Report

Presented by Charlie Hutto

March 12, 2020

Multiple Meetings

- Western Association of State Highway and Transportation Officials (WASHTO).
- American Association of State Highway and Transportation Officials (AASHTO), Committee on Transportation System Operations (CTSO), Working Group on Freight Operations.
- Specialized Carriers and Rigging Association (SC&RA) Symposium.

THREE MAIN MESSAGES

- Automation.
- Harmonization.
- Bridge Hits.



AUTOMATION

- Issuance of routine single-trip, oversize/overweight permits, without the need of staff analysis.
- 38 out of 50 states have this in place today.
- Increases in efficiency, customer service, and compliance.





HARMONIZATION

- Laws, rules, regulations, procedures.
- Application and permit issuance processes.
- Provisions of the permit.
- Look and feel of the permit.



BRIDGE HITS

- Becoming a bigger issue nationally.
- Should Oregon systematically track bridge hits?
- Should Oregon participate in a national database of bridge hits?



The End

QUESTIONS?

Charlie Hutto

ODOT / CCD / OD Permits

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Salem, OR 97302

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503-378-6108

Attachment

D

PRISM

Performance and Registration Information System Management (PRISM) Program

Commerce and Compliance Division (CCD)

3/12/2020

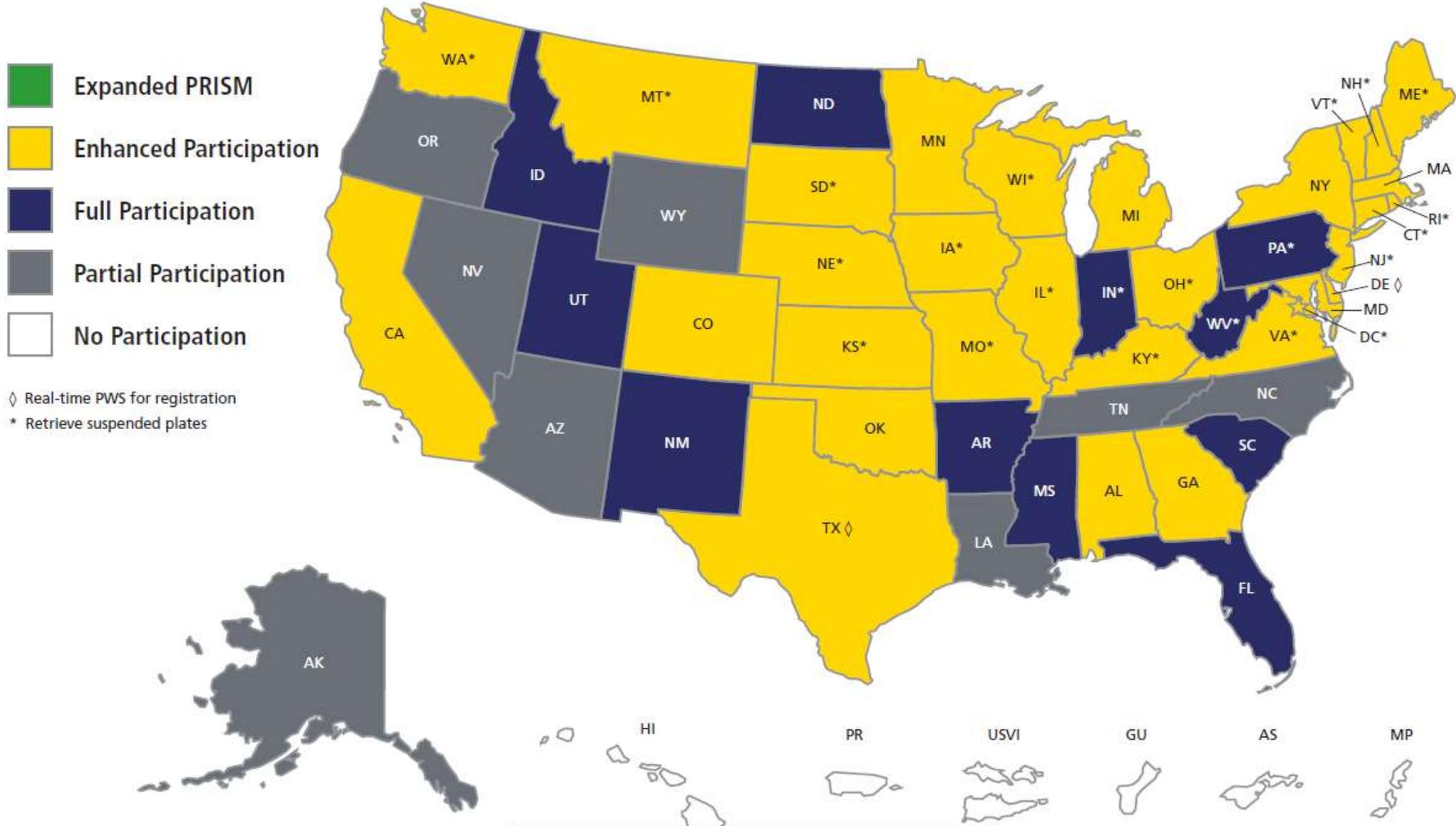
Why Participate

- Required participation set by 2015 FAST Act
 - Requirement to apply for and attain Federal grants
- Program goal: to reduce CMV crashes, injuries, and fatalities

What is PRISM?

- Provides state authority to deny registration and pursue enforcement violations for motor carriers with serious safety deficiencies
 - Federal out-of-service order
 - De-activated or inactive USDOT number
- Managed at both the motor carrier account and the vehicle level
 - Identified by USDOT numbers and VINs

PRISM Implementation Status



Impacts to Carriers

- CCD shall not issue credentials to motor carriers or vehicles under a Federal OOS order
- Need for supporting documents may slow registration application process
- Changes to cab cards and forms
- Impacts only motor carriers operating with safety deficiencies

Timeline

- February – April 2020: Project scoping
 - April – July 2020: Development and communication
 - July – September 2020: Implementation and communication
 - October 2020: Go live!
-
- Communication will occur throughout the project, and more details will be shared in subsequent meetings and news letters