



Oregon

Kate Brown, Governor

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DATE: February 3, 2017

TO: House Committee on Transportation Policy

FROM: Amy Joyce, Legislative Liaison
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SUBJECT: HB 2291, Motor Carrier efficiencies and federal compliance

INTRODUCTION

House Bill 2291 proposes three changes to the law regulating commercial motor vehicles on Oregon's highways. First, the bill clarifies an existing law regarding the transport of hazardous materials, so as to qualify for federal funding. Second, the bill allows Motor Carrier Enforcement Officers to cite truckers who have obscured license plates. Third, the bill modernizes the weight determination for commercial passenger buses.

BACKGROUND

The Motor Carrier Transportation Division of ODOT enforces safety standards, size and weight limits, and collects registration and weight-mile tax, for commercial motor vehicles on Oregon's highways primarily at six ports of entry and 83 weigh stations across the state. Nearly all of the state laws setting the safety standards for heavy trucks in interstate commerce are required by federal regulation. Failure to comply with federal regulations can result in loss of federal funds, and disqualification from particular grant funding. An audit by the Federal Motor Carrier Safety Administration (FMCSA) of Oregon's Motor Carrier Safety Assistance Program (MCSAP) found Oregon lacking in several areas, all of which have been corrected except one, which requires a statutory change. While enforcing the federal and state requirements for trucking, the Motor Carrier Transportation Division constantly strives to find efficiencies in the performance of its duties.

WHAT THE BILL DOES

The FMCSA audit determined that Oregon's statute is not clear enough that there are additional restrictions, beyond the safety regulations for regular cargo, on the transport of hazardous materials. The bill makes clear that there is no exemption from hazardous materials regulations for farm vehicles in *intrastate* commerce; they must follow federal Haz Mat regulations. Haz Mat requirements are one of only three laws federal regulators impose on *intrastate* commerce as well as *interstate*. Federal auditors were concerned that Oregon's law could be read to provide an exemption in these very rare situations. As a practical matter, ODOT has interpreted the Oregon law in this way for years, and has been enforcing these Haz Mat regulations on all carriers. This clarification would bring Oregon law clearly into compliance with federal regulation. The state would once again qualify for MCSAP grant funding, received for years in the past, which can be used for additional trucking safety efforts including grants to law enforcement.

The second provision of the bill allows ODOT regulators to issue citations for the particular offense of obscuring license plates. Motor Carrier Enforcement Officers (MCEOs), at Oregon's Ports of Entry and Weigh Stations, have authority to cite drivers for nearly all violations of the vehicle code relevant to commercial motor vehicles and their drivers. The one violation for which they lack authority to cite is Obscuring License Plates. The practical impact is that truckers have little incentive to ensure their license plates are not hidden behind grills or otherwise covered. In addition to the law enforcement need to be able to see license plates, MCEOs' ability to move trucks through the stations very quickly is hampered when they must stop a line of trucks, exit their station and get close to the truck to find the plate number. The measure gives enforcement authority to the MCEOs, which is expected to deter most offenders and therefore increase operational efficiency.

The third element of the bill modernizes the weight calculation for commercial buses for the sake of registration and weight-mile tax, so that it matches the method used for all other heavy vehicles. The existing method is an archaic formula based on the number of seats on the bus and an assumed weight of the individual who would fill each seat. This can result in underpayment relative to all other heavy vehicle users. Under the measure buses would be subject to the same weight method as all other heavy vehicle types: the gross vehicle weight rating (GVWR) of the vehicle. This achieves fairness among all heavy vehicle owners, and efficiency for ODOT staff who would then calculate all such fees and taxes in the same manner regardless of this one vehicle type.

SUMMARY

The bill makes three small changes. The clarity to the Haz Mat requirements will satisfy the FMCSA to the point that Oregon will once again qualify for important safety grants. The remaining two provisions, by providing citation authority to enforcement officers and therefore discouraging an illegal practice, and removing an archaic method of calculating a single type of heavy vehicle, will improve efficiency at this agency.