

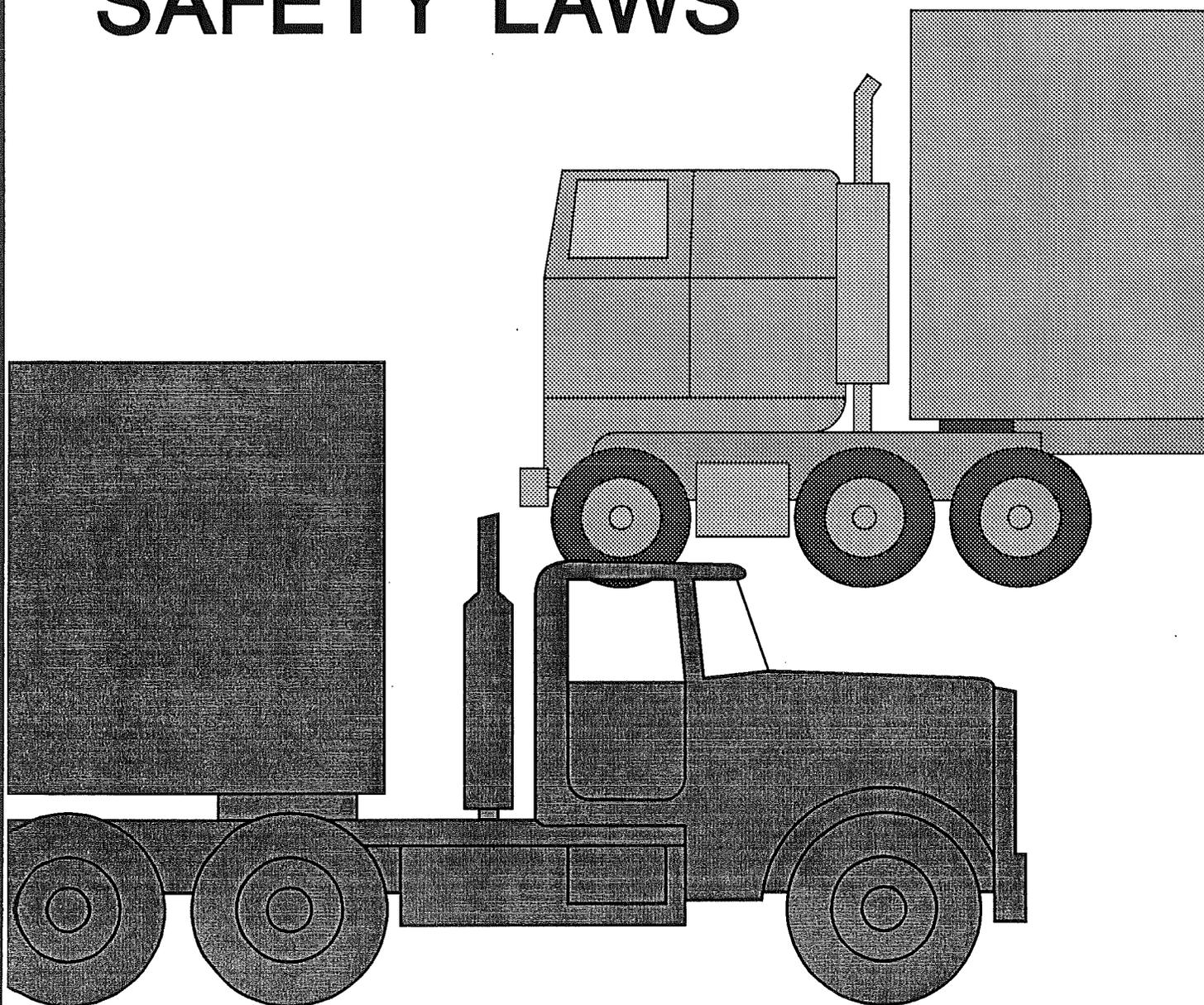
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THE GOVERNOR'S TASK FORCE ON MOTOR CARRIER SAFETY LAWS



FINAL REPORT
may 1995

FINAL REPORT OF THE
GOVERNOR'S TASK FORCE ON
MOTOR CARRIER SAFETY LAWS
SUBMITTED TO
GOVERNOR ANGUS S. KING, JR.
MAY 1995

**Members of the
Governor's Task Force
on Motor Carrier Safety**

March, 1995

Colonel Alfred R. Skolfield, Chief, Maine State Police;
Commissioner, Maine Dept. of Public Safety and
Chairman of the Task Force

Alden G. Small, Deputy Commissioner,
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Joan M. Pendexter, State Senator and
Chairperson, Maine Highway Safety Commission

Ronald C. Bailey, Former State Representative and
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Lt. Harlan Pierson, Commanding Officer, State Police
Commercial Vehicle Enforcement Unit

Garry R. Hinkley, Director, Commercial Vehicles of the Bureau
of Motor Vehicles

Donna Morgan, Chairperson, Parents Against Tired Truckers

Daphne Izer, Secretary, Parents Against Tired Truckers

Dale Hannington, President, Maine Motor Transport Association

Dennis Cole, Maine Employers Mutual Insurance Co.

Mark Hutchins, Hutchins Trucking, Portland

Ronald Hutchins, Maine Professional Driver's Association

Dale McBurnie, McBurnie Oil Co., Denmark

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INTRODUCTION

TASK FORCE STRUCTURE AND PROCESS

The Governor's Task Force on Motor Carrier Safety Laws was created in response to several tragic accidents involving commercial motor vehicles. The Task Force was charged with reviewing data on driver fatigue, reviewing current and proposed state and federal laws on motor carrier safety, and reviewing Maine's current enforcement efforts. A copy of the Executive Order establishing the Task Force appears in Appendix A.

Although the Task Force was charged with five specific tasks, it chose to organizationally establish three subcommittees: Data, Enforcement, and Legislation. In addition to researching available data on driver fatigue and highway safety, the Task Force also reviewed existing state and federal laws relative to motor carrier safety and examined current enforcement efforts in Maine.

To aid in its deliberations, the Task Force held three public hearings to receive public input. The information gained during those hearings was incorporated into discussions during subsequent Task Force meetings.

Each Subcommittee prepared and submitted its findings to the full Task Force. The results of those Subcommittee efforts and the recommendations of the full Task Force are presented in this Final Report.

BACKGROUND INFORMATION ON HOURS-OF-SERVICE REQUIREMENTS

Most commercial motor vehicle drivers are required to maintain records on the number of hours they drive in conjunction with their on-duty and off-duty time. These requirements are specific to drivers who operate vehicles over 10,000 pounds GVWR, or vehicles carrying placardable amounts of hazardous materials when any GVWR would require hours-of-service compliance.

Another important factor is that hours-of-service requirements are, in most instances, not applicable to commercial vehicle drivers who transport in intrastate commerce within 100 air miles of their place of business. Interstate commerce is specific both to the territory covered and eventual destination of the products carried, regardless of the fact that a particular driver did not physically operate in interstate commerce.

Those motor carriers transporting in interstate commerce, under 100 air miles, must, in some form, require their drivers to maintain hours-of-service records, such as time sheets, time clock records, or other means.

The log book or approved electronic version of such is required to be maintained by all drivers of the aforementioned commercial vehicles if their radius travel is over 100 air miles and in certain cases some driving under 100 air miles. The log book is a time grid denoting specific information on company, truck, and driver. The log book grid gives a choice of four different status conditions. The key for the driver is to properly balance the working day over a 24 hour period. This is done using three basic rules:

1. No more than 10 hours driving after being off duty for 8 consecutive hours.
2. No more than a 15 hour combination of on duty and driving after being off duty for 8 consecutive hours.
3. No more than 60 hours combination of on duty and driving time in any 7 consecutive days. No more than 70 hours combination of on duty and driving time in any 8 consecutive days, for those companies operating 7 days a week.

These are basically the current rules as written as concerns hours-of-service regulations. Please consult the proper officials for specific conditions.

DATA REVIEW OF DRIVER FATIGUE AND TRAFFIC ACCIDENTS

Through the Technical Services Division (TSD) of the Maine Department of Transportation, a literature review was initiated with the Transportation Research Information Service, a national data service associated with the Transportation Research Board of the National Academy of Sciences.

Additionally, the TSD received a series of tables from the organization Parents Against Tired Truckers summarizing accident statistics for the State of Maine and a comparison to national statistics.

The results of the data search and information presented in the tables is summarized below. Actual copies of the tables and a list of research sources appear in Appendix B.

FINDINGS:

Among the major findings from the data search and analysis:

Driver fatigue is a major factor in truck accidents. Between 30% and 41% of all truck crashes are *directly due* to driver fatigue.

Fatigue is a *contributing factor* in 59% to 70% of truck crashes.

Surveys of truckers indicate that between 70% and 91% exceed hours-of-service regulations.

Log book falsification is a significant problem.

The peak period for truck accidents attributable to drowsiness is from midnight to 6 a.m.

Fatal accidents involving tractor-trailer crashes are at a 10 year low, 3,198 in 1991 compared to 4,501 in 1981.

While there is no consensus regarding what the hours of work and rest should be for drivers, the single most common strategy used to manage commercial driver fatigue appears to be specification of driver working and driving hours.

Carriers and shippers contribute to fatigue problems by assigning unrealistic pick-up and delivery deadlines and penalize drivers for late arrivals. A 1985 study of 221 heavy truck accidents in the Western States concluded that 97.7% of the accidents involved some kind of shipper/carrier pressure to rush a load.

The common method of paying drivers by the mile provides them with direct economic incentive to drive longer hours and violate regulations despite the resulting adverse effects on safety. Between 60% and 90% of all truck drivers are paid by the mile.

Wal-Mart Stores Inc. has revised their driver safety plan to include delivery schedules based on the average time it takes several drivers to make the delivery and allowing fatigued or worried drivers to take time off. The result has been a reduction of accident rates to one in about 1.3 million miles traveled, compared to a national average of one per 200,000 miles.

Drivers list various strategies for overcoming driver fatigue (music, ventilation, caffeine, etc.) but the only two strategies consistently reported to help reduce fatigue by the drivers who used them were taking stay-awake drugs and stopping to sleep.

Suggestions and strategies for minimizing accidents due to fatigue include:

- verification of hour-of-service and vehicle inspections
- driver training regarding fatigue
- public awareness campaigns on truck and road safety
- simulator testing to identify fatigued drivers
- greater control by those who regulate delivery schedules
- improved driver working conditions
- highways with more rest areas and/or rumble strips
- on-board electronic trip recorders, and
- stricter enforcement directed toward carriers.

Trucking legislation, and adequately enforced safety regulations, will come about only if there is strong public demand for them.

In general, the data search revealed that driver fatigue appears to account for more truck-related crashes than any other single factor. That fatigue results from hours-of-service violations driven by the economics of tight delivery schedules and low payment rates.

Additional work on some aspects of this issue is already under way:

- installation of rumble strips on road shoulders has been proven effective in reducing accidents involving sleepy drivers. The Maine Department of Transportation has developed a new policy of installing rumble strips along all non-urban Interstate repaving projects. Although this will not address hours-of-service and truck regulation issues, it should help reduce accidents.

- the Federal Highway Administration and the Trucking Research Institute are currently conducting a "Driver Fatigue and Alertness Study" which may provide additional information. This effort is attempting to determine causes of loss of driver alertness and identify effective ways to combat it. The report is due to be completed in the Spring of 1995.

- a preliminary review of truck accidents involving fatalities in the State of Maine (1990-1994) shows that the truck drivers generally had various traffic violations prior to the accident. This may indicate a relationship between truck drivers with traffic violations and those involved in truck accidents, but further investigation would be required before conclusions could be drawn and suggestions for effective countermeasures developed.

ENFORCEMENT

Laws regarding trucks and truck operations have been enacted at both the federal and state levels. Many of those rules date from the 1930's, when trucks were used primarily for short hauls, roads were generally poor, and the trucks themselves required a great deal of physical strength to operate.

Today freight moves by trucks coast-to-coast. The Interstate Highway System has made trucking both safer and more efficient. Trucks have become longer and heavier over time, but they have also become safer, more comfortable and easier to operate.

Until recently, changes in federal and state laws regulating trucking did not keep pace with changes in the industry. Until enactment of a recent federal law establishing a uniform commercial drivers license, truck drivers could possess licenses from more than one state, making enforcement of motor vehicle laws more difficult. The recent changes restrict drivers to a single commercial drivers license, enabling state motor vehicle agencies to better maintain accurate driving records and take appropriate enforcement action against repeat violators. Alcohol and drug testing, and pre-hiring screening programs have also improved driver safety.

Despite these improvements, many drivers continue to violate hours-of-service restrictions and a significant proportion of commercial vehicles have serious mechanical safety defects.

The Enforcement Subcommittee was charged with review of Maine's enforcement of current motor carrier safety laws and with recommending improvements at both the state and local levels. That charge presumed that enforcement of existing laws needed improvements; an assumption reinforced by the Subcommittee's findings.

The Subcommittee also noted that enforcement of motor carrier safety laws is a complex undertaking, including economic, political, educational, administrative, social, physiological and legal issues.

PRIORITY ISSUES:

After a series of four meetings, the Subcommittee identified three priority issues for Task Force attention. In descending order, they are:

- deterring repeat violations,
- under-staffing of enforcement personnel, and
- lack of comprehensive education for truck fleet owners and operators regarding safety laws and regulations.

DETECTING REPEAT VIOLATIONS:

A number of factors work against deterrence of repeat violations:

A patchwork of federal and state laws and regulations leads to confusion among drivers, fleet owners, enforcement officials and the courts.

No current method exists to consistently track repeat violators and such information, when it is known, is seldom made available to the courts.

The current system promotes use of a *pro forma* waiver of a court hearing and payment of a small fine, both of which have little effect on deterring repeat violations.

Except for the Commercial Motor Vehicle Enforcement Unit of the Maine State Police, all other affected parties consider motor carrier safety a low priority.

ENFORCEMENT UNDER-STAFFING:

Even with its current emphasis on enforcement, the Commercial Motor Vehicle Enforcement Unit of the Maine State Police is understaffed.

The Unit has an authorized strength of 51 positions, but, as of March 1, 1995, there were 33 filled positions. This problem is likely to be exacerbated with the anticipated retirement of four experienced Unit personnel during 1995.

This combination of factors should prompt the Maine State Police to review staffing priorities and address the needs of this Unit.

OWNER AND OPERATOR EDUCATION:

The third priority speaks to the inconsistent and conflicting methods by which fleet owners and operators learn about or are exposed to motor carrier safety laws and regulations. Current practices provide no uniform system for owner or operator education, a situation which encourages, rather than deters violations.

OTHER ISSUES:

While agreeing that the three priority issues were most deserving of immediate attention, the Enforcement Subcommittee also identified additional issues worthy of future examination. They include:

-- the long-term need for a Port of Entry facility in southern Maine to provide more uniform enforcement of motor carrier safety laws and address underutilization problems with the current Kittery-York weigh stations;

- the need to retain the existing 100-air-mile exemption from some commercial vehicle laws for intrastate truckers;
- the need to more fully study the issue of fatigue as a factor in motor vehicle violations within the broader context of physiological factors leading to driver inattention, and
- the need to examine present or potential remedies that are beyond the purview of laws and regulations.

The Subcommittee also noted that industry and peer pressure should be recognized as a potential enforcement technique, with the possibility that peer pressure may be a better deterrent to safety violations than more laws or increased enforcement.

It also suggested the carrier insurance industry as a source of statistical data and as an educational and enforcement resource.

LEGISLATION

The Task Force recommendations regarding legislative changes appears on the following pages:

An Act to Improve Safety in the Motor Carrier Industry

Be it enacted by the People of the State of Maine:

Sec. 1. 29-A MRSa §558, sub-§1, as enacted by P.L. 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Violation. A person commits a Class E crime if that person violates or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter. Notwithstanding Title 17-A, section 1301, the minimum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations, Part 395, is \$250.

Sec. 2. 29-A MRSa §562 is enacted to read:

§562. Motor Carrier Review Board

There is created the Motor Carrier Review Board, hereinafter called the "board."

1. Composition. The board is composed of 7 members appointed by the Governor.

A. The Governor shall name the chair from among the following appointed members:

(1) One member who is a representative of the Maine Motor Transport Association;

(2) One member who is a representative of a motor carrier who owns less than 10 commercial motor vehicles;

(3) One member who is a representative of a motor carrier who owns 10 or more commercial motor vehicles;

(4) One member who is a representative of the Maine Forest Products Council;

(5) One member who is a representative of the commercial motor vehicle insurance industry;

(6) One member who is a representative of the Maine Professional Drivers Association; and

(7) One member who is a citizen who is not and has never been employed in the motor carrier industry.

2. Terms of office. The members shall serve 3-year terms.

3. Powers and duties. The board shall review the records of motor carriers with significant and repeated motor carrier violations. The board may hold a hearing as part of its review and must hold a hearing if requested by the motor carrier. The board may recommended to the Secretary of State appropriate

administrative action limited to suspension of the motor carrier's operating authority license.

4. Rules. The board may adopt rules pursuant to the Maine Administrative Act to carry out the purposes of this section.

5. Staffing and expenses. The Secretary of State shall provide administrative support and compensation for actual and necessary expenses of the board.

Sec. 3. 29-A MRSA §§1361-1364 are enacted to read:

§1361. Motor carrier training

Notwithstanding any other provision of law which regulates instruction in the operation of motor vehicles, the Committee for Motor Carrier Training, in conjunction with the Maine Technical College System, may provide instruction in the operation of commercial motor vehicles.

§1362. Committee for Motor Carrier Training

There is created the Committee for Motor Carrier Training, hereinafter called the "committee."

1. Composition. The committee is composed of 7 members.

A. The Governor shall appoint the following members for 3-year terms:

(1) Three representatives from the motor carrier industry; and

(2) One member of the general public.

B. The following shall also be members:

(1) One representative of the Maine Technical College System designated by the President of the Technical College System;

(2) One representative of the Bureau of Motor Vehicles designated by the Secretary of State; and

(3) One representative of the Bureau of State Police designated by the Chief of the State Police.

2. Chairperson. The members of the committee shall elect a chairperson.

3. Powers and duties. The committee shall:

A. Ensure that individuals seeking to become commercial vehicle operators have access to entry level training;

- B. Provide for the delivery of continuing education in motor carrier operations;
- C. Establish appropriate standards for both entry level training and continuing education;
- D. Oversee the provision of entry level training and continuing education;
- E. Select and supervise a program director at each participating campus of the Maine Technical College System according to the hiring and personnel policies and procedures of the system;
- F. Approve the operating budget for entry level training and continuing education based on funds available in the Motor Carrier Training Fund;
- G. Authorize tuition fees for local training programs; and
- H. Meet at least biannually.

§1363. Maine Technical College System support

1. Support. The Maine Technical College System shall provide support to the Committee for Motor Carrier Training as follows:

- A. Administrative and financial services necessary for the training authorized by the committee; and
- B. Facilities and training equipment necessary for the provision of instruction.

2. Fees prohibited. The Maine Technical College System may not charge the Committee for Motor Carrier Training or a student a fee unless authorized by the committee.

§1364. Motor carrier training fund

1. Fund established. Funds authorized by this section must be collected by the State Tax Assessor and deposited with the Treasurer of State in a separate account to be known as the Motor Carrier Training Fund, otherwise known in this section as the "fund."

2. Premium tax. Every insurer or other entity that transacts commercial automobile insurance or collects premiums or assessments for such coverage in the State, whether on an admitted or surplus lines basis, shall pay to the State Tax Assessor, in addition to the taxes now imposed by law to be paid by the insurers or entities, 0.3% of the gross direct premiums

for commercial automobile and physical damage risks written in the State, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct commercial automobile liability and physical damage premiums. The tax must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A.

3. Use of funds. The fund must be used to defray the expenses of providing motor carrier entry level training and continuing education as approved by Motor Carrier Training Committee. Administrative expenses of the Motor Carrier Training Committee may be paid from the fund.

4. Unexpended funds. Funds not expended by the end of the fiscal year do not lapse, but are carried forward.

Sec. 4. Study of the concept of opening the York weigh station on a full-time basis. The Department of Transportation, Bureau of Taxation and Bureau of State Police shall conduct a study to explore the feasibility and impact of opening the York weigh station located on Interstate 95 on a full-time basis. The study must include an evaluation of the operational feasibility of weighing commercial vehicles on a 24-hour basis at the existing facility, the equipment and personnel needed, the impact of vehicles using alternate routes on road surfaces and traffic patterns, the impact of the port of entry concept on the commercial motor vehicle industry and the impact on the collection of fuel taxes. The Department of Transportation, Bureau of Taxation and Bureau of State Police shall submit a report including findings, recommendations and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over transportation and the Executive Director of the Legislative Council no later than January 31, 1996.

STATEMENT OF FACT

The bill affects the motor carrier industry in the following ways:

1. It makes the mandatory minimum fine for log book and overhours violations \$250.

2. It creates a Motor Carrier Review Board to review motor carriers whose Bureau of Motor Vehicle records indicate significant and repeated motor carrier violations. The board may recommend suspension of the motor carrier's operating authority license to the Secretary of State.

3. It addresses motor carrier training by creating a Committee for Motor Carrier Training. The Committee will work in conjunction with the Maine Technical College System to provide entry level training and continuing education to truck drivers.

4. It requires the Department of Transportation, Bureau of Taxation and Bureau of State Police to conduct a study to determine the feasibility of opening the York weigh station on Interstate 95 full-time. The study must be completed and a report given to the Legislature by January 31, 1996.

TASK FORCE RECOMMENDATIONS

STATE LEVEL

✓ **Full Staffing for the State Police Commercial Vehicle Enforcement Unit**

The Commercial Vehicle Enforcement Unit (CVEU), as of 3/1/95, is understaffed by 18 personnel, due to a number of retirements and transfers within the State Police. In addition, four State Police officers in the unit are expected to retire during 1995. The Task Force recommends that steps be taken immediately to bring the CVEU up to full strength.

✓ **Increase the Number of Civilian Motor Carrier Inspectors in the State Police Commercial Vehicle Enforcement Unit**

The Task Force heard several comments during its deliberations of the efficiency of augmenting the CVEU with more civilian staff. It was noted the cost of a civilian Motor Carrier Inspector is less than a State Trooper. However, since civilian employees have no arrest powers, Troopers would still have a vital role in the enforcement of Maine's trucking rules and regulations. Should it be determined that greater use of the York facilities is warranted or that additional enforcement details are planned, a greater reliance on civilian inspectors may be advisable.

✓ **Longer Enforcement Details**

The Task Force recommends extended enforcement details at weigh stations, particularly at York. The recommendation is made knowing there is an increased cost to additional enforcement, primarily in overtime. Testimony at the public hearings discussed truckers waiting out shorter details, but longer hours would make the cost of non-compliance unacceptably high. Periodic and random 24 to 48 hour enforcement details should be considered, whenever practical.

✓ **Expanded Terminal Audits**

Motor carriers are subject to on-site reviews of safety related documents. Document reviews include records on drivers including their hours-of-service, and records of vehicle inspection and maintenance.

This program could be expanded through the use of additional civilian inspectors. The result would be better compliance due to the on-site audits being used as an educational and enforcement tool. The program also would provide a documented history of the motor carrier's operation.

✓ **Work with the Judicial System on Fine Increases and Streamlining the Adjudication Process**

The Task Force supports a review by the court system to standardize and increase the fines for log book and hours-of-service violations. A typical fine for those offenses is \$110 and an increased penalty could serve as an effective deterrent.

The ongoing review by the courts should also consider separating log book and hours-of-service violations into two categories (major and minor) depending on the severity of the violation. The minor cases could be handled as traffic infractions, while the major violations would continue as criminal offenses.

✓ **Develop a Repeat Violator System for Both Driver and Carrier**

Currently, there is no consideration of repeated violations by either a driver or a motor carrier. The Task Force recommends including log book, hours-of-service and other safety violations as a part of the drivers demerit point system maintained by the Bureau of Motor Vehicles.

Further, the Task Force recommends that a Motor Carrier Violations Board be established to review the records of motor carriers with significant and repeated motor carrier violations. The Board would review the records of carriers based on an objective threshold of violations. After a thorough review and hearing the Board would recommend appropriate administrative action to be taken by the Secretary of State. Administrative action would be limited to suspending the carrier's right to operate in the State of Maine for a period of time.

The Board should have broad representation from the motor carrier industry including at least one driver, representatives from the insurance and safety industry, and a public representative. It is envisioned that the Board would review fewer than one dozen carriers annually.

✓ **Require Commercial Registrations in Owner's Legal Name**

In the course of reviewing carrier records the Task Force determined that there is a problem with commercial vehicles being registered in other than the legal owner's name. Relatively small carriers have been known to use six or more "doing business as" names. The result is fragmented records making it difficult to deal with repeat violators and to hold carriers responsible for their actions.

Just as the Commercial Driving License established the concept of one license and one driving record for individual truck drivers, motor carriers should have only one unified driving record. The Bureau of Motor Vehicles is taking steps to ensure that Maine-based motor carriers use only one legal name. Further, consideration should be given to requiring Maine-issued commercial vehicle registrations containing a unique identifier for each registrant, probably the federal identification number or U.S. DOT number.

✓ **Study the Concept of Opening the York Weigh Station on a Full-time Basis**

The Task Force concluded the 24 hour operation of the York Weigh Station may have merit, but further study is needed to review all ramifications. Those concerns include cost, equipment, personnel, disruption of traffic by trucks using alternative routes, the capacity of the York station and it's overall effect on other commercial vehicle enforcement activities elsewhere in Maine. The Task Force recommends a joint study by the Departments of Transportation and Public Safety to review the concept and impact of operating the York station on a 24 hour a day basis.

✓ **Promote Motor Carrier and Driver Public Information and Education Efforts**

As the Task Force conducted public hearings across the State, it became apparent that there is confusion regarding state and federal motor carrier and commercial driver regulations. The Task Force recommends increasing carrier and driver awareness of motor carrier requirements. Specifically, the Bureau of Motor Vehicles and State Police should develop informational material to be disseminated through Motor Vehicle branch offices and regular carrier mailings. Other public education efforts by the trucking industry, including the efforts of the Maine Road Team, should be encouraged.

✓ **Install Rumble Strips**

Several studies have suggested that the installation of grooved pavement in the breakdown lane of rural interstate highways can reduce the number of fatigue-related accidents. The Maine Department of Transportation has included rumble strips as a part of some of its interstate repaving projects. The Task Force recognizes this effort and encourages the Department to install rumble strips wherever practical.

✓ **Encourage Use of On Board Computers and Alertness Devices**

On board computers are rapidly becoming common in commercial trucks. The computer can satisfy many vehicle and driver record keeping requirements. Automatic recording devices such as onboard computers are difficult to tamper with and make recording hours-of-service relatively foolproof. At the same time, devices are being developed to measure driver alertness that would sound an alarm whenever a driver appears drowsy.

The Task Force recommends that on board computers and alertness devices be encouraged. One possible means of encouraging their use would be to exempt them from the State motor vehicle excise tax and from sales tax on after-market purchases.

FEDERAL LEVEL

✓ **Retain One Hundred Air Mile Exemption**

Many intrastate truckers operating within one hundred air miles of their home base are exempt from most driving rule requirements. The exemption is applicable primarily to construction companies, farmers, loggers, and certain delivery vehicles. The one hundred air mile exemption has been found not to be a detriment to public safety in Maine and should be retained.

The federal government is considering requiring states to repeal their intrastate one hundred air mile exemptions. Such an action would have a severe adverse impact on many Maine companies.

✓ **Review/Revise Hours-of-Service Criteria**

At the public meetings, the Task Force repeatedly received comments on the driver hours-of-service rule. Specifically, it was noted that commercial driving rules force drivers to stop driving when they are not tired and encourage driving when tired. Federal hours-of-service rules should be reviewed with the intention of providing greater flexibility. Canada is experimenting with a twelve hour driving rule. A major Federal highway Administration study is expected to be completed later this year. Based on the study findings, Congress should consider providing more flexibility in the hours-of-service limits.

✓ **Integrate Federal and State Truck Weight Limits**

Currently Maine allows 100,000 pounds on secondary roads and the Maine Turnpike, but the Federal limit on the interstate system is 80,000 pounds. This has the effect of diverting truck traffic from the interstate system to secondary roads.

The Task Force recommends that Congress consider raising the truck weight limits in order to keep heavy trucks on the safer interstate highway system.

✓ **Outlaw Lumping**

Lumping is the practice of forcing truckers to hire only certain dock workers to help with the loading and unloading of trucks. Most "lumpers" are casual workers, generally not in compliance with the tax and employment laws. Truckers often are intimidated into hiring "lumpers" at inflated prices. The alternative is for the trucker to load or unload the truck personally. This disrupts schedules and prevents the driver from resting.

Congress should consider outlawing the practice of lumping by making the shipper and receiver responsible for loading and unloading trucks. Further, dock workers should be fully subject to Internal Revenue Service withholding requirements and OSHA health and safety requirements.

SUMMARY OF TASK FORCE RECOMMENDATIONS

STATE LEVEL:

- ✓ Full Staffing for the State Police Commercial Vehicle Enforcement Unit
- ✓ Increase the Number of Civilian Motor Carrier Inspectors in the State Police Commercial Vehicle Enforcement Unit
- ✓ Longer Enforcement Details
- ✓ Expanded Terminal Audits
- ✓ Work with the Judicial System on Fine Increases and Streamlining the Adjudication Process
- ✓ Develop a Repeat Violator System for Both Driver and Carrier
- ✓ Require Commercial Registrations in Owner's Legal Name
- ✓ Study the Concept of Opening the York Weigh Station on a Full time Basis
- ✓ Promote Motor Carrier and Driver Public Information and Education Efforts
- ✓ Install Rumble Strips
- ✓ Encourage Use of On Board Computers and Alertness Devices

FEDERAL LEVEL:

- ✓ Retain One Hundred Air Mile Exemption
- ✓ Review/Revise Hours-of-Service Criteria
- ✓ Integrate Federal and State Truck Weight Limits
- ✓ Outlaw Lumping

APPENDIX A

The Executive Order Creating the Task Force

No. XX FY 94/95
August 3, 1994

AN ORDER ESTABLISHING THE GOVERNOR'S TASK FORCE
ON MOTOR CARRIER SAFETY LAWS

WHEREAS, there has been an unusual number of tragic, fatal motor vehicle accidents in recent months on Maine roadways caused by commercial truck drivers who have lost control of their vehicles because they were overtired, and

WHEREAS, these accidents have raised significant public concern about safety and discipline in the commercial trucking industry, the resources available to State law enforcement officials for enforcement of existing motor carrier safety law, and the effectiveness of the current regulatory scheme governing motor carrier safety, and

WHEREAS, motor carrier safety, and overtired operators in particular, have become problems jeopardizing the health and safety of citizens on Maine's highways,

NOW, THEREFORE, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby establish the Governor's Task Force on Motor Carrier Safety Laws.

Membership

The membership shall include:

- Andrew B. MacLean, Assistant Legal Counsel, Office of the Governor;
- Col. Alfred R. Skolfield, Chief of the Maine State Police;
- Lt. Harlan Pierson, Director of Commercial Vehicle Enforcement for the Maine State Police;
- Dana Connors, Commissioner, Maine Department of Transportation;
- Alden Small, Deputy Commissioner, Maine Department of Transportation;
- State Representative William Lemke of Westbrook;
- State Representative Joan M. Pendexter of Scarborough, a member of the Maine Highway Safety Commission;

• Donna Morgan and Daphne Izer of Lisbon Falls, Chairperson and Secretary of Parents Against Tired Truckers (PATT);

• representatives of the Maine Motor Transport Association;

• representatives of the Maine Oil Dealers Association; and

• representatives of the Maine Professional Drivers Association.

Col. Skolfield shall serve as Chair of the Task Force at the Governor's pleasure.

Terms of Membership

Members serve at the Governor's pleasure. The Task Force will continue so long as the Governor deems it necessary.

Functions and Duties

1. Review and critique the current state and federal law governing motor carrier safety for its effectiveness in maintaining safe highways in Maine.

2. Make recommendations to the Governor, the Maine Legislature, and Maine's Congressional Delegation for changes in motor carrier safety law to improve safety on Maine's highways.

3. Review available data on driver fatigue and the relationship of this factor to traffic accidents.

4. Review Maine's enforcement of current motor carrier safety law and recommend to the Governor areas for improvement.

5. Review, evaluate, and revise proposed legislation from Maine legislators, and take a Task Force position on any final proposal.

Administration

The Department of Public Safety and the Department of Transportation will provide staff support and assume any costs of the Task Force.

Meetings

The Task Force shall meet as frequently as necessary upon the call of the Chair. The Chair has the authority to form subgroups of the Task Force which may meet independently, but report back to the Task Force.

Compensation

Public members of the Task Force shall be entitled to compensation for reasonable expenses.

The effective date of this order is August 3, 1994.

John R. McInerney, Jr.
Governor

APPENDIX B

Data Tables and Resource List

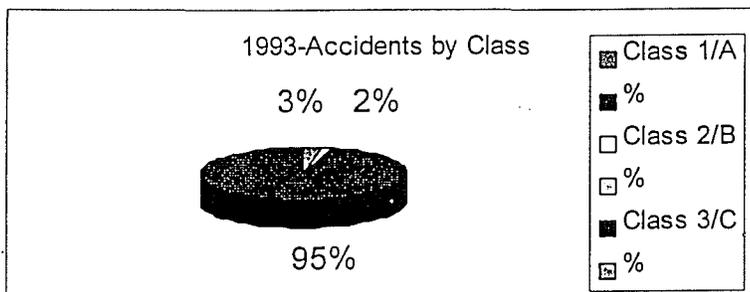
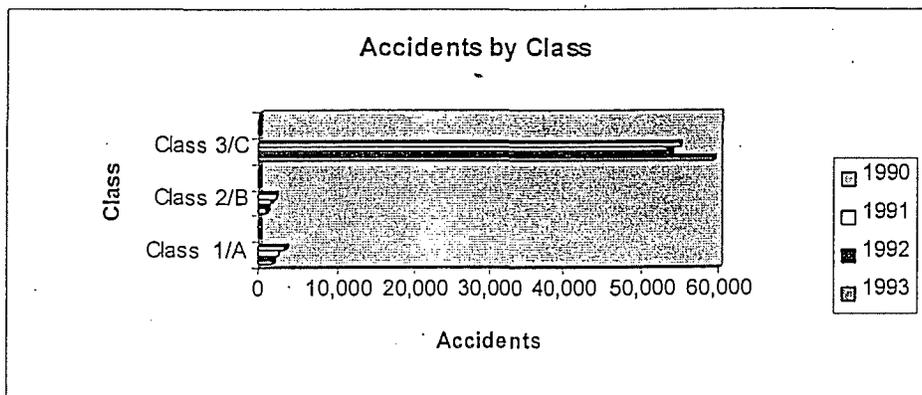
COMMERCIAL VEHICLES AND ACCIDENTS

How does the trucking industry compare with the rest of the motoring public in Maine? The tables below are a summary of accident statistics for the State of Maine from 1990 through 1993.

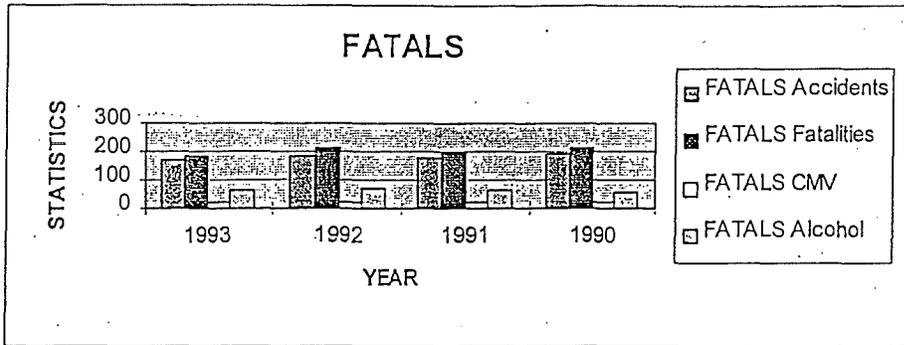
Year	Total Accidents	VEHICLES INVOLVED			
		CMV Involved	CMV %	Car & PU Involved	MC Involved
1993	37,819	2,492	7	58,875	553
1992	35,548	2,233	6	54,145	523
1991	35,046	2,296	7	54,579	669
1990	37,468	2,565	7	58,175	667

Above figures exclude moped, bicycles, motor homes, school buses, and snowmobiles. An interesting note is all vehicle categories increased their involvement between 1992 and 1993 hopefully, this is not a trend that will continue.

Year	CLASS CATEGORY OF DRIVERS INVOLVED IN ACCIDENTS					
	Class 1/A	% of total	Class 2/B	% of total	Class 3/C	% of total
1993	1,726	2.8	1,039	1.7	59,303	95.5
1992	1,809	3.2	1,127	2	53,793	94.8
1991	2,476	4.3	1,555	2.7	53,209	93
1990	3,374	5.6	2,152	3.5	54,967	90.9

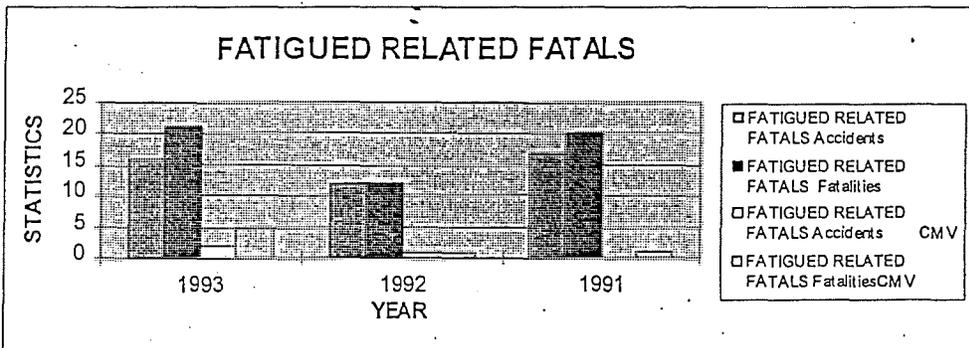


Year	Accidents	FATALS		
		Fatalities	CMV	Alcohol
1993	169	186	19	62
1992	188	213	24	70
1991	179	202	23	66
1990	195	212	24	58

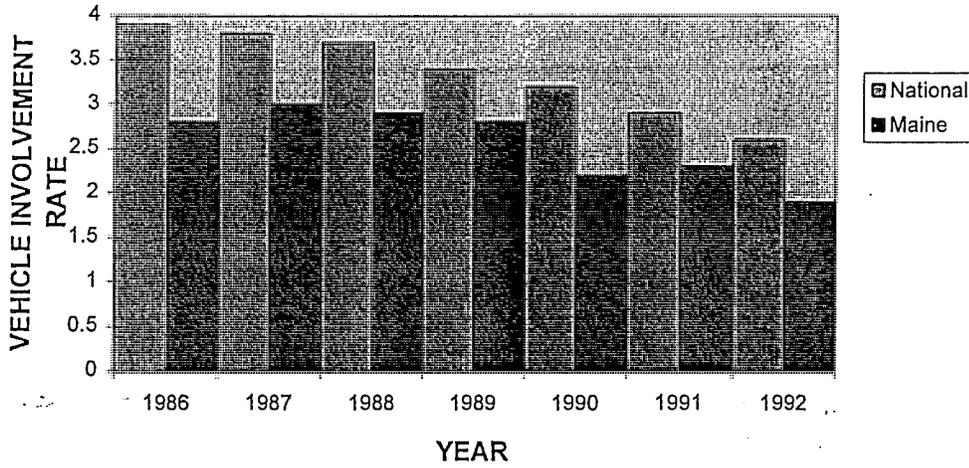


Year	Accidents	Fatalities	FATIGUED RELATED FATALS	
			Accidents CMV	Fatalities CMV
1993	16	21	2	5
1992	12	12	1	1
1991	17	20	1	1

*Car operator asleep

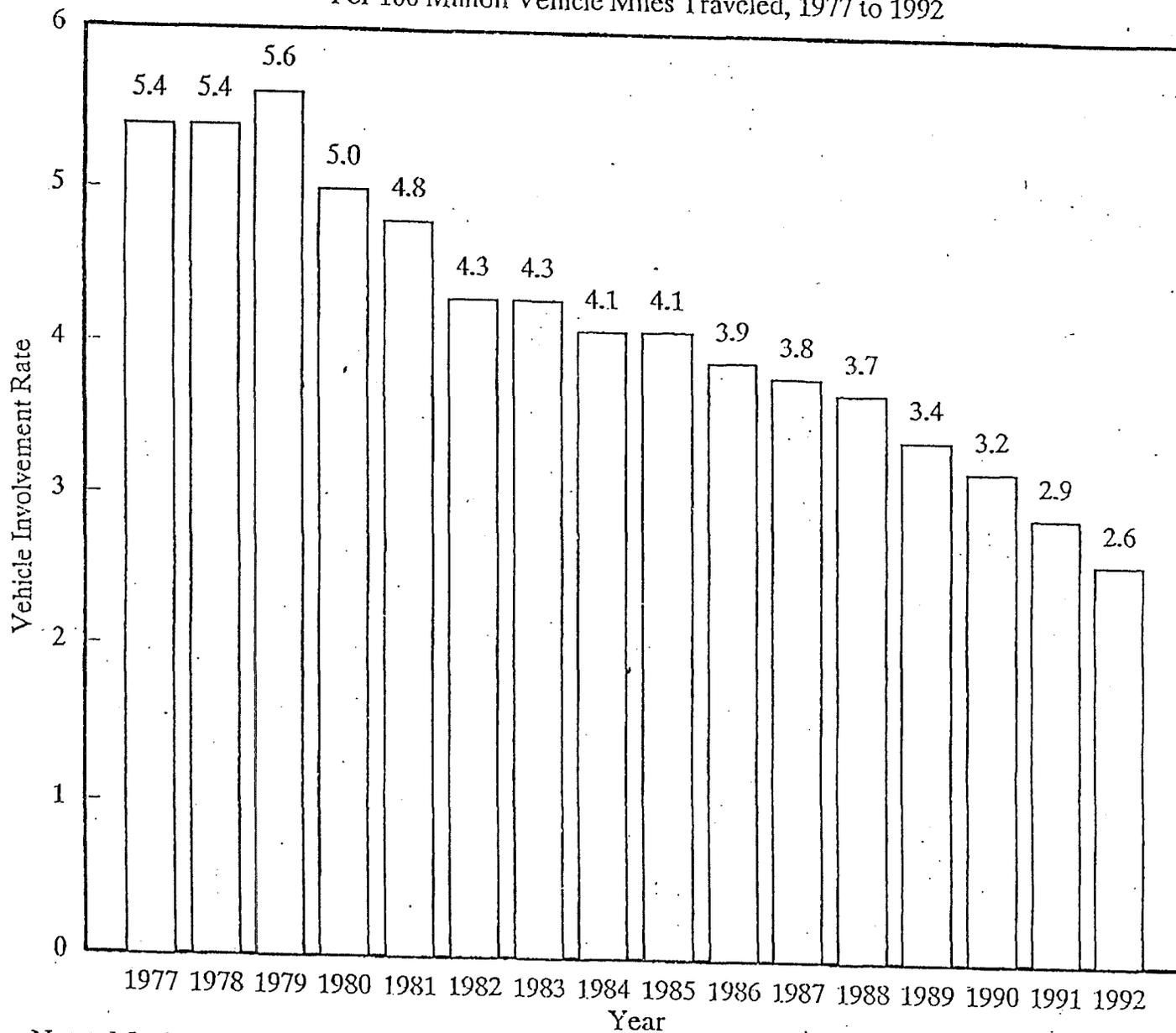


NATIONAL / MAINE STATISTICS



Medium and Heavy Truck Fatal Accident Involvement Rates,
Per 100 Million Vehicle Miles Traveled, 1986-1992.

Medium and Heavy Truck Fatal Accident Involvement Rates,
Per 100 Million Vehicle Miles Traveled, 1977 to 1992



Note: Medium and heavy trucks are vehicles over 10,000 pounds gross vehicle weight.
Sources: National Highway Traffic Safety Administration and FHWA, U.S. DOT.

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- (10) *A Preventative Measure Against Drowsiness While Driving*, Endon, T. et. al., TRRL/Taylor & Francis, Ltd., England
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APPENDIX C

Motor Carrier Safety Rules Table
Property Carriers - (Trucks)

**MOTOR CARRIER SAFETY RULES
BY CARRIER TYPE, DISTANCE AND GROSS WEIGHT
PROPERTY CARRIERS - (TRUCKS) FOOTNOTE 1**

	INTER <100 MI. 26k	INTER >100 MI. >26k	PLAC. H/M INTER INTRA/INTER >100 MI. ANY WEIGHT 10-26k ANY RADIUS	INTRA <100 MI. 10-26k >26k	INTRA <100 MI. >26k	INTRA >100 MI. 10-26k	INTRA >100 MI. >26k	INTER <100 MI	INTER 10-
CDL And Endorsements as Needed	X			X		X		X	
Application for Employment	X			X	X	X	X	X	X
Pre-Hire Inquiries & Investigations	X			X	X	X	X	X	X
Annual Review of Driving Record	X			X	X	X	X	X	X
Record of Violations	X			X	X	X	X	X	X
Medical Examination	X			X2	X2	X	X	X	X
Substance Abuse Testing	X		3		X4		X4		X4
Driving Rules (Part 392)	X	X	X	X	X	X	X	X	X
Parts and Accessories (Part 393)	X	X	X	X	X	X	X	X	X
Hours of Service Requirements	X			X	X	X	X	X	X
Log Books	X5			X	X	6	6	X	X
Vehicle Maintenance Records	X			X	X	X	X	X	X
Out of Service Criteria	X	X	X	X	X	X	X	X	X
Driver Vehicle Inspection Reports	X			X	X	X	X	X	X
Driver post-trip Inspection	X			X	X	X	X	X	X
Periodic Vehicle Inspection (Federal)	7	7	7	7	7	7	7	7	7
Brake Inspector Qualifications	X			X	X	X	X	X	X
Haz Mat Driving & Parking Rules	X								
US DOT Number	X8					X	X	X	X

MOTOR CARRIER SAFETY RULES
BY CARRIER TYPE, DISTANCE AND GROSS WEIGHT
PROPERTY CARRIERS - (TRUCKS)

FOOTNOTES

1. Interstate or intrastate commercial, any radius, less than 10,000 lbs. GVWR: only Maine periodic vehicle inspection required.
2. Exempt from hearing portion of physical exam.
3. Substance abuse testing required: 1/1/95 more than 50 drivers. 1/1/96 fewer than 50 drivers. (Alcohol and drugs).
4. Alcohol testing: 1/1/95 more than 50 drivers. 1/1/96 fewer than 50 drivers. (Drug testing in effect)
5. No log books under 100 miles except if required by note 6.
6. Some conditions apply to log book exemptions.
7. State mandated periodic motor vehicle inspection also applies.
8. Interstate only.

APPENDIX D

Motor Carrier Safety Rules Table
By Carrier Type, Distance and Capacity
Passenger Carriers (Busses)

**MOTOR CARRIER SAFETY RULES
BY CARRIER TYPE, DISTANCE AND CAPACITY
PASSENGER CARRIERS (BUSSES)
LISTED CAPACITIES INCLUDE DRIVER**

		INTRA/INTER	INTRA	INTRA	INTER	INTER	BUSINESS		
NON		ANY RADIUS	<100 MI.	>100 MI.	<100 MI	>100 MILES	PMCP		
BUSINESS		FEWER THAN	CAP - 16	CAP - 16	CAP - 16	CAP - 16			
PMCP		16 PASS CAP	PASS. OR	PASS. OR	PASS. OR	PASS. OR			
			MORE	MORE	MORE	MORE			
1	1								
CDL and Endorsements as needed		X	X	X	X	X	X		
Application for Employment			X	X	X	X			
Pre-Hire Inquiries & Investigations			X	X	X	X			
Annual Review of Driving Record			X	X	X	X			
Record of Violations			X	X	X	X			
Medical Examination	2	2	X 3	X	X	X			
Substance Abuse Testing	4	4, 5	X 6	X 6	X 6	X 6	5		
Driving Rules (Part 392)		X	X	X	X	X	X		
Parts and Accessories (Part 393)		X	X	X	X	X	X		
Hours of Service Requirements			X	X	X	X	X		
Log Books			X	7	X	X			
Vehicle Maintenance Records			X	X	X	X			
Out of Service Criteria		X	X	X	X	X	X		
Driver Vehicle Inspection Reports			X	X	X	X			
Driver post-trip Inspection			X	X	X	X			
Periodic Vehicle Inspection (Federal)	8	8	8	8	8	8	8		
Brake Inspector Qualifications			X	X	X	X			
US DOT Number				X	X	X 9	X 9		

MOTOR CARRIER SAFETY RULES
BY CARRIER TYPE, DISTANCE AND CAPACITY
PASSENGER CARRIERS (BUSSES)

FOOTNOTES

1. Private motor carriers of passengers over 15 passenger capacity over 100 mile radius intrastate and any mile radius interstate.
2. School bus drivers are required to have annual physical.
3. Exempt from hearing portion of physical exam.
4. Carriers operating with federal transit administration subsidies may be required to have substance abuse testing.
5. Substance abuse testing required: 1/1/95 more than 50 drivers. 1/1/96 fewer than 50 drivers. (Alcohol and drugs).
6. Alcohol testing: 1/1/95 more than 50 drivers. 1/1/96 less than 50 drivers. (Drug testing in effect).
7. Some conditions apply to log book exemptions.
8. State mandated periodic motor vehicle inspection also applies.
9. Interstate only.