

Minutes of the Motor Carrier Advisory Board Meeting

May 28, 2015

Members Present

Nichole Gavriloski

Paul Behmlander

Glen Merkel

Joe Ballor

Randy Whitaker

Al McMeestor

Don Beerens

Michael Rushing

Members Absent

Brian Hitchcock

William Kotynski

James Burg

Sarah Stewart

Joshua Rhodes

MSP-CVED Present

Captain Mike Krumm

Insp. Randy Coplin

Nicholas Nwabueze

Herb Fields

Vicky Acker

Beth Schafer

Others in Attendance

Karen Putnam

Pat Murrell

Diane Guigue

ExOfficio Members Present

John Wallace

Seth Martin

Meeting Called to Order

Dr. Nwabueze introduced himself and called the meeting to order at 9:30 a.m. After introductions, Dr. Nwabueze expressed his appreciation to the Board members and others in the audience for attending the meeting. He reported that all documents and forms now have the MSP-CVED logo and that we will be looking at efficiencies down the line, as we work to fully reflect CVED in all our activities and be fully integrated into MSP-CVED.

March 19, 2015 Meeting Minutes and Today's Agenda

The agenda for today's meeting was approved and the minutes for the March 19, 2015 meeting were approved after a note was made that Glen Merkel did attend that meeting.

Agency Reports

Treasury

Seth Martin reported that with the new IFTA system that they have licensed just a little over 5,500 motor carriers this year. I think it has more to do with the fact that we have been able to cross check the people who previously owed IFTA taxes which prevents them from getting their current licenses. It may not be drastic, but the way this system works is if you haven't filed a tax return or you owe money, it prevents you from getting an IFTA license right inside the system itself. So either you comply or you're not getting your license. We've also issued 78,000 decals which average about 14 decals per licensee. I know that numbers are skewed because there are some big carriers out there that get 4,000 to 5,000 decals.

The biggest push for the unit is developing new processes and procedures with the new system.

QA: Nicholas Nwabueze – Have you been able to tell how much participation so far that

you've gotten from your users? I don't have the figure to date to give you as far as those who were licensed before, and who have renewed

Federal Motor Carrier Safety Administration

John Wallace reported that the current authorization that is set to expire on May 31, 2015 has been extended for two months. They may keep extending this out until they can get new authorization. . FMCSA plans to post a Federal Register notice seeking ideas from the stakeholders on what type of Safety programs or technologies deserve extra credit. How carriers should be awarded and how FMCSA could manage such a bumper. It's just a notation type stage forum and we need to come up with some ideas, but if you're motor carrier has some great ideas and / or have great programs that you think can benefit safety then they might be able to receive some type of credit for it in the future. FMCSA exceeded its goal to recruit 225 truck drivers to participate in a mandated hours of service study that required drivers to take off two consecutive periods from 1 am to 5 am during a 34 hour restart.

Currently going on right now at FMCSA is ten states in the mid-west are currently conducting a passenger carrier strike force that's going on for two weeks. So within those two weeks partnering with the Michigan State Police we are going to inspect as many motor coach buses as we possibly can. That is to end June 7th. There are a couple of new recognitions that I would like to go over. FMCSA adopts regulations governing the lease and interchange of passenger carrier CMV's. Our primary goal is to identify motor carriers or motor coach operations who engage in that type of leasing. The system has had problems in the past of identifying who is actually in charge of the safety regulations, this actually is necessary FMCSA, for enforcement purposes, motor carriers must be in compliance with this rule until January 1, 2017. We came out with some new regulations on using the electronic custody control form for drug and alcohol

testing. We would like motor carriers to use this, but they are not required to use the electronic custody control form. It contains all of the exact same information, the only difference is that you can't sign it so you could let the motor carriers or agents use an electronic signature. That rule went into effect in April.

The FMCSA announces the exemption for CDL requirements for drivers who deliver certain newly manufactured motor homes and RV's to dealer trade shows or RV retail sales. The Recreation Vehicle Industry and Association requested this because they found that there were not enough CDL drivers out there. So drivers of the age to drive away the deliveries of RV's with a gross vehicle weight rating of GWR 26,001 pounds or more will not be required to have a CDL as long as they are empty and as long as the Gross Foundation weight does not exceed 26,001 pounds and the trailer that may be called in weighs less than 10,000 pounds.

QA: Randy Whitaker asked: The road check starts on June 2nd. The CVSA recently changed position on language proficiency is no longer a CVSA out of service violation. Are you guys following suit with that? Yes. It's in CVSA now instead of the state.

State Police / Commercial Vehicle Enforcement Division

Captain Krumm reported that the biggest thing happening right now is we are anxiously waiting for the final budget coming up any day now from Lansing. The most recent budget that we have, as of two days ago, says that we have committee approval for ten new motor carrier officers and if that is the case we will be starting that school in October for sure. We are also looking to add whatever we can. We are having a couple of retirements this summer. We are excited to get the approvals for this. We have had a lot of press about this. The Lansing State Journal's done a ride along for about three weeks, and asked a lot of questions. How do we compare with our partner states? It was a very favorable article for the agency because it basically showed that we

have fewer officers per say than a lot of our partner states do. But yet our guys do a good job but there's such a greater need that they want to assist. We are anxiously awaiting that. That's probably the biggest news we are hinging on this summer. We should know by the end of next week.

Insp. Coplin reported there is a notice of proposed rulemaking out on diabetes. FMCSA is taking comments on diabetes. If they can be approved by the Doctor, they would not need an exemption. The reason I bring this up is because that is a lot of our medical waiver process and if that's the case, the Doctor will be the deciding factor in many diabetic cases and probably lessen our work or lessen the need to have a Michigan waiver so these drivers would be eligible to go interstate.

There are some changes to the CVL and Commercial Learners Permit. Michigan law effective July 5, 2015 will come into compliance with Part 383. Our law has always been a little bit different. We have tank vehicles and we had Learners permits all that now mirror the Federal Motor Carrier Safety Regulations that will take effect July 5, 2015.

Summer is upon us and you will see an increase of enforcement activity, especially when it comes to Special Truck Enforcement Team's (STETS). You will see an increase in rest area activity, and check lanes you will see operations where there are two or three cars in the area. This is the summer event we push every year in which we dedicate some funds to the Truck Safety Grant.

FYI, there are a couple of bills out, you are looking at the increase of distance that a wrecker can tow a combo of truck tractor and trailer. They are also looking at the length of saddle mounts to mirror what's legal in the Federal highways to 97 feet.

As a division, we are still working on some technology issues that take a long time to get approved and a long time to be processed. We are still pursuing a new inspection program and pursuing some other technological issues that will help us identify carriers that have either past poor performance or have safety issues or flags that need to be addressed.

Herb Fields reported that it's been all about the move for the past couple of months. We have to go through and change all of our forms from the MPSC to the new MSP/CVED. We are doing that and we are in the process of getting our decals and cab cards changed and ordered. They used to have MPSC on them and they now have CVED and the MSP emblem on them. So when you see them they will be visibly different now. For 2016 the decals will be red. There have just been a lot of changes with the MC Action rules, language and everything else has to be changed.

QA: Mike Rushing asked about the Medical Examiners Certificate that's effective June 22, 2015. They have changed the Medical form. The purpose of it was to A) gain significant efficiency requesting paramedical terminology examination requirements and B) self-contained documents. It also includes advisory information for the medical examiners. Also in that same final rule, it's telling the medical examiners that there's going to be an electronic upload of the certificates. We have three years for that to get connected to the Secretary of State's (SOS) system so that way the medical examiners get the medical document with next day service, because it has been uploaded into the system. . It will be all electronic so you won't need to drive to the SOS and have this done manually. The driver won't need to carry the medical certificate with him because they're waiting for the SOS to get everything uploaded into their system. The carriers no longer need to have the self-assessment form? Correct.

QA: The carriers no longer have to do the self-assessment forms? That's right. The health care providers will get your medical done. The medical examiner will have until midnight the next day to get the information uploaded into the system.

QA: It'll be a three year process? It could be after June 22, 2015 the state is ready to go. We will be uploading your information into the server which is our Driver's License system that we go to look at the driver information. All the medical examiners are uploaded into this system and the SOS will coincide with that.

QA: Does CVED want to focus on any particular type of carriers? There's a system in place that, like CSA, that measures the seven basics. What we're looking at is an electronic screening system that will use some of those seven basics and give our officers either a red or green button or go, don't go, or take a closer look at this. Right now those systems are out there but we are not using them in the scale house. We do not use them on the road. That everything that we do is pretty much a visual observation. What we would like to do is get into an electronic state either with a DOT reader or a license plate reader as you come up the ramp or you go by us on the freeway or highway. This information is automatically sent out – retrieved – brought back and the officer looks at it as you go by then finds the carrier and the safety attributes. (Krumm) In Indiana they have all of this stuff right now, most of the location and stuff and one of the things this does is makes our officers more efficient. One of the issues we had within the past years was a service identifier. The vehicles would go by and we could determine if the vehicles were out of service. This would take a lot of the guess work out of that and this would make sure our officers wouldn't miss anything like that.

Michigan Center for Truck Safety

Alfred Newell was not present.

Transportation

Aarne Fromb reported that MDOT doesn't have anything in particular to report at this time. Last time there was a question raised regarding the rerouting of traffic over a particular bridge even though the bridge could handle the vehicles weight. The only explanation they had was there was something else going on or wrong with the bridge at the time. Sometimes the weight can be down to the basic minimum weight and you won't go over the bridge.

State

Diane Guigue reported that they were busy in the office processing June's renewals. We've only got about 10 percent in so far, so we will be pretty busy the next month since the expiration date is the end of June. Last week Dawn went to the IRP annual conference and she is currently on vacation. I'm sure she'll have a great report for you at the next meeting.

Legislation Update

Aarne Frobom reported that there hasn't been much happening or been introduced that affects truck operations. He presented a list of everything that's in the legislature right now including the one that Inspector Coplin mentioned regarding the longer saddle mount combinations of chassis that has been delivered. That hearing is progressing.

Aside from the gas tax there has been a reappearance of the speed limit reform package which is five separate bills that basically do two things. The high visibility one would be to make the default speed limit which applies until the road agency and the state police actually change the limit. Right now it's 55 on all roads and this package would increase that to 65 on state highways and 60 on county roads, the freeway limits would be 80 for all automobiles and 70 for trucks, again unless the department goes thru the speed limit change process. The more far

reaching part of it would be that for the first time we are opposed to the speed limit setting methodology in all 533 villages, cities and city streets and want a uniformed mandated speed limit on every road. Just like the last three times this has been introduced, the action is always to set a uniformed speed limit but it hasn't happened yet. The thing that was enacted in the last hours in the last session was rejected by the voters because it included the increase of the sales tax from 6 percent to 7 percent to replace the removal of the sale tax from motor fuel.

There have been a couple of packages introduced that would provide for a straight forward increase of the gasoline and diesel tax. Something along the line of what we proposed last year into the 35 to 47 cents range. There will probably be an increase of some sort in the diesel tax. They're the only two actual tax increases that were proposed in the House. Taking the diesel tax from 15 to 19 cents and also slapping the surtax on Toyota Prius.

Seth Martin commented that; there are probably four or five of these bureaus that reference alternative fuels from the IFTA stand point. Some of these I reviewed about two weeks ago and I gave my comments to the IFTA commissioners. Michigan has never charged any tax on anything but diesel and biodiesel fuels. So we know that the trucks are diesel, so that leaves CNG and LNG. Even a combination fuel sources where they'll run a truck on CNG until it runs out then the diesel will kick in. That's why you see all these proposed CNG stations coming in all over the country as well. But the Michigan legislature has recognized that we're missing an opportunity to put a tax on these alternative fuels. Several of these bills, if you've noticed, have implications of starting to tax CNG and LNG which is definitely lost revenue. If your fleet uses natural gas, the equivalent with the diesel rate will be applied. It's a little unclear as to exactly what they'll call a gasoline gallon equivalent or a diesel gallon equivalent. If you ever know a CNG even though the pumps are labeled a GGE, gasoline gallon equivalent, originally all these vehicles are labeled a commercial vehicle. The Michigan tax rate will probably be expressed as

if it is a diesel gallon increase which mostly affects only the treasuries accountants and I don't know if any of the folks in the room have any compressed natural gas vehicles or not. There are few in Michigan, so it's only 50 to 10,000 bucks equivalent right now except for those who travel from outside of Michigan. Yes there are some interstate carriers running on this stuff. I think it's like 15 compressed natural gas fuel stations in Michigan right now and for the moment at least that is all tax free.

QA: Isn't the Bus lines running on alternative fuel? Yes, some city buses do. The growing number will be natural gas buses. So they are not paying taxes on them.

Future Meeting Topics

There was a discussion earlier regarding weight distribution and even though we talked about it I don't recall what I promised that I would look into, especially with us moving in with the State Police. Dr. Nwabueze asked what is the expectation of this Board to come to a solution in your mind? Joe Ballor responded, as far as the overweight and stuff like that, find out about the bridges if it's unclear and nobody knows, motor carrier does not know. Then you have the municipalities and counties getting on board as one on a permit. There is a variety of prices. I pay as much as \$350 for a county permit where for the same thing I pay \$15 to the State.

I'm going to make the suggestion that we defer this discussion to a later date. I'm going to consult with others and ask questions trying to find an answer.

Randy stated, I would go back and see what the purpose of the Motor Carrier Advisory Board is with the legislature and the charter that put this together. What is the purpose of the board? Is it to discuss issues well into the industry when it comes to ending it all in general or is it to discuss issues relative to registration, fuel tax and enforcement? Because what I think you can do when it comes to the local jurisdictions and weight enforcement is about the best you might hope for,

for starters is that the board takes a position and holds on, then you send a letter to the transportation chairs of the Senate and the House and tell them what your views and position is, as well as to bring to their attention that there is an imbalance of enforcement or cost. That would be one approach. When it comes to the State Police I can tell you that it's been very difficult for me to go in and tell Saginaw County what to do. But when it comes to things like the permits or when it comes to over weights, I think the Board can take a position. I know they have in the past.

QA: They've written letters in the past. Is there any driver application through MDOT or something else where they can know where the Frost Law roads are for the different counties? Something they can put their routes in to see if they're going to encounter any Frost Law Roads. I think there's room for that technology or initiative because every county is supposed to post their routes on the web, that would be a place to start. I don't know if that would be a government function or a private entity, but I think those are things you can take a position as a board and maybe look at writing a letter on behalf of the Board and sending it to MDOT directors. So I think as the Board, those are the kind of issues that the Board should take up a position you hold on to it and you end up sending a letter to the Senate, the Representative, the county or county administrator and that type of thing. The things that MDOT and MDIT geographic information system people can do are really astounding if they have the data and if in a trip they could collect reliable information from the 83 counties and the 533 villages and cities as to what roads are restricted and they could appear on a map would be no trouble at all. The time can't be better to get something like this across because they're going to be voting on these possible tax increases for the local roads.

A political letter can be submitted from the Board with Dr. Nwabueze signature as the president of the Board. Then each entity can submit a letter supporting the Boards letter.

A motion was made for a draft letter to the Legislature from the MCAB to be drawn up and presented at the next meeting. Motion passed

Tow Trucks out in Bad Weather: Nothing to add from the previous meeting.

Public Comment

Glen Merkle made note that he was at the last meeting, he was late getting there like he was for this meeting and forgot to sign in.

New Business

Noted about the writing of the political letter to the government

Before ending this meeting Dr. Nwabueze thanked everyone for their patience with the move and for being here. He also noted that because of our move from the MPSC to the MSP IT platform that we're designing must necessarily be pulled away from LARA and merged with the MSP.

So I went to the Captain and explained to him that the new IT program will not be 100% ready to use for 2016 renewals and that permits will be processed using the old system.

Next Meeting Date and Adjournment

The next meeting is scheduled for **July 16, 2015 at 9:30 a.m. in a conference room located at MDOT Construction Field Services Building, 8885 Ricks Road, Dimondale, MI 48821.**

The meeting was adjourned at 11:08 a.m.

Respectfully submitted,

Nicholas I. Nwabueze Ph.D., Chairman

Motor Carrier Advisory Board