

Minutes of the Motor Carrier Advisory Board Meeting

September 21, 2017

Members Present

Glen Merkel
Al DeMeester
Brian Hitchcock
Carol Heinowski
Don Lahring
William Kotynski
Don Beerens
James Burg
Paul Behmlander
Sarah Stewart
Joshua Rhodes
Robert Esler
Marci Kelley

Members Absent

Nichole Gavriloski
Randy Whitaker
Joe Ballor

MSP-CVED Staff Present

Captain Krumm
Beth Schafer

Ex Officio Members Present

Inspector Coplin
Seth Martin
Aarne Frobom
Dawn VanAken
John Wallace

Others in Attendance

Lt. Colonel Gorski
Trooper Belanger
Mike Rushing
Doug Childs
Lonny Lutke
Kathrie Saba
Irv Rupersburg

Meeting Called to Order

The meeting was called to order at 9:30 a.m.

May 18, 2016 Meeting Minutes

The agenda for the September 21, 2017 meeting was approved. Motion by Mr. Glen Merkel & seconded by Mr. Robert Esler. The meeting minutes from May 18, 2017 were approved. Motioned by Mr. Paul Behmlander and seconded by Mr. Glen Merkel.

Agency Reports

Michigan State Police (MSP), Commercial Vehicle Enforcement Division (CVED)

Captain Krumm announced the Michigan Truck Safety Commission (MTSC) approved the MSP-CVED grant for FY18. The MTSC decided to discuss the newest cost estimate for a skid pad at the November 1, 2017 and the January 10, 2018 if needed, before seeking approval.

The Michigan Center for Truck Safety is currently without a director, they are actively seeking a new director.

The 22nd Motor Carrier Officer Recruit School is currently in progress with nine recruits remaining. The school will graduate December 21, 2017. Plans have begun for an upcoming school in 2018.

Captain Krumm supports the bypass technology offered by DriveWyze and Help, Inc. Both are up and running in many locations within Michigan. Expansion of the program will continue where warranted.

Inspector Coplin reported on Facility upgrades: Ionia westbound, the date hasn't been set yet, but we have accurate cost estimates and have identified our funding sources for the new building which will be a partnership between MSP-CVED and MPSCS. The cost will be split between the two agencies with a completion date around the spring of 2019.

The westbound New Buffalo weigh station has been shut down for the last few months and is currently being repaired. Approximately 500 feet of concrete is being replaced and it should be completed by the middle of October of 2017.

The northbound Monroe weigh station is in the planning stages. When the project begins there will be some reconditioning of the static scales, concrete work for the ramps, and the length of the ramps will be expanded to give more time to get up to freeway speeds. The configuration of the station will not change.

There was a notice of rulemaking published in the Federal Register by the Federal Motor Carrier Safety Administration (FMCSA) regarding the Unified Carrier Registration fees for 2018 and 2019. The fees for 2018 will be reduced for carriers at all levels by 9.1% from the 2017 fees and for 2019 they will be reduced by 4.5% from the 2017 fees. Because of these changes, the registration period for the UCR cannot begin until November 1, 2017.

At the last board meeting a motion was made to draft a letter to the United States Department of transportation (USDOT) – FMCSA office regarding the hours of service complications when it comes to personal conveyance. After the last meeting, Inspector Coplin reached out to CVSA, he did not realize at that time that CVSA had drafted a letter. CVSA has asked the Motor Carrier Advisory Board (MCAB) to hold off until their letter is approved.

The CVSA Out-of-Service criteria on the presence of an Electronic Logging Device (ELD) have been suspended until April 1, 2018. This does not suspend “out of service” for hour of service violation or the standard violations. This is more about having or not having an ELD in the vehicle.

October 1st is the start of the renewal period for CVED (MPSC) authority. The system used for this is ICARS (Intrastate Certificate of Authority Registration System). Postcards will be sent out on September 28, 2017 as a reminder for carriers to renew their authority, and the deadline for registration is December 1, 2017. There will be a late fee charge for anyone who registers after December 1st.

The Administrative Rule set that is part of the Motor Carrier Act is currently being worked on. Once this process has been done, CVED will share the changes with the board. The process for making changes to this Act requires a public hearing.

Inspector Coplin did some checking regarding the increase of the speed limit and the law is very specific, it reads: “The speed limit is not valid unless properly posted.”

Load securement of engineered wood trusses. CVED currently treats the securement of trusses, the same as it does building materials. Inspector Coplin contacted both the FMCSA & CVSA regarding their interpretation of securement and were informed that CVED was wrong. CVED then contacted Wisconsin and Minnesota to see how they enforce it, they also enforce it the same way Michigan does. CVED has asked our officers to take a soft approach to the number of straps and what layer they’re on. There is a form we’ll fill out and send to the load securement committee of the CVSA to try to get this resolved, because this is not being enforced uniformly across the US and some states do not agree with CVSA & FMCSA. The CVSA & FMCSA current ruling is “that engineered wood trusses are not building like material.”

Secretary of State (SOS)

Ms. Dawn VanAken reported that the SOS is currently working on the September renewals and collecting the USDOT numbers as well as tax ID’s which is required for the new PRISM system. SOS has more changes coming over the next two years, some of them are PRISM related while some of them are related to a new computer system.

Michigan Department of Treasury

Mr. Seth Martin reported that the International Fuel Tax Agreement (IFTA) is at status quo. The renewal season starts November 1st for the 2018 year. You can officially display your 2018 decals two months prior the start of the new year, however make sure you have your 2017 proof of IFTA License with you.

Indiana has made some changes with their surcharge tax rates which started July 1, 2017 and will be implemented on the 3rd quarter tax returns beginning October 1, 2017. The Indiana legislature has voted to apply the current surcharge tax for special fuels (diesel, biodiesel, CNG and LNG), at the pump.

Michigan Department of Transportation

Mr. Arne Frobom advised the I-75 project in Oakland County has been refinanced. The new completion date for the project is 2020.

Federal Motor Carrier Safety Administration (FMCSA)

Mr. John Wallace reported FMCSA is taking a phased in approach to enforcement on ELDs. There will be a grace period and drivers will not be placed out of service until April 2018 for not having an ELD.

The Owner Operator Independent Driver Association (OOIDA) sent a petition to FMCSA to delay implementation of the ELD. They are basically saying: There are 26 states out of compliance and cannot legally enforce ELDs because they haven't adopted the ELD rule. One of the states OOIDA mentioned was Michigan. Michigan adopts the federal Motor Carrier Safety Regulations annually by reference. FMCSA will respond to the petition by the next meeting and will have more information regarding the response.

Clarification regarding pre-2000 exemption on ELDs, FMCSA is using the VIN from the engine not the truck.

FMCSA has started a Crash Preventability Demonstration Program that allows motor carriers involved in certain crash types to submit requests for Data Review regarding the crashes thru the FMCSA DataQs system. This program began accepting requests for data reviews on August 1, 2017 for eligible crashes that occurred on or after June 1, 2017.

FMCSA is being challenged on the SMS methodology for rating motor carriers. Studies show the current methodology is defensible. However, there have been six recommendations, and one of the recommendations wants FMCSA to seriously consider within the next two years a new methodology and called Response Theory Model (IRT). FMCSA accepted the recommendations and will take a look and decide if they will accept the IRT.

Michigan Center for Truck Safety

No one present.

Legislation Update

- Oversize Multiple – Trip Permits.
- Semi-Trailer wheelbase
- Slow Down for Emergency Vehicles

New Business

None.

Future Meeting Topics

A presentation will be given by Ms. Mary O'Rourke, District Director, Federal Department of Labor, Grand Rapids District office, regarding the Federal Overtime law at the November 16, 2017 MCAB meeting.

Public Comment

None.

Old Business

None.

Presentation

A presentation was made by Trooper Amy Belanger regarding workplace active shooter.

Next Meeting Date and Adjournment

A motion to adjourn was made and carried by the board. The meeting was adjourned at 12:30 p.m.

Minutes - Motor Carrier Advisory Board Meeting
Page 4 of 4
September 21, 2017

The next meeting is scheduled for 9:30 am on Thursday, November 16, 2017. The location will be in the 1917 conference room located at the MSP Headquarters, 7150 Harris Drive, Dimondale, MI 48821.

Respectfully submitted,

Marci Kelley, Chairwoman
Motor Carrier Advisory Board



TO: All Carriers Subject to Unified Carrier Registration (UCR) Act

FR: UCR Board of Directors

RE: UCR 2018 Registration Delayed to Nov. 1; Fees Likely to Drop

The Unified Carrier Registration (UCR) Board of Directors is delaying the start of the 2018 registration year to November 1. The reason for the delay is to provide the Federal Motor Carrier Safety Administration (FMCSA) adequate time to publish and receive comments on its proposed rulemaking for 2018 UCR fees, which includes a reduction for carriers at all levels.

This process is expected to be completed sometime next month.

The proposed rulemaking is now published in the Federal Register:

<https://www.federalregister.gov/documents/2017/09/21/2017-20079/fees-for-the-unified-carrier-registration-plan-and-agreement>.

The fee levels being proposed are based on a recommendation submitted by UCR to the FMCSA in March 2017 to reduce fees for carriers at all levels by 9.1% in 2018 and 4.5% in 2019. A final decision by FMCSA will not be made until likely next month.

Until November 1, please do not submit any carrier fees or forms for the 2018 registration year. If received prior to November 1, your fees and forms will be returned. Please note that on-line registration will not be available before November 1 either.

We will continue to keep you updated as we become aware of relevant fee and registration information.



1 What is FMCSA's
Crash Preventability
Demonstration Program?

The Crash Preventability Demonstration Program allows motor carriers or drivers involved in certain crash types to submit Requests for Data Review through FMCSA's DataQs system. Crashes must have occurred on or after June 1, 2017. The results of the preventability reviews will be posted on the Agency's Safety Measurement System (SMS) website. For those crashes found to be Not Preventable, FMCSA will display, to enforcement users and carriers logged into their own profiles, the Crash Indicator Behavior Analysis Safety Improvement Category (BASIC) percentiles in SMS with and without the crashes.

2 Why is FMCSA doing a
Crash Preventability
Demonstration Program?

Stakeholders have expressed concern that the Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC) in the Safety Measurement System (SMS) may not identify the highest-risk motor carriers for interventions and that the listing of crashes on the SMS public website, without an indication of preventability, can give an inaccurate impression about the risk posed by a company.

3 What types of crashes are
eligible for review in the
Crash Preventability
Demonstration Program?

FMCSA will review Requests for Data Review for crashes submitted through DataQs.

- When the commercial motor vehicle (CMV) was struck by a motorist driving under the influence (or related offense)
- When the CMV was struck by a motorist driving the wrong direction
- When the CMV was struck in the rear
- When the CMV was struck while it was legally stopped or parked, including when the vehicle was unattended
- When the CMV struck an individual committing or attempting to commit suicide by stepping or driving in front of the CMV
- When the CMV sustained disabling damage after striking an animal in the roadway
- When the crash was the result of an infrastructure failure, falling trees, rocks, or other debris
- When the CMV was struck by cargo or equipment from another vehicle

4 Why aren't all
crashes eligible for the
Crash Preventability
Demonstration Program?

Based on comments from the American Trucking Associations (ATA), FMCSA is conducting the Demonstration Program to test if certain crashes should be removed from a carrier's Safety Measurement System (SMS) record. FMCSA is reviewing types of crashes that align with ATA's recommendations and are generally less complex.



FMCSA's Crash Preventability Demonstration Program

5 When does the Crash Preventability Demonstration Program start?

Starting August 1, 2017, carriers and drivers may submit Requests for Data Review in DataQs for eligible crashes that occurred on or after June 1, 2017.

6 When will FMCSA begin accepting crashes for the Crash Preventability Demonstration Program?

FMCSA will begin accepting Requests for Data Review in DataQs on August 1, 2017, for eligible crashes that occurred on or after June 1, 2017.

7 How long will the Crash Preventability Demonstration Program last?

The Crash Preventability Demonstration Program is expected to last a minimum of 24 months.

8 How do I submit a crash for review in the Crash Preventability Demonstration Program?

Motor carriers and drivers can submit crash preventability Requests for Data Review (RDR) through DataQs at: <https://dataqs.fmcsa.dot.gov>.

Information on how to submit a crash preventability RDR is available at: <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program>.

9 What information do I need to submit for participation in the Crash Preventability Demonstration Program?

Motor carriers or drivers must submit compelling information and documentation to show that the crash was Not Preventable. Suggested documentation/evidence includes, but is not limited to the following list.

- Crash reports
- Police Accident Reports
- Insurance documents
- Videos
- Media reports
- Affidavits
- Transcripts

10 Will FMCSA still process Requests for Data Review (RDRs) as part of the Crash Preventability Demonstration Program if the State has not yet submitted the crash report to FMCSA?

FMCSA will initiate a review of the crash preventability Requests for Data Review if the State has not yet submitted the crash report to FMCSA. However, FMCSA will not complete the review until FMCSA has the State report. While FMCSA expects this to rarely happen, if it does, FMCSA will contact the appropriate State and request that the crash be uploaded to FMCSA.



FMCSA's Crash Preventability Demonstration Program

11 How long will it take for FMCSA to post Crash Preventability Demonstration Program results to the Safety Measurement System (SMS)?

Once FMCSA completes its review of the crash, the Agency will post results to the Safety Measurement System (SMS) within 60 days.

12 What happens if FMCSA decides my crash was Not Preventable?

During the Crash Preventability Demonstration Program, FMCSA will continue to list Not Preventable crashes on the public Safety Measurement System (SMS) website. However, the crash will appear with a notation that reads, "FMCSA reviewed this crash and determined that it was not preventable."

For logged-in users (carriers viewing their own data, FMCSA, and law enforcement users), two Crash Indicator Behavior Analysis Safety Improvement Category (BASIC) percentiles and measures will be calculated—one with and one without the Not Preventable crashes.

13 What happens if FMCSA decides my crash was Preventable?

The public display of the Safety Measurement System (SMS) will include a notation that reads, "FMCSA reviewed this crash and determined that it was preventable."

14 What happens if FMCSA cannot decide if my crash was Not Preventable, based on the evidence submitted?

In these cases, the documentation submitted did not allow for a conclusive decision by FMCSA. When crash reviews are Undecided, the public display of the Safety Measurement System (SMS) will include a notation that reads, "FMCSA reviewed this crash and could not make a preventability determination based on the evidence provided."

15 Will FMCSA seek input from other parties before deciding a crash was Not Preventable?

During the Demonstration Program, if FMCSA reviews a crash and concludes in a preliminary determination that it was Not Preventable, the crash report number, U.S. DOT number, motor carrier name, crash event date, crash event State, and crash type will be listed on DataQs.

Any member of the public with documentation or data to refute the preliminary determination will have 30 days to submit the documentation through DataQs at: <https://dataqs.fmcsa.dot.gov/public>.

Information on how to submit additional documentation is available at: <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program>.

FMCSA will review and consider any new documents or data before making a final determination. FMCSA will post all determinations to the Safety Measurement System (SMS) within 60 days of final decisions.



FMCSA's Crash Preventability Demonstration Program

- 16** Can I submit additional information if FMCSA determines my crash was Preventable?
- Carriers may request that FMCSA reconsider requests by reopening the Request for Data Review in DataQs and submitting additional documentation.
- 17** What will FMCSA do with the information collected during the Crash Preventability Demonstration Program?
- Throughout the Crash Preventability Demonstration Program, FMCSA will maintain data so that at the conclusion, the Agency can conduct certain analyses. It is expected that the Agency's analyses would include, but not be limited to, the cost of operating the test and its extrapolation to a larger program; future crash rates of carriers that submitted Requests for Data Review, future crash rates of motor carriers with Not Preventable crashes, and impacts to the Safety Measurement System (SMS) crash rates and improvements to prioritization. The analysis will be used to examine the ATA's assertions that crashes of these types are not preventable and that removing these crashes from the motor carriers' records would result in a better correlation to future crash risk, as well as to inform future policy decisions on this issue.
- 18** How does this Demonstration Program impact crashes reviewed for preventability during investigations?
- Crash preventability determinations made during this Demonstration Program will not affect any carrier's safety rating or ability to operate. FMCSA will not issue penalties or sanctions on the basis of the Demonstration Program determinations, nor do they establish any obligations or impose legal requirements on any carrier. These Demonstration Program determinations also will not change how the Agency will make enforcement decisions.
- Information submitted about a crash as part of this Demonstration Program may be shared with the appropriate FMCSA Division Office for further investigation. Likewise, if an investigation reveals additional information about a crash for which the Demonstration Program made a preventability determination, this information may be shared within the Agency and the crash subjected to further review.
- 19** Where can I get more information about the Crash Preventability Demonstration Program?
- Information on how to submit a crash preventability Request for Data Review (RDR) is available at: <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program>.
- Motor carriers and drivers can submit crash preventability RDRs through DataQs at: <https://dataqs.fmcsa.dot.gov>.
- 20** What did the National Academies of Sciences (NAS) Correlation Study say about using crashes in the Safety Measurement System (SMS)?
- NAS indicated that all crashes are useful in identifying unsafe motor carriers. In addition, NAS encouraged FMCSA to continue to focus on improving crash data. NAS indicated its awareness of the Agency's plans for the Crash Preventability Demonstration Program and expressed interest in the findings from the program.

Trucking-related Bills in the 99th Michigan Legislature – 2017–2018

Prepared for the September 21, 2017, meeting of the Motor Carrier Advisory Board. As of July 20, 2017.
By Arne Frobom, Michigan Department of Transportation (517) 335-2908, froboma@Michigan.gov For
status of bills, see www.legislature.mi.gov/ and enter the bill number.

Passed means passed house of origin. *Enrolled* or *presented* means passed both houses. *P.A. Number* ___
means enacted into law. *R⁹⁸* ___ means reintroduced from the last session.

Senate

- 120 AUTO-HAULER LENGTH (Casperson) Allow stinger-steered combinations (auto haulers, also other commodities) to be 80 feet long plus overhangs of 4 and 6 feet, front and rear (*versus* 79'+3'+4' at present). Allow "towaway trailer transportation combinations" as defined in 49 USC 31111 to be up to 82 feet (for delivery of 1 or 2 new light-duty trailers). Conform to FAST Act; no federal-aid penalty for failure to conform. S-1 passed.
- 159 NATURAL-GAS-FUELED TRUCKS (Casperson) Allow trucks powered by CNG or LNG to exceed axle weight or gross vehicle weights by up to 2,000 lbs.; match FAST Act. P.A.80 of 2017.
- 160 IMPLEMENT TRAILERS (Casperson) Require trailers adapted for hauling farm implements and included in definition of *implement of husbandry* to haul only implements "being used in agricultural production." Clarify definition of *autocycle* (3-wheeled vehicle). P.A.94 of 2017.
- 168 THEFT ASSESSMENT (Jones) Define *written car year* as in MCCA law, instead of *earned car years*. (Said to expand \$1/year assessment for Auto Theft Prevention Authority to commercial vehicles.) R⁹⁸ 980. P.A.58 of 2017.
- 292 PROHIBIT PIPELINES (Jones) Prohibit new liquid-petroleum pipelines in or under "the Great Lakes and their connecting waters." Require existing pipelines to submit "worst-case spill" risk assessments. Allow DNR to shut down pipelines if "public trust in the waters of the Great Lakes" is impaired.
- 315 SEPTAGE TRUCKS (Stamas+2) Exempt septic-tank trucks from spring weight restrictions if responding to emergencies. Define *emergency septic failure*. R⁹⁸ 4724.
- 396 LOGGING VEHICLES; SPRING LOAD RESTRICTIONS; PERMITS (Casperson) Allow a "forestry or forestry harvest vehicle" (undefined, but compare list of 14 kinds of logging equipment in Sec. 801) to be operated on road shoulders.
Include February in spring load restrictions. Limit length of spring load limits to a total of 35 nonconsecutive days in the Lower Peninsula and 60 days in the Upper Peninsula. (No change to 25- and 35-per-cent weight reductions on concrete and other pavement types.) Require 48 hours' notice of restrictions.
Exempt permitted oversize and overweight loads from spring load restrictions.
Exempt forestry vehicles from seasonal restrictions on gravel roads, including lowboy trailers hauling forestry equipment. Allow road commissions to require bonds from forestry vehicles for up to \$2,000 per mile of gravel road traveled by forestry vehicles during spring restrictions.
Allow road agencies to issue permits for delivery after sale of new or used machinery (undefined) without regard to spring weight restrictions, up to 10 permits/year to each person. Hearing held
- 399 "MISLOAD" FINES (Proos+4) Allow judges to impose less than the maximum \$400 per-axle fines for trucks with overweight axles but within maximum allowable gross weight; update language.
- 477 SLOW DOWN for EMERGENCY VEHICLES (Zorn) Require all traffic to slow by 10 mph when passing stopped emergency vehicles (police, fire, ambulance, and tow trucks with flashing red lights; and refuse trucks, road-maintenance, and utility vehicles with amber lights), **and** change lanes if possible. Add amber lights to move-over requirement. Existing law requires drivers to reduce speed by an unspecified amount **or** change lanes--\$500 or 90-day misdemeanor. Compare HB 4944: slow to half speed limit or 45 mph on freeways.

House

- 4013 PAPERLESS REGISTRATION (Lucido) Allow registration certificate to be electronically accessible or e-mailed to police as a file or digital photograph. Prohibit police from manipulating or searching electronic devices. P.A.59 of 2017.
- 4167 DRAIN-TUBING TRUCKS (Frederick+6) Allow truck-and-trailer (not tractor-semitrailer) combinations designed to carry agricultural drain pipe to be up to 75 feet long. P.A.35 of 2017.
- 4251 VEHICLE TAX CUT (Dianda) Repeal all Jan. 1, 2017 increases in registration taxes, including elected-GVW truck. Reduce MTF by about \$210 million/year. Compare HB 4040.
- 4644 OVERSIZE MULTIPLE-TRIP PERMITS (Cole+6) Increase fee for annual MDOT oversize permit from \$30 to \$264. No change to local-agency permit fees. No change to single-trip oversize/overweight permits and routing service. Make other changes to annual multiple-trip oversize permits for all agencies:
Permits issued for power units to cover trailers and "each individual piece of equipment carried."
Permits may not restrict speed more than 10 mph below posted limits.
Allow storage and presentation of permits on electronic devices.
Prohibit restrictions on hours and days of operation, except for Memorial Day and Labor Day weekends and the Fourth of July. Prohibit holiday restrictions on movement of farm implements.
Allow restrictions on travel in 15 counties over 150,000 population (Wayne, Oakland, Macomb, Kent, Genesee, Washtenaw, Ingham, Ottawa, Kalamazoo, Saginaw, Livingston, Muskegon, Saint Clair, Jackson, and Berrien Counties).
Takes effect one year after signature. H-4 passed.
- 4839 OUT-OF-SERVICE ORDERS (VanderWall) Deny or suspend vehicle registration (not UCR) for motor carriers attempting to evade out-of-service orders under 49 CFR Parts 390.5 or 386.73 (out-of-service orders, record-consolidation orders).
- 4956 SEMI-TRAILER WHEELBASE (Cole) Repeal distance limit between kingpin and center of rear axle assembly of 37 to 41 feet, for semitrailers longer than 50 feet (including 53-foot standard trailer). (Accommodate auto plants that require movable axles to be at the rear when unloading at docks.) No change to normal length maximum (53-foot trailer, no overall maximum for tractor and semi-trailer on designated routes).
For lowboy trailers that do not exceed 59 feet, repeal maximum distance of 55 feet from the kingpin to the center of the rear axle. Retain maximum lowboy trailer length of 59 feet.

New or Nonstandard Local Ordinances

- ANN ARBOR IDLING Prohibit idling of any commercial vehicle (Diesel or gas) when unoccupied, or more than 5 minutes in any hour if occupied. Effective July 1, 2017.
- ANN ARBOR CROSSWALKS Stop for persons standing behind curb at nonsignalized crosswalks.

Administrative Actions

- REPLACE AMBASSADOR BRIDGE Canadian Governor issues Order in Council 2017-1112 approving 6-lane structure immediately west of Ambassador Bridge; scrap existing bridge.