

## **MCAB Meeting Minutes**

Thursday, May 18, 2023

MSP Headquarters

7150 Harris Drive

Dimondale, MI 48821

9:30 a.m.-10:40 a.m.

### **Members Present**

Mr. Toby Archambault  
Mr. James Burg  
Mr. Robert Esler  
Mr. Bill Kotynski  
Mr. Don Lahring  
Mr. Scott Spray  
Mr. Glen Merkel  
Mr. Joshua Rhodes  
Mr. Randy Whitaker  
Mr. Doug Childs designated  
alternate for Mr. Roger Hayes

### **MSP-CVED Staff Present**

Capt. Richard Arnold  
MC Insp. Brad Cushman  
MC Lt. George Bracco  
Ms. Ashley Andersen  
Ms. Beth Schafer  
Ms. Chelsea Phillips  
Mr. Abe Droste  
Ms. Robbin Sims

### **Others in Attendance**

Mr. Aarne Frobom  
Mr. Seth Martin  
Ms. Dee Thomas  
Ms. Andrea VanRhee  
Mr. Luke Schulte  
Mr. Matt Fabre

### **Members Absent**

Ms. Jessica Kines  
Mr. Brian Brink  
Mr. Brian Hitchcock  
Ms. Carol Heinowski  
Mr. Michael Rushing  
Mr. Paul Behmlander

### **Welcome**

The MCAB meeting was called to order at 9:30 a.m. by Ms. Ashley Andersen.

### **Agenda and Meeting Minutes**

- A motion was made and approved of today's agenda.
- A motion was made and approved of the March 16, 2023, meeting minutes.

### **MCAB Bylaws**

- MCAB Bylaws were distributed as a handout at the March 16, 2023, meeting.
  - A motion to change Article IV, Section 1 Regular meetings, to omit meeting in July was made and passed.

### **Agency Reports**

#### **Treasury-Mr. Seth Martin:**

- Implementation of the Michigan IFTA tax system will go live August 1, 2023.
  - Notifications and instructions will be sent out prior to the implementation.
  - Username and password will not change.
- Discussion of alternative fuel in regard to hydrogen or electricity.

#### **Transportation-Mr. Aarne Frobom:**

- MDOT may have a per mile demonstration in the future.

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### **FMCSA - Mr. Matt Fabre:**

- Updating the Drug & Alcohol Clearinghouse effective March 8, 2023. The update window has been changed from 30 days to 365 days.
- FMCSA comment period for the proposed changes to the Safety Measurement System has closed.
- Effective June 1, 2023, the Office of the Secretary of Transportation and FMCSA amends the USDOT regulated industry drug testing program to include oral fluid testing of drivers. Department of Health and Human Services must approve two labs for this oral fluid testing.

### **CVED Update—MC Lt. George Bracco, Mr. Abe Droste and Ms. Chelsea Phillips:**

- See attachment regarding CVED traffic crash statistics and fiscal year 2022 and 2023, year to date activities.
- The 26th Motor Carrier Recruit School started on January 22, 2023, with a graduation date of May 25, 2023.
- Mr. Abe Droste reported that the 2023 UCR Compliance rate is currently at 75.3%.
- Ms. Chelsea Phillips is working with the CVED Authority Portal (CAP) system that replaced ICARS and Accela, effective March 1, 2023.
- MC Insp. Brad Cushman reported that the Eastbound Ionia station will be demolished by the end of 2023 and the new station will have a by-pass lane.
- The 27th Motor Carrier Recruit School will start the summer of 2024.
- Captain Arnold congratulated Mr. Jim Burg on his selection to the executive board of the American Transportation Research Institute.
- The Michigan Center for Truck Safety group is working on getting the skid pad up and running. They also funded some new simulators for purchase by MTA and MCTS.

### **Michigan Center for Truck Safety—Ms. Dee Thomas:**

- Since October 1, 2022, they have provided training to 736 individuals, 2,352 individuals have attended their seminar program, 585 individuals have attended their outreach events, 666 have attending simulator demonstrations, 2,346 have viewed their Facebook live videos, and they have distributed over 20,000 truck safety guidebooks,
- On August 1, 2023, Michigan Center for Truck Safety will be participating in the Michigan State Police safety day.

### **Secretary of State—Mr. Luke Schulte:**

- Clarification of Ballot 446, Standardization of electronic records.

### **Legislative Updates—MDOT—Mr. Aarne Frobom:**

- 4250-4252 - Hand-Held Cell Phones.
- 275 - Clean-Fuels Mandate

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**New Business:**

**Public Comments:**

**Upcoming Meeting Dates**

- September 21, 2023
- November 16, 2023

Updated 01/02/2020

## PROCEDURES FOR THE MOTOR CARRIER ADVISORY BOARD

### ARTICLE I-ROLE OF BOARD

#### Section 1-Purpose

The Motor Carrier Advisory Board (MCAB) was established to facilitate a continuing discussion among the trucking industry, consumers, other interest groups, state government of issues, problems, and solutions important to Michigan freight transportation. The MCAB is also recognized by the National Governor's Association as Michigan's truck transportation advisory body.

#### Section 2-Recommendations

Board recommendations to the Michigan State Police (MSP) shall be advisory in nature and shall not be binding upon the MSP. Board recommendations or statements of position directed to other state government agencies or entities shall clearly indicate if such recommendations or positions are not endorsed by the MSP. The MSP shall be advised of any such communications.

#### Section 3-Restrictions

The board shall not discuss the performance of individual MSP employees or cases pending before the MSP.

#### Section 4-Committees

The board chairperson may designate such subcommittees as may be deemed desirable to study specific subjects and report their findings or recommendations to the entire board. Subcommittees, with the approval of the board, may include persons who are not board members.

#### Section 6-Expenses

Board members shall serve without compensation. Neither the State of Michigan nor any agency thereof shall be responsible for any expenses incurred by reason of board membership or participation in activities of the board.

### ARTICLE II-CHAIRPERSON

The Manager of the Regulatory and Credentials Section within the Commercial Vehicle Enforcement Division shall serve as the chairperson of the MCAB and presides at all board meetings. In the event the director is unable to attend a meeting, the chairperson of the MSP shall designate an acting chairperson.

Updated 01/02/2020

## ARTICLE III-MEMBERSHIP

### Section 1-Members

The board shall consist of 15 members. Membership of the board shall be by appointment of the MSP.

### Section 2-Term of Membership

The term of appointment for members of the board shall be one calendar year. Appointments shall be made in December of each year by the MSP for the succeeding calendar year.

### Section 3-Resignation

A board member may resign at any time by giving notice to the chairperson of the MSP.

### Section 4-Vacancies

Any vacancy occurring shall be filled by the appointment of a successor by the MSP.

### Section 5-Ex Officio Members

Representatives of appropriate agencies may be appointed as non-voting ex officio members of the board by the MSP.

## ARTICLE IV-MEETINGS

### Section 1-Regular Meetings

Bi-monthly meetings of members shall normally be held on the third Thursday of every other month for the purpose of transacting such business as may properly come before the MCAB. Due to extraordinary circumstances, the date for a given meeting may be changed by approval of the majority of the board.

### Section 2-Special Meetings

Special meetings of the board may be called at any time by the chairperson of the board with adequate notice to all board members.

### Section 3-Place of Meeting

Meetings of the board shall be held at the offices of the MSP, unless otherwise noticed.

### Section 4-Notice of Meeting

Written notification of each of the board's bi-monthly meetings, including time and place, shall be emailed to each board member, not less than ten days before the meeting.

### Section 5-Agendas

An agenda shall be published for each meeting. Members desiring to place items on the agenda shall forward same to the chairperson at least 15 days prior to that meeting.

The agenda and pertinent study materials shall be forwarded to all board members with the meeting notice. Additional items may be added to the agenda at the meeting by request of any board member.

Updated 01/02/2020

Section 6-Minutes

The minutes of each meeting of the board shall be prepared by the chairperson of the MCAB and shall be emailed with the notice for the following meeting.

Section 7-Quorum

At all meetings of the board, the presence of eight members at the commencement of such meetings shall be necessary for the transaction of any business.

Section 8-Voting

Any board action to be taken by a vote of the members shall be authorized by a majority of votes cast at the meeting of members. Proxy votes shall not be exercised, except through designated alternates, as provided by Article V, Section 2. The board chairperson shall not have a vote.

ARTICLE V-ATTENDANCE

Section 1-Notice of inability to attend meeting

Members not able to attend a meeting shall advise the chairperson of the board prior to that meeting if possible.

Section 2-Designation of Alternates

A member may designate a person to attend the meeting as his/her alternate. A person already serving as a member of the board shall not be designated as the alternate of another board member, and a person shall not be designated to serve as the alternate of more than one board member at a particular board meeting. Notification of the designation of an alternate shall be submitted by a member, by email to the board chairperson at any time but at least three days prior to an alternate serving at a board meeting. Such notifications shall include the name, address, and telephone number of the alternate.

Section 3-Prolonged non-participation

If a board member fails to attend three consecutive regular meetings of the board and does not designate a person to serve as his/her alternate, the board may request the removal of the inactive member. Such a request shall be directed to the chairperson of the MSP.

ARTICLE VI-AMENDMENT OF PROCEDURES

These procedures may be amended only upon approval of the MSP.

**MSP-CVED Updates:**

Traffic Crash Statistics: Comparison FY22 to FY23

Crash Types	Total FY22 YTD all crashes	Total FY23 YTD all crashes	Fatal FY22 YTD Crashes	Fatal FY23 YTD Crashes
CMV Crashes	9786	9029	55	55
All vehicle Crashes	193540	183389	601	524
Percentage with CMV	5.0%	4.9%	9.2%	10.5%

Source: Traffic Crash Reporting System 5/16/23

**MSP-CVED FY2023 YTD Activity**

MSP-CVED completed: 27,422 vehicle inspections from 31,112 traffic stops.

Special Permit checks 1110 vehicles weighed 4,266

Citations issued 9,958

Original incidents 2,736

Driving While License Suspended 95

Driving on a restricted license or inadequate 445

Operating While intoxicated 13

Operating Under Influence of Drugs 1

Fugitive Arrest 111

CCW violations 7

Possession of drugs 11

Alcohol possession 6

Drug and Alcohol Clearinghouse Violations 40 driver 21 carrier.

MSP-CVED's recruit school started 17 recruits, and now has 8 recruits.

## Trucking-related Bills in the 102<sup>nd</sup> Michigan Legislature – 2023-2024

Prepared for the May 18<sup>th</sup> meeting of the Motor Carrier Advisory Board. As of May 16, 2023.  
By Aarne Frobom, Michigan Department of Transportation (517) 282-9373, [froboma@Michigan.gov](mailto:froboma@Michigan.gov) This is not an official interpretation by the State of Michigan. For status of bills and actual language, see [www.legislature.mi.gov/](http://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.

### Senate

4132, 4133 WORK-ZONE SPEED CAMERAS (Snyder+1 of both parties; MITA bill.) Authorize MDOT or MSP (not local units) to use speed cameras in trunkline work zones. Require notification signs.

Create new civil infraction of an “individual” (not *person*) violating a work-zone speed limit by 10 mph while workers are present. (Unclear if “individual” includes a corporation, like a trucking company.)

Registered owners or lessees are presumed responsible; may rebut presumption by mail if the owner was not driving—not required to identify driver. Citations to be delivered by first-class mail. Reported.

275 CLEAN-FUELS MANDATE (Singh+1) Apply second tax to vehicle fuels and use revenue to subsidize biofuels and electric vehicles. Prohibit petroleum fuel sales unless accompanied by purchase of credits from biofuels or electrification spending, to achieve statewide carbon-intensity standards. Applies to all vehicle fuels, including off-road Diesel, bus, farm, train, ship, and aviation fuel.

Tax rate unknown, but possibly 10 to 40 cents/gallon; to be set administratively by DEGLE based on spending to avoid carbon emissions. Revenue to be directed to electric-vehicle subsidies, vehicle-charger and infrastructure installation, biofuels, renewable fuels, and other spending.

Require carbon intensity of vehicle fuels to be reduced 25% below 2019 levels by 2035, or more.

### House

4028 TOW TRUCKS, SPRING WEIGHT RESTRICTION (Zorn) Amend Subsec. 722(8) to exempt tow trucks from seasonal weight restrictions, when traveling light or towing a disabled vehicle. Same as 101<sup>st</sup> SB 640.

4250-4252 HAND-HELD CELL PHONES (Koleszar+8 of both parties) Prohibit use of any hand-held “mobile electronic device” while driving. Allow use of navigation devices if data are not entered by hand. Allow emergency use. Allow voice-activated phones built into or attached to a vehicle, and hand activation of a phone feature or selection of a phone number by a single touch. Exclude CB and 2-way radio, and parked vehicles. Prohibit use of social networking sites and watching video. Allow primary enforcement stops; prohibit searches of vehicles. Effective June 30, 2023. Presented.

### Administrative Actions