

Motor Carrier Transportation Advisory Committee

Thursday, January 19, 2023

Housekeeping

- Today's presentation is being recorded.
- Please mute your microphone in the Teams application if you are using the application as your visual and calling in via phone for your audio. Turn down your desktop sound as well.
- Please mute your microphone if you are not speaking.
- Please introduce yourself and with whom you are associated before speaking.
- We will pause throughout the presentation to allow time for questions.

Motor Carrier Transportation Advisory Committee (MCTAC) Agenda

Thursday, January 19, 2023 | 8:30 am to 10:00 am

[Click here to join the meeting](#) 971.277.1965 Conference ID 578 660 104#



Agenda/Meeting Materials: <https://www.oregon.gov/odot/MCT/Pages/MCTAC.aspx>

Time		Topic		Action	Lead
8:30-8:35	5 min	01	Welcome, Housekeeping and Intros	Decision	Jason Lawrence
		Objective: <ul style="list-style-type: none"> Welcome, member introductions, etc. Review and approve previous meeting minutes 			
8:35-8:55	20 min	02	ODOT Funding and Budget	Information	Travis Brouwer
		Objective: <ul style="list-style-type: none"> Update on funding and budget: challenges and opportunities 			
8:55-9:15	20 min	03	Tolling	Information	Garet Prior and Maureen Bock
		Objective: <ul style="list-style-type: none"> Update on Regional Mobility Pricing Project (RMPP) project 			
9:15-9:30	15 min	04	Oregon Administrative Rules	Discussion	
		Objective: <ul style="list-style-type: none"> 740-100-0010, Adoption of Federal Safety Regulations (Russ Russell) 740-300-0120, Violations Specified in ORS 825.960, Relating to Out-of-Service Notices and Driver Equipment Compliance Check Forms — Penalties (Russ Russell) 740-300-0130, Violations Specified in ORS 825.955 and ORS 825.960 — Mitigation (Russ Russell) 734-071-0010 and 734-073-0110 (FAST Act adoption) (Sven Johnson) 740-055-0120, Weight-Mile Tax Records Requirements (adding monthly vehicle requirement) (Jenny Galvin) 			
9:30-9:40	10 min	04	Over-Dimension Permitting System	Discussion	Sven Johnson
		Objective: <ul style="list-style-type: none"> Update on permit system replacement project: recent key milestones 			
9:40-9:50	10 min	05	Administrator's Report	Information	Amy Ramsdell
		Objective: <ul style="list-style-type: none"> Service hours HHG Rule work group Human Trafficking Awareness 			
9:50-10:00	10 min	06	Agenda Build	Discussion	All
		Objective: <ul style="list-style-type: none"> Identify agenda topics for April 2023 <ul style="list-style-type: none"> Suggested topic: fuel tax and biodiesel requirements (Omar Cruz) 			
Next Meeting: Thursday, April 20, 2023 8:30-10:00 am					

MCTAC Summary Notes – October 6, 2022

Attendees: Mark Gibson (OTA), Kristan Mitchell (ORRA), Andrew Owens (A&O Transport), Brent Vander Pol (Peninsula Trucklines), Donny Callahan (OTTA), Jonathan Wilson (FMCSA), Sven Johnson (CCD-ODOT), Carla Phelps (CCD-ODOT), Elisha Brackett (CCD-ODOT), Jenny Galvin (CCD-ODOT), Amy Ramsdell (CCD-ODOT), Anthony Barghini (CCD-ODOT), Kevin Baker, Jon Golly, Christine Logue, Shawn Stanton, Rhonda Fletcher, Steve Bates

Previous meeting's minutes approved.

OAD Amendments: Anthony Barghini (CCD), OAR 734-082-0009 – The Fixing America's Surface Transportation (FAST) Act legalized emergency vehicle loads beyond Oregon's standard legal limits on the Interstate system. These OAR updates are part of follow-up work to Oregon's compliance with the FAST Act. These amendments allow road authorities to issue variance permits for two vehicle configurations for emergency vehicles – as defined in the FAST Act – to operate on State and local roadways in addition to the federal highway system. As discussed, these variance permits are only for those fire suppression vehicles as defined in the FAST Act. Outreach on these permits will follow in 2023.

Sven Johnson (CCD), OAR 740-200-0010 – Annual housekeeping to adopt IRP and IFTA, with an additional edit to remove CCD's address in Rule.

Amy Ramsdell (CCD), OAR 740-010-0020 – Simplifies the Administrator's process for delegation of authority in declared emergencies.

Entry-Level Driver Training (ELDT), Jonathan Wilson (FMCSA): Jonathan walked us through the new, more formalized process of entry-level driver training requirements.

Kristan had some questions, which Jonathan followed up with offline. Amy also suggested that CCD create a webpage or user guide to help Oregon-based CDL holders to navigate this system.

Oregon Transportation Plan, Michael Rock (ODOT): Michael walked us through the OTP – what it is, what its goals are, how it is shaped – and informed the committee on how it can engage in the process of creating the OTP.

Amy: We'll make sure to keep bringing updates on OTP back to the committee to make sure members know when there are opportunities to provide input so that the industry is heard.

Administrator's Update, Amy Ramsdell (CCD):

CCD Moves - We are moving out of the 3930 Fairview Industrial Drive building in January and into an ODOT-owned facility in East Salem. This will save us a significant amount of money in monthly rents. We are still looking at Portland Bridge/Jantzen Beach relocation options, too.

There have been some shifts in our management positions. Sven and Jenny have stepped up and shifted into new roles and everyone has been doing great.

We know call times are a frustration and we're working on that, we promise.

Open Houses are coming up in October, please attend if you can.

Renewal packets are coming mid-October. Any questions on renewal can be sent to Sven.

Agenda build discussion.

Close of meeting.

Transportation Funding Outlook

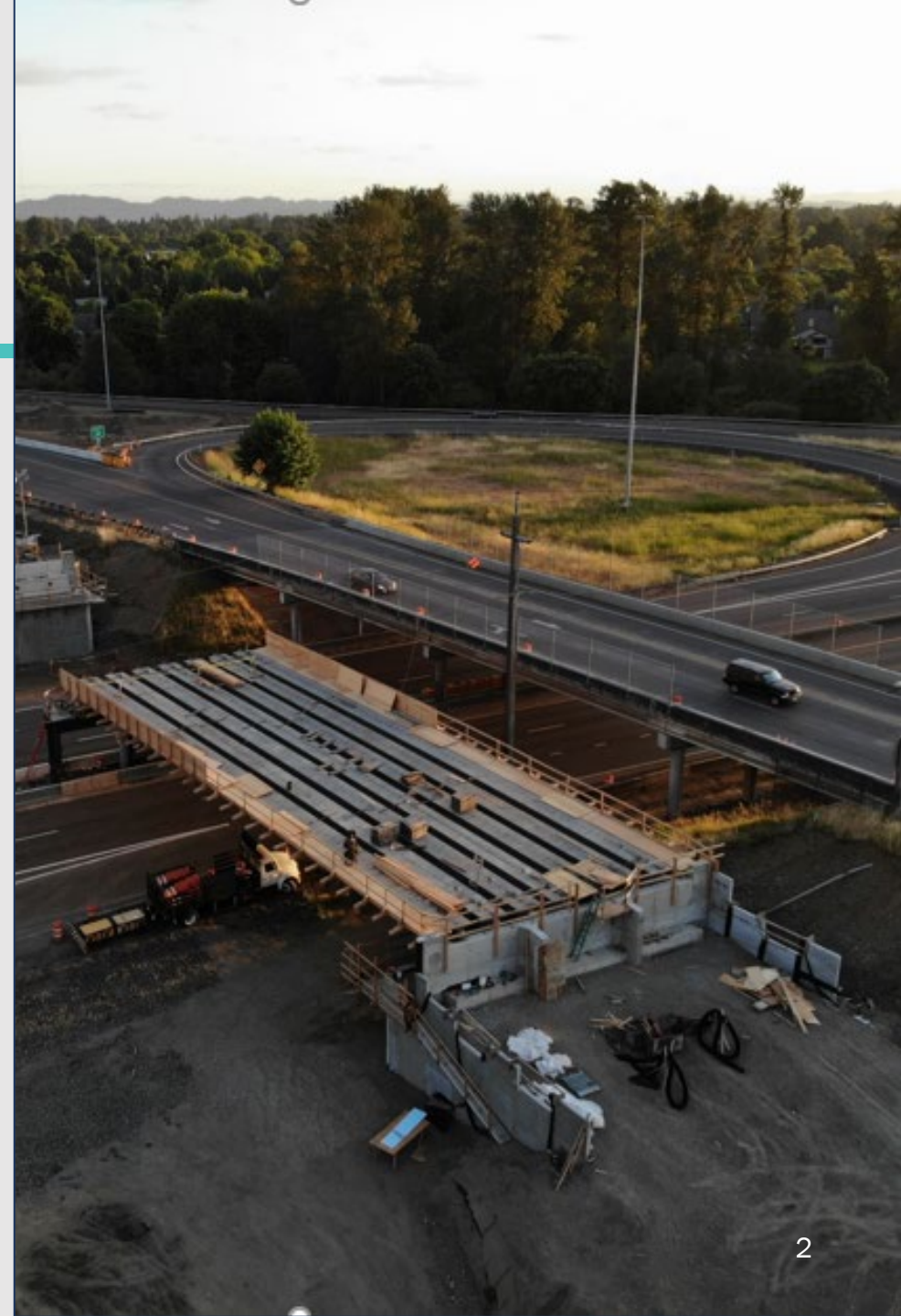
January 2023

Travis Brouwer

Assistant Director for Revenue, Finance and Compliance

Transportation Funding Challenges

- Inflation erodes most transportation revenue sources
- Growing fuel efficiency will render the fuels tax unsustainable in coming years
- ODOT faces significant shortfall for operations and maintenance
- Lack of local options limits funding for cities and counties and makes them heavily reliant on the State Highway Fund
- Public and active transportation funding sources are inadequate



The One-Two Punch Against the Gas Tax

Inflation

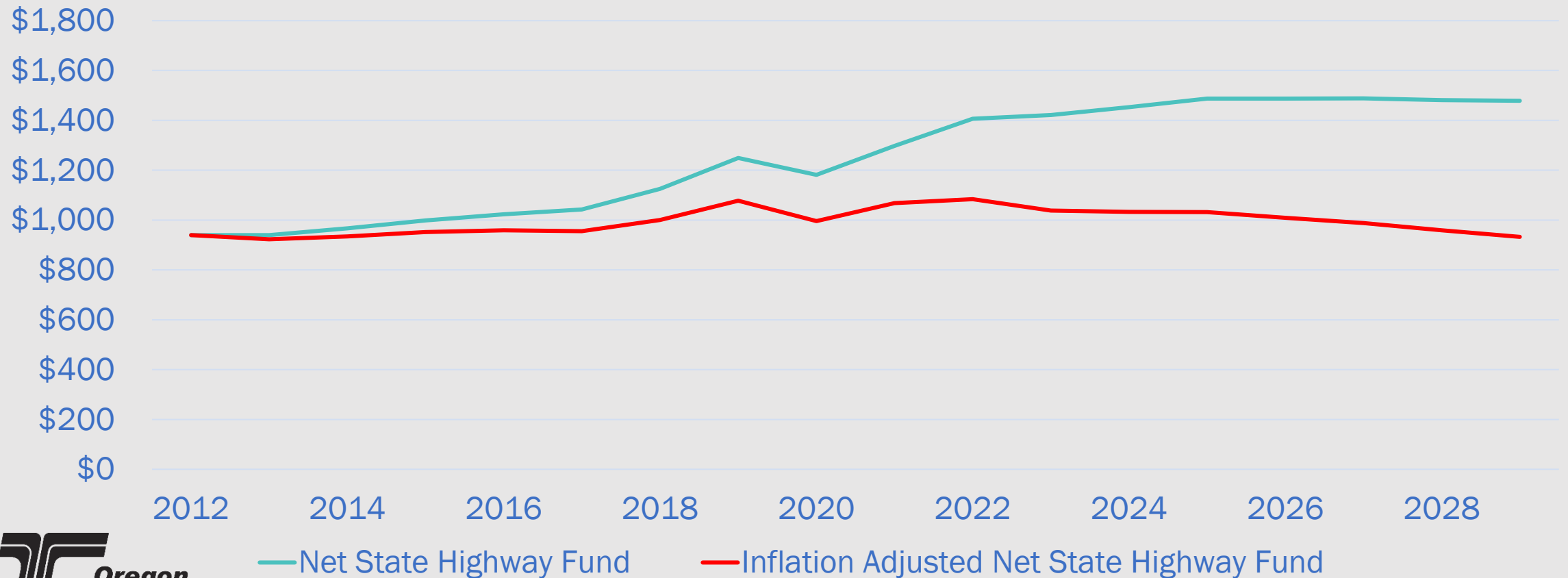
Fuel efficiency

HELLO
MY NAME IS
Gas Tax

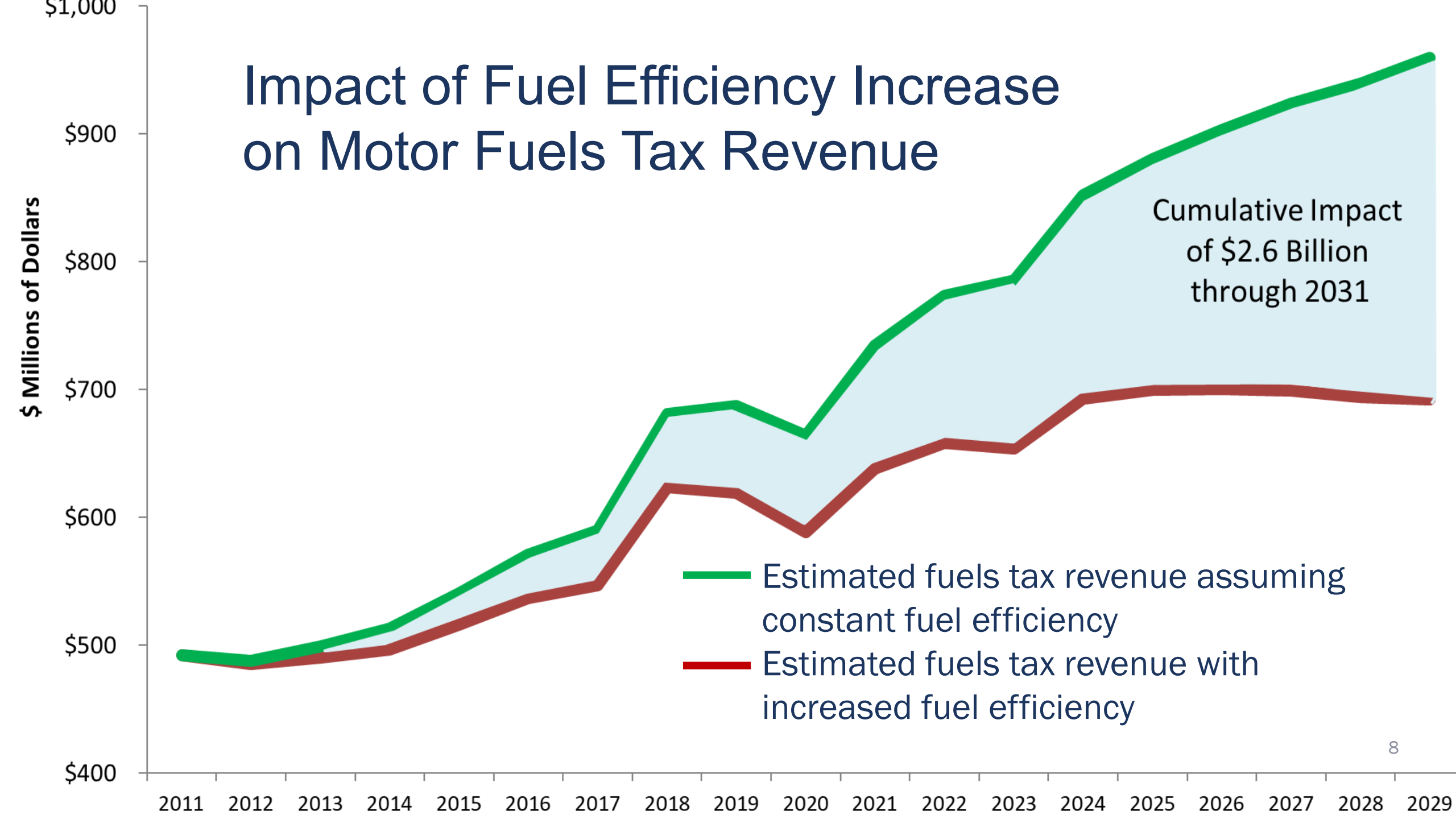


State Highway Fund

Net of transfers and collections cost, in millions of nominal and CPI-adjusted dollars
April 2022 forecast



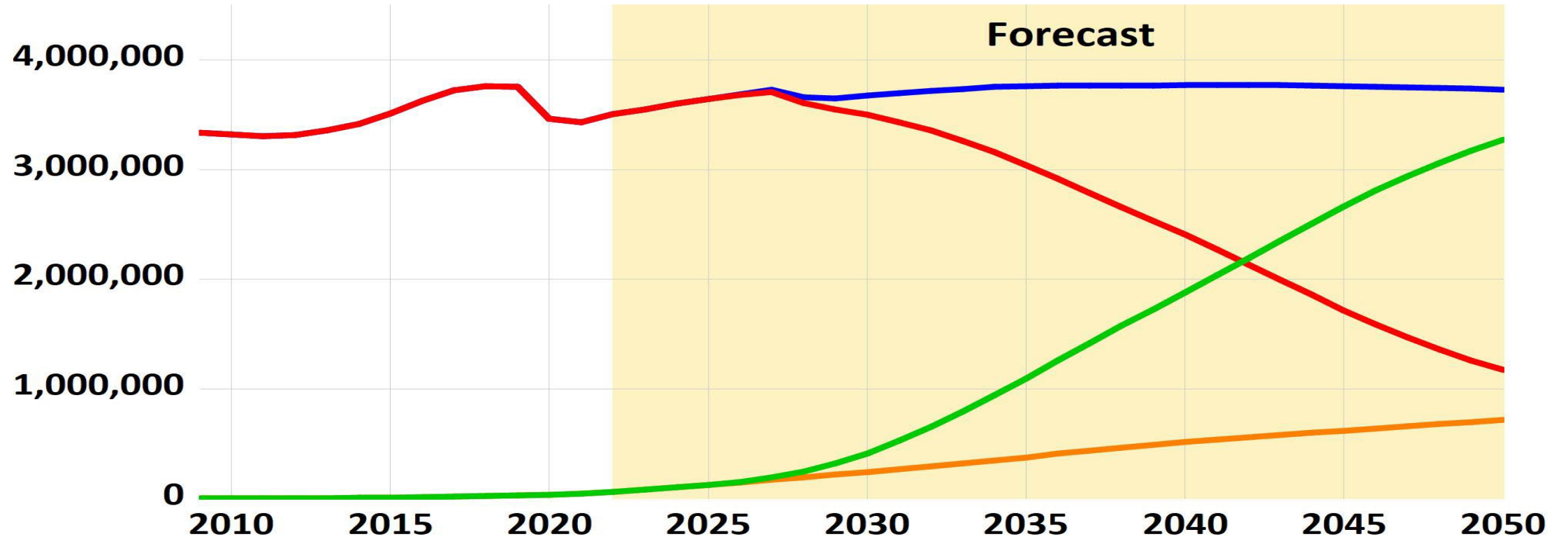
Impact of Fuel Efficiency Increase on Motor Fuels Tax Revenue



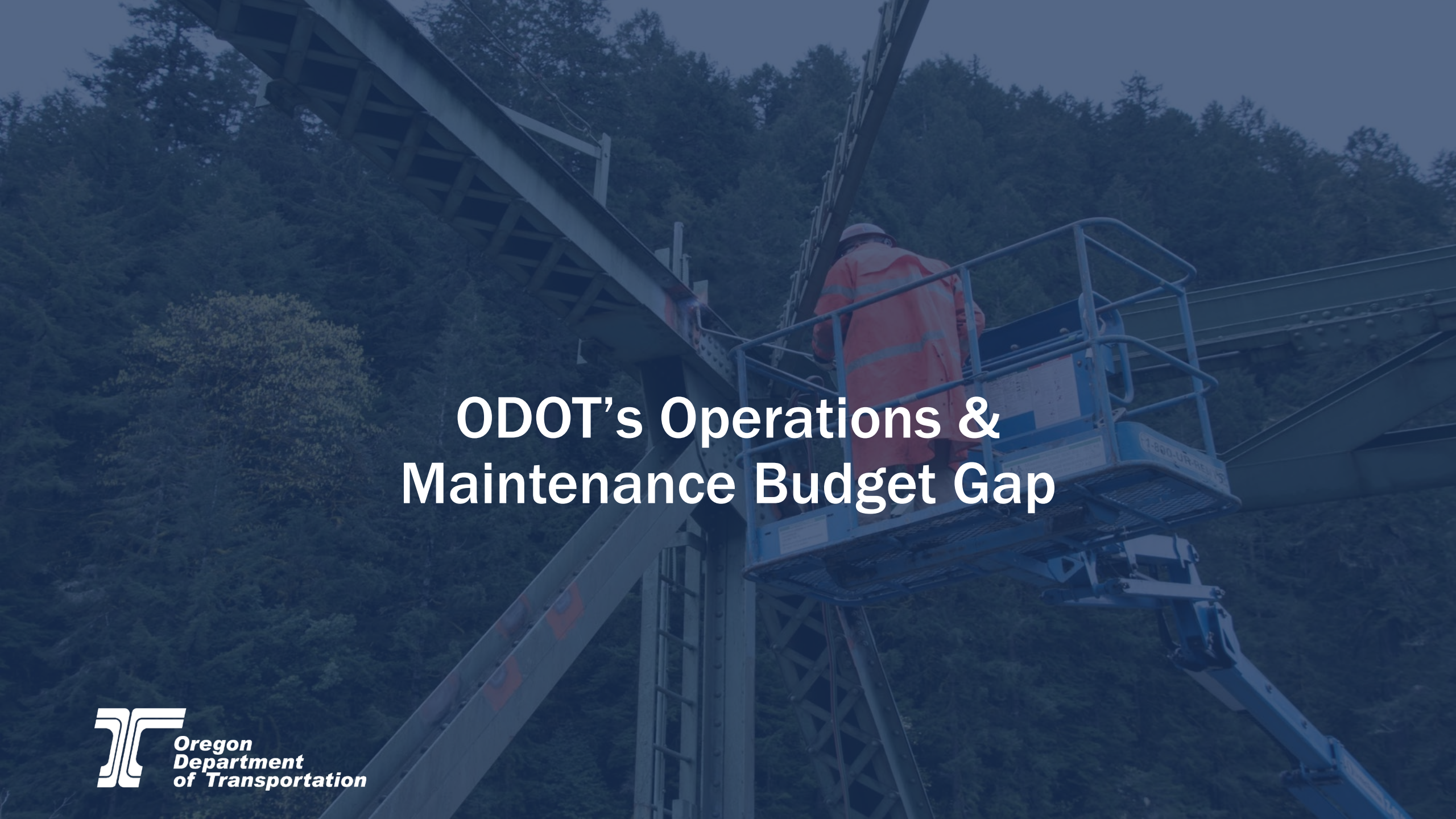
Diversifying Oregon's Road Funding Streams



Zero Emission Vehicle Adoption Scenarios



- Stock of Conventional Engine Vehicles - Baseline Forecast**
- Stock of Conventional Engine Vehicles - Alternative Forecast**
- Stock of Zero Emission Vehicles - Baseline Forecast**
- Stock of Zero Emission Vehicles - Alternative Forecast**



ODOT's Operations & Maintenance Budget Gap

A Tale of Two Budgets



Transportation Projects & Programs

Dedicated federal & state funds for:

- Construction projects
- Grant programs

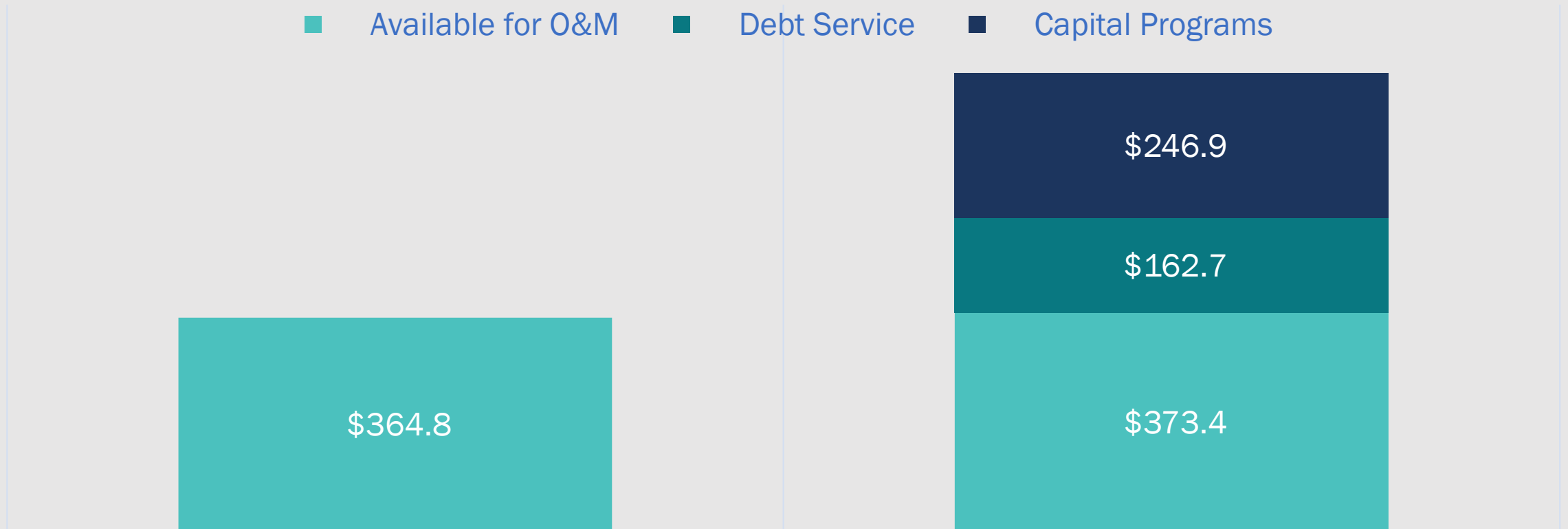


Maintenance & Agency Operations

State Highway Fund dollars available to run the agency:

- Road maintenance
- DMV & CCD
- Central services

ODOT's State Highway Fund Resources



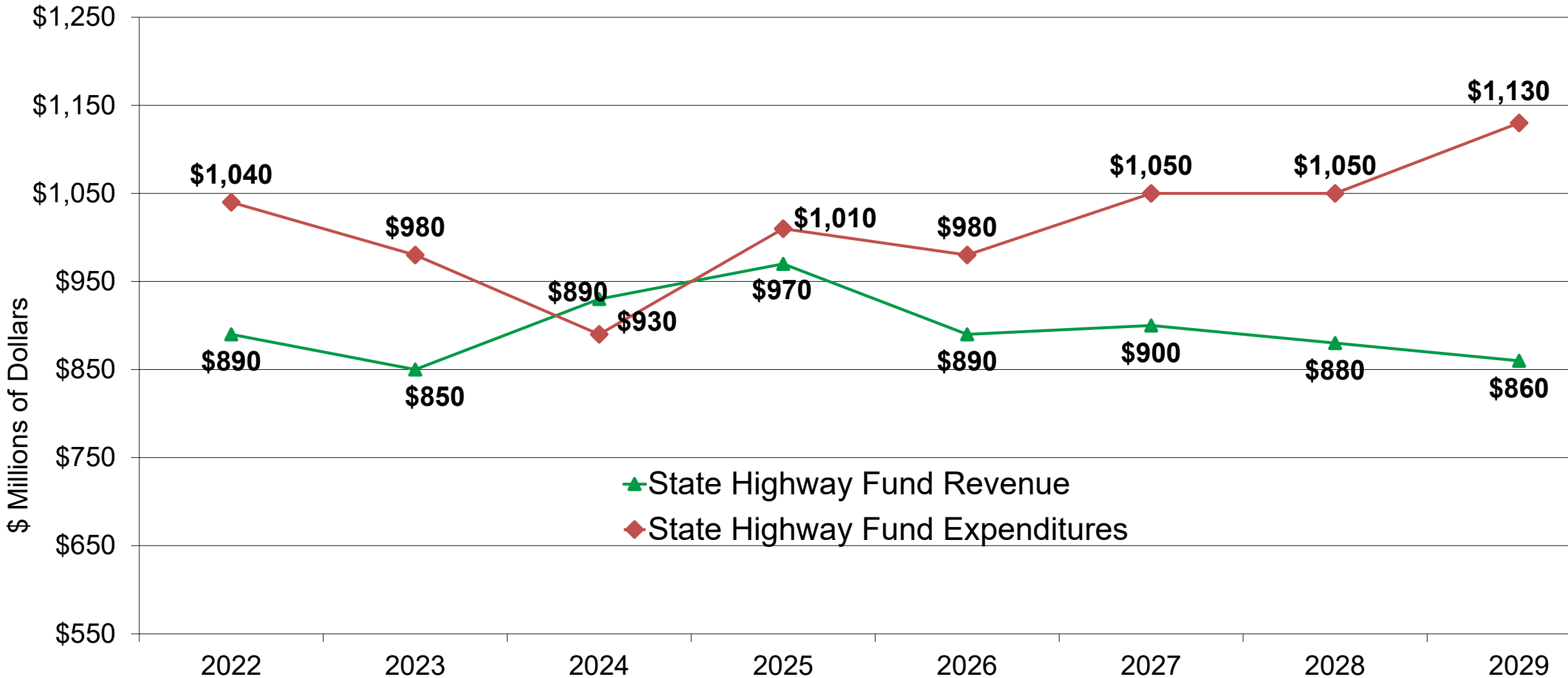
Strategies Implemented to Narrow the Gap

- Cut \$90 million (5%) from maintenance and agency operations in '23-'25 budget
- Cover more O&M costs from other sources, including federal funds & HB 2017

These steps have narrowed the gap and pushed out shortfalls but have not solved the problem

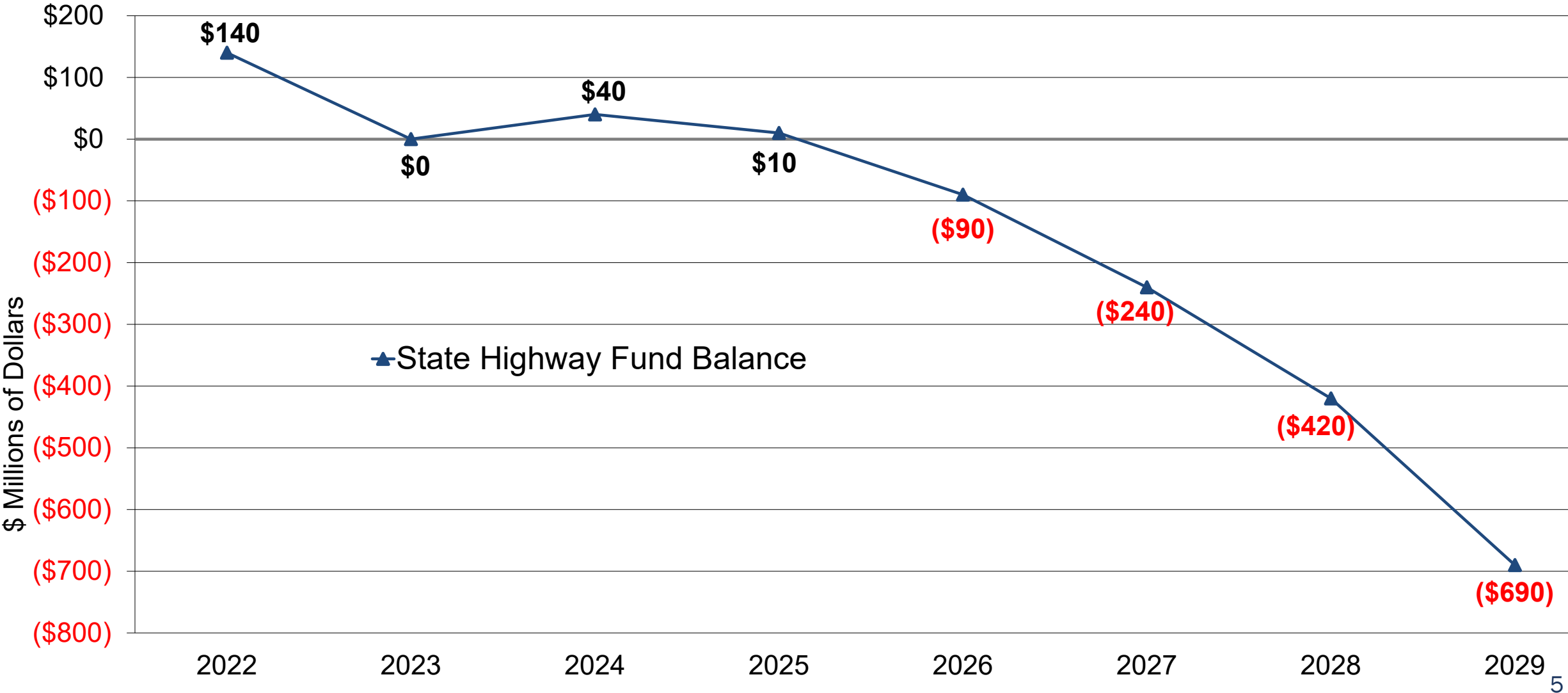


State Highway Fund Revenue and Expenditures



State Highway Fund Cash Balance

Prior to any additional 2023-25 reductions



Four Areas of Action

- Continue shifting O&M costs to dedicated state and federal resources where we can
- Develop additional 10% reduction in O&M budget (on top of 5% already cut from budget)
- Further modifications to local government fund exchange
- Explore new revenue sources/additional revenue



Impacts of Potential 10% Budget Reductions

Road Maintenance

- Fewer maintenance workers to ensure state highways are safe, functional and accessible
- Significant deterioration of pavement on half of Oregon's highways
- Extended closures following major events
- Increased safety risks due to deferred maintenance

Other Parts of ODOT

- Significant reductions to field office workforce and closure of DMV offices will impact customer service
- Reduced agency capabilities impacts ability to deliver for Oregonians



Options for Legislative Consideration

- Increase DMV fees to cover cost of service
- Index taxes and fees for inflation
- Implement road usage charge for new efficient vehicles
- Increase amount of State Highway Fund going to maintenance
- Raise more revenue for O&M



Questions or Comments?

Thank you!

Tolling Update

Garet Prior (he/him)





Toll Policy Manager

The **Urban Mobility Strategy** is a cohesive approach to make everyday travel safer and more efficient in the Portland metropolitan region.






- **Reduce** traffic jams using congestion pricing with variable rate tolls
- **Decrease** highway bottlenecks with improvement projects
- **Invest** in strategic multimodal transportation investments to address diversion
- **Modernize** the region to withstand a Cascadia level earthquake
- **Develop** sustainable funding to preserve and improve the transportation system

Urban Mobility Strategy Map

ODOT Projects

-  System Improvement Project
-  Bike/Ped Crossing Project
-  Regional Mobility Pricing Project
-  I-205 Toll Project

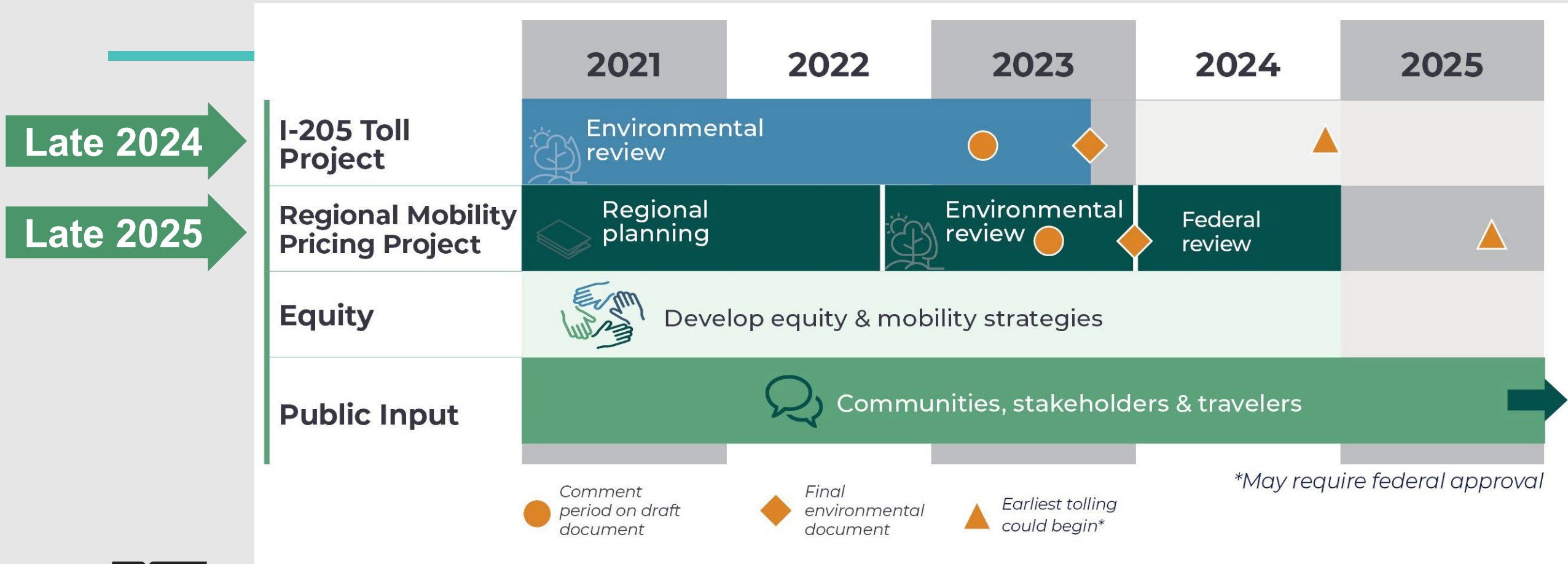
Partner Project with ODOT Support

-  System Improvement Project
-  Bike/Ped Crossing Project
-  Bus on Shoulder Pilot
-  TriMet Project
-  Multimodal/Community Study

Note: Core project names are boxed



When would tolling start?



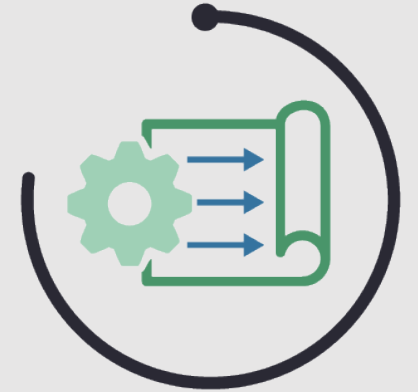
Regional Mobility Pricing Project

Use congestion pricing on I-5 and I-205 to reduce traffic congestion on these facilities in the Portland, Oregon metropolitan area in a manner that will generate revenue for transportation system investments.



Regional Mobility Pricing Project: Next Steps

- Comments received during scoping are being considered prior to conducting the Environmental Assessment analyses.
- Partners will have opportunities to learn/see early results throughout the NEPA process.
- The draft Environmental Assessment will be posted in 2023 for public review and comment.
- The earliest tolling could begin for RMPP is late 2025.



I-205 Toll Project Overview



- Studying variable-rate tolling on **all lanes** of **I-205** between **Abernethy Bridge** and **Tualatin River Bridge** to give travelers a better and more reliable trip.
- **Toll revenue** is needed to **improve I-205** from Stafford Road to OR 213, including a third travel lane in each direction and increasing earthquake resilience.
- An **Environmental Assessment** will be published in early **2023**.

Freight benefits with the project

- Improved freight reliability valued at \$3.9 million annually.
- Freight travel times on I-205 projected to improve substantially in both northbound and southbound directions, decreasing by between **26%** and **53%** depending on peak period and direction.
- Freight travel times on northbound 213 projected to improve **5%** to **18%** during peak periods. Southbound 213 is projected to improve by **3%** during the AM peak period.

Stay involved!

Sign up for email updates to receive the latest news at the project website www.oregontolling.org

Reach out to us at 503-837-3536 or email oregontolling@odot.oregon.gov

Follow the discussion at these public committee meetings

- Equity and Mobility Advisory Committee
- Regional Toll Advisory Committee
- Statewide Toll Rulemaking Advisory Committee

Thank you!



Urban Mobility
STRATEGY



Oregon Administrative Rule Amendments

Oregon Administrative Rule Amendments

- 740-100-0010, Adoption of Federal Safety Regulations (Russ)
- 740-300-0120, Violations Specified in ORS 825.960, Relating to Out-of-Service Notices and Driver Equipment Compliance Check Forms — Penalties (Russ)
- 740-300-0130, Violations Specified in ORS 825.955 and ORS 825.960 — Mitigation (Russ)
- 734-071-0010 and 734-073-0110 (FAST Act adoption) (Sven)
- 740-055-0120, Weight-Mile Tax Records Requirements (adding monthly vehicle requirement) (Jenny)

740-100-0010, Adoption of Federal Safety Regulations

Chapter 740

Department of Transportation, Motor Carrier Transportation Division

740-100-0010

Adoption of Federal Safety Regulations

(1) Except as provided in section (3) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 40 (Procedures For Transportation Workplace Drug and Alcohol Testing Programs), 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards) and all amendments thereto in effect **April 1, 2023**, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 823 and 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 823 and 825, except:

(a) Relating to Part 385:

(A) The provisions of Part 385.1(b), 385.13(b), 385.13(c), 385.13(d)(3), 385.301 through 385.337 and Appendix A to Part 385 do not apply to a motor carrier operating exclusively in intrastate commerce.

(B) With reference to Part 385.13(a), 385.19(c) and 385.19(d), current intrastate safety rating information is available from ODOT only by telephone at (503) 378-6963.

(C) With reference to Part 385.15 and 385.17, requests for administrative review of an intrastate safety rating or requests for a change to a proposed or final intrastate safety rating based on corrective actions must be submitted in writing to the ODOT Commerce and Compliance Division, 3930 Fairview Industrial Drive SE, Salem OR 97302.

(D) With reference to Appendix B of Part 385, a final intrastate safety rating will be determined by the Department and the motor carrier to whom the rating applies will be notified in writing of its intrastate safety rating.

(E) In addition to the violations described in the List of Acute and Critical Violations in Appendix B of Part 385, the Department will include the following violations in a determination of an intrastate or an interstate safety rating:

(i) Financial responsibility requirements in OAR 740-040-0010 (critical) and 740-040-0020 (acute); and

(ii) Intrastate drivers hours-of-service requirements found in OAR 740-100-0010(2)(i) (critical).

(b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes.

(c) With reference to Part 390.21, external identification requirements do not apply to vehicles operated exclusively in intrastate private carriage provided that neither the gross vehicle weight, the gross vehicle weight rating, the gross combination weight or the gross combination weight rating exceeds 26,000 pounds, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles designed or used to transport more than 15 passengers including the driver.

(d) The rules in Part 391.11(b)(1) regarding the minimum age for a commercial motor vehicle operator do not apply to a driver engaged in intrastate commerce. A driver engaged in intrastate commerce must be at least 18 years old.

(e) The rules in Part 391 (except Part 391.11(b)(2), English Speaking Driver, Part 391.11(b)(5), Valid Operator's License and Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier engaged in intrastate commerce and:

(A) Does not drive a motor vehicle with a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating of 26,001 pounds or more; and

(B) Does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823; or

(C) Does not operate a passenger vehicle designed or used to transport 16 or more passengers, including the driver.

(f) Notwithstanding Parts 391.41 to 391.49 (Subpart E — Physical Qualifications and Examinations) the Department may issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Driver and Motor Vehicle Services Division.

(g) With reference to Part 395.1(e)(1), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to exceed 12 hours driving following ten consecutive hours off-duty.

(h) With reference to Part 395.1(g), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty.

(i) With reference to Part 395.1(e)(2) and Part 395.3, a motor carrier conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week, however, any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more

consecutive hours; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week, however, any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

(j) With reference to Part 395.1(k), the planting and harvesting period in Oregon begins January 1 of each year and ends December 31 of each year.

(k) The provisions of subsections (g) through (j) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. A motor carrier transporting hazardous materials of a type or quantity requiring placarding must comply with Part 395.

(3) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(4) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to “Federal Highway Administrator,” “Regional Director,” “Special Agent of the Federal Highway Administration” or the “Federal Motor Carrier Safety Administration,” it will be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(5) Copies of the federal regulations referred to in this rule are available from ODOT Commerce and Compliance Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Statutory/Other Authority: ORS 184.619, 823.011, 825.232, 825.252

Statutes/Other Implemented: ORS 825.210, 825.250, 825.252

Chapter 740

Department of Transportation, Motor Carrier Transportation Division

740-100-0065

North American Standard Administrative Out-of-Service Criteria

The North American Standard Administrative Out-of-Service Criteria, as recognized by USDOT, in effect **April 1, 2023**, is adopted and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as “Out-of-Service” must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

Statutory/Other Authority: ORS 184.619, 823.011, 825.232, 825.252

Statutes/Other Implemented: ORS 825.210, 825.252

Chapter 740

Department of Transportation, Motor Carrier Transportation Division

740-100-0070

North American Standard Vehicle Out-of-Service Criteria

The North American Standard Vehicle Out-of-Service Criteria, as recognized by USDOT, in effect **April 1, 2023**, is adopted by and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or more of the following:

(1) Out-of-Service Condition: When any motor vehicle by reason of its mechanical condition or loading, is determined to be so unsafe as to likely cause an accident or breakdown or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle must be placed out-of-service. No motor carrier shall permit or require nor shall any person operate any motor vehicle declared and marked “out-of-service” until all required repairs of violations which resulted in the out-of-service condition have been completed. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted only at the direction of an official authority.

(2) Other: Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to re-dispatch.

Statutory/Other Authority: ORS 184.619, 823.011, 825.232, 825.252

Statutes/Other Implemented: ORS 825.250, 825.252

Chapter 740

Department of Transportation, Motor Carrier Transportation Division

740-100-0080

North American Standard Hazardous Material Out-of-Service Criteria

The North American Standard Hazardous Materials Out-of-Service Criteria, as recognized by USDOT, in effect **April 1, 2023**, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as “Out-of-Service” must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

Statutory/Other Authority: ORS 184.619, 823.011, 825.232, 825.252

Statutes/Other Implemented: ORS 825.250, 825.258, 825.260

Chapter 740

Department of Transportation, Motor Carrier Transportation Division

740-100-0085

North American Standard Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials

The North American Standard Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials, as recognized by USDOT, in effect **April 1, 2023**, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as “Out-of-Service” must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

Statutory/Other Authority: ORS 184.619, 823.011, 825.232, 825.252

Statutes/Other Implemented: ORS 825.250, 825.258, 825.260

Chapter 740

Department of Transportation, Motor Carrier Transportation Division

740-100-0090

North American Standard Driver Out-of-Service Criteria

(1) Except for any content that conflicts with requirements of section (2) of this rule, the North American Standard Driver Out-of-Service Criteria, as recognized by USDOT in effect **April 1, 2023**, is adopted and incorporated by reference. Inspection violations identified in the Out-of-Service Criteria may be subject to one or both of the following:

(a) Out-of-Service Violation: Drivers with violations under this category must not operate a commercial motor vehicle for a specified period of time or for some violations until a required condition is met.

(b) Other: Violations other than out-of-service violations require no immediate action by the driver or motor carrier. The carrier must certify in accordance with the terms contained on the inspection document and return it to the Department of Transportation within 15 days.

(2) Drivers found to be disqualified in this state or any other jurisdiction, as specified in 49 CFR 391.15 will be placed Out-of-Service until re-qualification is established.

Statutory/Other Authority: ORS 184.619, 823.011, 825.232, 825.252

Statutes/Other Implemented: ORS 825.250, 825.252

Chapter 740

Department of Transportation, Motor Carrier Transportation Division

740-110-0010

Adoption of United States Department of Transportation Hazardous Materials Regulations

(1) Any person subject to ORS Chapter 825 who transports a hazardous material and any person subject to 823.061 who causes to be transported a hazardous material must comply with the rules and regulations governing the transportation of hazardous materials as prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 397 and such portions of Parts 107-178 and 180 as are applicable and amendments thereto, in effect on **April 1, 2023**.

(2) Copies of the federal regulations referred to in this rule are available from ODOT, Commerce and Compliance Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Statutory/Other Authority: ORS 184.619, 823.011, 823.061, 825.258

Statutes/Other Implemented: ORS 823.061, 825.258

Chapter 740

Department of Transportation, Motor Carrier Transportation Division

740-100-0100

Maximum Fine Schedule

(1) The Uniform Maximum Fine Schedule, published by the Commercial Vehicle Safety Alliance revised **April 1, 2023**, is adopted and incorporated in this rule.

(2) Except as provided in sections (3) and (4) of this rule, the penalty for the Groups described in the Uniform Maximum Fine Schedule will have the same presumptive fine as traffic violation categories established in ORS 153.018 . The corresponding Maximum Fine Schedule Groups to traffic violation categories specified in ORS 153.012 are as follows:

(a) Uniform Maximum Fine Schedule Group 1 is equal to a Class A traffic violation.

(b) Uniform Maximum Fine Schedule Group 2 is equal to a Class B traffic violation.

(c) Uniform Maximum Fine Schedule Group 3 is equal to a Class C traffic violation.

(3) Violations of OAR 740-100-0040 related to failure to carry traction devices will have a presumptive fine amount equal to a Class C traffic violation fine.

(4) Except as provided in section (3) of this rule, violations of commercial motor carrier safety regulations found in OAR 740-100 and 740-105, not specifically addressed in the Uniform Maximum Fine Schedule, will carry a presumptive fine equal to a Class C traffic violation.

(5) Copies of the Uniform Maximum Fine Schedule are available from the Commercial Vehicle Safety Alliance: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319 or can be found at the website: <https://cvsa.org/>

Statutory/Other Authority: ORS 153.022, 184.619, 823.011

Statutes/Other Implemented: ORS 153.012, 153.015, 153.018, 825.252, 825.990

740-300-0120, Violations Specified in ORS 825.960, Relating to Out-of-Service Notices and Driver Equipment Compliance Check Forms — Penalties

740-300-0120

Violations Specified in ~~ORS 825.955~~ and ORS 825.960, Relating to Out-Of-Service Notices and Driver Equipment Compliance Check Forms – Penalties

Except as otherwise ordered by the Department in a particular case, any person who commits the **a violations** specified in ~~ORS 825.955~~ or **of** 825.960, related to Out-Of-Service notices, and driver equipment compliance check forms in addition to any penalties otherwise provided by law, shall be subject to the following penalties:

~~(1) For a defendant who has no previous history of violations, upon a finding of violation(s), the Department will issue an order finding such violations.~~

~~(2) For a motor carrier who, within the 12 months preceding the violation has been found by order of the Department in violation of such statute:~~

(1) \$1,000 for each new violation specified in ORS 825.955 and \$10,000 for each new violation specified in 825.960 committed; and

(2) For a motor carrier who, within the 12 months preceding the violation has been found by order of the Department in violation of such statute, a suspension of operating authority for five working days.

~~(b) Suspension of operating authority for five working days.~~

~~(3) For purposes of determining the applicable penalty level, a corporate carrier will not be held responsible for orders entered against it while under a different controlling interest.~~

Statutory/Other Authority: ORS 823.011 & 825.232

Statutes/Other Implemented: ORS **825.137** & 825.960

History:

MCTB 4-2001, f. & cert. ef. 11-9-01

MCTB 1-2001, f. & cert. ef. 1-17-01

MCTB 5-1998, f. & cert. ef. 11-18-98

MCT 12-1997, f. & cert. ef. 12-22-97

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0120

PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0130, Violations Specified in ORS 825.955 and ORS 825.960 — Mitigation

740-300-0130

Violations Specified in ~~ORS 825.955~~ and ORS 825.960 — Mitigation

~~(1) A petitioner who has admitted the allegations of a notice of proposed civil penalty for penalties imposed under OAR 740-300-0120(2), or who has requested mitigation under ORS 825.955(4)(b) within 15 days of service of a penalty order, and who has taken corrective action to remedy the violation(s) and otherwise is in substantial compliance with the laws and rules of the Department may be eligible for mitigation of penalties. The Department may suspend the five-day suspension of operating authority for a penalty imposed under OAR 740-300-0120, relating to failure to return a Driver Equipment Compliance Check form.~~

(1) There shall be no mitigation for a penalty imposed under OAR 740-300-0120 relating to violation of provisions of an Out-Of-Service notice or relating to false certification.

Statutory/Other Authority: ORS 823.011 & 825.232

Statutes/Other Implemented: ORS 825.960

History:

MCTB 4-2001, f. & cert. ef. 11-9-01

MCTB 1-2001, f. & cert. ef. 1-17-01

MCTB 5-1998, f. & cert. ef. 11-17-98

MCT 12-1997, f. & cert. ef. 12-22-97

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0130

PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

734-071-0010 and 734-073-0110 (FAST Act adoption)

Text to be added in **bold**

Text to be deleted in *[italics]*

734-071-0010

Designated Highways and Definitions

(1) The types of vehicles, combinations of vehicles, or loads listed in Table 1 or Table 2 may operate without special permit upon:

(a) Group 1, Group 2 and Group 3 highways as shown on Group Map 1 as published by the Department when the dimensions do not exceed those listed in Table 1 for the corresponding highway group. Group Map 1, revised *[January 2008]***April 2021** is adopted by reference and made a part of division 71 rules; and

(b) Routes listed on Route Map 7 as published by the Department when the dimensions do not exceed those listed in Table 2 for the corresponding route listed in Table 2. Route Map 7, revised May *[2008]***2020** is adopted by reference and made a part of Division 71 rules.

(c) Table 1 and Table 2 are available *[from the ODOT Over-Dimension Permit Unit at 3930 Fairview Industrial Drive SE Salem, OR 97302 or]*on the Commerce and Compliance Division website at:

<https://www.oregon.gov/odot/MCT/Documents/Div71tables.pdf>.

(2) Definitions for the purpose of Division 71 rules:

(a) "Auxiliary axle" is an axle that qualifies as a booster axle, flip axle or lift axle;

(b) "Booster axle" means a separate vehicle bolted or pinned to another vehicle that redistributes weight from one or more axles to other axles and pivots from side to side at the connection point or has wheels that steer during turning;

(c) "CCD" means the Commerce and Compliance Division of the Oregon Department of Transportation;

(d) "Dromedary truck-tractor" means a motor vehicle designed to carry a load on a dromedary box, plate or deck, not exceeding 12'06" in length inclusive of load and designed to pull a semitrailer;

(e) "Flip axle" means an axle that is bolted or pinned to a vehicle and flips from the closed position on the trailer to a deployed position on the ground extending the length and hauling capacity of the trailer;

(f) “Gross Vehicle Weight Rating” (GVWR) means the gross vehicle weight rating as defined in ORS 801.298;

(g) “Lift axle” means an axle that can be raised from or lowered to the surface of the ground;

(h) “Motor truck” means a motor vehicle that is primarily designed or used for carrying loads other than passengers;

(i) “Overall length” includes the vehicle or combination of vehicles and any load overhangs. Exclusions to overall length determination are provided in OAR 734-071-0050.

(j) “Passenger vehicle” or “light vehicle” means a motor vehicle, regardless of design or intended use;

(k) “Pickup truck” means a motor vehicle designed to carry passengers and to carry a load and which may not tow more than one vehicle[, *except as provided in OAR 734-071-0060*];

(l) “Stinger-steered” is as defined in ORS 801.507;

(m) “Tow-away operation” means an operation where empty trailers constitute the commodity being transported, **and the gross weight does not exceed 26,000 pounds**;

(n) “Trailer transporter towing unit” means a power unit that is not used to carry property when operating in a tow-away trailer transporter combination; and

([n]o) “Truck-tractor” means a motor vehicle designed and used primarily for drawing (towing) other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn.

Statutory/Other Authority: ORS 184.619, 810.060 & 823.011

Statutes/Other Implemented: ORS 818.200 & 818.220

History:

HWD 11-2020, minor correction filed 05/11/2020, effective 05/11/2020

HWD 10-2020, minor correction filed 05/11/2020, effective 05/11/2020

HWD 5-2011, f. & cert. ef. 5-27-11

HWD 10-2008, f. & cert. ef. 12-15-08

HWD 7-2004, f. 12-28-04, cert. ef. 1-1-05

HWD 5-2004, f. & cert. ef. 5-20-04

HWD 1-2003, f. & cert. ef. 8-21-03

TO 10-2002, f. & cert. ef. 12-13-02

TO 2-2001, f. & cert. ef. 6-14-01
TO 5-1998, f. & cert. ef. 4-16-98
HWY 5-1997, f. & cert. ef. 5-9-97
HWY 2-1995, f. & cert. ef. 10-16-95
HWY 3-1994(Temp), f. 5-19-94, cert. ef. 5-20-94
HWY 3-1993(Temp), f. & cert. ef. 7-13-93
2HD 8-1983, f. & cert. ef. 3-30-83
2HD 5-1982(Temp), f. & cert. ef. 10-5-82
1OTC 5-1980, f. & cert. ef. 3-27-80

734-071-0060

Pickup Truck Allowance

A pickup truck may tow[:

(1) A]a single truck trailer that exceeds 40 feet in length, but does not exceed 53 feet in length if:

([a]1) The pickup truck is not carrying a load other than the towed vehicle;

([b]2) The coupling device for the trailer is a ball to socket hitch located above and not behind the tire tread of the rearmost axle of the pickup truck;

([c]3) The trailer has operating brakes on all wheels; and

([d]4) The load on the truck-trailer shall not extend past the rear of the trailer by more than five feet[; or

(2) *Two truck trailers in a tow-away operation if:*

(a) *The pickup truck is not carrying a load other than the towed vehicle;*

(b) *The coupling device for the lead trailer is a ball to socket hitch located above and not behind the tire tread of the rearmost axle of the pickup truck; and*

(c) *The trailers have operating brakes on all wheels].*

Statutory/Other Authority: ORS 184.616, 184.619, 810.050 & 818.200

Statutes/Other Implemented: ORS 810.060

History:

HWD 7-2004, f. 12-28-04, cert. ef. 1-1-05

734-071-XXXX (new rule)

Trailer Transporter Towing Unit Allowance

A trailer transporter towing unit may tow two trailers or semitrailers in tow-away operations if:

- (1) The coupling device for the lead trailer is a ball to socket hitch located above and not behind the tire tread of the rearmost axle of the trailer transporter towing unit; and**
- (2) The trailers have operating brakes on all wheels.**

Text to be added in **bold**

Text to be deleted in *[italics]*

734-073-0110

Specialized Equipment — Automobile/Boat Transporters

The Federal Highway Administration determines Automobile/Boat Transporters are Specialized Equipment as provided by 23 CFR 658.13(e).

(1) Traditional automobile/boat transporters (truck tractor and semitrailer combinations) may operate without a permit on National Network Highways (Route Map 7 Green) and Route Map 7 Brown, Purple and Black Routes with an overall length of 65 feet. The overall length determination excludes load overhangs, provided the load does not extend beyond the front of the power unit by more than four feet and does not extend beyond the rear of the trailer by more than five feet. Such combinations may operate without individual vehicle length restrictions.

(2) Traditional auto/boat transporters (truck tractor and semitrailer combinations) may operate without a permit on National Network Highways (Route Map 7 Green Routes) or Route Map 7 Brown Routes and exceed a length of 65 feet, provided the semitrailer does not exceed 53 feet in length, inclusive of ramps, and the load does not extend beyond the front of the power unit by more than four feet and does not extend beyond the rear of the semitrailer by more than five feet.

(3) Automobile/boat transporters towing stinger-steered trailers may operate without a permit on National Network Highways (Route Map 7 Green Routes) and Route Map 7 Brown Routes with a length of ~~[75]~~**80** feet, excluding load overhangs, provided the load does not extend beyond the front of the power unit by more than four feet and does not extend beyond the rear of the trailer by more than ~~[five]~~**six** feet. Such combinations may operate without individual vehicle length restrictions.

(4) Automobile/Boat transporter operations other than those described in this rule shall not exceed the length restrictions as shown on the reverse of Group Map 1 or Route Map 7, whichever is greater.

(5) Automobile/boat transporters are authorized to transport automobiles/boats on racks above and behind the power unit cab.

(6) Automobile/boat transporters are authorized to have load protection devices or aerodynamic devices provided the devices do not exceed legal load extensions as defined in section (2) of this rule and the device is not load bearing.

[ED. NOTE: Maps referenced are available from the agency.]

Statutory/Other Authority: ORS 184.616, 184.619, 810.050 & 810.060

Statutes/Other Implemented: ORS 818.100, 818.200 & 818.220

History:

HWD 11-2008, f. & cert. ef. 12-15-08

HWD 2-2005, f. & cert. ef. 3-18-05

HWY 8-1997, f. & cert. ef. 8-26-97

HWY 1-1995, f. & cert. ef. 9-18-95

740-055-0120, Weight-Mile Tax Records Requirements

Changes are proposed to OAR 740-055-0120. Additions are underlined, deletions are interlined. All changes are in red.

Motor Carrier Transportation Division - Chapter 740

Division 55

RECORDS, REPORTS, AND ACCOUNTING FEES AND TAXES

740-055-0120

Weight-Mile Tax Records Requirements

(1) All carriers must maintain records of their motor vehicle operations and make reports on forms approved by the Department. Such records must be:

- (a) Stored at the carrier's principal office or place of business;
- (b) Made available for inspection by the Department or its representatives upon request; and
- (c) Retained for a period of three (3) years unless otherwise authorized by the Department.

(2) Distance records produced by a means other than a vehicle-tracking system must meet all requirements in section (1) of this rule and contain the following information for each vehicle:

- (a) Origin and destination points;
- (b) Oregon entry and exit points;
- (c) Actual Oregon miles for each trip;
- (d) Pickup and delivery points in Oregon for each trip;
- (e) Routes of travel for each trip;
- (f) Dates of each trip;
- (g) Daily beginning and ending odometer or other mileage recording device readings for each vehicle;

(3) Distance records produced wholly or partly by a vehicle-tracking system, including a system based on a global positioning system (GPS) may be used in lieu of, or in addition to, the records required in this rule provided the electronic records meet all the requirements of section (1) of this rule and contain the following information for each vehicle:

- (a) The original latitude and longitude coordinates carried out to, at minimum, 5 decimal places, for the vehicle to which the records pertain;
- (b) The date and time of each coordinate capture, at a minimum of 15-minute intervals and at every significant event to validate the total distance traveled. A significant event is defined as: Engine being turned on or off and crossing into or out of the State of Oregon;
- (c) The daily beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device;
- (d) The calculated distance between each GPS or other system reading;

- (e) The total distance traveled by the vehicle in Oregon; and
 - (f) Exception reports containing adjustments made to distance traveled in Oregon including equipment malfunction, tampering or random unexplained coordinate capture.
- (4) In addition to the requirements listed above, all carriers must maintain records containing the following information for each vehicle:
- (a) Identification of any exempt miles claimed, which shall include beginning and ending odometer or other mileage recording device readings for the exempt portion of each trip. If repeated trips are made to and from the same locations, a one-time recording of odometer or other mileage recording device readings for the exempt portion of those trips may be applied to the total number of trips;
 - (b) Load tickets and/or bills of lading for each shipment transported;
 - (c) A monthly summary of the total distance traveled in Oregon and the total taxable distance traveled in Oregon in each configuration
- ~~(c)~~ (d) Carriers operating motor vehicles that are issued or required to obtain an annual variance permit under ORS 818.200(1)(a) to (c) with a combined weight of more than 80,000 pounds shall also provide for each reporting period:
- (A) Number of axles in the vehicle configuration; and
 - (B) A record of changes of operation. A change of operation occurs when the vehicle configuration remains the same but the actual weight of the vehicle and load changes from over 80,000 lbs. to 80,000 lbs. or under. Empty movements are not changes in operation; and
- ~~(d)~~ (e) Carriers operating motor vehicles in multiple configurations shall provide the number of miles operated in each motor vehicle configuration for each trip.
- (5) All registrants that pay registration fees via registration trip permits must retain a copy of each registration trip permit.

Statutory/Other Authority: ORS 184.619, 823.011 & 825.515

Statutes/Other Implemented: ORS 825.212, 825.515

History:

MCTD 1-2020, amend filed 01/31/2020, effective 01/31/2020

MCTD 1-2003, f. & cert. ef. 2-13-03

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-068-0055

PUC 7-1993, f. & cert. ef. 3-19-93, (Order No. 93-285)

PUC 4-1993, f. & cert. ef. 1-15-93, (Order No. 93-058)

PUC 13-1990, f. & cert. ef. 7-6-90, (Order No. 90-949)

PUC 5-1982, f. & cert. ef. 3-15-82, (Order No. 82-162)

PUC 1-1982(Temp), f. & cert. ef. 2-3-82, (Order No. 82-080)

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-038-0055

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)

PUC 18, f. 9-1-54, cert. ef. 1-21-55, (Order No. 33203)

Over-Dimension Permit System Replacement Project

Sven Johnson

Motor Carrier Services Manager

Over-Dimension Permit System Replacement

Transformational Project – Replacing the existing system to meet increasing OS/OW permit demand, complexity, and improve service levels

Anticipated Benefits for You:

- Improved turnaround time
- Streamlined permit process
- Improved data collection and availability
- Greater permit accuracy
- Increased safety and compliance
- Reduced risk to the infrastructure
- System available 24/7, 365 days/yr
- More time for all of us to focus on complex requests



Key Milestones (from 2022)

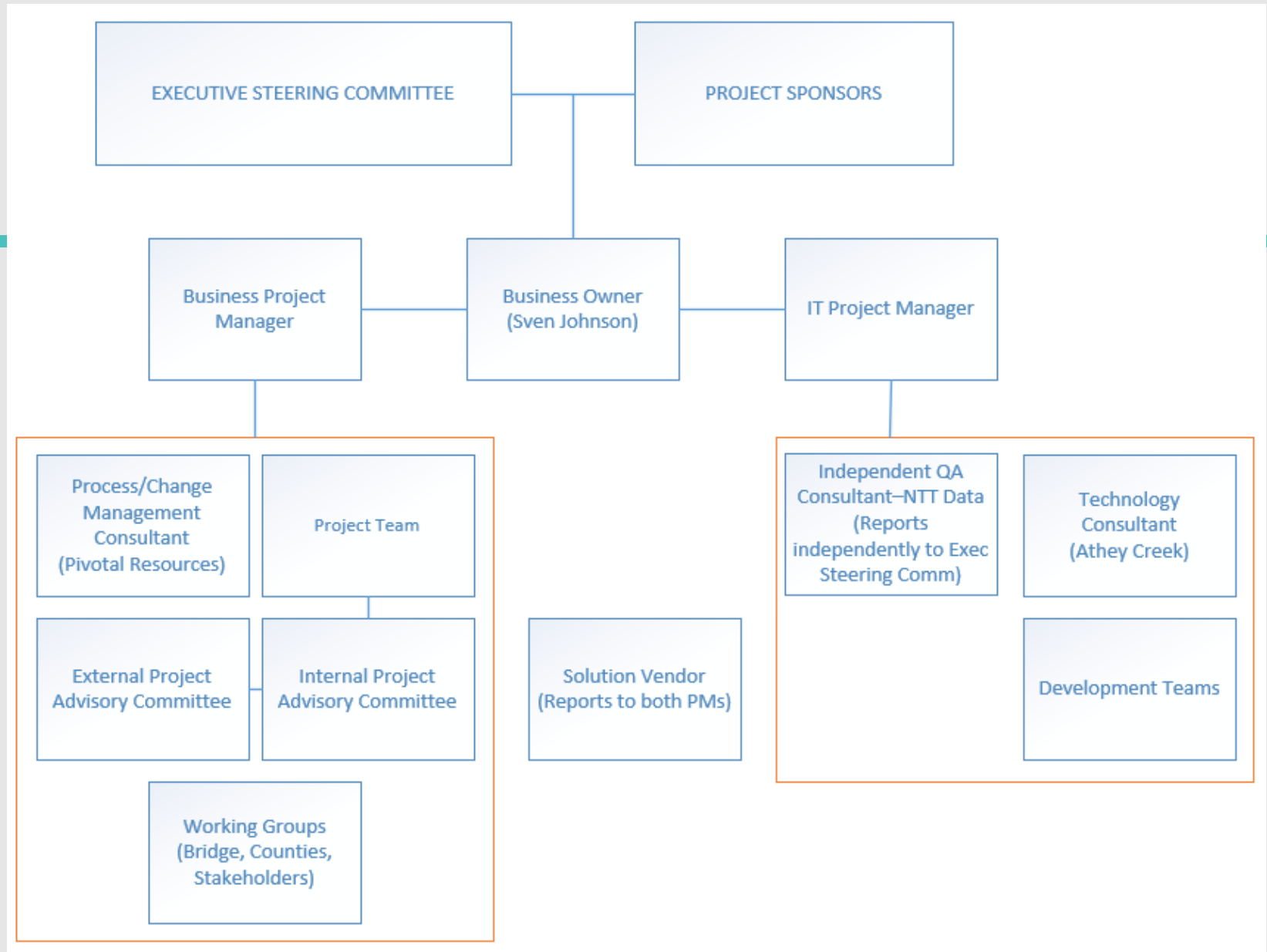
- ✓ Communication Channels
- ✓ Stakeholder Needs
- ✓ System Requirements
- ✓ QA Consultant
- ✓ Grant Award
- ✓ Request for Proposal

Much to celebrate, but the work goes on...



Stakeholder Engagement

- Project Team
 - CCD Stakeholders (Registration, Audit, Enforcement)
- Working Groups
 - Bridge
 - Maintenance and Operations
 - Third Party Agents
 - Counties
- Two Advisory Committees
 - Internal
 - External



External Project Advisory Committee

2022 in Review

1

Provided input on our external communication plan.

2

Shared ideas and thoughts for 1st Customer Survey.

3

Provided ideas on where the OD permitting process could be improved.

4

Identified areas of risk, from your perspective, that will need attention.

5

Gave input on planned process changes (simplification of permits).



Membership:

Association of Oregon Counties (AOC)
Association of Oregon Loggers (AOL)
Central Oregon Trucking Company
Omega Morgan

Oregon State Police (OSP)
Oregon Tow Truck Association (OTTA)
Oregon Trucking Association (OTA)
Siegmond Excavation and Construction
Washington County

2022 External Outreach

- External Webpage
- Stakeholder Groups
- Customer Survey
- Flyers (weigh stations and renewal packages)



Coming soon...

Web-based over-dimension permit system

The Commerce and Compliance Division is excited to announce improvements that will allow you to more easily get the permits required to safely transport loads that are over legal height, width, length and/or weight.

TODAY... outdated technology that is unable to provide the level of service our customers need.

FUTURE... web-based self-service system that will improve turnaround time and provide new capabilities.

Anticipated Benefits

- ✓ Automated routing
- ✓ Notification of closures or restrictions that may impact your planned route
- ✓ Easy access to permit information and reports
- ✓ 24/7 self-service access to permit requests and payment

SCAN ME

Over-Dimension (OD) Permit System Replacement

➤ **What and Why?** ODOT will implement an automated permitting system, which will modernize the Over-Dimension permitting process to reduce permit processing times, improve efficiency and increase on-line service options.

Looking ahead: Winter 2022-2023

Preparing for Vendor Selection – Many activities in the coming months will be oriented towards selection of a vendor to provide a Custom Off-the-Shelf System (COTS) to handle OD permitting.

- Reviewing vendor proposals
- Conducting interviews
- System demos
- Sandbox period – a chance to interact with vendor systems

The Business Team and Sponsors have identified a strong evaluation team including representatives from across the agency to help in selecting the best option to meet ODOT's needs. The goal is to select a vendor and begin negotiations by April 2023. In addition, future state processes and data migration and integration plans continue to be refined as needed to ensure optimal benefit from the new system and reduced reliance on our aging Mainframe system. Visit the [internal webpage](#) for project documents and news.

Key Milestones Achieved

Fall has brought with it some very exciting project news:

- ✓ Grant Award – ODOT received a \$2 million dollar FMCSA grant award to help cover the costs of the new system. These funds are invaluable at this time of limited financial resources.
- ✓ RFP Approval – Due to the size, impact and cost of the project, it requires oversight at the enterprise level. Oregon's State Chief Information Officer recently provided the approval needed to release the Request for Proposal (RFP).
- ✓ RFP Release – After more than a year of process analysis, system requirements development and the obtaining of necessary approvals, the RFP hit the street on October 13, 2022!

"This is exciting news and could not have been accomplished without a lot of work and help from all over the division, agency and from our local and federal partners and consultants," said Amy Ramsdell.

Stakeholder Corner

It really does take a village to route and permit Over Dimension loads on Oregon roads. The effort to replace the OD Permit system, not surprisingly, touches people across the agency and beyond our walls. Therefore, we continue to reach out to ensure we know what they know, understand their unique needs and perspectives and collectively plan for a successful implementation. Recently, we surveyed our internal stakeholders to see how we're doing. What did we hear? They reported:

- being mostly satisfied with their involvement.
- wanting to stay involved.
- understanding the importance of this project and the intended benefits.

It's a great start, but we will look for opportunities to improve as we go and thank them for their support!

Bridge Unit | GIS | Maintenance and Operations | Audit | Salm Services | Motor Carrier Enforcement | Financial Services Branch | Mobility Unit | CCD Business Operations | Third Party Agents | Industry Partners | Oregon Counties & many others!

News you can use...

Loads exceeding 8 feet 6 inches in width, 14 feet in height or over 80,000 pounds gross weight require an over-dimension permit.

x Single-Trip Permits issued in 2021

An average of X Single Trip Permits issued per month in 2022

The number of superloads hit a new record in X

Single Trip Permit issuance has increased 10% since 2014

A Project Advisory Committee (PAC) representing motor carriers, Oregon counties and other partners is meeting quarterly to discuss potential impacts to carriers and best practices from their experience in other states. Working together, our goal is to ensure the new system meets its objectives and the transition is as smooth as possible.

What's happening now...

2022

Finalize System Requirements

2023

Future State Design & Procurement

2023-2024

System Development & Configuration

2025

Go Live

Looking Ahead...

2023 Project Goals/Activities

Communications

Increase Carrier Awareness

Leverage external partners

Build on internal momentum from 2022

Stakeholder Engagement

Provide regular updates

Solicit input on topics that impact them

Refine user requirements w/ vendor

Data Migration & Integration

Update and refine the plan/reduce reliance on MF

Identify resources to complete tasks and establish timelines

Begin data "clean-up" activities

Process

Define future-state processes

Begin to document new workflows

Identify training needs

Other Project Activities– Q1 2023

- Quality Assurance
- Process Improvement Efforts
- Project Funding
- Vendor Selection



Questions or Comments?

Thank you!

Administrator's Report

Amy Ramsdell

Administrator, Commerce and Compliance Division

Administrator's Report

- Service hours
- HHG Rule work group
- Human Trafficking Awareness
 - New webpage: [Help Stop Human Trafficking in Oregon](#)



Agenda Build for April 2023

What items would you like CCD to consider for upcoming agendas?

- Suggested topic: fuel tax and biodiesel requirements (Omar Cruz)

Additional Resources & Information

- [Oregon Transportation Plan](#)
- [Oregon Transportation Commission](#)
- [Oregon Freight Advisory Committee](#)
- [Urban Mobility Office](#)
- [Equity and Mobility Advisory Committee](#)
- [Oregon Safety Transportation Plan](#)

For questions or comments
about MCTAC meetings, please
email:

MCTACContacts@odot.Oregon.gov