



MOTOR CARRIER NEWS

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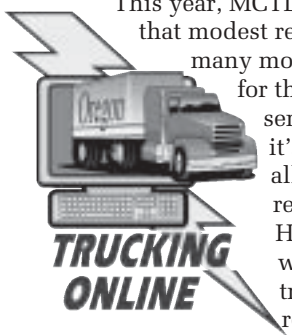
September 2005

Registration & credentials renewal all possible online

About 24,200 trucking companies are receiving paperwork this month from the Motor Carrier Transportation Division (MCTD) so they can renew registration or tax credentials for the 300,000 trucks they'll operate in Oregon in 2006. But staff is hoping thousands of the companies set the paperwork aside and use a computer to complete the process online instead.

Last year, dozens of companies used Trucking Online to renew 46,500 trucks.

This year, MCTD hopes to smash that modest record because many more are signed up for the Internet-based service and now it's possible to do all types of renewals online. Here are three ways to ensure a trouble-free renewal:



1 Do it online. This year no one has to "Opt In" in order to take advantage of Trucking Online. Not signed up for it yet? Visit this Web site to see how to get started — www.oregon.gov/ODOT/MCT/TOL.shtml

2 Don't neglect key details. To renew an Oregon-based truck with a gross weight of 55,000 pounds or more, MCTD must have a copy of Heavy Vehicle Use Tax IRS Form 2290 (not applicable to out-of-state carriers renewing tax credentials). Also, Oregon carriers who don't have their own drug and alcohol testing program must name their testing consortium (a private company that provides testing services). And finally, carriers who changed their "name" (ownership) will avoid additional fees if they contact MCTD before completing any renewals.

3 Meet the deadline. Complete renewal paperwork and return it by October 31 so there's time to process the 2006 credentials.

Commercial plates

A total of 5,700 Oregon companies have 18,440 trucks displaying a Commercial plate. The plate is issued to trucks that generally don't operate in another state. These companies will get paperwork in the mail for renewing their plates, but they'll find it much easier to complete the process using Trucking Online. They can renew, add, or delete trucks for 2006, as well as indicate whether they're opting to pay for plates on a quarterly basis. Trucking Online calculates what's owed and takes credit card payments (registration fees can't be charged to account). Do this online and within three business days MCTD will send new credentials (Weight Receipt and Tax Identifiers and Registration Cab Cards) and stickers for each plate. It's a slower process for those who do it on paper.

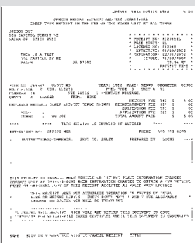


Apportioned plates

A total of 4,600 Oregon companies have 33,119 trucks displaying Apportioned plates so they can operate in other states and Canada under the International Registration Plan. MCTD collects registration fees and distributes them to each jurisdiction on their behalf. These companies will get paperwork in the mail for renewing their Apportioned-plates. They must report the miles their fleet(s) operated in Oregon, other states, and Canada from July 1, 2004 thru June 30, 2005. Companies will find it easier to complete the process using Trucking Online if their vehicles will operate in the same jurisdictions in 2006 (the online application will not let them add or drop jurisdictions, although they can cancel vehicles). Companies can enter information online, let the computer calculate the registration fees owed to each jurisdiction, and pay by credit card (registration fees can't be charged to account). Do this online and within three business days MCTD will send new credentials (Weight Receipt and Tax Identifiers and Registration Cab Cards) and stickers for each plate. It's a slower process for those who do it on paper. They submit mileage information, get a billing from MCTD, and upon payment they receive new credentials and stickers.



Oregon Weight Receipt and Tax Identifier



A total of 14,746 companies based in other states and Canada have 243,779 trucks that carry an Oregon Weight Receipt and Tax Identifier paper credential to identify the company's weight-mile tax account. Last year, MCTD tried an "auto renewal" process and just mailed out new credentials to the companies so they could send payment for the ones they needed. This year there will be no "auto renewal." The companies will get a renewal summary in the mail listing the trucks that have the tax credential. They'll find it much easier to use Trucking Online to edit the list to renew, add, or delete trucks for 2006. Trucking Online calculates what's owed, takes credit card payments or allows charges to approved accounts, and lets companies instantly print new credentials on their printer. Those who do it on paper will have to wait for new credentials to be mailed back to them.

2005 Legislative Session — Wrap-Up

Driver-related laws change to conform with federal regs

When Congress passed the Motor Carrier Safety Improvement Act of 1999 and the USA Patriot Act of 2001, it set new requirements and standards for commercial motor vehicle drivers and it directed states to comply by changing their laws within the next few years. With the passage of House Bill 2107, Oregon's Driver and Motor Vehicle Services Division (DMV) meets the federal requirement to adopt the following, effective September 30, 2005:

- New standards for drivers with a Commercial Driver License (CDL) that apply when they're operating their personal vehicles and new serious traffic violations that may result in suspension of a CDL (read more about this on page 4). The two new serious traffic violations are: 1) operating a commercial motor vehicle without appropriate driving privileges; and 2) operating a commercial motor vehicle without a CDL in the driver's possession. The bill also defines reckless driving as a serious violation when its committed in a noncommercial motor vehicle by a driver who possesses a CDL.
- A new CDL suspension for persons operating a commercial motor vehicle while their license is suspended.
- A new failure to appear or failure to comply suspension of the CDL portion of an Oregon driver license if ordered by another state when the offense is a traffic violation that would lead to suspension if it occurred in Oregon. The suspension is for five years or until the other state sends clearance, whichever occurs first.
- Authority to suspend a person's CDL if the Federal Motor Carrier Safety Administration notifies DMV that the driver is

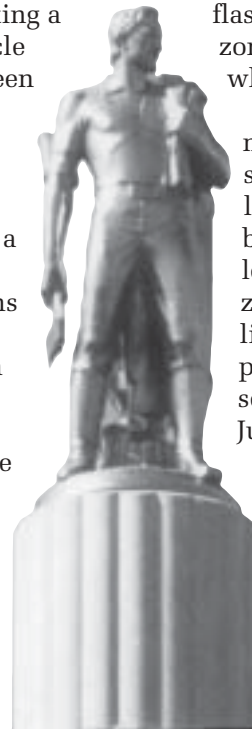
disqualified from operating a commercial motor vehicle because he or she has been determined to be an imminent hazard. The suspension period will not exceed one year.

- Provisions that prohibit a court from deferring or masking driver violations on a person's driving record, when the person has a CDL or was operating a commercial motor vehicle at the time of the violation. For example, a court can no longer authorize a diversion of a violation, such as DUII, if the person has a CDL or was operating a commercial motor vehicle at the time the offense was committed.
- A new license endorsement to operate a school bus so drivers must now pass a school bus skills test and knowledge test to obtain a school bus endorsement in addition to a passenger endorsement.

House Bill 2107 also establishes rule authority for the Department of Transportation to implement a section of the USA Patriot Act that requires a security check clearance from the Federal Transportation Security Administration. This clearance is required at least every five years and when DMV issues or renews a CDL with a hazardous materials endorsement. Provisions are included for canceling the hazardous materials endorsement or CDL if requirements are not satisfied.

School zone speed linked to flashing lights or time of day

House Bill 2840 adjusts the law regarding the school zone speed limit by linking it directly with the



flashing lights common at many zones or specific times of day when school is in session.

The bill provides that a 20 mph speed limit applies in school zones when flashing lights indicate children may be arriving at a school or leaving school or, if a school zone does not have flashing lights, between 7 a.m. and 5 p.m. on the days school is in session. The bill takes effect in July 2006 to give schools time to put up lights and/or new signs.

A bill passed in the 2003 Session set the speed limit at 20 mph on a 24-hour basis. Legislators reportedly received a flood of complaints from members of the public who considered it unreasonable to have to slow down at all times of the day and night.

Pedestrian law clarified to apply in any crosswalk

Senate Bill 591 requires drivers to stop and remain stopped at any crosswalk while pedestrians are crossing in the driver's lane or the adjacent lane, regardless of whether there is a traffic control device.

This fixes a problem with a bill passed in the 2003 Session that presented drivers with different requirements depending upon whether the crosswalk was "controlled" or "uncontrolled." For the past two years, drivers were required to stop until pedestrians cleared the driver's lane or the lane adjacent at "uncontrolled intersections" — those with no traffic light — but were required to stop while pedestrians completely cleared a controlled intersection, whether it was two lanes or five lanes wide.

The law now changes, effective January 1, 2006. A driver must stop

and remain stopped for pedestrians crossing with a signal or at a crosswalk while they're in the driver's lane or an adjacent lane. When turning in a controlled intersection, a driver must stop and remain stopped for pedestrians crossing the lane into which the driver is turning and at least six feet of the adjacent lane. For the purpose of a pedestrian in a crosswalk, a bike lane or the part of the roadway where a vehicle can stop or park adjacent to a lane of travel is considered part of that adjacent lane. Drivers are not required to stop when there's a safety island and the vehicle is on the far side of the island from a pedestrian.

Bill allows setting greater difference in truck and car speeds

House Bill 3252 does not increase interstate speed limits, but it gives the Oregon Department of Transportation some flexibility that was lacking when it last considered changing speed limits. Under the bill, the next time ODOT considers increasing speed limits for cars, it can consider setting a speed for trucks and buses that is more than 5 mph lower. If it were to propose a 70 mph limit for cars, for example, it can propose a 60 mph limit for trucks and buses.

Legislation passed in 2003 allowed ODOT to change interstate speed limits, but it required that any increase to 70 mph for cars would have to be joined by an increase to 65 mph for trucks and buses. After ODOT conducted safety and engineering studies and held public hearings in 2004, it concluded that a 10 mph increase in truck and bus speed limits would adversely affect public safety. Based on that recommendation to the Speed Zone Review Panel, the Oregon Transportation Commission only approved increasing the speed limit for cars from 55 to 60 on specific segments of the interstates in Eugene, Medford, Portland, and Salem. The

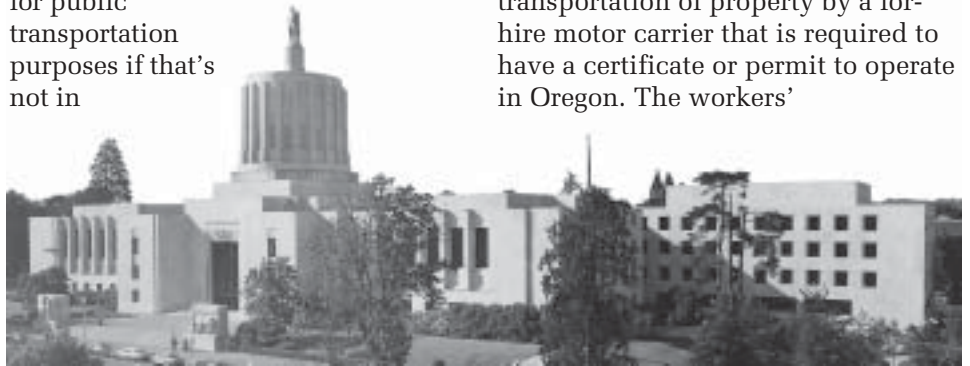
rest of the interstate system was left at limits of 65 mph for cars and 55 mph for trucks and buses.

House Bill 3252 takes effect January 1, 2006.

Public transportation providers gain regulatory flexibility

Senate Bill 448 clarifies one regulatory exemption and expands two others that govern vehicles transporting passengers within Oregon. The changes, which took effect June 14, 2005, relax regulation and provide flexibility that certain public transportation providers need to meet citizen needs for intercity bus service.

First, the bill clarifies that school buses and other vehicles can be used for public transportation purposes if that's not in



competition with a private, regulated passenger carrier or mass transit district and it meets Oregon Department of Transportation approval. This allows a city like Astoria, for example, to contract for the use of school buses to shuttle passengers around town during an annual city event.

Second, the bill deletes a 40-air-mile restriction on a nonprofit entity's vehicles transporting passengers for-hire, again if that's not in competition with a regulated carrier or mass transit district. This allows a Senior Center in Coos Bay, for example, to operate as a for-hire carrier and take passengers to the Medford airport if there's no private

bus company offering that service on a regular route full-service scheduled basis.

Third, the bill establishes an exemption for government vehicles operating as a carrier of passengers for hire. This allows the Tillamook Transit District, for example, to operate as a for-hire carrier and take passengers to a TriMet connection to the Portland airport.

Certain truckers not subject to workers' compensation law

Senate Bill 433 adds to the list of workers who are not subject to worker's compensation law, amending ORS 656.027 to add owners or leaseholders of trucks used in the commercial transportation of property by a for-hire motor carrier that is required to have a certificate or permit to operate in Oregon. The workers'

compensation law already contains an exemption for owners or leaseholders of trucks used to transport logs, poles, piling, rocks, gravel, sand, dirt or asphalt concrete.

The bill, which takes effect January 1, 2006, was introduced at the request of the Oregon Trucking Associations. At a February hearing, OTA President Bob Russell noted that the trucking industry has long used owner-operators who meet the definition of "independent contractor" for federal and state income tax withholding and unemployment insurance. Yet a number of these owner-operators were not considered exempt from workers' compensation laws.

Truck drivers face disqualification for traffic offenses in cars

With the passage of House Bill 2107, Oregon truck drivers will now be disqualified from operating a commercial vehicle and/or have their Commercial Driver License (CDL) suspended, canceled, or revoked for traffic violations committed while driving a non-commercial vehicle.

Regardless of the type of vehicle driven, a driver may be suspended for the first conviction for major offenses such as driving under the influence, refusing to take an alcohol test, or leaving the scene of an accident. Also regardless of the vehicle driven, a driver will be disqualified when convicted two or more times in three years for the serious offense of reckless driving. (See sidebar on this page for list of offenses in 49 CFR Part 383.)

In the past, Oregon maintained separate driving records. Except for the most serious offenses, the disqualification of a truck driver could only result from violations occurring in commercial vehicles. But new federal rules took effect in 2002 and the U.S. DOT gave states three years to bring their laws in line with the federal regulations.

Depending on the seriousness of the offense and the number of times convicted, drivers can be disqualified for 60 days, 120 days, 180 days, 1 year, 3 years, 5 years, or even for life. (Drivers disqualified for life can seek reinstatement after 10 years if they complete a rehabilitation program. Drivers with a third conviction for one of the major offenses are, however, truly disqualified for life.)

Legislators had to adopt the stiff sanctions for traffic offenses or Oregon would have been prohibited from issuing, renewing, transferring, or upgrading CDLs, and from issuing hardship licenses. Oregon also risked losing federal grant funds and federal aid highway funds.

Major Offenses Warranting CDL Disqualification

- Being under the influence of alcohol.
- Being under the influence of a controlled substance.
- Having an alcohol concentration of 0.04 or greater while operating a Commercial Motor Vehicle (CMV).
- Refusing to take an alcohol test as required under implied consent laws.
- Leaving the scene of an accident.
- Using a vehicle to commit a felony.
- Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV.
- Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

1-Year Disqualification — First conviction, or refusal to be tested, for a major offense while operating a CMV or a non-CMV. **3-Year Disqualification** — First conviction, or refusal to be tested, for a major offense while operating a CMV and transporting hazardous materials required to be placarded. **Disqualification for Life** — Second conviction, or refusal to be tested while operating a CMV or a non-CMV. **Disqualification for Life, Ineligible for 10-Year Reinstatement** — First or second conviction, or refusal to be tested, for using a vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance while operating a CMV or a non-CMV.

Serious Offenses Warranting CDL Disqualification

- Speeding excessively — 15 mph or more above the posted limit.
- Driving recklessly, including offenses of driving a vehicle in willful or wanton disregard for the safety of persons or property.
- Making improper or erratic lane changes.
- Following too close.
- Violating traffic control laws (other than parking violation) arising in connection with a fatal accident.
- Driving a CMV (a) without obtaining a CDL, (b) without the proper class of CDL and/or endorsements, or (c) without a CDL in the driver's possession (unless the driver provides proof, by the date he or she must appear in court or pay a fine, that he or she had a valid CDL when the citation was issued).

60-Day Disqualification — Second conviction of any combination of the serious violations in a separate incident within a 3-year period while operating a CMV or a non-CMV. **120-Day Disqualification** — Third or subsequent conviction of any combination of serious violations in a separate incident within a 3-year period while operating a CMV, and also if operating a non-CMV if the conviction results in the revocation, cancellation, or suspension of the CDL holder's license or non-CMV driving privileges.

RR-Highway Grade Crossing Offenses Warranting Disqualification

- The driver is not required to always stop, but (a) fails to slow down and check that tracks are clear of an approaching train, or (b) fails to stop before reaching the crossing, if the tracks are not clear.
- The driver is always required to stop, but fails to stop before driving onto the crossing.
- The driver (a) fails to have sufficient space to drive completely through the crossing without stopping, or (b) fails to negotiate a crossing because of insufficient undercarriage clearance.
- The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing.

No Less Than 60-Days Disqualification — First conviction for a railroad-highway grade crossing offense while operating a CMV. **No Less Than 120-Days Disqualification** — Second conviction of any combination of the offenses in a separate incident within a 3-year period. **No Less Than 1 Year Disqualification** — Third or subsequent conviction of any combination of the offenses in a separate incident within a 3-year period.

Disqualification for Violating Driver/Vehicle Out-of-Service Order

First Conviction — No Less than 90 days or more than 1 year if not hauling hazardous materials. No less than 180 days or more than 2 years if transporting hazardous materials required to be placarded, or while operating a vehicle designed to transport 16 or more passengers, including the driver. **Second, Third, or Subsequent Conviction Within a 10-Year Period** — No less than 1 year or more than 5 years if not hauling hazardous materials. No less than 3 years or more than 5 years if transporting hazardous materials required to be placarded, or while operating a vehicle designed to transport 16 or more passengers, including the driver.

Changes affect sleeper berth usage and short-haul operators

New hours-of-service regulations take effect October 1

The Federal Motor Carrier Safety Administration (FMCSA) has outlined new driver hours-of-service regulations that chiefly impact drivers who use sleeper berths and drivers of light trucks in short-haul operations.

The new rule doesn't change most of the existing limits on property-carrying commercial vehicle drivers, continuing to limit them to a maximum of 11 hours behind the wheel in a 14-hour work day, after 10 consecutive hours off duty. But it changes sleeper berth provisions so that when drivers use sleeper berths for two rest periods, one period must be at least 8 consecutive hours long, and the second must be 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two. The existing rule allows drivers to split sleeper berth time into two periods as long as neither is less than 2 hours.

The new rule also defines short-haul drivers as those who don't need a Commercial Driver License and operate within a 150-mile radius of their normal reporting location. Those drivers must follow the hours rules, but they're not required to keep a logbook and two days a week they can work 16 hours rather than 14.

The new rule keeps the 34-hour "restart" provision, which allows drivers to refresh their weekly work periods by taking 34 consecutive hours off duty. The rule prohibits drivers from driving after being on duty 60 hours in a seven-day period or 70 hours in an eight-day period.

The FMCSA issued the new rules because in July 2004 a federal court threw out the existing rules for failing to consider driver health. A bill passed by Congress then directed that the existing rules would remain in effect until a new rule addresses the issues raised by the Court or September 30, 2005, whichever comes first.

Hours-of-Service Rules -- Commercial Motor Vehicle Drivers	
Property-Carrying Drivers thru September 30, 2005	Property-Carrying Drivers on and after October 1, 2005
May drive a maximum of 11 hours after 10 consecutive hours off duty	no change
May not drive beyond the 14th hour after coming on duty, following 10 consecutive hours off duty	no change
May not drive after 60/70 hours on duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.	no change
Drivers using a sleeper berth must take 10 hours off duty, but may split sleeper berth time into two periods provided neither is less than 2 hours.	Drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.

Passenger-carrying motor carriers and drivers are not subject to the new hours-of-service rules. Those operations must continue to comply with the hours-of-service limitations specified in 49 CFR 395.5.



Hours-of-service regs include short-haul provisions

New safety regulations that take effect October 1, 2005, include provisions for drivers of light-weight, property-carrying vehicles that don't require a CDL and operate within a 150 air-mile radius of their normal work location. Here are excerpts from questions and answers that the Federal Motor Carrier Safety Administration provided when it re-leased the new rules:

What is a "short-haul" operation? The regulations do not specifically define or use the term "short haul" except as a caption for 49 CFR Part 395.1(e), which includes requirements for drivers using the 100 air-mile radius exception and those covered by the "non-CDL, as defined in Part 383, 150 air-mile radius" provision.

What is an "air-mile"? "Air-mile" is internationally defined as a "nautical mile" — equivalent to 6,076 feet. The 100 air-miles are equivalent to 115.08 statute miles, and 150 air-miles are equivalent to 172.6 statute miles.

What are the recordkeeping requirements for a driver using either the 100 or non-CDL, as defined in Part 383, 150 air-mile radius provisions? A driver may use time records in lieu of records-of-duty status.

May drivers who work split shifts take advantage of the short-haul operations provisions found in Part 395.1(e)? For property-drivers, the concept of "split shifts" is no longer relevant due to the limitations of the 14-hour rule. The provisions in Part 395.1(e) only provide an exception to the records-of-duty status

requirement. Generally, they do not exempt the driver from any hours-of-service rules.

100 air-mile radius driver — A driver may go on- and off-duty multiple times during a duty tour, after completing at least 10 hours off

air-mile radius exception, some days under the "non-CDL 150 air-mile radius" provision, and some days under neither? The driver complies with the provisions of the 100 air-mile radius exception or the non-CDL, as defined by Part 383, 150 air-mile radius provision if either of those are applicable for the entire duty period (usually one day). For example, if a driver operates within the 100 air-mile radius for part of the day and then travels outside the radius during the same duty period, the exception would not apply. The driver must remain under the conditions of the exception for the entire duty period. Compliance may vary from one duty period to the next, depending on operating circumstances. A driver operating under the 100 air-mile radius exception for one day and then outside the radius for the second day would only be required to make a records-of-duty status for the second day.

How would you summarize the 100 air-mile radius hours-of-service provision in Part 395.1(e)(1)?

That exception is an option to use time records in lieu of records-of-duty status on days when the driver meets the conditions of the exception.

What drivers are covered by the Non-CDL 150 air-mile radius provision? Drivers of property-carrying commercial motor vehicles not requiring a CDL, as defined in Part 383, may be covered by the Non-CDL 150 air-mile radius provision. The applicability depends on the type of vehicle being driven, not whether the operator possesses a CDL.

Short-Haul Provisions

Drivers of property-carrying commercial motor vehicles that do not require a Commercial Driver License for operation and operate within a 150 air-mile radius of their normal work reporting location:

- May drive a maximum of 11 hours after coming on duty following 10 or more consecutive hours off duty.
- Are not required to keep records-of-duty status.
- May not drive after the 14th hour after coming on duty 5 days a week or after the 16th hour after coming on duty 2 days a week.

Employer must: Maintain and retain accurate time records for a period of 6 months showing the time the duty period began, ended, and total hours on duty each day in place of records-of-duty status.

Drivers who use this short-haul provision are not eligible to use the 100 air-mile provision in 49 CFR 395.1(e) or the current 16-hour exception in 395.1 (o).

duty, but the total of all on- and off-duty time accumulates toward their 12 hours. Once a driver is on duty more than 12 hours they no longer meet the 100 air-mile radius exemption.

Operators of property-carrying commercial motor vehicles not requiring a CDL — A driver may go on- and off-duty multiple times during a duty tour, but the total of all on- and off-duty time accumulates towards the 14- or 16-hour time limit, whichever is applicable at the time, until the driver has a period of 10 or more consecutive hours off-duty.

How does a driver comply if during a 7-day period the driver operates some days under the 100

Questions & Answers

New driver hours-of-service regulations take effect October 1, 2005. Here are excerpts from questions and answers that the Federal Motor Carrier Safety Administration provided when it released the new rules:

When are motor carriers and drivers required to comply with the latest revisions of the hours-of-service rule? Carrier and drivers are required to comply with the latest revisions of the hours-of-service rule on October 1, 2005, the effective date of the rule. Carriers and drivers will not be allowed to operate under the hours-of-service rule prior to its effective date.

How does the 2005 hours-of-service rule differ from the current (April 2003) hours-of-service rule? Important changes were made in three areas:

(1) **Sleeper Berth:** To use any of the hours-of-service provisions regarding sleeper berths, a driver must now have one of the following:

- **Continuous Sleeper Berth Provision:** At least 10 consecutive and uninterrupted hours in the sleeper berth.
- **Sleeper Berth Provision:** The equivalent of at least 10 consecutive hours off-duty (equivalent means at least 8 hours but less than 10 consecutive hours in a sleeper berth and a separate period of at least 2 hours but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination of both).
- **Continuous Off-Duty and Sleeper Berth Provision:** At least 10 consecutive hours sleeper berth and off-duty time combined and uninterrupted. Further details are on the Internet at www.fmcsa.dot.gov/documents/rulesregs/hos/logbook-examples.pdf



(2) Operators of property-carrying commercial motor vehicles not requiring a commercial driver's license: Drivers of non-commercial driver's license (CDL) vehicles (those vehicles not requiring a CDL to operate) who are operating within a 150 air-mile radius of their normal work reporting location and return to their normal work reporting location at the end of their duty tour are now covered by a separate hours-of-service provision. Drivers meeting these conditions are not eligible for the existing 100 air-mile radius provision in 49 CFR Part 395.1(e) or the current 16-hour exception in Part 395.1(o), since those conflict with this new "Non-CDL, 150 Air-Mile Radius" provision. These drivers are required to comply with the following:

(a) The 11 hours driving, minimum 10 hours off-duty, 14 consecutive hour duty period, 60/70 hours in 7/8 days, 34-hour restart all apply.

(b) On any 2 days of every 7 consecutive days, the driver may extend the 14-hour duty period to 16 hours.

(c) There is no requirement that the driver be released from duty at the end of the 14- or 16-hour duty periods. The driver may continue to perform non-driving duties, which would be counted against the 60/70 hour weekly limitation.

(d) Time records may be used in lieu of records of duty status.

(3) **34-Hour Restart:** Previously, a driver was required to be in compliance with the "60/70 on-duty hours in 7/8 days" limitation before the driver could start counting a 34-hour restart period. Now the 34-hour restart period may begin at the start of any consecutive 34-hour off-duty period.

Are drivers of passenger-carrying commercial motor vehicles required to comply with the same

hours-of-service rule as property-carrying drivers? No. Motorcoach operators and drivers will continue to operate under the hours-of-service rules as specified in 49 CFR Part 395.5.

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**For more about the new hours-of-service regulations, visit the FMCSA Web site:
www.fmcsa.dot.gov/rules-regulations/topics/hos/HOS-2005.htm**

continued from previous page

How would “waiting time” at a terminal, plant, or port be logged? “Waiting time” at a terminal, plant, or port may be recorded as off-duty, sleeper berth, or on duty/not driving, depending on specific circumstances.

For “waiting time” to be off-duty, the following off-duty conditions must be met:

1. The driver must be relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying.
2. During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated.

If circumstances permit a driver to utilize a valid sleeper berth without being disturbed for a specific period of “waiting time,” that time in the sleeper berth may be recorded as “sleeper berth” time. However, a driver must take eight consecutive hours in a sleeper berth, plus another two consecutive hours off duty or in a sleeper berth, in order to meet the requirement for the equivalent of 10 consecutive hours off duty. In most other circumstances, such as when the driver is required to remain with the vehicle to move it when necessary, the “waiting time” should be recorded as “on duty/not driving.”

These provisions should not be confused with waiting time of drivers of vehicles that are specially constructed to service oil wells.

If a carrier allows a driver to log mealtime or similar activities as off-duty time, does that permit a driver to extend the 14-hour duty period? No. Off-duty breaks during the day do not extend the workday to permit a driver to drive after the 14th consecutive hour on duty. However, time logged as off duty is not counted in calculating a driver's 60/70-hour on-duty limit.

May a driver spend part of his or her 34-hours of consecutive off-duty time in a sleeper berth? Yes, provided the 34-hour period is consecutive and not broken by on-duty or driving activities.

How does a driver who is utilizing the sleeper berth provision calculate his or her compliance with the 14-hour rule? A sleeper-berth period of at least 8 consecutive hours is excluded from calculation of the 14-hour limitation. All

other sleeper berth periods are included in the 14-hour calculation (unless part of a sleeper-berth/off-duty combination of 10 or more consecutive hours).

Do these hours-of-service regulations apply to intrastate commerce? No. The regulations apply directly only to interstate commerce. Intrastate commercial motor vehicle regulations are under the jurisdiction of each State. However, most States have adopted intrastate regulations which are identical or very similar to the federal regulations. A driver involved exclusively in intrastate operations should contact the State agency handling commercial vehicle enforcement in the driver's home State with any questions.

Hours-of-Service Rules for Drivers in Interstate Commerce

When in interstate commerce and transporting property, COMMERCIAL VEHICLE DRIVERS MAY NOT:

- Exceed 11 hours driving after 10 consecutive hours off duty.
- Drive beyond the 14th hour after coming on duty following 10 consecutive hours off duty.
- Drive following 60 hours on duty in any 7 consecutive days.*
- Drive following 70 hours on duty in any 8 consecutive days.*

* The period may be restarted after a driver takes 34 or more consecutive hours off-duty.

Drivers may extend the 14-hour on-duty period by 2 additional hours IF THEY:
Are released from duty at the normal work reporting location for the previous 5 duty tours, AND
Return to the normal work reporting location and are released from duty within 16 hours, AND
Have not used this exception in the previous 6 days, except following a 34-hour restart of a 7 or 8 consecutive day period.

Oregon Hours-of-Service Rules for Intrastate Drivers

When in intrastate commerce and transporting passengers or property, other than hazardous materials, DRIVERS MAY NOT:

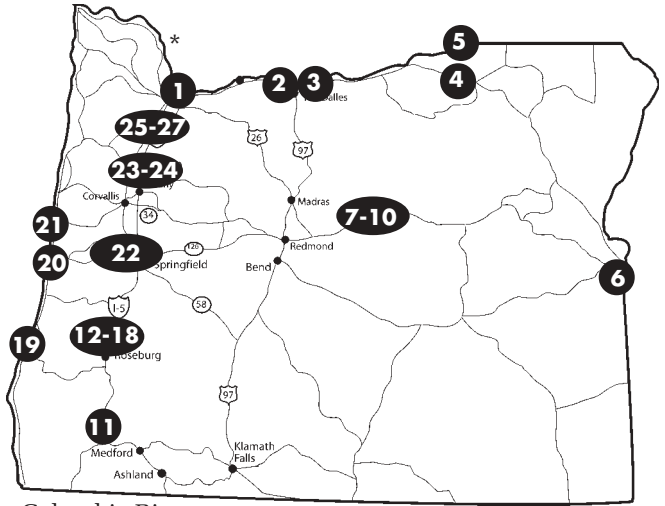
- Exceed 12 hours driving after 8 consecutive hours off duty.
- Drive beyond the 16th hour after coming on duty following 8 consecutive hours off duty.
- Drive following 70 hours on duty in any 7 consecutive days.*
- Drive following 80 hours on duty in any 8 consecutive days.*

*Exception for carriers conducting intrastate transportation of property other than hazardous materials: Any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 34 or more consecutive hours.

Weight-Restricted Bridges on Major Routes in Oregon

As of August 15, 2005, bridge inspectors had set weight restrictions on 27 bridges on major Oregon routes.

Questions about restricted bridges? Contact the Oregon DOT, Motor Carrier Division at 503-373-0000 or visit its Web site: www.oregon.gov/ODOT/MCT/RESTRICT.shtml

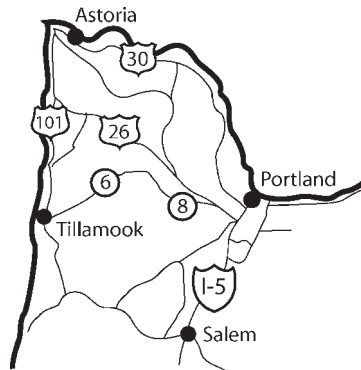


Highway	Restriction	Bridge & Location
1. OR99E SB	SR2	Martin Luther King Jr. Viaduct, Portland
2. OR206	D	Deschutes River Bridge, MP 2.92
3. US97	D	Sam Hill Bridge, Biggs Junction over the Columbia River
4. I-84 EB	D/N	Umatilla River, MP188.43, near Umatilla
5. US730	D/N	USRS Irrigation Canal Bridge, MP168.86, between Boardman and Irrigon
6. US20 / US26	D/N	Snake River, MP266.82, Nyssa
7. US26	D/N	Bridge Creek, MP62.54
8-9. US26	D/N	Two Bridge Creek Bridges, MP65.63 and MP65.85
10. Off US26	SR1	Bridge Creek, R/W Route, Mitchell Access
11. US199	D/N	Applegate River, MP7, southwest of Grants Pass
12. I-5 Overpass	D/N	Riddle Road, MP103.95
13. I-5 Overpass	SR1	Chadwick Lane, MP104.85
14-15. I-5 NB and SB	SR	Missouri Bottom Bridges, South Umpqua River, MP105.41
16. OR42	D/N	I-5 Overpass, MP119.51, four miles south of Roseburg
17. I-5 NB	D/N	Shady Bridge, MP120.57, between Myrtle Creek and Roseburg
18. I-5 NB	D/N	Umpqua River, MP128.92, Roseburg
19. Coos River Hwy.	SR1	Isthmus Slough Bridge, Coos Bay, MP0.51, 1/2 mile off US101
20. US 101	D/N	Siuslaw River, MP190.98, Florence
21. US 101	D/N	Spencer Creek, MP133.86, ten miles south of Depoe Bay
22. OR126 Business WB	D/N	Willamette River, MP1.34, one mile east of I-5 in Springfield
23. Off OR22	D	First Avenue Bridge in Mill City, over Santiam River
24. OR22	D/N	Deer Park Rd. Crossing, MP4.03, east of Salem
25. OR18	D/N	Yamhill River, MP51.57, near Dayton
26. OR219	D/N	Willamette River, MP23.46, south of Newberg
27. OR99W S	D	Tualatin River Bridge, MP12.18, Tualatin

* NOTE: The Lewis & Clark Bridge in Washington, off US30, is restricted to 19,500 pounds per axle, with no gross vehicle weight limit.

Heads Up! Projects restrict travel on OR6

Much needed improvements to OR6, the Wilson River Highway, will complicate travel in Northwestern Oregon for the next 12 months. Pavement work now underway is forcing intermittent single-lane closures through October, with flaggers controlling one-way traffic. Later this year, replacement of a culvert at Bateman Creek will force similar lane closures through March 2006. Also later this year or in January 2006, a culvert at Fall Creek will be replaced with a 150-foot bridge, forcing a 12-foot width restriction during construction. One lane will be controlled by a signal. Two additional projects scheduled for the highway will not require restrictions, but they will create delays. US26 is an alternate route, although it has certain weight and height restrictions. Companies that need help routing trucks should contact the Motor Carrier Division at 503-373-0000.



Restriction Legend

D/N = Restricted to Divisible and Non-Divisible Load Limits

	Divisible Loads
Single Axle	20,000 lbs.
Tandem Axle	34,000 lbs.
Maximum Wt.	105,500 lbs.

	Non-Divisible (Heavy Haul) Loads
Single Axle	21,500 lbs.
Tandem Axle	43,000 lbs.
Maximum Wt.	98,000 lbs.

D = Restricted to Divisible Load Limits (no heavy haul loads)

	Divisible Loads
Single Axle	20,000 lbs.
Tandem Axle	34,000 lbs.
Maximum Wt.	105,500 lbs.

SR = Special Restriction - All trucks over 80,000 lbs. must stay in right lane.

SR1 = Special Restriction - Single Axle - 20,000 lbs. Tandem Axle - 34,000 lbs. Max. Wgt. - 80,000 lbs.

SR2 = Special Restriction - No truck combinations, Max. Wgt. - 50,000 lbs.

Weight restrictions shown here do not supersede restrictions posted on signs at each bridge location. Bridges are closely checked by inspectors. Restrictions may change on a daily basis, and other bridges may become restricted, as conditions warrant. Similarly restricted, as conditions warrant.

Rulemaking clarifies chain law

At its September 14-15 meeting, the Oregon Transportation Commission is expected to approve a rulemaking that clarifies Oregon's chain and traction tire law without substantially changing the requirements.

Until now, Oregon Administrative Rule 734-017-0010 outlined requirements for three classes of vehicles — (1) automobiles, light trucks, and towed trailers, (2) buses and towed trailers, and (3) trucks and truck tractors with trailers and semitrailers. Since this appeared to omit requirements for recreational vehicles and medium-weight cargo vehicles, the proposed new rule broadens the wording so it refers to requirements for (1) light duty vehicles — those with a gross vehicle weight rating of 10,000 pounds or less, such as passenger cars and light trucks, (2) medium duty vehicles — those with a gross vehicle weight rating of 10,001 pounds but less than 26,001 pounds, such as buses, recreational vehicles, and cargo vehicles, and towed trailers, and (3) commercial vehicles — those with a gross vehicle weight rating of 26,001 pounds or more and those that are towing one or more trailers.

The rules are also being clarified in three other ways that don't substantially change the requirements. The rulemaking corrects inconsistencies between the rule and drawings referenced in an exhibit that illustrates chain placement, provides an exemption for certain utility company vehicles when they're providing emergency response to restore service, and specifies that motorcycles are exempt from the requirements but they may not travel when signs are posted saying chains or traction tires are necessary.

In Oregon, chains or traction tires are required whenever winter conditions exist and signs are posted advising drivers to carry or use them. State law mentions no dates for when chain and traction tire requirements start and end because no one knows for sure when winter conditions will start and end for the varied climates throughout the state. The chain laws are posted on the Internet under Weather Outlook at ODOT's TripCheck Web site: www.tripcheck.com/pages/

IFTA temporary permits available

Oregon-based companies participating in the International Fuel Tax Agreement can now request temporary decal permits for adding new trucks to their existing IFTA license or replacing decals on a truck. The temporary permits, which Oregon began issuing July 1, 2005, are vehicle-specific and must be carried in each truck listed on the permit along with a copy of the current valid Oregon IFTA license until new decals are placed on the truck.



INTERNATIONAL FUEL TAX AGREEMENT (IFTA)

TEMPORARY DECAL PERMIT

0986999999001	7/1/2005	7/31/2005	TEMPORARY DECAL PERMIT IS VALID FOR 30 DAYS AND EXPIRES ON DATE LISTED UNLESS CANCELLED OR REVOKED BY ODOT.
LICENSE NUMBER	EFFECTIVE DATE	EXPIRATION DATE	OH File Number: 123456

JOHN Q. DOE
 123 ANY STREET
 ANYTOWN OR 99999

A COPY OF THIS PERMIT MUST BE CARRIED IN EACH MOTOR VEHICLE LISTED BELOW AND IS NOT VALID UNLESS ACCOMPANIED BY A COPY OF THE CARRIER'S OREGON IFTA LICENSE.

THIS TEMPORARY DECAL PERMIT IS ISSUED UNDER THE TERMS OF THE INTERNATIONAL FUEL TAX AGREEMENT PERIODIC RECEIPT OF IFTA DECALS FROM THE STATE OF OREGON. THE PERMIT OWNER ACCEPTS A COPY OF THE OREGON IFTA LICENSE AND AGREES TO THE IFTA. IT AUTHORIZES THE OPERATION OF THE PERMIT (S) LISTED BY OWNER, A NUMBER OF VEHICLES WITHOUT FURTHER NOTIFICATION OR REVOCATION. REQUIREMENTS REGARDING REGISTRATION AND IFTA USE TAXES.

This permit is valid only for vehicles listed below. Void if altered.

Unit Number	Year	Make	Vehicle Identification Number
1	1999	FORD	12345678901234567890
2	2000	FORD	23456789012345678901
*****	****	****	*****
*****	****	****	*****
*****	****	****	*****
*****	****	****	*****
*****	****	****	*****
*****	****	****	*****
*****	****	****	*****
*****	****	****	*****
*****	****	****	*****

VALID FOR IFTA ONLY

This permit does NOT satisfy requirements for registration, weight-mile tax, or Oregon fuel tax.

Safety Inspection Follow-Up Violation Summary

In the 2nd Quarter 2005, the Oregon Department of Transportation's Motor Carrier Division issued 41 cease and desist orders and 9 penalty orders that established a company's failure to return a Driver or Equipment Compliance Check Form after an inspection. Following every safety inspection performed by state transportation officials or law enforcement officers, the driver receives a copy of the inspection form. If the inspection found violations, the motor carrier involved is required to sign and return that form to the state where the inspection occurred and confirm that the violations were addressed (Federal Safety Regulations, Part 396.9).

Inspection Requirements Summary

Records Requirement — Keep a copy of each truck and driver safety inspection for 12 months.

Follow-Up Requirement — When violations were found in an Oregon inspection, correct all violations and return the inspection form to the ODOT Motor Carrier Transportation Division within 15 days. The form must be signed by a company official. It must also be signed by a repair person if a vehicle had a critical safety violation resulting in an out-of-service notice. If violations are related to the driver (speeding, logbook, etc.), a company official's signature certifies that action was taken to assure future compliance with regulations. The form can be returned by mail or fax to the address or number on the form.

Oregon Enforcement - for inspections that found an out-of-service violation — 1st time a carrier fails to return a form: 50 days after the inspection, a Cease and Desist order is sent establishing failure to meet inspection follow-up requirements.

Second time, within 12 months of a Cease and Desist order, that a carrier fails to return an inspection form: A civil complaint action may be filed assessing a \$1,000 penalty and seeking a five-day suspension of Oregon operating authority. The carrier may admit the failure to meet requirements, agree to address the problem, and seek settlement, or deny the violation and request a hearing before a law judge.

Enforcement 2nd Quarter 2005

From April through June 2005, the Motor Carrier Division finalized 137 civil enforcement actions. This is in addition to 50 actions related to inspection follow-up violations. In the following list, the number next to each name indicates violations confirmed in the process.

- ** Denotes second complaint within five years.
- *** Denotes third complaint within one year of second.
- **** Denotes fourth complaint within one year of third.
- Denotes cancellation of farm registration

Safety Violations

A total of 114 enforcement actions established violations related to failure to produce safety records, violations discovered during safety compliance reviews, or driver violations related to waiver of physical disqualification.

A D S (*Lafayette OR*) 15
 Action Drain and Rooter Service 22***
 Action Earth Movers, Inc. 20
 All Coast Transportation, Inc. 186**
 B&S Logging, Inc. 3****
 Robert L Bailey, Jr. 1*
 Banks Rock Products, Inc. 21
 Bryan K Barber 1
 Nancy C Becker 1
 Bedortha Construction Co., Inc. 5**
 Beggs Construction, Inc. 4
 Birch Creek Construction, Inc. 23**
 Black Elk Trucking 5

Blue Mountain Asphalt Co. 17**
 Boring Bark 17
 Bounds Construction 2
 Brown Contracting, Inc. 6**
 Harvey W Buche Enterprises, Inc. 19
 C & M Construction, Inc. 27**
 C C Mimi's Nursery 11
 C R C Transport, Inc. 19
 Calculated Roads, Inc. 7
 Calkins Transport Co. 24**
 Brian Cantrell Trucking, Inc. 7
 Carlos Trucking (*Gresham OR*) 3
 Glen E Carnes 1
 Cedar Landscape, Inc. (*Sherwood OR*) 13
 M Cervantes Trucking 9
 Chehalem Mountain Nursery, Inc. 3**
 Christensen Bros. Rodeo & Livestock 3
 James Cordie Trucking 19**
 Shane E Courtin Trucking 25
 D & D Resources 16
 D H Trucking Co. (*Lyons OR*) 9
 D&K Transport (*Eagle Point OR*) 16
 Danny's Trucking (*Portland OR*) 42
 James Davis Trucking (*Medford OR*) 11
 Dirt & Aggregate Interchange, Inc. 5
 Dirt Hog Excavation, Inc. 1
 Gene Drescher 9
 E&S Enterprises 3**
 Eola Transport, Inc. 11
 Estremado Logging, Inc. 7
 Evergreen Redi-Mixx Co. 11
 Don Evernden 308**
 Fettig Construction, Inc. 18
 G T Excavation, Inc. 35***
 Gates Transportation 17**
 Joe Guider Trucking 3
 CG Hall Trucking, Inc. 4
 T F Harmon Co. 7
 Mark P Hesse 1
 Highland Excavation & Trucking LLC 16
 Hummingbird Transport 16
 J C Trucking (*Hermiston OR*) 104**
 J T Rocks LLC 1**
 Steven R Jackman 1
 R W Jacks Trucking Co. 32
 Jackson Trucking 15***
 Jeffrey A Jackson 1
 Gene L Koepl Trucking 6
 Kropf CHS LLC 3
 Leonard Lajoie 1
 Leslie Trucking, Inc. 34
 Calvin Litzsinger Trucking 46**
 J Losey Trucking, Inc. 12
 Joseph L Mast 1
 Robert A Mathieson 1
 Kenneth D Mathis 1
 Raymond E McCollam 2**
 James A McCreary 1
 McKay Drilling 2

John Michel 15**
 Miller & Sons Excavating 7
 Gerald W Mitchell 1**
 D R Moore Trucking, Inc. 5
 Muller Lumber Co. 5**
 Ronald Dean Nagel 17
 Marc Nelson Oil Products, Inc. 3
 Jack Nutting 45***
 Online Excavating 11**
 Ontario Building Center, Inc. 20
 Owens & Minor West, Inc. 18
 Pacific Pipeline, Inc. 18**
 Pavement Protectors 15**
 Pioneer Pacific Construction LLC 13
 Pok Wan Contracting, Inc. 11**
 H Posada Trucking LLC 2
 Prineville Sand & Gravel Co. 46**
 Quality Timber Cutting, Inc. 11
 R&D Construction, Inc. 14
 R&W Logging, Inc. 11**
 R & C Rodgers, Inc. 7
 Russell Trucking (*Salem OR*) 9
 S A G Transport 13
 Sea Food Xpress, Inc. 1***
 Seaside Service Oil Co., Inc. 14
 Shelley M Sheldon 1
 Warren T Silbernagel 1**
 Smokey Valley Logging 13
 Stratton Bros., Inc. 9
 Sweeney Excavating, Inc. 10**
 T J & K Transport 6
 Tacy Trucking 7
 Tidewater Contractors, Inc. 71***
 TNT Excavation, Inc. 4
 Treasured Auto 7**
 Warfield Industries 4
 White Peacock LLC 9
 Willamette Clearing & Hydra-Axe, Inc. 22**
 Willamette Valley Fruit Co. 9
 Sam Wong & Son, Inc. 18
 Dwight B Wood 1
 Woolley Equipment LLC 7

Other Violations

A total of 23 enforcement actions established violations related to operating without valid registration credentials, operating in excess of size and/or weight limits, operating in violation of farm registration laws and rules, or operating as an unregistered pack and loader.

AAAA SmartMove 1
 Affordable Moving Services (*Eugene OR*) 1
 Alfa Laval Agri, Inc. 1
 All About Moving 1
 Baker Commodities 1
 Walter Bright Mover 1
 Capitol Recycling & Disposal, Inc. 2
 Robert L Davidson (*Estacada OR*) 9**

First Rate Movers 1
 G S T Transportation 1
 Metro Moving (*Portland OR*) 1
 Munitor Construction LLC 2
 Mark Nelson, aka Mark Nelson Moving 3
 P & H Moving & Hauling 1
 Pods of Portland LLC 1
 Portland City Movers 1
 Rogue Disposal & Recycling, Inc. 3
 Silicon Roadways 3
 Taylor Transfer, Inc. 33
 Tatem Logistics 2
 Clifford Ray Wells 1•
 Willamette Excavation, Inc. 3
 James Michael Wray 1•

Other Enforcement

Following is a summary of enforcement by Motor Carrier Enforcement Officers in the 2nd Quarter 2005

**Trucks Weighed on Static Scales
611,215**

**Trucks Precleared to Pass Green Light Weigh Stations
339,374**

**Warnings Issued
7,752**

**Weight-Related Citations
3,269**

**Size-Related Citations
323**

**Trucks Required to "Legalize" (Correct Size and/or Weight)
1,070**

**Other Citations Issued
987**

**Citations for Operating Without Oregon Weight Receipt & Tax Identifier
1,779**

Totals do not include enforcement by State Police or city and county officers.

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 Motor Carrier Transportation Division
 550 Capitol Street NE
 Salem OR 97301-2530

Gregg Dal Ponte, Administrator
 Gregg.L.DalPonte@odot.state.or.us

Jim Brock,
 Motor Carrier News Editor
 James.H.Brock@odot.state.or.us
 (503) 373-1578

**OREGON DEPARTMENT OF TRANSPORTATION
MOTOR CARRIER TRANSPORTATION DIVISION
550 CAPITOL ST NE
SALEM OR 97301-2530**

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In this September 2005 issue:

- Registration & credentials renewal all possible online .. 1**
About 24,200 companies can set their paperwork aside and go online to renew registration or credentials for the trucks they'll operate in Oregon in 2006.
- 2005 Legislative Session — Wrap-Up 2-3**
New legislation affects CDLs, school zone and interstate speed limits, pedestrians in crosswalks, transportation providers, and workers' compensation.
- Drivers face disqualification for offenses in cars 4**
DMV laws have changed to match federal requirements for truck drivers.
- New hours-of-service rules take effect October 1 5**
New regulations impact drivers who use sleeper berths.
- Hours-of-service regs include short-haul provisions ... 6**
New regulations impact drivers who use sleeper berths.
- Hours-of-service—Questions & Answers 7-8**
- Weight-restricted bridges on major routes 9**
- Rulemaking clarifies chain law 10**
Oregon's chain law is being clarified, but not substantially changed.
- IFTA temporary permits available 10**
Oregon companies can now request temporary IFTA decal permits.