

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 21, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on March 21, 1985, at 5 p.m., in Room 420, State Capitol.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL 83: Senator William Farrell, District 31, sponsor of Senate Bill 83, told the Committee the bill would ensure safer, well-qualified drivers, by prescribing both a written and driving test for truck drivers, as described in Department of Transportation rules 49-CFR391, 391.31 and 391.(c)(4), (Exhibit 1). He said presently employers sometimes provide answers to tests and the required knowledge is not there for the driver. Senator Farrell advised committee members the bill contains a grandfather clause for those presently licensed.

Senator Farrell read to the Committee from an article in Transportation Topics, published by the National Highway Transportation Safety Administration, on driver safety.

PROPONENTS: Mr. Ben Havdal, Montana Motor Carriers Association, advised the Committee that Association members own between 1 and 400 trucks in their respective fleets and read from a prepared statement in support of the bill (Exhibit 2 and 2a).

Mr. Havdal submitted a copy of an NHTSA technical report from July, 1982, on Large-Truck Accident Causation, for committee review (Exhibit 3).

Mr. Mike Rice, Transystems, Inc., Great Falls, told committee members that as a member of the Montana Motor Carriers Association, he supports the bill, and said 95% of motor carrier accidents are caused by driver error.

Mr. Keith Olson, Executive Director, Montana Logging Association, stated his support of the bill for reasons already given.

Mr. Jim Manion, Montana Automobile Association, told the Committee he was pleased to support Senate Bill 83, as his association is not often on the side of truckers.

Mr. Larry Majerus, Motor Vehicle Division, Department of Justice, called the fiscal note to the attention of members of the Committee and said he hoped there would be no problem with state and federal funding. He commented the motor vehicle inspection bill, passed in 1975, was repealed in 1977, since it was never funded.

OPPONENTS: Mr. Terry Murphy, Montana Farmers Union, told the Committee he questioned rather than opposed the bill, as it applies to chauffer's licenses for farm trucks over 44,000 pounds.

QUESTIONS: Representative Campbell asked if agriculture was included in the bill. Senator Farrell asked Legislative Researcher, Mr. Tom Gomez, to answer the question. Mr. Gomez read exemptions for agriculture to the Committee, from Montana codes.

Representative Campbell asked about driver experience. Senator Farrell replied that situation is addressed in current law.

Representative Harbin asked if the bill addressed emergency vehicles. Senator Farrell replied it is not necessary to include such vehicles in the bill.

Chairman Harp advised the Committee some of these questions could be answered during executive session.

Representative Peterson asked if the fiscal note is fairly accurate. Mr. Majerus replied funding is provided by an 80% federal and 20% state match.

Representative Koehnke asked if a chauffer's license would be required for an owner driving his or her own truck. Senator Farrell replied such a license would not be necessary if the driver is not being paid to operate the vehicle.

Representative Keyser asked if the 44,000 pound endorsement was okay or if it were a little high. Mr. Majerus replied he is not familiar with the statistics pertaining to such matters. Mr. Ben Havdal commented the fiscal note points out there is no distinction between licenses.

Representative Keyser asked Mr. Terry Murphy the same question. Mr. Murphy replied a truck could weigh as much as 50,000 or 60,000 pounds when fully loaded.

Representative Smith advised committee members that trucks engaging in agricultural production are allowed a 15% overload privilege during harvest time.

Representative Koehnke stated that a representative of Jim Palmer Trucking believes agricultural drivers will be subject to the same requirements as proposed in the bill. Representative Harbin replied that issue is not addressed in Senate Bill 83.

Representative Zabrocki asked if the requirements in Senate Bill 83 were over and above the regular requirements for a chauffeur's license. Senator Farrell replied they are.

There were no further questions from the Committee and, in closing, Senator Farrell stated there is a need to qualify drivers of large trucks, in addition to asking committee support of the bill.

CONSIDERATION OF SENATE BILL 419: Senator Max Conover, District 42, sponsor of Senate Bill 419, told committee members the bill is concerned with the commemorative of 100 years of statehood for Montana (November 8, 1989), and read from the title of the bill. He said the bill provides for development of a special commemorative centennial license plate, which could raise up to \$1.6 million toward funding centennial activities, at no additional cost to the state (Exhibit 4). Statement of Intent and Bill Summary attached (Exhibit 4a and 4b).

PROPOSERS: Mr. Larry Majerus, Administrator, Motor Vehicle Division, Department of Justice, reminded committee members the Department of Institutions will need spending authority if Senate Bill 419 passes. He said such authority would include development of a centennial license plate to be appropriated in 1988 or 1989; and commemorative license plates, as a fund raiser, for the centennial. He said the bill is a result of an inter-agency planning commission for centennial activities.

There were no other proponents and no opponents of Senate Bill 419.

QUESTIONS: Representative Zabrocki asked if the prison had a 20 year supply of aluminum, as reported. Mr. Majerus replied that an estimate made 2 years ago showed there was a 9 year supply, in error, and said the actual 3 or 4 year supply has been depleted.

Representative Koehnke asked how long the centennial plates could be used. Mr. Majerus replied this would be up to the centennial office.

Chairman Harp advised the Committee there is a companion bill in the House Appropriations Committee and asked what would happen to Senate Bill 419 if the appropriation bill did not pass. Mr. Majerus replied the appropriation bill creates a centennial office and without it, there will be no centennial planning.

Chairman Harp asked how the centennial plates would look. Mr. Majerus replied the dimensions of the plate would remain as they are now, showing the county number, an outline of the State, and "Montana". He said the design would be up to the centennial committee.

There were no questions from the Committee and, in closing, Senator Conover asked the Committee to support Senate Bill 419.

CONSIDERATION OF SENATE BILL 182: Senator William Farrell, District 31, sponsor of Senate Bill 182, told the Committee the bill was designed to place enforcement of motor carrier safety with one agency, instead of the Department of Justice (Montana Highway Patrol, the Department of Highways (GVW Division), and the Public Service Commission, as it now exists.

Senator Farrell advised the Committee, legislation passed in 1977, allowed the GVW Division and the Montana Highway Patrol to work with the Department of Justice. He commented that present law includes the Public Service Commission (PSC) and read from prepared testimony (Exhibit 5).

Senator Farrell stated that the 1983 Legislature granted the Montana Highway Patrol control of safety standards and internal inspections, but no appropriation was made to the GVW Division, the PSC or the Highway Patrol to implement the program. He commented that, historically, the State has not been willing to appropriate funds for this program.

PROPOSERS: Mr. Ben Havdal, Montana Motor Carriers Association, read from a prepared statement in support of Senate Bill 182 (Exhibit 6). He provided committee members with a California Highway Patrol information booklet on motor carrier safety inspections and a copy of an inspection certificate (Exhibits 7 and 8).

Mr. Mike Rice, President, Transsystems, Inc., Great Falls, told the Committee he believes it is appropriate that a single agency perform motor carrier inspections. He said the Montana Highway Patrol has years of experience and expertise, and that there is a large turnover in PSC inspectors. Mr. Rice stated his belief that putting 100% of federal funds received into inspections, while 90-95% of accidents are related to driver error, doesn't make sense. He explained he supports the inspection program, but believes some inspection dollars could be spent in driver training and other areas.

Mr. Keith Olson, Executive Director, Montana Logging Association, stated his support for a single agency to monitor motor carrier safety inspections. He told the Committee he is not criticizing the PSC, but endorses the Montana Highway Patrol, who serve small communities as well, and is committed to good vehicle safety inspection programs.

Highways and Transportation Committee

March 21, 1985

Page 5

Representative Tom Jones, District 4, Kalispell, stated the PSC will need to hire at least 18 FTE for motor carrier safety inspections if Senate Bill 182 does not pass, while the Montana Highway Patrol will require a smaller increase in staff.

Mr. Don Sand, H&H Lumber, Billings, stated his support of Senate Bill 182.

Mr. J.E. Williams, of J.E. Williams Trucking, Billings, stated his support of the bill and said the Montana Highway Patrol is very professional and well-qualified to perform inspection procedures.

Mr. David Soucsbui, Bearmouth Express, Missoula, stated his support of the bill and said (1) a PSC officer can only control truck traffic, versus the fact that all traffic can be controlled by a Montana Highway Patrolman; (2) other states utilize programs, such as proposed by the bill, which seem to work well; (3) the PSC asked for 23 new FTE in 1987, while the Montana Highway Patrol is already established in motor carrier safety inspections.

Mr. Soucsbui said the bill would increase Montana Highway Patrol efficiency and provide funding and manpower therefor. He explained the trucking industry ranks in the top ten in the State in generating revenue, and that those who provided testimony in support of the bill represent 90% of the truckers in the State. He said truckers want a successful safety program, which could lower insurance costs by lowering accident rates, and requested the Committee support Senate Bill 182.

Representative Clyde Smith, District 5, Kalispell, asked to go on record in support of Senate Bill 182.

OPPONENTS: Mr. Pat Driscoll, Chief Assistant to the Attorney General of the State of Montana, told the Committee he represented the Department of Justice and the Montana Highway Patrol. He said there is a management problem in the bill and that it is not well thought out, adding, "patrolmen are spread too thin now, for double duty".

Mr. Driscoll said the Department would request 6 additional patrolmen in 1986 and 7 in 1987, if the bill passes, as inspections would take patrolmen away from other duties, (such as drunk drivers). He said the Department will need the entire amount of soft match monies available if the bill passes.

Highways and Transportation Committee

March 21, 1985

Page 6

Mr. Bill Murray, Director, Disaster and Emergency Services, Cascade County, told the Committee he represented 52 such directors across the State. He stated there is a need to look at who is responsible for mitigating certain steps and the capabilities therefore. He said the Department of Justice doesn't want the program and the PSC could handle it with federal assistance. Mr. Murray explained his belief that the "triad approach" can work with proper coordination and that if the Legislature insisted on the "planned triad approach", it would be more effective (Exhibit 9, 9a, 9b and 9c).

Mr. Howard Ellis, Public Service Commissioner, told the Committee short form inspections are used by the Montana Highway Patrol and GVW Division, while the PSC conducts long form inspections. Mr. Ellis read from a prepared statement and told the Committee, "two inspectors left the PSC when the bill was introduced, while one was let go" (Exhibit 10).

Mr. Wayne Budt, Administrator, Transportation Division, Public Service Commission, explained the tri-agency inspection program was set up in 1981. He stated, in his opinion, legislative action is unnecessary, as the PSC has already acted to correct the situation.

Mr. Budt told the Committee federal funds are used for long form inspections and other funds, for short form inspections. He said there are presently full-time safety people out on inspections and that tri-agency programming was a problem as manpower could not be counted on (Highway Patrolmen were often called away during an inspection to investigate an accident or on other matters).

Mr. Budt said companies are responsible for hiring or training qualified drivers and referred to the required written test (Exhibit 11). He stated his belief that scales are logical inspection sites and said right now, the PSC can stop a truck until placards are in place, when a driver is hauling a hazardous load. He commented that if the bill passes, a truck would be able to continue down the road, unlabeled, when hauling such a load.

Mr. Budt stated he believes there may be a problem alter on maintaining common carrier systems and said the bill is before the Legislature now simply because of the 80% federal and 20% state match. He said the PSC has provided copies of its 2 year plan to all concerned and has done its job, while working to continue to do so.

Mr. Lyel Nagel, Montana Volunteer Firemen's Association, said he has been involved in school bus inspections conducted by the Montana Highway Patrol, where he had to wait many times while the patrolman was called away for accidents or other problems. He told the Committee he has the impression the Patrol doesn't want this change.

Mr. Marie McAlear, representing the Montana Association of Counties, stated that if only 4% of accidents are equipment related, the system appears to be working well as it is. She said federal funds could dry up for the Montana Highway Patrol, just as well as for the PSC, adding, "Montana codes never become unconfusing to anyone".

Mr. McAlear stated the Patrol will still have a serious shortage of officers, even if it receives the few FTE requested. She asked the Committee not to change the system and to leave it as it is.

QUESTIONS: Representative Smith asked Mr. Budt how many long form inspections had been conducted by the PSC staff during the past two months. Mr. Budt replied those of winter months are mostly confined to terminals.

Representative Smith asked how many FTE are needed to do a thorough job. Mr. Budt replied 23 FTE would be required.

Representative Harbin asked if these FTE would create excess time for the Montana Highway Patrol. Mr. Driscoll replied officers conducting inspections could not be used for other jobs, thus the Patrol would need to hire additional officers. Mr. Driscoll said, "Any agency could do the job but would need to gear up, while the PSC already has the capability".

Representative Smith stated the PSC should have no problem handling such inspections if Mr. Driscoll's statement were true. Mr. Driscoll replied federal dollars have strings attached and, in this case, the match is provided by more than one agency. He said a soft-match, i.e., taking officers from one area and putting them into motor carrier safety inspection will be necessary if the bill passes.

Representative Keyser asked if the PSC has enough funding. Mr. Driscoll replied that right now, the Montana Highway Patrol provides \$30,000 toward this purpose.

Representative Keyser asked if the Montana Highway Patrol would receive credit for the same economic load, assuming the program were under its jurisdiction. Mr. Budt replied inspectors would have to be involved in safety only and for an appropriate number of hours.

Representative Keyser asked how many personnel can presently perform motor carrier safety inspections. Mr. Budt replied there are 178 Highway Patrolmen, 72 GVW Division inspectors, and 5 PSC inspectors.

Highways and Transportation Committee

March 21, 1985

Page 8

Representative Keyser asked if the Department of Justice is assuming the position adopted by the Attorney General in the matter. Mr. Driscoll replied Colonel Landon told another committee the Montana Highway Patrol could handle the situation.

Representative Zabrocki asked how many Highway Patrol officers perform safety inspection functions. Senator Farrell replied the Montana Highway Patrol has proposed 13 or 14 new hires, who will perform GVW work and inspections, until they receive full officer status.

Representative Peterson asked who trains patrolmen for inspections. Mr. Budt replied training is done by the PSC in compliance with the federal Department of Transportation.

Representative Peterson asked if inspections were made on a quarterly basis and if stickers were issued at that time. Mr. Ben Havdal replied 90 day stickers are issued, but inspections can take place at any time.

Representative Peterson asked if the federal match was in the form of a grant. Mr. Budt replied the match is firm for a period of 5 years.

Representative Harbin asked if the problem has been properly addressed and if changes have been made to establish continuity in the program. Mr. Budt replied that stickers began to be honored on a nationwide basis in March, 1984.

Representative Harbin asked if the program was in line to be funded for the next 5 years. Mr. Budt replied it was.

Representative Keyser asked what would happen to the GVW Division if the bill passed (referring to page 5, lines 18 and 19). Senator Farrell replied people work 6 months in training, who may issued a citation inappropriately and, in addition, there is a problem with vehicles being allowed to continue down the road after posting a \$100 bond, instead of stopping until repairs are completed.

Representative Keyser asked Mr. Don Copley, Administrator, GVW Division, Department of Highways, if totally trained GVW inspectors could come under the jurisdiction of the Highway Patrol. Mr. Copley replied they are presently employees of the Department of Highways.

Representative Keyser asked if GVW funding could be transferred to the Highway Patrol, if this change were made. Mr. Copley stated the incident referred to by Senator Farrell was never called to the attention of the GVW Division for correction.

There were no further questions from the Committee and Senator Farrell, in closing, said if any one of the Committee members had ever worked with three state agencies simultaneously, they would understand the frustrations of truck drivers. He said the problem exists in awareness of all rules and regulations and with transfer of funds between departments.

Senator Farrell advised the Committee an Appropriations subcommittee just cut funding from \$337,000 to \$225,000 for the program. He commented one Highway Patrolman is presently being used for a soft match.

DISCUSSION OF INFORMATION PERTAINING TO COMMITTEE LETTER: Mr. Gary Wicks, Director, Department of Highways, utilized a 6'x4' map to explain the program plans resulting from funding received in 1983 (interstates, primary highways and secondary highways were given different color designations). He also provided committee members with copies of combined RTF and earmarked cash flow in projects (Exhibit 12).

Mr. Wicks explained \$330 million was recently let to contract and that of the remaining 74 miles of interstate to be completed, 70 will be let this year. He said the last 4 miles will be let in 1986.

Mr. Wicks told the Committee the Department of Highways has repaved 300 of 1,200 miles of interstate and will let 121 miles of secondary highways for improvement. He said between 69 and 81 bridge projects will be let in FY86-87 and that present budget proposals would cut the program by \$10 million. He advised the Committee that at worst, the Department could be \$16 million in the red and the RTF program completely eliminated, at the end of the coming biennium.

Mr. Wicks stated the large map is a better indicator of possible program cuts than the smaller maps previously provided to committee members (Exhibit 13). He said by 1991, 454 critical miles will be let to contract, with the exception of a few rural miles. He told the Committee the Department could then begin work on 40/60 projects, if the program is continued according to 1983 plans.

Mr. Wicks advised committee members the proposed programs are listed on the back of the small maps, and would be reduced by a total of 525 miles, if the RTF program is eliminated. He explained the Department needs 5 years lead time for major reconstruction plans, and that if no funds are available for new projects, the Department won't initiate plans.

Referring to the Governor's proposal, Mr. Wicks said he could foresee cash balance problems by FY88-89. He said he is concerned with how to get to 1989 and suggested some important changes need to be made between now and then, as the interstate projects will have been completed and bonds will have to be paid off. He commented the State should receive \$17 million in construction funds from Congress.

Mr. Wicks told the Committee repaving of the interstate system should be completed by 1987 and the Surface Transportation Assistance Act ends in federal FY86. He stated the bonding program has a cash balance of \$65 million as the state match for FY84-85 projects, which is the only way the Department survived from FY81 to FY83. He explained the \$65 million earned \$12 million in interest, which went to the general fund, and advised the Committee, "highways are not totally use fee funded". Mr. Wicks said pay-back costs of \$15 million annually should end in 1989.

Mr. Wicks explained the seal coat program will be reduced from 350 miles annually to zero, if funding is not continued at present levels.

QUESTIONS: Representative Keyser asked how much federal funding is available for the coming biennium. Mr. Wicks replied it is presently \$125 million per year, but the President's budget would reduce that amount to \$114 million annually.

Representative Harbin asked what the gas tax is presently. Mr. Wicks replied the state level is 15 cents per gallon and the federal level, 9 cents. He stated that in 1983, when the Legislature raised the state tax from 9 to 15 cents, Montana was high among national averages. He commented Montana is near average now, while Washington and Virginia are already at 18 cents per gallon. Mr. Wicks said there is a need to look at how other states fund their programs, as Montana has more miles of interstate per capita than any other state in the nation.

Mr. Wicks told the Committee the 3 cent tax on diesel fuel would raise the tax from 17 to 20 cents, and would put Montana fairly high on the list among states for diesel fuel tax. He stated user fees in Arizona total \$8,474 annually, per capita, while that of Montana is \$3,434 (ranking 15th among the States). According to Mr. Wicks the 3 cent increase would cause Montana to be ranked 11th among states for diesel fuel tax.

Representative Harbin asked if LP gas users were paying their fair share of user fees. Mr. Wicks replied legislation has been introduced this session to address this situation. He stated the Department of Highways supports the measures, which also apply to compressed natural gas.

Highways and Transportation Committee
March 21, 1985
Page 11

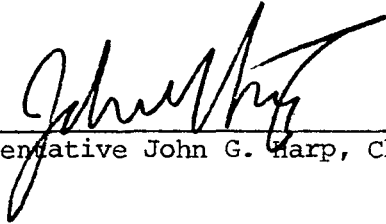
Representative O'Connell asked if the proposed 3 cent gas tax was not earmarked for highways. Mr. Wicks replied that \$7.5 million annually or \$15 million for the biennium is earmarked for highways, but the income from the proposed 3 cent gas tax increase would raise about \$30 million, which would replace the \$15 million decrease proposed by the Governor's budget for the Department of Highways.

Mr. Wicks stated he was not worried about mineral royalties although President Reagan recommended mineral royalties to the states be cut by 50%.

Representative Smith commented it is difficult to support a fuel tax increase now when the Legislature raised the tax last session.

Representative Keyser asked if the projects listed on the reverse side of the small map were in order of priority (Exhibit 14). Mr. Wicks replied they were not and were numbered according to highway system. He said the PSC sets those priorities, based upon need and sufficiency ratings.

There being no further business before the Committee, the meeting was adjourned at 6:30 p.m.


Representative John G. Harp, Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date March 21, 1985

Name	Present	Absent	Excused
Harp	X		
Abrams	X		
Campbell	X		
Compton	X		
Glazer	X		
Harbin	X		
Howe	X		
Kennerly	X		
Koysen	X		
Koehnke	X		
O'Connell	X		
Peterson	X		
Smith	X		
Zabrocki	X		

VISITOR'S REGISTER

HOUSE Highways & Transp

COMMITTEE

BILL SB 83

DATE March 21, 1985

SPONSOR Farrell

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

March 21, 1985
Exhibit 1
SB83

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

PARTS 390-399

MARCH, 1984

SUBPART D — EXAMINATIONS AND TESTS

§391.31 Road test.

(a) Except as provided in §§391.33, 391.61, and 391.67 a person shall not drive a motor vehicle unless he has first successfully completed a road test and has been issued a certificate of driver's road test in accordance with this section.

(b) The road test shall be given by the motor carrier or a person designated by it. However, a driver who is a motor carrier must be given the test by a person other than himself. The test shall be given by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he is capable of operating the vehicle, and associated equipment, that the motor carrier intends to assign him.

(c) The road test must be of sufficient duration to enable the person who gives it to evaluate the skill of the person who takes it at handling the motor vehicle, and associated equipment, that the motor carrier intends to assign to him. As a minimum, the person who takes the test must be tested, while operating the type of motor vehicle the motor carrier intends to assign him, on his skill at performing each of the following operations:

(1) The pretrip inspection required by §392.7 of this subchapter;

(2) Coupling and uncoupling of combination units, if the equipment he may drive includes combination units;

(3) Placing the vehicle in operation;

§391.31(c)(4)

(4) Use of the vehicle's controls and emergency equipment;

(5) Operating the vehicle in traffic and while passing other vehicles;

(6) Turning the vehicle;

(7) Braking, and slowing the vehicle by means other than braking; and

(8) Backing and parking the vehicle.

(d) The motor carrier shall provide a road test form on which the person who gives the test shall rate the performance of the person who takes it at each operation or activity which is a part of the test. After he completes the form, the person who gave the test shall sign it.

(e) If the road test is successfully completed, the person who gave it shall complete a certificate of driver's road test in substantially the form prescribed in paragraph (f) of this section.

(f) The form for the certificate of driver's road test is substantially as follows:

CERTIFICATION OF ROAD TEST

Driver's name
Social Security No.
Operator's or Chauffeur's License No.
State
Type of power unit Type of trailer(s)
If passenger carrier, type of bus
This is to certify that the above-named driver was given a road test under my supervision on 19 consisting of approximately miles of driving.
It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

(Signature of examiner)

(Title)

(Organization and address of examiner)

(g) A copy of the certificate required by paragraph (e) of this section shall be given to the person who was examined. The motor carrier shall retain in the driver qualification file of the person who was examined —

(1) The original of the signed road test form required by paragraph (d) of this section; and

(2) The original, or a copy of, the certificate required by paragraph (e) of this section.

March 21, 1985
Exhibit 2
SB83

MONTANA MOTOR CARRIERS ASSOCIATION STATEMENT

SENATE BILL 83

The Montana Motor Carriers Association has some 450 motor carrier and supplying company members. Our Montana based members operations range in size from a one truck operator to companies running 400 + truckers.

Of prime concern to our members is truck safety. Accidents are costly in human lives, suffering and cost a great deal of money. MMCA's policy is strongly supportive of effective accident prevention programs by the state and industry.

We feel that qualifying an over the road truck driver is of paramount importance to achieving truck safety in Montana. For that reason we are in full support of Senate Bill 83.

We support the bill's requirement for establishing a special chauffeur's license to be issued by the state for an applicant desiring to drive an over the road truck exceeding 44,000 pounds.

The bills requirements of an applicant to successfully pass a road test and a written examination as prescribed under Federal Motor Carrier Safety Regulations (parts 391.31 and 391.35) are in our opinion minimum requirements for anyone contemplating driving a truck weighing over 44,000 pounds.

Presently, these requirements must be met and must be certified to by a motor carrier hiring a driver. In addition the road and written test, the Federal rules require a check of a drivers background and character including a review of his driving record and record of violation. They require the carrier to certify that a driver has certain physical qualifications, a medical examination, maintain a driver qualification file and other requirements.

The road test as prescribed by regulation says it has to be of sufficient duration to enable the testor to evaluate the skills of the applicant in a vehicle he is expected to operate. In addition, the test includes a pre trip inspection, coupling and uncoupling of the units, placing the vehicles in operation, use of controls and emergency equipment, operating in traffic, turning the vehicle, braking and slowing down by means other than braking, backing and parking the vehicle. In our view if a driver can't do all these things, he shouldn't be on the road.

The written exam is to instruct prospective drivers in the rules and regulations established by Federal Highway Administration pertaining to commercial vehicle safety. It is an instructional tool only and a person's qualification to drive a vehicle under the rule on this part are not affected by his performance in the examination.

"Driver Error" has often been cited as a major link in the causal chain in accidents involving large trucks. The results of a comprehensive study made in Washington state in 1979 and 1980 were reported in a DOT publication on Large Truck Accident Causation. After analyzing 161 in depth investigations of accidents involving large trucks, it was found that 8 of 10 accident "causes" cited were related to driver error. The study said the truck driver was the causal factor named in 62% of the accidents compared to 31% for the other driver. Defective truck equipment was cited in only 6% of the accidents. The report noted that only 15% of the accidents involved truck drivers who had any kind of commercial driver education. A copy of the report is herewith entered in the hearing record.

More recent statistics by the Federal Bureau of Motor Carrier Safety in its 1983 Accident Summary indicated 5% of the accidents are caused by known mechanical defects....95% are caused by actions of the driver, resulting in a very high percentage of driver error caused accidents.

MMCA supports the passage of Senate bill 83.

THANK YOU

§ 391.1

person or persons having personal knowledge of the material covered thereby.

(41 FR 34989, Aug. 18, 1976)

PART 391—QUALIFICATIONS OF DRIVERS

Subpart A—General

Sec.

391.1 Scope of the rules in this part; additional qualifications; duties of carrier.

391.2 General exemptions.

391.3 Definitions.

391.4 Familiarity with rules.

391.7 Aiding or abetting violations.

Subpart B—Qualification and Disqualification of Drivers

391.11 Qualifications of drivers.

391.15 Disqualification of drivers.

Subpart C—Background and Character

391.21 Application for employment.

391.23 Investigation and inquiries.

391.25 Annual review of driving record.

391.27 Record of violations.

Subpart D—Examinations and Tests

391.31 Road test.

391.33 Equivalent of road test.

391.35 Written examination.

391.37 Equivalent of written examination.

Subpart E—Physical Qualifications and Examinations

391.41 Physical qualifications for drivers.

391.43 Medical examination; certificate of physical examination.

391.45 Persons who must be medically examined and certified.

391.47 Resolution of conflicts of medical evaluation.

391.49 Waiver of certain physical defects.

Subpart F—Files and Records

391.51 Driver qualification files.

Subpart G—Limited Exemptions

391.61 Drivers who were regularly employed before January 1, 1971.

391.62 Drivers of lightweight vehicles.

391.63 Intermittent, casual, or occasional drivers.

391.65 Drivers furnished by other motor carriers.

Title 49—Transportation

Sec.

391.67 Drivers of articulated (combination) farm vehicles.

391.69 Drivers operating in Hawaii.

391.71 Intrastate drivers of vehicles transporting combustible liquids.

Authority: Sec. 204, Interstate Commerce Act, as amended. (49 U.S.C. 304) sec. 6, Department of Transportation Act, (49 U.S.C. 1655), delegation of authority in 49 CFR Part 1 and § 398.4, unless otherwise noted.

Source: 35 FR 6460, Apr. 22, 1970, unless otherwise noted.

EDITORIAL NOTE: For nomenclature changes see 39 FR 32561, Sept. 9, 1974.

Subpart A—General

§ 391.1 Scope of the rules in this part; additional qualifications; duties of carrier-drivers.

(a) The rules in this part establish minimum qualifications for persons who drive motor vehicles as, for, or on behalf of motor carriers. The rules in this part also establish minimum duties of motor carriers with respect to the qualifications of their drivers.

(b) The rules in this part, and in other parts of this subchapter, do not prevent a motor carrier from imposing more stringent or additional qualifications, requirements, examinations, or certificates than are imposed by those rules.

(c) A motor carrier who employs himself as a driver must comply with both the rules in this part that apply to motor carriers and the rules in this part that apply to drivers.

§ 391.2 General exemptions.

(a) *Intracity operations.* The rules in this part do not apply to a driver wholly engaged in exempt intracity operations as defined in § 390.16 of this chapter.

(b) *Passenger car operations.* The rules in this part do not apply to a driver who drives only a motor vehicle that—

- (1) Is a passenger-carrying vehicle built on a passenger car chassis with a seating capacity of 10 or less persons, including the driver; and
- (2) Is not transporting passengers for hire; and

Chapter III—Federal Highway Administration

§ 391.11

permits that person to drive a motor vehicle (whether or not the vehicle is owned by the motor carrier) in furtherance of the business of the motor carrier.

(c) *Certain farm vehicle drivers.* The rules in this part do not apply to a farm vehicle driver except a farm vehicle driver who drives an articulated (combination) motor vehicle that has a gross weight, including its load of more than 10,000 pounds. (For limited exemptions for farm vehicle drivers of heavier articulated vehicles see § 391.67.)

(d) *Farm custom operations.* The rules in this part do not apply to a driver who drives a motor vehicle controlled and operated by a person engaged in custom-harvesting operations, if the vehicle is used to—

- (1) Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or
 - (2) Transport custom-harvested crops to storage or market.
- (e) *Applian industries.* The rules in this part do not apply to a driver who is operating a motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees.

(f) *Lightweight mail truck drivers.* The rules in this part do not apply to a driver who drives only a motor vehicle that—

- (1) Is used exclusively to transport mail under contract with the U.S. Postal Service; and
- (2) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or less.

(3) FR 24219, Dec. 22, 1971, as amended at 37 FR 26112, Dec. 8, 1972)

§ 391.3 Definitions.

(a) The term "motor carrier" includes a motor carrier and the agents, officers, representatives, and employees of a motor carrier who are responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

(b) The term "Director" means the Director of the Bureau of Motor Carrier Safety.

(c) A motor carrier "employs" a person as a driver within the meaning of this part whenever it requires or

Subpart B—Qualification and Disqualification of Drivers

§ 391.11 Qualifications of drivers.

(a) A person shall not drive a motor vehicle unless he is qualified to drive a motor vehicle. Except as provided in § 391.63, a motor carrier shall not require or permit a person to drive a motor vehicle unless that person is qualified to drive a motor vehicle.

(b) Except as provided in Subpart G of this part, a person is qualified to drive a motor vehicle if he—

- (1) Is at least 21 years old;
- (2) Can read and speak the English language sufficiently to converse with

Ex 2a
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5383

the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records:

(3) Can, by reason of experience, training, or both, safely operate the type of motor vehicle he drives;

(4) Can, by reason of experience, training, or both, determine whether the cargo he transports (including baggage in a passenger-carrying motor vehicle) has been properly located, distributed, and secured in or on the motor vehicle he drives;

(5) Is familiar with methods and procedures for securing cargo in or on the motor vehicle he drives;

(6) Is physically qualified to drive a motor vehicle in accordance with Subpart E—Physical Qualifications and Examinations of Part 391;

(7) Has been issued a currently-valid motor vehicle operator's license or permit;

(8) Has prepared and furnished the motor carrier that employs him with the list of violations or the certificate as required by § 391.27;

(9) Is not disqualified to drive a motor vehicle under the rules in § 391.15;

(10) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with § 391.31, or has presented an operator's license or a certificate of road test which the motor carrier that employs him has accepted as equivalent to a road test in accordance with § 391.33;

(11) Has taken a written examination and has been issued a certificate of written examination in accordance with § 391.35, or has presented a certificate of written examination which the motor carrier that employs him has accepted as equivalent to a written examination in accordance with § 391.37; and

(12) Has completed and furnished the motor carrier that employs him with an application for employment in accordance with § 391.21.

(35 FR 6460, Apr. 22, 1970, amended at 35 FR 17420, Nov. 13, 1970; 35 FR 19181, Dec. 18, 1970; 36 FR 222, Jan. 7, 1971, 36 FR 24220, Dec. 22, 1971; 45 FR 46424, July 10, 1980)

§ 391.15 Disqualification of drivers.

(a) *General.* A driver who is disqualified shall not drive a commercial motor vehicle. A motor carrier shall not require or permit a driver who is disqualified to drive a commercial motor vehicle.

(b) *Disqualification for loss of driving privileges.* A driver is disqualified for the duration of his loss of his privilege to operate a commercial motor vehicle on public highways, either temporarily or permanently, by reason of the revocation, suspension, withdrawal, or denial of an operator's license, permit, or privilege, until that operator's license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it.

(c) *Disqualification for criminal misconduct.—(1) General rule.* A driver who is convicted of, or forfeits bond or collateral upon a charge of, a disqualifying offense specified in paragraph (c) (2) of this section is disqualified for the period of time specified in paragraph (c) (3) of this section if—

(i) The offense was committed after December 31, 1970; and

(ii) The offense was committed while the driver was driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

(2) *Disqualifying offenses.* The following offenses are disqualifying offenses:

(i) Operating a motor vehicle while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug.

(ii) A crime involving the knowing transportation, knowing possession, or unlawful use of amphetamines, narcotic drugs, formulations of an amphetamine, or derivatives of narcotic drugs.

(iii) Leaving the scene of an accident which resulted in personal injury or death.

(iv) A felony involving the use of a motor vehicle.

(3) *Duration of disqualification for criminal misconduct.—(i) First offender.* A driver is disqualified for 1 year after the date of his conviction or for

failure of bond or collateral if, during the 3 years preceding that date, he was not convicted of, and did not forfeit bond or collateral upon a charge of, an offense that would disqualify him under the rules of this section.

(ii) *Subsequent offenders.* A driver is disqualified for 3 years after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he was convicted of, or forfeited bond or collateral upon a charge of, an offense that would disqualify him under the rules in this section.

(37 FR 24902, Nov. 23, 1972)

Subpart C—Background and Character

§ 391.21 Application for employment.

(a) Except as provided in Subpart G of this part, a person shall not drive a motor vehicle unless he has completed and furnished the motor carrier for employment him with an application for employment that meets the requirements of paragraph (b) of this section.

(b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him, and must contain the following information:

(1) The name and address of the employing motor carrier;

(2) The applicant's name, address, date of birth, and social security number;

(3) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted;

(4) The date on which the application is submitted;

(5) The issuing State, number, and expiration date of each unexpired motor vehicle operator's license or permit that has been issued to the applicant;

(6) The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semitrailers, full trailers, and pole trailers) which he has operated;

(7) A list of all motor vehicle accidents in which the applicant was involved during the 3 years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused;

(8) A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted;

(9) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred;

(10) A list of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted, together with the dates he was employed by, and his reason for leaving the employ of, each employer; and

(11) The following certification and signature line, which must appear at the end of the application form and be signed by the applicant:

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

(Date)

(Applicant's signature)

(c) A motor carrier may require an applicant to provide information in addition to the information required on the application form.

(d) Before an application is submitted, the motor carrier shall inform the applicant that the information he provides in accordance with paragraph (b) (10) of this section may be used, and the applicant's prior employers may be contacted, for the purpose of investigating the applicant's background as required by § 391.23.

§ 391.33

If passenger carrier, type of bus ————
This is to certify that the above-named driver was given a road test under my supervision on ————, 19—, consisting of approximately ———— miles of driving.
It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

(Signature of examiner)

(Title)

(Organization and address of examiner)

(g) A copy of the certificate required by paragraph (e) of this section shall be given to the person who was examined. The motor carrier shall retain in the driver qualification file of the person who was examined—

- (1) The original of the signed road test form required by paragraph (d) of this section; and
- (2) The original, or a copy of, the certificate required by paragraph (e) of this section.

[35 FR 6460, Apr. 22, 1970, as amended at 38 FR 223, Jan. 7, 1971]

§ 391.33 Equivalent of road test.

(a) In place of, and as equivalent to, the road test required by § 391.31, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept—

- (1) A valid operator's license which has been issued to him by a State that licenses drivers to operate specific categories of motor vehicles and which, under the laws of that State, licenses him after successful completion of a road test in a motor vehicle of the type the motor carrier intends to assign to him; or
- (2) A copy of a valid certificate of driver's road test issued to him pursuant to § 391.31 within the preceding 3 years.

(b) If a driver presents, and a motor carrier accepts, a license or certificate as equivalent to the road test, the motor carrier shall retain a legible copy of the license or certificate in its files as part of the driver's qualification file.

Title 49—Transportation

(c) A motor carrier may require any person who presents a license or certificate as equivalent to the road test to take a road test or any other test of his driving skill as a condition to his employment as a driver.

§ 391.35 Written examination.

(a) Except as provided in §§ 391.37, 391.61, and 391.67, a person shall not drive a motor vehicle unless he has first taken a written examination and has been issued a certificate of written examination in accordance with this section.

(b) The objective of the written examination is to instruct prospective drivers in the rules and regulations established by the Federal Highway Administration pertaining to commercial vehicle safety. It is an instructional tool only, and a person's qualifications to drive a motor vehicle under the rules in this part are not affected by his performance on the examination. Motor carriers subject to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1-2000e-15), Executive Order 11246, or both, are cautioned that neither the written examination requirements in this section nor any other rule in this part authorizes a motor carrier to violate the provisions of the Act, the Executive Order, or regulations issued under them with respect to equal opportunity in employment.

(c) The written examination shall be given by the motor carrier or a person designated by it, on a form prescribed by the motor carrier.

(d) Prior to, and during, the examination, the person who takes it shall be permitted to examine and consult a copy of the Federal Motor Carrier Safety Regulations (Subchapter B of this title) in addition to any other material explaining the provisions of those regulations that the motor carrier may provide. There is no time limit for completing the examination, and persons taking it shall be so advised in advance.

(e) The examination shall consist of 66 questions, covering the examinee's knowledge of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. However, a person who is being examined with a

Chapter III—Federal Highway Administration

view to employment as the driver of a motor vehicle which will not transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title need not answer questions 58-66, inclusive. The questions given during the examination must be the questions published in Appendix C to this subchapter.

(f) After the examinee completes the examination, the person who administered it shall advise him of the correct answers to any questions he failed to answer correctly. The motor carrier may also provide the examinee with such additional instruction in the pertinent regulations as appears to be warranted on the basis of his performance on the examination.

(g) The motor carrier, or the person who administered the examination on the motor carrier's behalf, shall provide every person who completes the examination with a certificate in substantially the following form:

CERTIFICATE OF WRITTEN EXAMINATION

This is to certify that the person whose signature appears below has completed the written examination under my supervision in accordance with the provisions of § 391.35 of the Federal Motor Carrier Safety Regulations.

(Signature of person taking examination)

(Date of examination)

(Location of examination)

(Signature of examiner)

(Title)

(Organization and address of examiner)

(h) A copy of the certificate required by paragraph (g) of this section shall

be given to the person who was examined. The motor carrier shall retain in the driver qualification file of the person who was examined—

§ 391.41

be given to the person who was examined. The motor carrier shall retain in the driver qualification file of the person who was examined—

- (1) The original, or a copy of, the certificate required by paragraph (g) of this section;
- (2) The questions asked on the examination; and
- (3) The person's answers to those questions.

[35 FR 19182, Dec. 18, 1970, as amended at 36 FR 223, Jan. 7, 1971; 39 FR 20795, June 14, 1974]

§ 391.37 Equivalent of written examination.

(a) In place of, and as equivalent to, the written examination required by § 391.35, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept, a valid certificate of written examination issued pursuant to paragraph (g) of that section within the preceding 3 years.

(b) If a motor carrier accepts a certificate as equivalent to the written examination, it shall retain a legible copy of the certificate in its files as part of the driver's qualification file.

(c) A motor carrier may require any person who presents a certificate as equivalent to the written examination to take the written examination prescribed in § 391.35 or participate in any other instructional process designed to acquaint him with the provisions of Parts 390-397 of this subchapter.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970]

Subpart E—Physical Qualifications and Examinations

§ 391.41 Physical qualifications for drivers.

(a) A person shall not drive a motor vehicle unless he is physically qualified to do so and, except as provided in § 391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if that person—

- (1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a waiver pursuant to § 391.49;
- (2) Has no impairment of:

- (i) A hand or finger which interferes with prehension or power grasping; or
- (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or has been granted a waiver pursuant to § 391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a motor vehicle safely;

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a motor vehicle safely;

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuro-muscular, or vascular disease which interferes with his ability to control and operate a motor vehicle safely;

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a motor vehicle safely;

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40

(Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

(11) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

(12) Does not use an amphetamine, narcotic, or any habit-forming drug; and

(13) Has no current clinical diagnosis of alcoholism.

135 FR 6460, Apr. 22, 1970, as amended at 45 FR 17420, Nov. 13, 1970; 36 FR 223, Jan. 7, 1971; 36 FR 12857, July 8, 1971; 43 FR 56900, Dec. 5, 1978

§ 391.43 Medical examination; certificate of physical examination.

(a) Except as provided in paragraph (b) of this section, the medical examination shall be performed by a licensed doctor of medicine or osteopathy.

(b) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, field of vision, and the ability to recognize colors as specified in paragraph (10) of § 391.41(b).

(c) The medical examination shall be performed, and its results shall be recorded, substantially in accordance with the following instructions and examination form:

INSTRUCTIONS FOR PERFORMING AND RECORDING PHYSICAL EXAMINATIONS

The examining physician should review these instructions before performing the physical examination. Answer each question yes or no where appropriate.

The examining physician should be aware of the rigorous physical demands and mental and emotional responsibilities placed on the driver of a commercial motor vehicle. In the interest of public safety, the examining physician is required to certify that the

Chapter III—Federal Highway Administration

§ 391.43

driver does not have any physical, mental, or organic defect of such a nature as to affect the driver's ability to operate safely a commercial motor vehicle.

General information. The purpose of this history and physical examination is to detect the presence of physical, mental, or organic defects of such a character and extent as to affect the applicant's ability to operate a motor vehicle safely. The examination should be made carefully and at least as complete as indicated by the attached form. History of certain defects may be cause for rejection or indicate the need for making certain laboratory tests or a further, and more stringent, examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the applicant and he should be advised to take the necessary steps to insure correction, particularly of those which, if neglected, might lead to a condition likely to affect his ability to drive safely.

General appearance and development. Note marked overweight. Note any posture defect, perceptible limp, tremor, or other defects that might be caused by alcoholism, thyroid intoxication, or other illnesses. The Federal Motor Carrier Safety Regulations provide that no driver shall use a narcotic or other habit-forming drugs.

Head-eyes. When other than the Snellen chart is used the results of such test must be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while the applicant's visual acuity is being tested. If appropriate, indicate on the Medical Examination Certificate by checking the box "Qualified only when wearing corrective lenses." In recording distance vision use 20 feet normal. Report all vision as a fraction with 20 as denominator and the smallest type read at 20 feet as denominator.

Note. Ptochic discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophthalmos, strabismus, uncorrected by corrective lenses, monocular drivers are not qualified to operate commercial motor vehicles under existing Federal Motor Carrier Safety Regulations. If the driver habitually wears contact lenses or tends to do so while driving, there should be sufficient evidence to indicate that he has good tolerance is well adapted to their use. The use of contact lenses should be noted on the record.

Ears. Note evidence of mastoid or middle ear disease, discharge, symptoms of otitis media, or Meniere's Syndrome. When recording hearing, record distance from patient at which forced whispered voice can first be heard. If audiometer is used to test

hearing, record decibel loss at 500 Hz, 1,000 Hz, and 2,000 Hz.

Throat. Note evidence of disease, irremediable deformities of the throat likely to interfere with eating or breathing, or any laryngeal condition which could interfere with the safe operation of a motor vehicle.

Chest-heart. Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, of a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart, or congestive heart failure. Electrocardiogram is required when findings so indicate.

Blood pressure. Record type of sphygmomanometer. If the blood pressure is consistently above 160/90 mm. Hg., further tests may be necessary to determine whether the driver is qualified to operate a motor vehicle.

Lungs. If any lung disease is detected, state whether active or arrested; if arrested, your opinion as to how long it has been quiescent.

Gastrointestinal system. Note any diseases of the gastrointestinal system.

Abdomen. Note wounds, injuries, scars, or weakness of muscles of abdominal walls sufficient to interfere with normal function. Any hernia should be noted if present. State how long and if adequately contained by truss.

Abnormal masses. If present, note location, if tender, and whether or not applicant knows how long they have been present. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Tenderness. When noted, state where more pronounced, and suspected cause. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Genitourinary. Urinalysis is required. Acute infections of the genitourinary tract, as defined by local and State public health laws, including gonorrhea, are disqualifying. Infections from venereal diseases, including syphilis, diabetes, and other conditions likely to interfere with the control and safe operation of a motor vehicle, will disqualify an applicant from operating a motor vehicle.

Neurological. If positive Romberg is reported, indicate degree of impairment. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtained upon reinforcement and as increased when foot is actually lifted from the floor following a light blow on the patella, senso-

copy to the motor carrier that employs him.

(c) The medical examiner's certificate shall be in accordance with the following form:

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined _____ driver's name (print) in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of his duties. I find him qualified under the regulations.

☐ Qualified only when wearing corrective lenses.

A completed examination form for this person is on file in my office at _____ (Address)

(Date of examination)

(Name of examining doctor (Print))

(Signature of examining doctor)

(Signature of driver)

If the driver is qualified only when wearing a hearing aid, the following statement must appear on the medical examiner's certificate: "Qualified only when wearing a hearing aid." If a medical examiner determines a waiver is necessary under § 391.49, the following statement shall appear on the medical examiner's certificate: "Medically unqualified unless accompanied by a waiver."

§ 391.45 Persons who must be medically examined and certified.

Except as provided in § 391.67, the following persons must be medically examined and certified in accordance with § 391.43 as physically qualified to drive a motor vehicle:

(a) Any person who has not been medically examined and certified as physically qualified to drive a motor vehicle;

§ 391.45 Persons who must be medically examined and certified.

(d) If the medical examiner finds that the person he examined is physically qualified to drive a motor vehicle in accordance with § 391.41(b), he shall complete a certificate in the form prescribed in paragraph (c) of this section and furnish one copy to the person who was examined and one

Title 49—Transportation

Yes	No	Health History
<input type="checkbox"/>	<input type="checkbox"/>	Head or spinal injuries
<input type="checkbox"/>	<input type="checkbox"/>	Seizures, fits, convulsions, or fainting
<input type="checkbox"/>	<input type="checkbox"/>	Extensive confinement by illness or injury
<input type="checkbox"/>	<input type="checkbox"/>	Tubercular disease
<input type="checkbox"/>	<input type="checkbox"/>	Gonorrhea
<input type="checkbox"/>	<input type="checkbox"/>	Syphilis
<input type="checkbox"/>	<input type="checkbox"/>	Diabetes
<input type="checkbox"/>	<input type="checkbox"/>	Gastrointestinal ulcer
<input type="checkbox"/>	<input type="checkbox"/>	Nervous stomach
<input type="checkbox"/>	<input type="checkbox"/>	Phlebotomy
<input type="checkbox"/>	<input type="checkbox"/>	Adrenal gland disease
<input type="checkbox"/>	<input type="checkbox"/>	Heart disease
<input type="checkbox"/>	<input type="checkbox"/>	Muscle disease
<input type="checkbox"/>	<input type="checkbox"/>	Suffering from any other disease
<input type="checkbox"/>	<input type="checkbox"/>	Permanent defect from illness, disease or injury
<input type="checkbox"/>	<input type="checkbox"/>	Psychiatric disorder
<input type="checkbox"/>	<input type="checkbox"/>	Any other nervous disorder

If answer to any of the above is yes, explain:

PHYSICAL EXAMINATION

General appearance and development:
 Good — Fair — Poor —
 Vision: For distance:
 Right 20/ — Left 20/ —
☐ Without corrective lenses.
☐ With corrective lenses if worn.
 Evidence of disease or injury:
 Right — Left —
 Color Test —
 Horizontal field of vision:
 Right — Left —
 Hearing:
 Right ear — Left ear —
 Disease or injury —
 Audiometric Test. (Complete only if audiometer is used to test hearing) Decibel loss as follows:
 500 Hz —, at 1,000 Hz —, at 2,000 Hz —
 Throat: —
 Heart: —
 If organic disease is present, is it fully compensated?
 Blood pressure: —
 Systolic — Diastolic —
 Pulse: Before exercise —
 Immediately after exercise —
 Lungs: —
 Abdomen: —
 Scars: Abnormal masses —
 Tenderness: Yes — No —
 Hemis: Yes — No —
 If so, where? —
 Is it true? —
 Gastrointestinal: —
 Ulceration or other disease: —

ry vibratory and positional abnormalities should be noted.

Extremities. Carefully examine upper and lower extremities. Record the loss of impairment of a leg, foot, toe, arm, hand, or finger. Note any and all deformities, the presence of atrophy, semiparalysis or paralysis, or varicose veins. If a hand or finger deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exist to enable the driver to operate pedals properly. Particular attention should be given to and a record should be made of any impairment or structural defect which may interfere with the driver's ability to operate a motor vehicle safely.

Spine. Note deformities, limitation of motion, or any history of pain, injuries, or disease, past or presently experienced in the cervical or lumbar spine region. If findings so dictate, radiologic and other examinations should be used to diagnose congenital or acquired defects, or spondylolisthesis and scoliosis.

Recto-genital studies. Diseases or conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting, pulling, or during periods of prolonged driving that might be necessary as part of the driver's duties.

Laboratory and other special findings. Urinalysis is required, as well as such other tests as the medical history or findings upon physical examination may indicate are necessary. A serological test is required if the applicant has a history of luetic infection or present physical findings indicate the possibility of latent syphilis. Other studies deemed advisable may be ordered by the examining physician.

Diabetes. If insulin is necessary to control a diabetic condition, the driver is not qualified to operate a motor vehicle. If mild diabetes is noted at the time of examination and it is stabilized by use of a hypoglycemic drug and a diet that can be obtained while the driver is on duty, it should not be considered disqualifying. However, the driver must remain under adequate medical supervision.

The physician must date and sign his findings upon completion of the examination.

EXAMINATION TO DETERMINE PHYSICAL CONDITION OF DRIVERS

Driver's name — ☐ New Certification
 Address — ☐ Recertification
 Social Security No. —
 Date of birth — Age —

(b) Any driver who has not been medically examined and certified as qualified to drive a motor vehicle during the preceding 24 months; and

(c) Any driver whose ability to perform his normal duties has been impaired by a physical or mental injury or disease.

(35 FR 6480, Apr. 22, 1970, as amended at 36 FR 223, Jan. 7, 1971)

§ 391.47 Resolution of conflicts of medical evaluation.

(a) *Applications.* Applications for determination of a driver's medical qualifications under standards in this part will only be accepted if they conform to the requirements of this section.

(b) *Content.* Applications will be accepted for consideration only if the following conditions are met.

(1) The application must contain the name and address of the driver, motor carrier, and all physicians involved in the proceeding.

(2) The applicant must submit proof that there is a disagreement between the physician for the driver and the physician for the motor carrier concerning the driver's qualifications.

(3) The applicant must submit a copy of an opinion and report including results of all tests of an impartial medical specialist in the field in which the medical conflict arose. The specialist should be one agreed to by the motor carrier and the driver.

(4) In cases where the driver refuses to agree on a specialist and the applicant is the motor carrier, the applicant must submit a statement of his agreement to submit the matter to an impartial medical specialist in the field, proof that he has requested the driver to submit the matter to the medical specialist and the response, if any, of the driver to his request.

(5) In cases where the motor carrier refuses to agree on a medical specialist, the driver must submit an opinion and test results of an impartial medical specialist, proof that he has requested the motor carrier to agree to submit the matter to the medical specialist and the response, if any, of the motor carrier to his request.

(6) The applicant must include a statement explaining in detail why the decision of the medical specialist is

Title 49—Transportation

titled in paragraph (b)(3) of this section, is unacceptable.

(5) The applicant must submit proof that the medical specialist mentioned in paragraph (b)(3) of this section was provided, prior to his determination, the medical history of the driver and an agreed-upon statement of the work the driver performs.

(6) The applicant must submit the medical history and statement of work provided to the medical specialist under paragraph (b)(3) of this section.

(7) The applicant must submit all medical records and statements of the physicians who have given opinions on the driver's qualifications.

(8) The applicant must submit a description and a copy of all written and documentary evidence upon which the party making application relies in the form set out in 49 CFR 386.37.

(9) The application must be accompanied by a statement of the driver that he intends to drive in interstate commerce not subject to the commercial zone exemption or a statement of the carrier that he has used or intends to use the driver for such work.

(10) The applicant must submit three copies of the application and all records.

(c) *Information.* The Director may request further information from the applicant if he determines that a decision cannot be made on the evidence submitted. If the applicant fails to submit the information requested, the Director may refuse to issue a determination.

(d) (1) *Action.* Upon receiving a satisfactory application the Director shall notify the parties (the driver, motor carrier, or any other interested party) that the application has been accepted and that a determination will be made. A copy of all evidence received shall be attached to the notice.

(2) *Reply.* Any party may submit a reply to the notification within 15 days after service. Such reply must be accompanied by all evidence the party wants the Director to consider in making his determination. Evidence submitted should include all medical records and test results upon which the party relies.

(3) *Parties.* A party for the purposes of this section includes the motor car-

Chapter III—Federal Highway Administration

rier and the driver, or anyone else submitting an application.

(e) *Petitions to review.* *burden of proof.* The driver or motor carrier may petition to review the Director's determination. Such petition must be submitted in accordance with § 386.13(a) of this chapter. The burden of proof in such a proceeding is on the petitioner.

(f) *Status of driver.* Once an application is submitted to the Director, the driver shall be deemed disqualified until such time as the Director makes a determination, or until the Director orders otherwise.

(49 U.S.C. 304, 322; 18 U.S.C. 831-35; Pub. L. 93-633, 88 Stat. 8156 (49 U.S.C. 1801, et seq.); 49 CFR 1.46, § 301.60)

[42 FR 18081, Apr. 5, 1977, as amended at 42 FR 53966, Oct. 4, 1977]

§ 391.49 Waiver of certain physical defects.

(a) A person who is not physically qualified to drive under § 391.41(b) (1) or (2) and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, if the Regional Federal Highway Administrator has granted a waiver to that person.

(b) A letter of application for a waiver may be submitted jointly by the person who seeks a waiver of the physical disqualification (driver applicant) and by the motor carrier that will employ the driver applicant if the application is granted. The application must be addressed to the Regional Federal Highway Administrator for the region in which the applicant is located. The address for each regional office is listed in § 390.40 of this subchapter. *Exception.* A letter of application for a waiver may be submitted unilaterally by a driver applicant. The application must be addressed to the Regional Federal Highway Administrator for the region in which the driver has legal residence. The address of each regional office is listed in § 390.40 of this subchapter. The driver applicant must comply with all the requirements of paragraph (c) of this section except paragraphs (c)(1) (i) and (iii). The driver applicant shall respond to the requirements of paragraph (c)(2) (i) to (v) of

this section, if the information is known.

(c) A letter of application for a waiver shall contain—

(1) Identification of the applicant(s);

(i) Name and complete address of the motor carrier applicant;

(ii) Name and complete address of the driver applicant;

(iii) The Federal Highway Administration Motor Carrier Identification Number, if known; and

(iv) A description of the driver applicant's limb impairment for which a waiver is requested.

(2) Description of the type of operation the driver will be employed to perform:

(i) State(s) in which the driver will operate for the motor carrier coapplicant (if more than 10 States, designate general geographic area only);

(ii) Average period of time the driver will be driving and/or on duty, per day;

(iii) Type of commodities or cargo to be transported;

(iv) Type of driver operation (i.e., sleeper-team, relay, owner operator, etc.); and

(v) Number of years experience operating the type of vehicle(s) requested in the letter of application and total years of experience operating all types of motor vehicles.

(3) Description of the vehicle(s) the driver applicant intends to drive:

(i) Truck, truck-tractor, or bus make, model and year (if known);

(ii) Drive train;

(A) Transmission type (automatic or manual—if manual, designate number of forward speeds);

(B) Auxiliary transmission (if any) and number of forward speeds; and

(C) Rear axle (designate single speed, 2 speed, or 3 speed).

(iv) Type of brake system;

(v) Steering, manual or power assisted;

(vi) Description of type of trailer(s) (i.e., van, flat bed, cargo tank, drop frame, lowboy, or pole);

(vii) Number of semitrailers or full trailers to be towed at one time;

(viii) For passenger-carrying vehicles, indicate seating capacity of vehicle; and

(viii) Description of any vehicle modification(s) made for the driver applicant; attach photograph(s) where applicable.

(4) Otherwise qualified:

(i) The coapplicant motor carrier must certify that the driver applicant is otherwise qualified under the regulations of this part.

(ii) In the case of a unilateral application, the driver applicant must certify that (s)he is otherwise qualified under the regulations of this part.

(b) Signature of applicant(s):

(i) Driver applicant's signature and date signed;

(ii) Motor carrier official's signature (if application has a coapplicant), title, and date signed. Dependent upon the motor carrier's organizational structure (corporation, partnership, or proprietorship), this signer of the application shall be an officer, partner, or the proprietor.

(c) The letter of application for a waiver shall be accompanied by:

(1) A copy of the results of the medical examination performed pursuant to § 391.43;

(2) A copy of the medical certificate completed pursuant to § 391.43(e);

(3) A medical evaluation summary completed by either a board qualified or board certified physician (doctor of physical medicine) or orthopedic surgeon.

NOTE: The coapplicant motor carrier or the driver applicant shall provide the physician or orthopedic surgeon with a description of the job tasks the driver applicant will be required to perform.

(i) If the medical evaluation summary applies to a driver applicant disqualified under § 391.41(b)(1), the summary shall include an assessment of the driver's functional capabilities as they relate to the driver's ability to perform normal tasks associated with operating a motor vehicle; or

(ii) If the medical evaluation summary applies to a driver applicant disqualified under § 391.41(b)(2), the summary shall include an explanation as to how and why the impaired area interferes with the driver's ability to perform normal tasks associated with operating a motor vehicle. The summary shall also contain an assessment of whether the condition will likely

remain medically stable over the driver applicant's lifetime.

(4) A description of the driver applicant's prosthetic or orthotic device worn, if any, by the driver applicant;

(5) Road test:

(i) A copy of the driver applicant's road test administered by the motor carrier coapplicant and the certificate issued pursuant to § 391.31 (b) through (g); or

(ii) A unilateral applicant shall be responsible for having a road test administered by a motor carrier or a person who is competent to administer the test and evaluate its results.

(6) Application for employment:

(i) A copy of the driver applicant's application for employment completed pursuant to § 391.21; or

(ii) A unilateral applicant shall be responsible for submitting a copy of the last commercial driving position's employment application s/he held. If not previously employed as a commercial driver, so state.

(7) A copy of the driver applicant's waiver of certain physical defects issued by the Individual States(s), where applicable; and

(8) A copy of the driver applicant's State Motor Vehicle Driving Record for the past 3 years from each State in which a motor vehicle driver's license or permit has been obtained.

(e) Agreement. A motor carrier that employs a driver with a waiver agrees to:

(1) File promptly (within 30 days) with the Regional Federal Highway Administrator such documents and information as may be required about driving activities, accidents, arrests, license suspensions, revocations, or withdrawals, and convictions which involve the driver applicant. This applies whether the driver's waiver is a unilateral one or has a coapplicant motor carrier;

(i) A motor carrier who is a coapplicant must file the required documents with the Regional Federal Highway Administrator for the region in which the carrier's principal place of business is located; or

(ii) A motor carrier who employs a driver who has been issued a unilateral waiver must file the required documents with the Regional Federal

Chapter III—Federal Highway Administration

§ 391.49

Highway Administrator for the region in which the driver has legal residence.

(2) Evaluate the driver with a road test using the trailer the motor carrier intends the driver to transport or, in lieu of, accept a certificate of a trailer road test from another motor carrier if the trailer type(s) is similar or accept the trailer road test done during the Skill Performance Evaluation if it is a similar trailer type(s) to that of the prospective motor carrier;

NOTE: Job tasks as stated in paragraph (e)(3) of this section, are not evaluated in the Skill Performance Evaluation.

(3) Evaluate the driver for those nondriving safety-related job tasks associated with whatever type of trailer(s) will be used and any other related tasks unique to the operations of the employing motor carrier; and

(4) Use the driver to operate the type of motor vehicle defined in the waiver only when the driver is in compliance with the conditions and limitations of the waiver.

(f) The driver shall supply each employing motor carrier with a copy of the waiver.

(g) The Regional Federal Highway Administrator may require the driver applicant to demonstrate his or her ability to safely operate the motor vehicle(s) the driver intends to drive to an agent of the Regional Federal Highway Administrator. The waiver form will identify the power unit (bus, truck, tractor) for which the waiver has been granted. The waiver forms will also identify the trailer type used in the Skill Performance Evaluation; however, the waiver is not limited to that specific trailer type. A driver may use the waiver with other trailer types if a successful trailer road test is completed in accordance with paragraph (e)(2) of this section. Job tasks, as stated in paragraph (e)(3) of this section, are not evaluated during the Skill Performance Evaluation.

(h) The Regional Federal Highway Administrator may deny the application for waiver or may grant it totally or in part and issue the waiver subject to such terms, conditions, and limitations as deemed consistent with the public interest. A waiver is valid for a

period not to exceed 2 years from date of issue, and may be renewed 30 days prior to the expiration date.

(i) The waiver renewal application shall be submitted to the Regional Federal Highway Administrator for the region in which the driver has legal residence. If the waiver was issued unilaterally, if the waiver has a coapplicant, then the renewal application is submitted to the Regional Federal Highway Administrator for the region in which the coapplicant motor carrier's principal place of business is located. The waiver renewal application shall contain the following:

(1) Name and complete address of motor carrier currently employing the applicant;

(2) Name and complete address of the driver;

(3) Effective date of the current waiver;

(4) Expiration date of the current waiver;

(5) Total miles driven under the current waiver;

(6) Number of accidents incurred while driving under the current waiver, including date of the accident(s), number of fatalities,

number of injuries, and the estimated dollar amount of property damage;

(7) A current medical examination report;

(8) A medical evaluation summary pursuant to paragraph (d)(3) of this section if an unstable medical condition exists. All handicapped conditions classified under § 391.41(b)(1) are considered unstable.

NOTE: Refer to paragraph (d)(3)(ii) of this section for the condition under § 391.41(b)(2) which may be considered medically stable.

(9) A copy of driver's current State motor vehicle driving record for the period of time the current waiver has been in effect;

(10) Notification of any change in the type of tractor the driver will operate;

(11) Driver's signature and date signed; and

(12) Motor carrier coapplicant's signature and date signed.

(j) Upon granting a waiver, the Regional Federal Highway Administrator

Subpart G—Limited Exemptions

§ 391.61 Drivers who were regularly employed before January 1, 1971.

The provisions of § 391.21 (relating to applications for employment), § 391.23 (relating to investigations and inquiries), § 391.31 (relating to road tests), and § 391.35 (relating to written examinations) do not apply to a driver who has been a regularly employed driver (as defined in § 395.2(f) of this subchapter) of a motor carrier for a continuous period which began before January 1, 1971, as long as he continues to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a motor vehicle if he fulfills the requirements of paragraphs (1) through (9) of § 391.11(b) (relating to qualifications of drivers).

§ 391.62 Drivers of lightweight vehicles.

(a) The following rules in this part do not apply to a person who drives only a lightweight vehicle:

(1) Subpart C (relating to disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers).

(2) Subpart D (relating to road tests and written examinations).

(3) So much of § 391.41, 391.43, and 391.45 as require a driver to be medically examined, to obtain a certificate of medical examination, and to carry a medical examiner's certificate on his person.

(4) Subpart F (relating to maintenance of files and records).

(b) A person who is 18 years of age or older and who is otherwise qualified to drive a motor vehicle under the rules in this part (including the modifications of those rules specified in paragraph (a) of this section) may drive a lightweight vehicle, and § 391.11(b)(1) (relating to minimum age of drivers) does not apply to that person.

[40 FR 1068, Mar. 7, 1975]

§ 391.63 Intermittent, casual, or occasional drivers.

(a) If a motor carrier employs a person who is not a regularly employed driver (as defined in § 395.2(f)

by another motor carrier, and who is employed by the using carrier in accordance with § 391.65 of this part, shall include a copy of a certificate, as prescribed by § 391.65(a)(2) of this part, by the regularly employing carrier that the driver is fully qualified to drive a motor vehicle.

(1) Except as provided in paragraphs (g) and (h) of this section, each driver's qualification file shall be kept at the motor carrier's principal place of business for as long as a driver is employed by that motor carrier and for 3 years thereafter.

(g) Upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, the carrier may retain one or more of its drivers' qualification files at a regional or terminal office. The addresses of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter.

(h) The following records may be removed from a driver's qualification file after 3 years from date of execution:

(1) The medical examiner's certificate of his physical qualification to drive a motor vehicle or the photographic copy of the certificate as required by § 391.43(d).

(2) The note relating to the annual review of his driving record as required by § 391.25.

(3) The list or certificate relating to violations of motor vehicle laws and ordinance as required by § 391.27.

(4) The letter issued under § 391.49 granting a waiver of a physical disqualification.

(Sec. 204, Interstate Commerce Act, as amended, (49 U.S.C. 304); sec. 5, Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority to the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 301.60, respectively)

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 41 FR 36656, Aug. 31, 1976; 42 FR 37370, July 21, 1977; 45 FR 46424, July 10, 1980]

Title 49—Transportation

(5) Any other matter which relates to the driver's qualifications or ability to drive a motor vehicle safely.

(c) The qualification file for a regularly employed driver who has not been regularly employed by the motor carrier for a continuous period which began before January 1, 1971, must include:

(1) The documents specified in paragraph (b) of this section;

(2) The driver's application for employment completed in accordance with § 391.21;

(3) The responses of State agencies and past employers to the motor carrier's inquiries concerning the driver's driving record and employment pursuant to § 391.23;

(4) The certificate of driver's road test issued to the driver pursuant to § 391.31 (e), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to § 391.33; and

(5) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to § 391.35, or a copy of a certificate which the motor carrier accepted as equivalent to a written examination pursuant to § 391.37.

(d) The qualification file for an intermittent, casual, or occasional driver employed under the rules in § 391.63 must include—

(1) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible photographic copy of the certificate;

(2) The certificate of driver's road test issued to the driver pursuant to § 391.31(e), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to § 391.33;

(3) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to § 391.35, or a copy of a certificate which the motor carrier accepted as equivalent to a written examination pursuant to § 391.37; and

(4) The driver's name, his social security number, and the identification number, type, and issuing State of his motor vehicle operator's license.

(e) A using carrier's qualification file for a driver who is regularly employed

§ 391.51

will notify the driver applicant and coapplicant motor carrier (if applicable) by letter. The terms, conditions, and limitations of the waiver will be set forth. A motor carrier shall maintain a copy of the waiver in its driver qualification file. A copy of the waiver shall be retained in the motor carrier's file for a period of 3 years after the driver's employment is terminated. The driver applicant shall have the waiver (or a legible copy) in his/her possession whenever on duty.

(k) The Regional Federal Highway Administrator may revoke a waiver after the person to whom it was issued is given notice of the proposed revocation and has been allowed a reasonable opportunity to appeal.

(l) Falsifying information in the letter of application, the renewal application, or falsifying information required by this section by either the applicant or motor carrier is prohibited.

(Approved by the Office of Management and Budget under control number 2125-0080).

(49 U.S.C. 3102, 49 CFR 1.48 and 301.60) [48 FR 36487, Sept. 24, 1983, as amended at 49 FR 38293, Aug. 26, 1984]

Subpart F—Files and Records

§ 391.51 Driver qualification files.

(a) Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his personnel file.

(b) The qualification file for a driver who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971, must include:

(1) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible photographic copy of the certificate;

(2) The Regional Federal Highway Administrator's letter granting a waiver of a physical disqualification, if a waiver was issued under § 391.49;

(3) The note relating to the annual review of his driving record required by § 391.25;

(4) The list or certificate relating to violations of motor vehicle laws and ordinances required by § 391.27; and

Title 49—Transportation

of this subchapter) to drive a motor vehicle for a single trip or on an intermittent, casual, or occasional basis, the motor carrier shall comply with all requirements of this part, except that the motor carrier need not—

(1) Require the person to furnish an application for employment in accordance with § 391.21;

(2) Make the investigations and inquiries specified in § 391.23 with respect to that person;

(3) Perform the annual review of the person's driving record required by § 391.25; or

(4) Require the person to furnish a record of violations or a certificate in accordance with § 391.27.

Before a motor carrier permits a person described in paragraph (a) of this section to drive a motor vehicle, the motor carrier must obtain his name, his social security number, and the identification number, type and, issuing State of his motor vehicle operator's license. The motor carrier must retain that information in its files for 3 years after the person's employment by the motor carrier ceases.

§ 391.65 Drivers furnished by other motor carriers.

(a) A motor carrier may employ a driver who is not a regularly employed driver of that motor carrier without complying with the generally applicable driver qualification file requirements in this part, if—

(1) The driver is regularly employed by another motor carrier; and

(2) The motor carrier which regularly employs the driver certifies that the driver is fully qualified to drive a motor vehicle in a written statement which—

(i) Is signed and dated by an officer or authorized employee of the regularly employing carrier;

(ii) Contains the driver's name and signature;

(iii) Certifies that the driver has been employed regularly to drive, as defined in § 391.3(c);

(iv) Certifies that the driver is fully qualified to drive a motor vehicle under the rules in Part 391 of the Federal Motor Carrier Safety Regulations;

(v) States the expiration date of the driver's medical examiner's certificate;

(41 FR 36656, Aug. 31, 1976)

(vi) Specifies an expiration date for the certificate, which shall be not longer than 2 years or, if earlier, the expiration date of the driver's current medical examiner's certificate; and

(vii) After April 1, 1977, is substantially in accordance with the following form:

(Name of driver)

(SS No.)

(Signature of driver)

I certify that the above named driver, as defined in § 391.3(c) is regularly driving a vehicle operated by the below named carrier and is fully qualified under Part 391, Federal Motor Carrier Safety Regulations. His current medical examiner's certificate expires on _____ (Date). This certificate expires:

(Date not later than expiration date of medical certificate)

Issued on _____ (date)

Issued by _____

(Name of carrier)

(Address)

(Signature)

(Title)

(b) A motor carrier that obtains a certificate in accordance with paragraph (a) (2) of this section shall retain a copy of that certificate in its files for 3 years.

(c) A carrier which certifies a driver's qualifications under this section shall—

(1) Be responsible for the accuracy of the certificate; and

(2) Recall the unexpired certificate carried by a driver immediately upon learning that the driver is no longer qualified under the rules in this part.

(41 FR 36656, Aug. 31, 1976)

Chapter III—Federal Highway Administration

§ 391.67 Drivers of articulated (combination) farm vehicles.

The following rules in this part do not apply to a farm vehicle driver (as defined in § 391.3(d)) who is 18 years of age or older and who drives an articulated motor vehicle:

(a) Paragraphs (1), (8), (10), (11), and (12) of § 391.11(b) (relating to driver qualifications in general);

(b) Subpart C (relating to disclosure of investigation into, and inquiries about the background, character, and driving record of, drivers);

(c) Subpart D (relating to road tests and written examinations);

(d) So much of §§ 391.41 and 391.45 as require a driver to be medically examined and to have a medical examination's certificate on his person before January 1, 1973.

(e) Subpart F (relating to maintenance of files and records).

138 FR 24220, Dec. 22, 1971

§ 391.69 Drivers operating in Hawaii.

(a) Drivers who will reach the age of 21 no later than April 1, 1976, may continue to drive within the State of Hawaii.

(b) The provisions of § 391.21 (relating to application for employment), § 391.23 (relating to investigations and inquiries), § 391.31 (relating to road tests), and § 391.35 (relating to written examinations and the requirements of these sections) do not apply to a driver who has been a regularly employed driver (as defined in § 395.2(f) of this subchapter) of a motor carrier operating in the State of Hawaii for a continuous period which began before April 1, 1975, as long as he continues to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a motor vehicle if he fulfills the requirements of paragraphs (1) through (9) of § 391.11(b) (relating to qualifications of drivers).

(40 FR 32336, Aug. 1, 1975)

§ 391.71 Intrastate drivers of vehicles transporting combustible liquids.

(a) The provisions of § 391.11(b) (1) (relating to minimum age), § 391.21 (relating to application for employment), § 391.23 (relating to investigations and inquiries), § 391.31 (relating to

to road test), and § 391.35 (relating to written examination) do not apply to a driver who is otherwise qualified and was a regularly employed driver (as defined in § 395.2(f) of the subchapter) as of July 1, 1975, and continues to be a regularly employed driver of that motor carrier and who drives a motor vehicle that:

(1) Is transporting combustible liquids (as defined in § 173.115 of this title), and

(2) Is being operated in intrastate commerce.

(b) In addition to the exemptions provided in paragraph (a) of this section, the provisions of § 391.41(b) (10) (relating to minimum visual requirements), do not apply to a driver who was a regularly employed driver (as defined in § 395.2(f) of this subchapter) as of July 1, 1975, and continues to be a regularly employed driver of that motor carrier and who drives a vehicle that:

(1) Is a truck (as defined in § 390.4 of this subchapter), and

(2) Is operated in retail delivery service, and

(3) Is transporting combustible liquids (as defined in § 173.115 of this title), and

(4) Is operated in intrastate commerce.

(40 FR 54796, Nov. 26, 1975; 40 FR 58858, Dec. 19, 1975)

PART 392—DRIVING OF MOTOR VEHICLES

Subpart A—General

Sec.

392.1 Scope of the rules in this part.

392.2 Applicable operating rules.

392.3 Ill or fatigued operator.

392.4 Narcotics, amphetamine, and other dangerous substances.

392.5 Intoxicating beverages.

392.6 Schedules to conform with speed limits.

392.7 Equipment, inspection and use.

392.8 Emergency equipment, inspection, and use.

392.9 Safe loading.

392.9a Corrective lenses to be worn.

392.9b Hearing aid to be worn.

July 1982
NHTSA Technical Report

DOT HS-806 300

EXHIBIT
3-85
2-85
5-85
3-85



U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

Large-Truck Accident Causation

Research and Development
National Center for
Statistics and Analysis

DRIVER-RELATED CONTRIBUTING FACTORS

It is commonly agreed that the demands and skills required in driving large trucks are more complex than those required in the routine driving of automobiles (Waller et al., 1976 and Moe et al., 1973). Because these larger and heavier vehicles are required to operate in mixed traffic composed primarily of vehicles with quicker response characteristics, drivers of large trucks must compensate for the relative awkwardness of their vehicles. Such compensation requires greater distances for passing, stopping, turning and accelerating, and a consequent need for more effective anticipation of approaching situations. In addition, maneuvers with large trucks are more complex than those with passenger cars. Large trucks also tend to operate closer to the design limits of both the vehicle and the highway. This results in narrower margins for error, particularly for recovery of an errant vehicle. Thus, the demand for attention and the precision required in most truck-driving situations make the truck driver a critical variable in the truck-accident equation.

"Driver error" has often been cited as a major link in the causal chain in accidents involving large trucks (Shinar, 1979 and Washington State, 1980). Shinar analyzed 161 in-depth investigations of accidents that involved large trucks and found that 8 of the 10 accident "causes" cited most frequently were related to driver error. The remaining two "causes" were related to the highway environment. Washington State data based on police-reported information (Table IV-1) indicate that inattention and negligence most frequently "caused" accidents that involved a large truck and another vehicle. The truck driver was the causal factor named in 62 percent of the accidents compared to 31 percent for the other driver. Defective truck equipment was cited in 6 percent of the accidents. While "driver error" may be a major identifiable event which immediately preceded the accident, the true "causes" of the accident must be traced to multiple factors and conditions, including driver judgments, that led to the accident.

Thus, it appears that drivers of large trucks under age 25 exhibit much more of a safety problem than their counterpart passenger car driver. Other differences between passenger car drivers and truck drivers by age group were much less dramatic (FARS data, 1979-1980, NASS, 1981 and Smith et al., 1981).

In Wyckoff's (1979) survey, truck drivers were questioned about their driving safety practices and performance (see IV-4). The survey methodology used by Wyckoff has been criticized for being non-random and errors in calculating rates have been identified (Raven, 1979), but, if a bias did exist, drivers more prone to violate safety regulations could be expected to have been less cooperative. If this is true, the survey represents a conservative estimate. The survey indicated that drivers under the age of 25 drove at slightly higher speeds, misrepresented their logs more frequently, drove beyond the ten-hour limitation more often, and had more violations than did middle-aged or older truck drivers. Thus, by their own estimates, younger truck drivers appeared to take more and graver risks than older drivers.

Analysis by age group that fails to consider experience level is not sufficient to understand the rate of accident involvement of drivers. Different types of carriers (exempt, private, contract, and common) generally have different policies regarding the hiring of young and/or inexperienced drivers. For example, Table IV-5 shows that exempt carriers employ a higher proportion of drivers under age 25 than either private, contract, or common carriers.

NHTSA and BMCS are conducting a study scheduled to be completed in 1982 that will attempt to identify the reasons young and/or inexperienced drivers seem to be involved disproportionately in accidents (Reiss, 1982).

Little information is available on the number of drivers of large trucks who have received formal driving instruction. However, data reveal that many accident-involved drivers have not had formal driver education. 1979 NASS

data show that more accident-involved truck drivers (59 percent) than car drivers (45 percent) were reported as having no formal driver training. Only 15 percent of the accident-involved truck drivers had any kind of commercial driver education (Partyka, 1981).

While there is a trend towards greater use of formal driver training among younger truck drivers, a majority of the drivers surveyed in what may have been a biased (Wyckoff, 1979) sample had not received any formal training. Training programs usually include Federal requirements, log book procedures, and hours-of-service regulations. A current BMCS study is developing truck-driver training standards and a model curriculum covering regulatory requirements and driving skills. This material will be used to define minimum FMCSR training requirements (NPSRI, 1982).

Medical Condition

Accident researchers (Simpson et al., 1977; Janke et al., 1978; O'Brien, 1979; and Naughton and Waller, 1980) and concerned organizations (American Association for Automotive Medicine, and International Association for Traffic Medicine) have indicated that medical conditions which impair a person's ability to respond to a complex driving situation are a significant contributing factor to motor vehicle accidents. The share of highway accidents attributed to medical conditions has been estimated by Waller (1973) at approximately 15 percent of all accidents. Data on the medical condition of truck drivers involved in accidents are scarce. For example, the medical condition of drivers was reported to BMCS in less than 5 percent of all fatalities (BMCS data, 1978).

Both BMCS and State medical standards for truck drivers are primarily subjective in nature. Medical certification is based on a case-by-case assessment by an examining physician with overview responsibility by the motor

VISITOR'S REGISTER

HOUSE Highways & Transp. COMMITTEE

BILL SB 419

DATE March 21, 1985

SPONSOR Conover

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

March 21, 1988
Exhibit 3
SB 419

SENATE BILL 419

SENATE BILL 419 PROVIDES FOR THE ISSUANCE OF LICENSE PLATES DESIGNED TO RECOGNIZE MONTANA'S CENTENNIAL.

IT ALSO AUTHORIZES A SPECIAL "COMMEMORATIVE" CENTENNIAL PLATE BE DEVELOPED WHICH CAN BE SOLD TO PROVIDE FUNDS FOR THE MONTANA STATEHOOD CENTENNIAL OFFICE.

REGULAR PLATES WILL PROBABLY BE ISSUED IN 1988, THE YEAR BEFORE THE CENTENNIAL. ALTHOUGH THIS BILL DOES NOT SPECIFY WHEN THE PLATES ARE TO BE ISSUED.

WHETHER THEY ARE ISSUED IN 1988 DEPENDS ON THE MONEY BEING APPROPRIATED BY THE 1987 LEGISLATURE. LICENSE PLATES ARE FUNDED FROM THE MOTOR VEHICLE ACCOUNT OF THE STATE SPECIAL FUND.

THE "COMMEMORATIVE" PLATES WILL BE DIFFERENT FROM THE REGULAR PLATES AND WILL BE USED AS A PROMOTION PROJECT AND FUND-RAISER FOR THE CENTENNIAL OFFICE. HOW THEY WILL BE USED AND WHAT THE DESIGN WILL BE, IS TO BE DECIDED BY THAT OFFICE. THEY WILL CONTRACT WITH THE MOTOR VEHICLE DIVISION FOR THESE PLATES AND WITH PRISON INDUSTRIES WHO MAKE THE PLATES FOR THE DIVISION.

THE COUNTY DESIGNATION AS PROVIDED IN MOTOR VEHICLE LAW AND THE OUTLINE OF THE STATE WILL CONTINUE TO BE A REQUIREMENT.

SPEAKING ON THE BILL ARE: LARRY MAJERUS, DEPARTMENT OF JUSTICE, AND CHERYL HUTCHINSON, FROM THE LIEUTENANT GOVERNOR'S OFFICE.

Exhibit 3a
March 21, 1988
SB 419

49th Legislature

LC 527

STATEMENT OF INTENT

SB BILL NO. 419

A statement of intent is required for this bill because section 3 grants the department of justice, division of motor vehicles, rulemaking authority for governing the administration of the issuance of the license plates authorized by the bill.

It is intended that the rules address procedures needed for the issuance of such plates, taking into account the special nature of the plates and public preferences.

It is also recognized that the division decide, after consultation with the Montana statehood centennial office and the advisory council attached to that office, on the feasibility of the provisions of this bill at the time issuance actually takes place. It is intended that such decisions balance the preferences of the public against the extra administration required by the division.

Exhibit 36
March 21, 1985
SB419

BILL SUMMARY
(SB 419)

March 21, 1985

Senate Bill 419 provides for the issuance of regular motor vehicle license plates carrying a design recognizing the centennial of Montana's statehood and permits production and sale of special commemorative centennial plates.

The main provisions of Senate Bill 419 are as follows:

Section 1 provides for the issuance of a regular license plate recognizing the centennial of Montana's admission to statehood, and establishes a requirement that the design of such plates must be developed in consultation with the Montana Statehood Centennial Office.

Section 2 provides for commemorative license plates, including special collector's license plates.

Section 3 grants the Division of Motor Vehicles rulemaking authority to establish procedures for the issuance of license plates.

Section 5 amends section 61-3-332, MCA, to remove reference to "number plates" and location of the license year at the "bottom" of the plate.

Section 5 provides for a termination date of July 1, 1991.

VISITOR'S REGISTER

House Highways & Transp. COMMITTEE

BILL SB 182DATE March 21, 1985SPONSOR Farrell

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
W.E. MURRAY	GRODT FALLS	MT. D.E.S. ASSOC.		X
Lyle F. Nagel	Simms	mt. Vol Firemens Assn		X
KEITH OLSON	Kalispell	MT. Logging Assn.	✓	
Don Copley	Helena	Dept. of Highways		
Ben Harday	Helena	MT. Motor Carriers Assn	✓	
Mike Rice	Gt. Falls	TRANSYSTEMS, Inc	✓	
DON SAND	Billings	H&H Lumber	✓	
Howard Ellis	mt PSC			X
	MT PSC	MT PSC		
David Swisher	Malta	Bearmouth Corp	X	
Marie McPhar	MACO - Madison County			X
Ed McPhar	Missoula	McPhar Trucking	X	
Ed McPhar	Malta	McPhar Truck	X	
Tom Jones	Bozworth MT	Jones	✓	
J.E. Williams	Billings MT	J.E. Williams TRKNG	X	
Pammy Young		PSC		X
Mark Cole	SHSLBY	Dick Irwin Inc.		
Oil	Helena	PSC		X
Don Swisher	Helena	PSC		X
PATRICK DISCONE	"	DOT		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

3-21-85
Exhibit
5
SB 182

STATEMENT OF MONTANA MOTOR CARRIERS ASSOCIATION

IN SUPPORT OF SENATE BILL 182

The Montana Motor Carriers Association has in past Legislative Sessions and in this one, expressed strong support for safety programs involving the trucking industry and has reaffirmed that policy in support of Senate Bill 182 (and as you have heard, support for Senate Bill 83).

We feel strongly that, now more than ever, the Legislature needs to establish a policy and affirm its support for an effective truck inspection program adequately funded to enable a sound truck safety program to produce the results it's suppose to, namely save lives, cut down on accidents, protect the motoring public and save dollars.

In light of recently passed legislation by the Congress and the importance of an effective truck safety program to the state and the industry, we feel that Montana must abolish the "tri-agency" enforcement approach that has been in being for nine years and place the sole responsibility for enforcement of all aspects of an effective truck safety program into a single agency.

For that reason, MMCA supports Senate Bill 182 because it takes the safety enforcement responsibility from the GVW and the PSC and places it in the Highway Patrol.

As has been pointed out, the 1977 Legislature passed legislation authorizing the GVW and the Highway Patrol to enforce PSC statutes and regulations creating the "tri-agency" enforcement because the Legislature wanted to, quote, "Increase the level of enforcement coverage available without increasing the budget or appropriations required by any agency."

Little if anything in the way of an effective motor carrier safety inspection program was in being in Montana from 1977 to 1981. The PSC, with it's five field peace officers, attempted to implement some enforcement of Bureau of Motor Carrier safety regulations but they also had to enforce motor carrier economic regulations, which is their prime responsibility, and were strapped with no additional funding.

The GVW's primary responsibility is the enforcing of size and weight regulations. Some effort was made by the GVW to enforce PSC economic regulations, but truck safety inspections were at a minimum during that time.

The Highway Patrol also had other primary responsibilities and were troubled with the legalities of stopping a truck and inspecting it.

The 1981 Legislature passed legislation sponsored by MMCA that (1) granted implied consent by a motor carrier to be stopped and reasonably inspected for safety, resolving the Highway Patrol problem, (2) brought all trucks over 26,000 pounds operating in commerce (excluding farm vehicles) under the safety inspection requirements and all trucks hauling hazardous materials and (3) incorporated by rule request to PSC (GVW and Highway Patrol) that the abbreviated "Critical Items Truck Inspection" criteria developed by the California Highway Patrol be adopted... standards aimed at inspecting mechanical factors most often blamed for accidents such as brakes, tires, steering, etc.

Following this action, PSC adopted the DOT Essential Elements Examination criteria (same as Critical Items Inspection Criteria) and became signatory to the Commercial Vehicle Inspection Alliance. The Legislature did not, however, grant any additional appropriation for enforcement.

In 1983, the Legislature placed in the Highway Patrol primary responsibility for truck safety inspections to be accomplished in terminals as opposed to roadside inspections. Highway Patrol officers are located in communities all over the state while only a small handful had PSC officers and GVW officers. MMCA supported that program and the bill was passed, however, again with no additional appropriation.

MMCA members have expressed frustration over lack of adequate appropriation and uniform policies for enforcement of truck safety regulations by the "tri-agencies" with no central direction of enforcement authority. This has led to confusion in policies, duplication and general dissatisfaction, not with any one of the agencies involved per se, but with the general program.

Congress adopted the Surface Transportation Assistance Act in 1983 raising diesel fuel taxes 363% and heavy truck taxes 130% for highways and created Federal grants to states to enforce regulations of the Bureau of Motor Carrier Safety under the Department of Transportation. Montana stands to receive, on an 80% 20% matching basis, during 1983-1988, some \$1.7 million in Federal grants, for an enforcement of Bureau of Motor Carrier Safety Standards and Federal Hazardous Materials Regulations. (By year the amounts are: 1984, \$225,000; 1985, \$337,500; 1986, \$464,000; and 1987, \$652,000.)

The Motor Carrier Safety Act of 1984 was signed into law by the President on October 30, 1984. Under that act, the Secretary of DOT must issue by 1986, safety regulations which assure that trucks are properly maintained, equipped, loaded and operated and to assure that drivers are competent. The law calls for annual safety inspections but also affirms that inspection requirements can be met by state programs of random inspections using federal standards.

Congress means business in the act, levying stiff penalties for faulty record keeping by a carrier of \$500.00 per offense up to \$2500.00 and for serious violations, other than record keeping, up to \$1,000 with a cap of \$10,000.

The act will also study the effectiveness of individual state safety regulation and performance governing intrastate commercial truck operations.

The problems of the "tri-agency" enforcement program were acknowledged by PSC in its enforcement plan to D.O.T. when applying for the 1983-84 Federal grants. The report acknowledged the accomplishments and difficulties in using the tri-agency inspection approach and outlined a plan to utilize PSC and newly hired personnel under the Motor Carrier Safety Assistance program and GVV personnel "AS THEIR TIME PERMITS". It also noted that Highway Patrol personnel, under a directive from the Legislature, would concentrate their inspections in carrier terminals. The plan called for a renewed emphasis on all three agencies to perform EEE inspections "on their own" rather than relying on a "tri-agency" meeting to be set for inspections. The plan noted that the PSC presently does not have computerization of motor vehicle data but would have in 1984, noting this added benefit will allow flexibility in pinpointing problem areas. It was noted in the plan that the information on accidents was being supplied from the Highway Patrol's computer data.

In order to carry out the ultimate enforcement program the PSC would need to hire 23 additional Federal and State safety personnel....

MMCA does not find fault with this effort by PSC at all... in fact MMCA supports an adequate level of funding for an effective program. An effective program is our main concern.

We simply endorse the concept of placing the enforcement program into a single agency. The agency to be solely responsible rests with the decision of the Legislature.

Other Western and surrounding states have excellent programs where the Highway Patrols are responsible for truck safety inspections, including California, Washington, Arizona, Utah, Colorado, Wyoming, and North Dakota. Idaho and New Mexico have Departments of Transportation enforcement. In Colorado and Washington the responsibility for interterminal inspections are in the Public Utilities Commissions and the Highway Patrols are responsible for roadside inspections.

MMCA feels that the Highway Patrol is the logical agency to solely enforce the truck safety inspection program in Montana because of: its size; its diverse location of manpower; its scope of responsibility; its present involvement in the truck safety as well as general highway safety; and its capability for compiling computerized data on accidents.

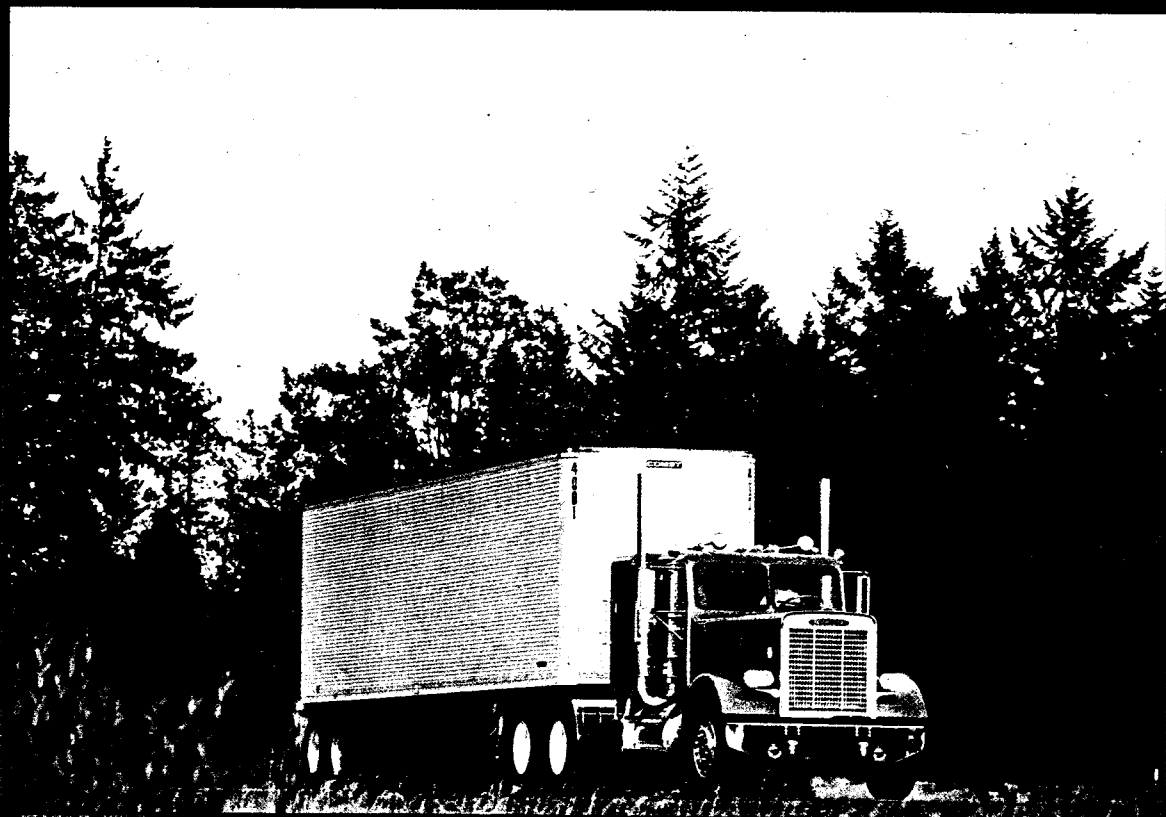
Also, if SB 83 is passed, its enforcement will be under the Department of Justice. All aspects of the truck safety program will be in one Department.



California Highway Patrol

CRITICAL ITEM

TRUCK INSPECTION GUIDE

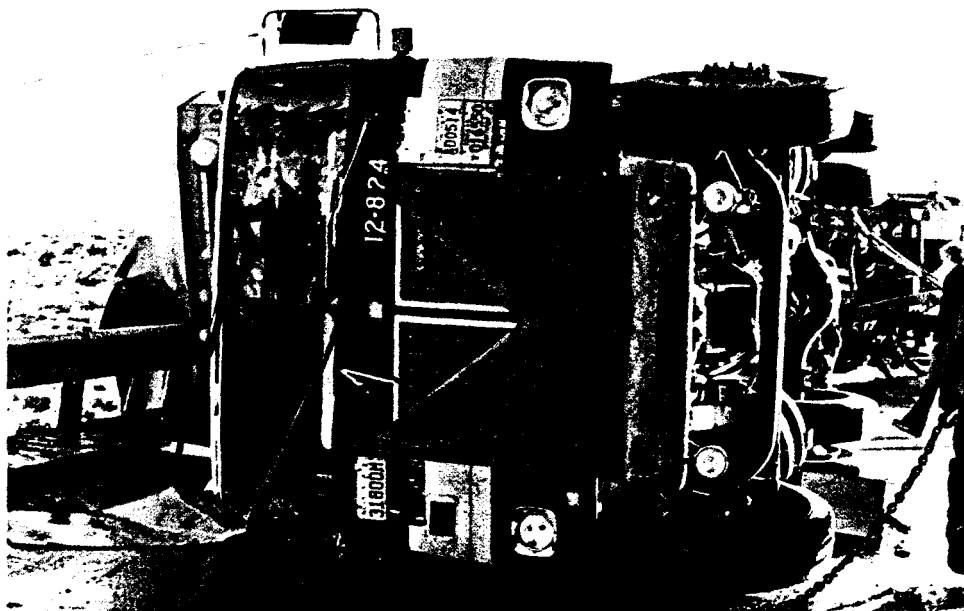


Make available

30

W.V. Foundation to Traffic Safety
800 555-0000 (800 555-0000) 20 2000

Have you or one of your drivers had the misfortune of being involved in an accident similar to the one pictured below? Many accidents could be prevented with just a little time, effort, and training.



Would you like to reduce the chances of this happening? The following pages contain some tips on how to do it through the use of the Critical Item Truck Inspection process.

NOTE: The information reflects California requirements. There may be some difference between these and other state or federal requirements.

Foreword

What is the Critical Item Truck Inspection? Why did the California Highway Patrol (CHP) start using it? What has it accomplished? Could you use it to your advantage?

The Critical Item Truck Inspection is a unique process recently developed by the CHP that focuses inspection efforts on vehicle equipment and driver requirements most often identified as causing contributing to truck accidents.

The inspection process was developed to assist the CHP to deal with the growing number of accidents caused by trucks. One factor contributing to the accident increase was the growth in the number of commercial vehicle miles travelled over California's highways. In fact, in a recent five-year period, commercial vehicle miles travelled increased over 49 percent.

The CHP conducted a detailed study of over 3,000 truck accidents to determine which mechanical defects most frequently were identified as the cause or as a contributing factor in these accidents. The defective components identified were brakes, steering, tire/wheels, drawbars and fifth wheels. These defects became the focus of the Critical Item Truck Inspection. Driver's logs were included because of the critical relationship between fatigue and traffic accidents.

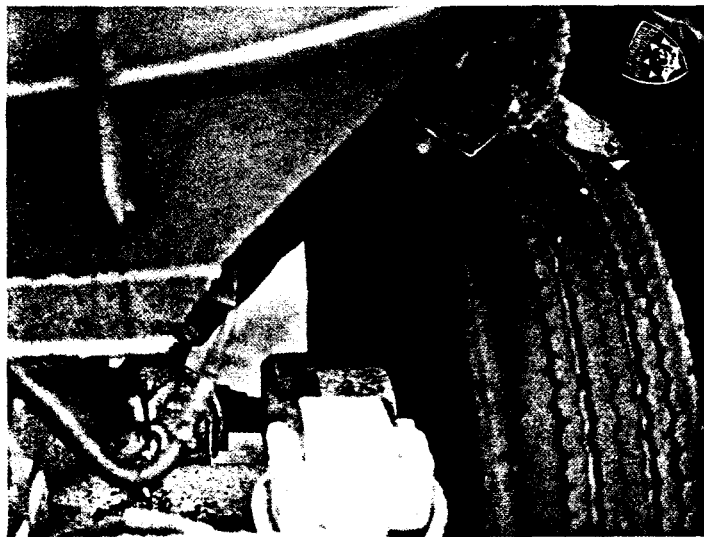
The adoption of the Critical Item Truck Inspection was a significant change from the prior, in-depth, inspection process which consisted of a very detailed inspection of all vehicle equipment. The change in the CHP's inspection process reduced the time expended in a vehicle inspection by 10 minutes. This was the primary factor enabling the CHP to increase the number of vehicles inspected by 105,000, or 45 percent, over a five-year period in spite of a 9 percent decrease in inspection personnel.

From 1975 through 1978, truck-at-fault accidents in California Highway Patrol jurisdictions increased each year for a total increase of over 40 percent. In 1979, in spite of a 13 percent increase in truck miles travelled, truck-at-fault accidents were reduced by about 1/2 of 1 percent. The CHP takes special pride in this accomplishment and credits much of the success to the Critical Item Truck Inspection. The reduction in accidents is especially significant when one considers the 4 percent increase in truck accidents nationwide in 1979.

This guide has been published to assist the trucking industry in improving the safety performance of their fleets. We believe the Critical Item Truck Inspection would be a useful tool in supplementing existing preventive maintenance programs. While many fleet managers are using the Critical Item Truck Inspection procedure for pre-trip inspections, we also recommend drivers not returning to their terminals daily use it at regular intervals as their trips progress.

Inspection Procedures

Brake Adjustment



A rig with brakes out of adjustment and a driver not using the proper gear on a downgrade is a "run-away" in the making. It's common knowledge that brakes out of adjustment is the most frequent over-the-road brake problem. To give your drivers an edge, by operating a safe vehicle, brakes must be properly adjusted. Air chamber push rod travel exceeding the maximum stroke at which the brakes could be readjusted is reflected in the far right column in the table below.

BOLT TYPE BRAKE CHAMBER DATA (Dimensions in inches)					
Type	Effective Area (Sq. In.)	* Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum Stroke at Which Brakes Should Be Readjusted
A	12	6 $\frac{15}{16}$	1 $\frac{3}{4}$	Should be as short as possible without brakes dragging	1 $\frac{3}{8}$
B	24	9 $\frac{3}{16}$	2 $\frac{1}{4}$		1 $\frac{3}{4}$
C	16	8 $\frac{1}{16}$	2 $\frac{1}{4}$		1 $\frac{3}{4}$
D	6	5 $\frac{1}{4}$	1 $\frac{5}{8}$		1 $\frac{1}{4}$
E	9	6 $\frac{3}{16}$	1 $\frac{3}{4}$		1 $\frac{3}{8}$
F	36	11	3		2 $\frac{1}{4}$
G	30	9 $\frac{7}{8}$	2 $\frac{1}{4}$		2
ROTOCHAMBER DATA					
9	9	4 $\frac{9}{32}$	2	Should be as short as possible without brakes dragging	1 $\frac{1}{2}$
12	12	4 $\frac{13}{16}$	2		1 $\frac{1}{2}$
16	16	5 $\frac{13}{32}$	2 $\frac{1}{2}$		1 $\frac{7}{8}$
20	20	5 $\frac{15}{16}$	2 $\frac{1}{2}$		1 $\frac{7}{8}$
24	24	6 $\frac{13}{32}$	2 $\frac{1}{2}$		1 $\frac{7}{8}$
30	30	7 $\frac{1}{16}$	3		2 $\frac{1}{4}$
36	36	7 $\frac{5}{8}$	3 $\frac{1}{2}$		2 $\frac{5}{8}$
50	50	8 $\frac{7}{8}$	4	3	
CLAMP TYPE BRAKE CHAMBER DATA (Dimensions in inches)					
6	6	4 $\frac{1}{2}$	1 $\frac{5}{8}$	Should be as short as possible without brakes dragging	1 $\frac{1}{4}$
9	9	5 $\frac{1}{4}$	1 $\frac{3}{4}$		1 $\frac{3}{8}$
12	12	5 $\frac{11}{16}$	1 $\frac{3}{4}$		1 $\frac{3}{8}$
16	16	6 $\frac{3}{8}$	2 $\frac{1}{4}$		1 $\frac{3}{4}$
20	20	6 $\frac{25}{32}$	2 $\frac{1}{4}$		1 $\frac{3}{4}$
24	24	7 $\frac{1}{32}$	2 $\frac{1}{4}$		1 $\frac{3}{4}$
30	30	8 $\frac{3}{32}$	2 $\frac{1}{2}$		2
36	36	9	3	2 $\frac{1}{4}$	

*Dimensions listed do not include capscrew head projections for roto-chambers and bolt clamp projections for clamp type brake chambers.

Air Loss



Air loss checks only take a minute or two. How often do you check yours?

Here is how we do it:

Brakes Released:

Build air to maximum, shut down the engine. The maximum permissible air loss is:

- (a) 2 pounds per min. on single vehicle.
- (b) 3 pounds per min. on 2 vehicles.
- (c) 5 pounds per min. on 3 or more vehicles.

Brakes Applied:

Have the engine shut down with the air pressure at the governor cut-out point (maximum air pressure). Apply the foot valve. After the system stabilizes, read the gauge. The maximum permissible air loss is:

- (a) 3 pounds per min. on single vehicle.
- (b) 4 pounds per min. on 2 vehicles.
- (c) 6 pounds per min. on 3 or more vehicles.

Any loss above these limits could seriously affect the stopping efficiency of your vehicle and lead to an accident.

Low Air Pressure Warning Device

Low air warning devices play an important role in letting the driver know if the brake system is in trouble. Unless the warning device is working properly, the driver may not know the brake system is "running out of air" until it's too late.

It's one of the simplest of all items to check, yet probably the one that is checked the least.

Do you know the requirements? Does yours operate? Will it operate with the engine shut down? When was the last time you checked its operation?

Here are the requirements:

- (a) The warning may be visible (light), audible (buzzer), or both.
- (b) The device must operate when the air pressure is between 55 and 75 psi.
- (c) The device must continue to operate at all pressures below the pressure at which it begins to operate.

Here is how to check it:

Reduce the air pressure in the brake system to the cut-in pressure of the low air warning device by venting the air through the air tank drain cock, or by repeated application of the foot valve. Observe the pressure at which the device operates. If the low air warning device fails to operate, repeat the test with the engine running. On some vehicles the device will not operate unless the engine is running.

Air Brake Hose and Air Brake Lines

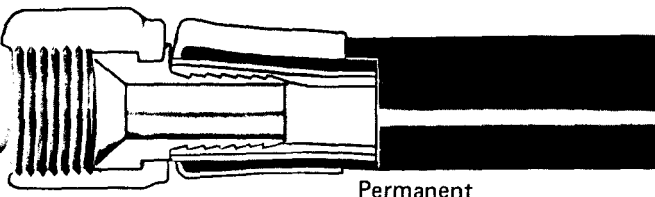
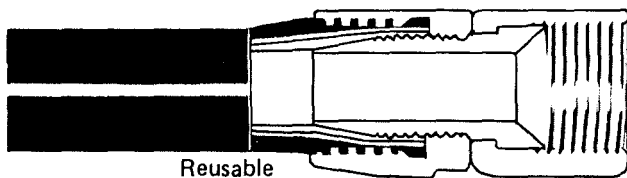
Air brake hoses and air brake lines cut or worn down through any steel or fabric braid, or which have become hardened or swollen, are indications of improper maintenance and threaten the integrity of the brake system.

Any air brake line or air brake hose that has been worn through all fabric layers, or is cracked or broken at a connection or other place so that a possibility of a failure of the line or hose exists, is a hazard and must be repaired or replaced immediately. When flexibility is required, air brake hoses must be sufficiently long and flexible to accommodate all normal flexing without damage.

Splices in air brake hose assemblies are permitted only when a union specifically made for that purpose is used. Splices made with any other device or connection are not allowed. For example, splices using tubing or pipe inserted into the hose or push-on type splices are not permitted.

Any type splice is permitted for air brake lines provided the splice is mechanically sound, structurally adequate, and airtight.

Reusable and permanent type fittings that are permitted for use on air brake hose assemblies are illustrated below.



Brake Drums

Check for cracked brake drums.

Brake drums which are broken or cracked through the outside of the drum surface, or cracked brake drums which have been repaired by banding or any other method after the drums have been cracked, are not safe and must be replaced immediately.

Brake Shoes

Check for brake linings that are:

- (a) Worn to within $\frac{1}{64}$ -inch of the bolts, rivets, or other fastening means which secure the lining to the shoe.
- (b) Worn so that bolts, rivets, or other fastening means are contacting the drum.
- (c) Worn to such an extent that the brake cam is on end or the cam has turned over.
- (d) Either broken or has part of the lining missing.
- (e) Contaminated with lubricant.

Brake shoe rollers that are worn and flattened so as to interfere with brake operation.

Check brake shoe anchor pins and cam bushings, brake shoes, brake shoe rollers, return springs, and brake lining for excessive wear. The following conditions are examples of improper maintenance:

- (a) Brake shoe anchor pins worn so as to permit the brake shoes to drag when brakes are released.
- (b) Brake lining that does not fully contact the brake drum when brakes are applied.
- (c) Missing brake shoe return springs.

Steering Components

Preliminary Requirements. Inspection of steering systems should be conducted on a clean, relatively level surface.

Steering Column. Inspect the steering column and steering gear box for proper mounting, securement, and operation. Turn the steering wheel through a full right and left turn and check for binding or jamming conditions.

Care should be taken at the extreme ends of the turn to avoid deflecting the mechanism against stops.

Steering shafts should turn through full range in both directions without binding or hard pull and be free of any "rough spots".

Binding is an indication of a defect such as a steering gear misalignment.

Rough spots indicate damaged bearings or parts. Hard pull indicates excessive preload adjustment.

With the wheels straight, turn the steering wheel until motion of the wheels can be observed. Measure lash. Total movement of the steering wheel before the wheels begin to move should not be greater than shown in the following illustration.

Steering Wheel Diameter	Lash
16"	2"
18"	2-1/4"
20"	2-1/2"
22"	2-3/4"

Check the securement of the steering gear box to the frame. Determine if there are any loose or missing mounting bolts.

Examine the power steering valve body and hose connections for leaks.

Check the steering column shaft upper bearing for excessive wear and on a remote type, check lower bearing for defects as shown in the figure below.



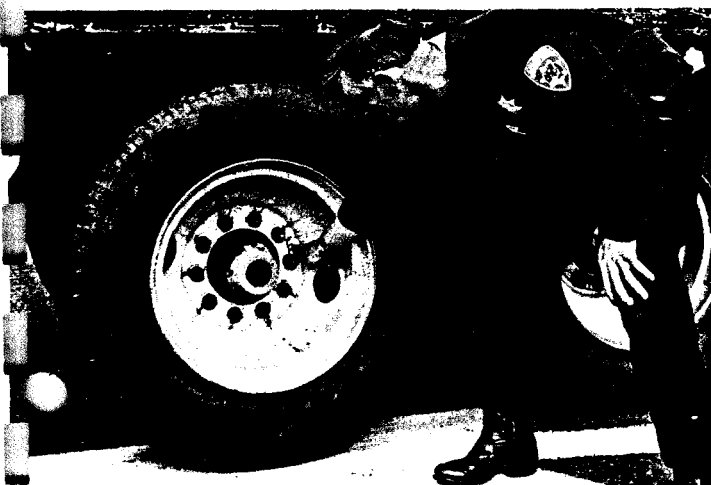
Tie Rod Ends. Inspect all spherical joints on tie rod ends and steering linkage for excessive wear and looseness. Joints should twist freely but should have no end play except as allowed by compression of the tie rod end spring. Note condition of sealing boots, particularly on sealed joints without plugs or fittings.

Idler Arm. Inspect idler arm for worn bushing as may be indicated by up-and-down play.

Pitman Arm. Check pitman arm on steering gear box for looseness. There should be no up-and-down movement.

Tires and Wheels

Check each tire for excessive wear, cuts or other damage. Check each wheel for cracks, or other defects, loose or missing nuts, and broken studs.



Matching of Tires and Rims. Tires installed on vehicles are to be mounted only on rims specified for the particular tire size by the tire manufacturer or by organizations listed in Federal Motor Vehicle Safety Standard 119 (FMVSS).

Tire Load Limits. Tires for trucks, buses, and trailers shall not be loaded above the maximum load rating specified by the organizations listed in FMVSS No. 119 for the tire size, ply rating, and service speed.

Regrooved Tires. No tires are to be regrooved unless the tire is designed to permit regrooving and is marked "regroovable" at the time of manufacture or has a retread designed to be regrooved and is marked "regroovable" when retreaded. Regrooved tires must have at least a $\frac{3}{32}$ -in. (2.4-mm) layer of tread material between the cord structure and the new grooves, which cannot be less than $\frac{3}{16}$ in. (4.8 mm) nor more than $\frac{7}{16}$ in. (7.9 mm) wide. Regrooved tires must not show evidence of ply, tread, or sidewall separation; sidewall wear that exposes the fabric; or tread or groove cracks extending to the fabric.

Tread Depth. Tires mounted on steering axles of most trucks must have at least $\frac{3}{32}$ in. (1.6 mm) tread depth at all points in all major grooves, except measurements are not to be taken at tread wear indicators, tie bars, humps, or fillets.



Defects. Tires shall not be used with boot or blowout patches or with:

- Unrepaired fabric breaks.
- Exposed or damaged cord.
- Bumps, bulges, or knots.
- Cuts that measure more than 1 in. (25 mm) and expose body cord.
- Cracks in valve stem rubber.

Recapped Tires. Recapped or retreaded tires are not permitted on steering axles of most trucks unless:

- (a) They have not been recapped or retreaded more than once and contain no casing repair other than that required by a nail puncture, and
- (b) They conform to the requirements of the 1969 California Retreading Standards Committee (CRSC) Retreading Specifications and Standards, or

- (c) They are certified by a new tire manufacturer as meeting standards equal to or better than CRSC standards. Such tires must show the name or trademark and assigned DOT registration number of the manufacturer and designate his facility which produced the tires.

Tires on Dual Wheels. The diameters of tires used on dual wheels shall be so matched that on a level roadway each tire will contact the surface at all times.

Drawbars and Fifth Wheels



Drawbars and fifth wheels are relatively easy to inspect, service and repair. Yet, because you don't have "too much trouble" with them, they are frequently overlooked. Your vehicle stands a greater chance of causing an accident if:

- (a) Locking devices are missing from 5th wheels.
- (b) There is more than 1" of lengthwise play between the upper and lower half of fifth wheels.
- (c) Nuts, bolts, or brackets that are worn, loose, or broken and permit movement between the fifth wheel mounting and the vehicle frame.
- (d) 5th wheel/drawbars are broken or cracked in such a way as to affect structural integrity.



Check safety chains for adequate strength and proper hookup. The strength of a safety chain must be at least equal to the weight of the loaded trailer.

Driver's Logs

Nothing is "left behind" more often than the driver's log book. On a more serious note, fatigued and/or sleepy drivers cause accidents and cost lives and money. The rules are simple and they should be followed closely. Here are California's rules:

Hours of Service. A driver may not drive more than 12 hours within a work period, or drive after having been on duty for 16 hours.

Log Requirements. A driver's log, in duplicate, must be kept by each driver and each codriver, while driving, on duty not driving, or resting in a sleeper berth. The log must be presented for inspection immediately upon request by any employee of the California Highway Patrol.

A driver's log is not required for drivers leaving and returning to the same location within 12 consecutive hours and operating within a 100-mile radius of their home terminal, providing records of their total days worked, on-duty hours, and time of reporting on and off duty each day, are maintained by the motor carrier for one year. A driver's log must be maintained in continuity with other required timekeeping records for any tour of duty that can be reasonably expected to exceed 12 consecutive hours or the 100-mile radius, or the permanent record produced by a time-recording device such as a "tachograph" may be used, in lieu of a driver's log, for any tour of duty that does not exceed 16 consecutive hours or the 100-mile radius, providing the driver enters the previous day's time of going off duty and all data required on a regular log.

Drivers of vehicles subject to and in compliance with the log requirements of the U.S. Department of Transportation, Section 395.8, Part 395, Code of Federal Regulations, Title 49, are deemed to be in compliance with California regulations.

You are now familiar with the Critical Item Truck Inspection. How can you use it to complement your total preventive maintenance program?

NOTE: In addition to the critical items listed above, a visual inspection of headlamps, taillamps, brake lamps and turn signals should be conducted daily.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
CRITICAL ITEM INSPECTION

DATE	TIME	LOC. CODE	BEAT
INSPECTION BY		I.D. NUMBER	

VEHICLE LICENSE

#1	#2	#3	#4
----	----	----	----

1. BRAKE ADJUSTMENT

LEFT							
RIGHT							

2. AIR LOSS

COMPLIES

YES NO

APPLIED

UNAPPLIED

3. LOW AIR PRESSURE WARNING DEVICE

4. BRAKE HOSES

5. BRAKE DRUMS

6. BRAKE SHOES

7. STEERING COMPONENTS

8. WHEELS — CRACKS/LOOSE NUTS

9. TIRES — WEAR/DEFECTS/OVERLOADING

10. DRAWBAR/FIFTH WHEEL

11. DRIVER'S LOG

COMMENTS

215	O. R. 215C ISSUED	281
#	<input type="checkbox"/> YES <input type="checkbox"/> NO	#

INSPECTION

UNIFORMITY

COMMERCIAL VEHICLE SAFETY ALLIANCE

82



085261



82



039716

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062943

Presented by AIA POLICE SCHOOL
AND EQUIPMENT FORUM SERIES
IN COOPERATION WITH THE VIRGINIA
DEPARTMENT OF TRANSPORTATION

FOREWORD

The need to inspect trucks for safety has been recognized by state, provincial, and federal agencies for many years. Increases in the number of commercial vehicles being operated on the nation's highways, subsequent increases in accidents, as well as a growing difference in size between passenger and commercial vehicles, have created a more pronounced awareness and concern.

The potential for catastrophe when hazardous materials carriers are involved in accidents also supports the logic for inspection.

The transportation industry has recognized the importance of truck inspection as a way to improve operational safety, as well as lowering business costs which escalate when accidents occur.

Unfortunately, the individual attempts by state, provincial, and federal agencies to bring about highway safety through commercial vehicle inspection have not always been successful. Reasons for this include minimal resources and dissimilar or uncoordinated efforts, often resulting in varied safety emphasis between jurisdictions.

Further, these efforts were not always compatible with the operational needs of the trucking industry.

In response, a number of states and Canadian provinces have joined to form a Commercial Vehicle Safety Alliance (CVSA). The goals of CVSA are:

- To bring about an overall improvement in commercial vehicle operation.

- To avoid duplication of inspection efforts by the various jurisdictions.

- To minimize delays for the operating industry.

- To increase the number of on-highway inspections.

- To improve the safety of equipment being operated on our highways.

States using the CVSA random truck inspection methods are experiencing an improvement in the safe operation of heavy vehicles. Notable reduction in truck-caused accidents has already been accomplished in Idaho, Utah, Washington, and California.

Exhibit 8
March 21, 1985
SB 182

WITNESS STATEMENT

NAME William E. MURRAY BILL NO. SB 182
ADDRESS PO Box 3127 Great Falls, MT 59403 DATE 3/21/85
WHOM DO YOU REPRESENT? MT. Assoc. of Disaster & Emergency Svcs Directors
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

BILL WOULD REQUIRE CREATION OF A NEW DIVISION WITHIN
HIWAY PATROL AND ABOLITION OF THE PROVEN-EFFECTIVE
DIVISION NOW OPERATING IN P.S.C.

BILL IS OPPOSED BY EMERGENCY SERVICES WHO WOULD
BE RESPONSIBLE FOR ANY RESPONSE INVOLVING TRUCKS
WITH HAZARDOUS CARGO - INCLUDING THE VOLUNTEER FIRE
DEPARTMENTS.

BILL IS OPPOSED BY HIWAY PATROL CHIEF AND ATTORNEY
GENERAL - THIS INDICATES THAT THOSE MOST CAPABLE OF
JUDGING THE MERITS HAVE FOUND THE BILL IS NOT A
PROPER METHOD OF ADDRESSING THE PROBLEM.

THE D.E.S. DIRECTORS ASSOCIATION REPRESENTING THE
EMERGENCY MANAGERS (CIVIL DEFENSE DIRECTORS) IN ALL 56 COUNTIES,
IS OPPOSED TO THIS BILL DUE TO ITS LACK OF MERIT.

Groups debate who will inspect trucks

By RICHARD ECKE
Tribune Staff Writer

Critics claim a bill altering state regulation of truckers smacks of self-interest.

But its sponsor, Sen. William Farrell of Missoula, argues Senate Bill 182 would merely bring consistency to a disjointed system of state truck safety inspections.

Bill Murray, Cascade County director of disaster and emergency services, contended the bill appears motivated out of "pure self-interest" and appears aimed at softening recently hard-nosed state truck inspections. The state Motor Carriers Association backs the bill and Republican Farrell is in the trucking business, he noted.

Murray joined two local legislators in criticizing the bill at a recent meeting in Great Falls.

"None of it is true," replied Farrell in a telephone interview.

Both sides agree the bill would turn authority for truck safety inspections over to the Montana Highway Patrol, allowing it to hire 18 to 20 patrol cadets as truck-safety inspectors. Across the state, roving teams of patrol inspectors would pull over trucks for inspection, he said.

Truck-safety inspection duties currently are divided between the patrol, state Public Service Commission inspectors and state gross-vehicle weight officers, Farrell said.

Farrell denies any ulterior motives, saying truckers simply want "consistent enforcement."

"Sure I have a personal interest," he said. "I want to see a good, strong program within the state."

He also pointed to a companion bill that would stiffen requirements to obtain a chauffeur's license. That bill is aimed at over-the-road truckers "to make sure they know what they're doing," he said.

Farrell said the Public Service Commission has only one truck-safety inspector anyway, noting three other inspectors quit.

But Murray argued the inspectors quit to take other jobs after learning of Farrell's plans.

And Murray argued the inspectors compiled such a "fantastic record" that truckers likely were miffed. The inspectors "found a horrendous number of violations," he said.

The Public Service Commission has asked for the 20 safety inspectors in its own budget, Murray reported.

Sen. B.F. "Chris" Christiaens, D-Great Falls, called the bill "ridiculous" and costly. Patrol cadets would receive higher pay than PSC officers.

PSC inspectors cited truckers for 1,500 violations last year, while highway patrolmen issued just 170, Christiaens said.

"The average highway patrolman

At the Legislature

is not going to bother a truck on the road," said Sen. Dick Manning, D-Great Falls.

In Farrell's defense, Sen. Gene Thayer, R-Great Falls, said the bill is designed "to provide 'statewide coverage.'" For instance, gross-vehicle weight scales are only "here and there," Thayer said.

Farrell is "not that type of person" to try to pass a bill that would help truckers avoid violations, Thayer maintained.

Murray said the bill was opposed in the Senate by city, county and disaster groups and the PSC. Even Highway Patrol Col. Robert Landon opposed it, Murray said.

Farrell said opposition is based on "false information."

"They heard one side of the story and then formulated their opinion," Farrell said. Farrell suggested the patrol backed off to avoid an inter-agency fight, but he said Landon has expertise after heading vehicle safety inspections for the Washington state patrol.

Farrell also criticized disaster officials who opposed the bill.

"I think the PSC put those people up to doing that," he said.

Murray denied the charge, and complained that preparation of Farrell's bill was "carefully orchestrated" to keep it out of the limelight. "Nobody knew it existed," he said.

Murray argued the PSC is the best place to put the officers. Disaster officials are not saying all trucks are "time bombs just waiting to explode," but he said disaster officials would "have more confidence" in PSC inspections.

"If you're going to duplicate what already exists, why move it?" Murray asked.

Farrell contends the patrol is a better choice, noting patrol officers would retain their experience if the federal government deregulates trucking.

The sharply differing arguments may be settled in the state House, which has referred the bill to its Highways and Transportation Committee. No hearing date was set.

The Senate passed the bill earlier.

Exhibit 8a
March 21, 1985
SB 182

March 21, 1985
Exhibit 86
SB 182

Greely against truck inspection bill

Tribune Capitol Bureau

HELENA — Attorney General Mike Greely said Tuesday he opposes legislation to eliminate the roles of the state Public Service Commission and Department of Highways in conducting truck safety inspections.

Senate Bill 182 would give the state Highway Patrol full responsibility for truck safety inspections. The patrol now shares that responsibility with the PSC and the Highway Department's Gross Vehicle Weight staff.

As attorney general, Greely heads the Department of Justice and the Highway Patrol.

"If the Legislature enacts SB 182,

the Highway Patrol will have difficulty meeting its other important responsibilities, such as drunk driving enforcement, speed enforcement and accident investigation," Greely said. "The patrol already is woefully short of people, and I cannot support any proposal that reduces the patrol's ability to provide critical emergency services on the road."

Greely has asked the Legislature for money to add seven more patrol officers to the ranks this year and six more in 1986.

Even if the Legislature approves the request, the patrol will still have a shortage of officers, the attorney general said.

The state's truck safety inspection

program relies on U.S. Department of Transportation money to operate. To receive the \$327,000 of federal money, however, the state must provide a match of \$107,000. Greely said this match money, which can take the form of employees assigned to the program, is the equivalent to three or four patrol officers.

Greely said the Highway Patrol can't afford to take three or four officers off the road to conduct truck safety inspections.

The bill is sponsored by Sen. William Farrell, R-Missoula, who owns and operates a trucking company.

It has passed the Senate and will be heard by the House Highways and Transportation Committee Thursday.

Greely says leave inspections alone

Standard State Bureau
HELENA — Attorney General Mike Greely says he opposes legislation that would eliminate the role of the Public Service Commission and the Department of Highways in conducting truck safety inspections.

Senate Bill 182 would give the state Highway Patrol full responsibility for truck safety inspections, a responsibility it now shares with the PSC and the Highway Department's Gross Vehicle Weight staff.

"If the Legislature enacts SB 182, the Highway Patrol will have difficulty meeting its other important responsibilities, such as drunk driving enforcement, speed enforcement, and accident investigation," Greely said. "The patrol is already woefully short of people, and I cannot support any proposal that reduces the patrol's ability to provide critical emergency services on the road."

Greely, who heads the Justice Department and the Highway Patrol, has asked the Legislature to add seven more patrol officers in 1985, and six more in 1986.

"Even if the Legislature approves this request, the patrol will still have a serious shortage of officers," he said. "Now is not the time to take

inspection responsibility away from the PSC and GVW in order to give it to the patrol."

The truck safety inspection program relies on federal funds. To receive the necessary \$327,000 in federal money, the state must provide a \$108,000 match. The match can take the form of employees assigned to the program, and is equivalent of three or four patrol officers.

But Greely said the patrol can't afford to take three or four officers off the road to do the inspections. He said the state's rural communities stand to suffer the most from the bill's passage, and noted the patrol has already transferred officers to high-traffic urban areas and closed three of its 34 one-officer stations.

"Unless the Legislature provides more patrol officers, we will have no choice but to close more rural stations in order to meet the demands of the bigger population centers," he said.

He said the PSC has a five-year plan to handle truck safety inspections, but the legislation is keeping the PSC from fully implementing the plan.

The Senate has approved SB 182, and the House Highways and Transportation Committee will hear the bill Thursday.

Exhibit 9
March 21, 1985
SB 21

Mr. Chairman and Members of the Committee, my name is Howard Ellis and I appear in opposition to SB 182, that proposes to place all the truck safety inspection program within the Montana Highway Patrol.

Presently there are two forms of safety inspections, the short form performed by the Highway Patrol and the Gross Vehicle Weight enforcement people. The long form, a comprehensive inspection by the PSC enforcement people. The long form is also used by the one Highway Patrol Officer, dedicated to terminal inspections at Billings, and Missoula. It is just good sound business to have across-the-board safety responsibility with the agencies that touch the trucking industry on a daily basis.

The PSC was designated as the lead agency by Governor Schwinden, less than one year ago and we were on the road by midyear with the new safety program. Prior to this time, the PSC did a minimal amount of inspecting with the 5 economic enforcement people we have throughout the state.

I urge you to give this program a chance to perform for at least the next two years. Then you will have a record to review and some solid grounds to make a change, if it is needed.

Leave your truck safety program where it is - as it is - vote against SB 182.

WITNESS STATEMENT

NAME Wayne D. Smith BILL NO.

ADDRESS 2111 N. 1st St. DATE 2-1-77

WHOM DO YOU REPRESENT? Leg. - Dist. 10

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: attached

March 21, 1985
Exhibit 10
SB 182

SB 182

The Montana Public Service Commission is opposed to SB 182. Our opposition to the bill is based on three critical areas.

1. Is it in the best interest of the State of Montana to reduce existing truck safety enforcement personnel by 1/3?
2. Can the Public Service Commission continue to carry out its mandate of a regulated common carrier system if it is exempted from all safety regulations?
3. Why move an ongoing safety program from an agency that has been designated lead agency by the Governor and is actively seeking to continue that program and place it in an agency which is not actively requesting it and in an agency that already is on record requesting additional personnel to carry out its present responsibilities?

Our first point of opposition to SB 182 is that it would remove the Public Service Commission and GVW personnel from truck safety which would produce the following results:

- A) It would prohibit approximately 70 trained officers who deal only with trucks from checking those vehicles for safety.
- B) It would require a PSC or GVW officer to either ignore an obvious safety defect or contact a Highway Patrolman to take care of the problem, if an officer is available. There is a question, whether or not the PSC or GVW would even have the authority to hold a truck for a safety defect. In any event, this is obviously an inefficient if not down right wasteful way of enforcing safety. A prime example of this problem would be if a carrier does not have authority to transport dynamite, he is not going to broadcast that fact by identifying the vehicle with the required explosive placards. Under SB 182 the PSC or GVW could still issue him a ticket for hauling an illegal load, but could not react to the placard problem because it is in the safety area. The truck would proceed on down the road and it would be up to a local DES or Volunteer Fire Department to deal with that vehicle if it were involved in a wreck, without knowing what they are exposed to.
- C) This bill could result in a vehicle being checked a number of times by different officers for different violations. A truck would still be required to stop at a scale for weighing, fuel bond, PSC authority, etc, and then stopped down the road for safety.

- D) The 1981 legislature directed the PSC to hold the majority of its inspections in a safe area, which we have done. The legislature felt, and we agree, that roadside safety inspections could be dangerous to the trucker, the officer and the general public. This bill proposes to eliminate the personnel from safety who man the most obvious safe areas for checking a truck, the scales.

I have attached to this testimony a break down of the inspection numbers for the three agencies involved in safety for the last 3 quarters of 1984. These numbers were pulled from the quarterly reports given to the federal government under the federal funding program.

The second area of our concern is that of the Commission's ability to oversee a common carrier system. Safety has been a part of the Commission's statutes since 1931, when the 22nd Legislative Assembly established a regulated trucking industry in Montana. The 22nd Legislative Assembly made it the duty of the then Board of Railroad Commissioners to regulate the properties, facilities, operations, accounts, service, practices, affairs and safety of all motor carriers. It must be assumed that the 22nd Legislative Assembly felt that to have a healthy regulated motor carrier system in Montana the Commission must have all of these powers.

The motor carrier statutes have been changed over the last 54 years, with the major change in safety coming in the 1981 Legislature. The Commission was charged with the duty to develop a shortened inspection procedure and to conduct inspections in a safe area, thereby holding inspections made along the road side to a minimum. That same Legislature added to the Commission's responsibility the overseeing of safety for all motor vehicles operating in Montana having a gross weight of 26,000 pounds or greater, except farm vehicles. The Commission has taken on these responsibilities and carried out the Legislature's directive without the benefit of additional funds. I might add the Motor Carrier Association and I believe the Logging Association supported the expansion of the Commission's safety duties.

To my knowledge, no one has heretofore challenged the Public Service Commission's duty to assure safe vehicles operating in Montana. It is the Commission's opinion that this proposal would not be before you today if it were not for the truck safety funds now available from the Federal Government.

The Commission feels that SB 182, in totally prohibiting the Commission from safety, would affect its ability to review a carriers fitness and respond to complaints from the public concerning the safety of a carrier and take appropriate action.

The third area of our opposition to SB 182 concerns who should have primary responsibility for administering the Motor

Carrier Safety Assistance Program, which is an 80/20 Federal/State funded program for the inspection of large trucks. As I stated earlier, the PSC has been designated by the Governor as the lead agency. In addition, we have gone before the Legislative Finance Committee on two occasions and received approval to spend federal funds. We have developed a state enforcement plan and a proposed future enforcement plan covering the next two fiscal years. We have made our plans for the future of the safety program known to the Motor Carrier Association, the Logging Association, the Solid Waste Contractors, the Governors office and everyone else within earshot. We have been totally up front with everyone concerned. We have coordinated our efforts every step of the way with the GVW and Patrol to insure, as those statutes clearly state, maximum coordination and minimum duplication. We feel we have fulfilled all requirements set out by State and Federal Law for this program and have indeed gone beyond any state or federal mandate by meeting with various carrier groups to answer their questions on the program and coordinating our efforts with the Disaster and Emergency Services personnel and the Montana Department of Health concerning hazardous material transportation.

What you have before you today is an agency which is seeking to continue and expand a vigorous trucks safety program and a bill that would move that program to an agency which has stated it does not support the proposed move. We feel that the old adage of "if it ain't broke don't fix it" applies to this bill, and from the PSC's point of view it definitely ain't broke. We would urge you to give SB 182 a Do Not Pass Recommendation and allow us to get on with a safety program which we feel is of benefit to every citizen of Montana.

Wayne Budt, Administrator
Transportation Division
Public Service Commission

<u>PSC</u>	<u>LONG FORMS (PSC63)</u>	<u>SHORT FORMS (PSC64)</u>
Apr, May, June	889	*
July, Aug, Sept.	1069	183
Oct, Nov, Dec.	<u>291</u>	<u>611</u>
	2249	794

* Short form (PSC64) Developed after June 30.

<u>MHP</u>	<u>LONG FORMS (PSC63)</u>	<u>SHORT FORMS (PSC64)</u>
Apr, May, June	101	*
July, Aug, Sept.	127	36
Oct, Nov, Dec.	<u>34</u>	<u>135</u>
	262	171

MHP 119

Apr, May, June	172
July, Aug, Sept.	137
Oct, Nov, Dec.	<u>122</u>
	431

* Short form (PSC64) Developed after June 30.
119's Inspections are Terminal Inspections.

<u>GVW</u>	<u>LONG FORMS (PSC63)</u>	<u>SHORT FORMS (PSC64)</u>
Apr, May, June	445	*
July, Aug, Sept.	90	498
Oct, Nov, Dec.	<u>56</u>	<u>382</u>
	591	880

* Short form (PSC64) Developed after June 30.

Long forms represent complete vehicle inspections or mechanical defects that warranted citations.

Short forms represent Driver Examinations (log book & med. Card), and mechanical defects that didn't warrant citations.

#1 PROGRAM ASSUMPTION GOING INTO THE
SESSION. USING FY86-FY87
PROJECT LIST. COAL TAX
AS 1983 LEGISLATURE
INTENDED (HB19)

STATE OF MONTANA
DEPARTMENT OF HIGHWAYS
COMBINED RTF & EARMARK CASH FLOW
03/20/85

3-21-85
Exhibit 11
Dog H

	FY85	FY86	FY87	FY88	FY89
BEGINNING CASH BALANCE	51,940,233	65,562,606	49,196,265	16,383,407	-16,556,042
REVENUE					
G.V.W.	23,157,280	23,388,853	23,622,742	23,858,969	24,097,559
GAS TAX	61,916,500	61,664,500	61,289,500	61,001,948	61,315,958
DIESEL TAX	18,737,000	18,925,000	19,114,000	19,305,140	19,498,191
ACCOUNT RECEIVABLE	686,048	681,048	681,048	681,048	681,048
MINERAL ROYALTIES	8,500,000	7,564,000	7,598,000	7,632,000	7,667,000
COAL TAX REVENUE	0	6,235,140	13,233,600	14,129,040	15,332,760
INTEREST INCOME	0	5,912,471	3,450,954	0	0
MODIFIED	0	400,000	550,000	550,000	550,000
ACI CONVERSION	0	2,973,000	2,526,000		
TOTAL REVENUE	112,996,828	127,744,012	132,065,844	127,158,145	129,142,516
AVAILABLE FUNDS	164,937,061	193,306,618	181,262,109	143,541,552	112,586,474
EXPENDITURE					
G.V.W.	3,207,546	3,113,357	3,195,827	3,342,445	3,439,628
GENERAL OPERATIONS	4,903,896	5,060,459	5,090,959	4,887,083	5,037,925
CONSTRUCTION	4,328,367	4,199,657	26,130,929	23,607,899	23,661,240
MAINTENANCE	41,729,404	40,211,558	40,201,981	43,156,732	44,601,979
PRECONSTRUCTION	3,482,615	3,407,288	2,935,908	3,142,721	3,240,211
EQUIPMENT	2,568,000	2,788,210	2,555,637	2,647,828	2,743,839
HDQTRS. BLDG.	587,245	646,106	588,505	596,085	602,845
A & E	500,000	762,100	762,100	375,000	375,000
LOCAL GOVERNMENT	14,150,000	14,150,000	14,150,000	14,150,000	14,150,000
BOND INTEREST & PRINCIPAL	4,898,063	14,127,230	15,975,094	15,973,573	15,975,105
RECONSTRUCTION TRUST	10,473,003	46,054,864	43,812,205	40,000,000	40,000,000
REVENUE	757,959	845,899	825,672	757,139	776,067
JUSTICE	6,044,981	6,202,653	6,204,890	6,360,012	6,519,012
MODIFIED (FY85-HB203)	1,743,376	1,919,341	1,080,812	1,101,077	1,137,913
PAYPLAN @2 1/2%	0	621,631	1,368,183	0	0
TOTAL EXPENDITURE	99,374,455	144,110,353	164,878,702	160,097,594	162,260,764
ENDING CASH BALANCE	65,562,606	49,196,265	16,383,407	-16,556,042	-49,674,290

*** ASSUME MINERAL ROYALTIES CONTINUE FOR ALL YEARS.
ASSUME GASOHOL REDUCTION OF \$ 800,000 IN FY86,
\$1,200,000 IN FY87,
\$1,800,000 THEREAFTER.
ASSUME COAL TAX BEGINS IN FY86 AT OLD RATES.
ASSUME NO GAS OR DIESEL TAX INCREASE.
ASSUME 10.83% INTEREST RATE FOR FY86 & 10.97% THEREAFTER.

#2 CURRENT LAW
NO FUEL TAX INCREASE
NO HB19 (COAL SEVERANCE)

STATE OF MONTANA
DEPARTMENT OF HIGHWAYS
COMBINED RTF & EARMARK CASH FLOW

03/20/85

	FY85	FY86	FY87	FY88	FY89
BEGINNING CASH BALANCE	51,940,233	65,562,606	42,623,492	2,220,700	-30,718,749
REVENUE					
G.V.W.	23,157,280	23,388,853	23,622,742	23,858,969	24,097,559
GAS TAX	61,916,500	61,664,500	61,289,500	61,001,948	61,315,958
DIESEL TAX	18,737,000	18,925,000	19,114,000	19,305,140	19,498,191
ACCOUNT RECEIVABLE	686,048	681,048	681,048	681,048	681,048
MINERAL ROYALTIES	8,500,000	7,564,000	7,598,000	7,632,000	7,667,000
COAL TAX REVENUE	0	0	6,722,000	14,129,040	15,332,760
INTEREST INCOME	0	5,574,838	2,372,620	0	0
MODIFIED	0	400,000	550,000	550,000	550,000
ACI CONVERSION	0	2,973,000	2,526,000		
TOTAL REVENUE	112,996,828	121,171,239	124,475,910	127,158,145	129,142,516
AVAILABLE FUNDS	164,937,061	186,733,845	167,099,402	129,378,845	98,423,767
EXPENDITURE					
G.V.W.	3,207,546	3,113,357	3,195,827	3,342,445	3,439,628
GENERAL OPERATIONS	4,903,896	5,060,459	5,090,959	4,887,083	5,037,925
CONSTRUCTION	4,328,367	4,199,657	26,130,929	23,607,899	23,661,240
MAINTENANCE	41,729,404	40,211,558	40,201,981	43,156,732	44,601,979
PRECONSTRUCTION	3,482,615	3,407,288	2,935,908	3,142,721	3,240,211
EQUIPMENT	2,568,000	2,788,210	2,555,637	2,647,828	2,743,839
HDQTRS. BLDG.	587,245	646,106	588,505	596,085	602,845
A & E	500,000	762,100	762,100	375,000	375,000
LOCAL GOVERNMENT	14,150,000	14,150,000	14,150,000	14,150,000	14,150,000
BOND INTEREST & PRINCIPAL	4,898,063	14,127,230	15,975,094	15,973,573	15,975,105
RECONSTRUCTION TRUST	10,473,003	46,054,864	43,812,205	40,000,000	40,000,000
REVENUE	757,959	845,899	825,672	757,139	776,067
JUSTICE	6,044,981	6,202,653	6,204,890	6,360,012	6,519,012
MODIFIED (FY85-HB203)	1,743,376	1,919,341	1,080,812	1,101,077	1,137,913
PAYPLAN @2 1/2%	0	621,631	1,368,183	0	0
TOTAL EXPENDITURE	99,374,455	144,110,353	164,878,702	160,097,594	162,260,764
ENDING CASH BALANCE SUBTOTAL	65,562,606	42,623,492	2,220,700	-30,718,749	-63,836,997
DEPT.OF JUSTICE MODIFICATION			1,453,238		1,150,269
ENDING CASH BALANCE TOTAL	65,562,606	42,623,492	767,462	-32,171,987	-66,440,504

*** ASSUME MINERAL ROYALTIES CONTINUE FOR ALL YEARS.
 ASSUME GASOHOL REDUCTION OF \$ 800,000 IN FY86,
 \$1,200,000 IN FY87,
 \$1,800,000 THEREAFTER.
 ASSUME NO GAS OR DIESEL TAX INCREASES.
 ASSUME COAL TAX BEGINS IN FY87.
 ASSUME 10.83% INTEREST RATE IN FY86 & 10.97% THEREAFTER.

#3 WORST CASE

NO MINERAL ROYALTIES
NO HB19 (COAL SEVERANCE)
NO FUEL TAX INCREASE

STATE OF MONTANA
DEPARTMENT OF HIGHWAYS
COMBINED RTF & EARMARK CASH FLOW

03/20/85

	FY85	FY86	FY87	FY88	FY89
BEGINNING CASH BALANCE	51,940,233	65,562,606	34,631,463	-14,705,859	-55,277,308
REVENUE					
G.V.W.	23,157,280	23,388,853	23,622,742	23,858,969	24,097,559
GAS TAX	61,916,500	61,664,500	61,289,500	61,001,948	61,315,958
DIESEL TAX	18,737,000	18,925,000	19,114,000	19,305,140	19,498,191
ACCOUNT RECEIVABLE	686,048	681,048	681,048	681,048	681,048
MINERAL ROYALTIES	8,500,000				
COAL TAX REVENUE	0	0	6,722,000	14,129,040	15,332,760
INTEREST INCOME	0	5,146,809	1,036,090	0	0
MODIFIED	0	400,000	550,000	550,000	550,000
ACI CONVERSION	0	2,973,000	2,526,000		
TOTAL REVENUE	112,996,828	113,179,210	115,541,380	119,526,145	121,475,516
AVAILABLE FUNDS	164,937,061	178,741,816	150,172,843	104,820,286	66,198,208
EXPENDITURE					
G.V.W.	3,207,546	3,113,357	3,195,827	3,342,445	3,439,628
GENERAL OPERATIONS	4,903,896	5,060,459	5,090,959	4,887,083	5,037,925
CONSTRUCTION	4,328,367	4,199,657	26,130,929	23,607,899	23,661,240
MAINTENANCE	41,729,404	40,211,558	40,201,981	43,156,732	44,601,979
PRECONSTRUCTION	3,482,615	3,407,288	2,935,908	3,142,721	3,240,211
EQUIPMENT	2,568,000	2,788,210	2,555,637	2,647,828	2,743,839
HDQTRS. BLDG.	587,245	646,106	588,505	596,085	602,845
A & E	500,000	762,100	762,100	375,000	375,000
LOCAL GOVERNMENT	14,150,000	14,150,000	14,150,000	14,150,000	14,150,000
BOND INTEREST & PRINCIPAL	4,898,063	14,127,230	15,975,094	15,973,573	15,975,105
RECONSTRUCTION TRUST	10,473,003	46,054,864	43,812,205	40,000,000	40,000,000
REVENUE	757,959	845,899	825,672	757,139	776,067
JUSTICE	6,044,981	6,202,653	6,204,890	6,360,012	6,519,012
MODIFIED (FY85-HB203)	1,743,376	1,919,341	1,080,812	1,101,077	1,137,913
PAYPLAN @2 1/2%	0	621,631	1,368,183	0	0
TOTAL EXPENDITURE	99,374,455	144,110,353	164,878,702	160,097,594	162,260,764
ENDING CASH BALANCE SUBTOTAL	65,562,606	34,631,463	-14,705,859	-55,277,308	-96,062,556
DEPT.OF JUSTICE MODIFICATION			1,453,238		1,150,269
ENDING CASH BALANCE TOTAL	65,562,606	34,631,463	-16,159,097	-56,730,546	-98,666,063

*** ASSUME NO MINERAL ROYALTIES AFTER FY85.

ASSUME GASOLIN REDUCTION OF \$ 800,000 IN FY86,
\$1,200,000 IN FY87,
\$1,800,000 THEREAFTER.

ASSUME NO GAS OR DIESEL TAX INCREASE.

ASSUME COAL TAX BEGINS IN FY87.

ASSUME 10.83% INTEREST IN FY86 & 10.97% THEREAFTER.

#4 GOVERNOR'S CURRENT PROPOSAL

. STATE OF MONTANA

HB735 (3¢ FUEL TAX INCREASE & NO
MINERAL ROYALTIES)

. DEPARTMENT OF HIGHWAYS

HB919 (APPROX \$9M ADDITIONAL COAL
TAX DISTRIBUTION)

COMBINED RTF & EARMARK CASH FLOW

03/20/85

. FY85 . FY86 . FY87 . FY88 . FY89

	FY85	FY86	FY87	FY88	FY89
BEGINNING CASH BALANCE	51,940,233	65,562,606	52,975,338	24,029,622	2,516,558
REVENUE					

G.V.W.	23,157,280	23,388,853	23,622,742	23,858,969	24,097,559
GAS TAX	61,916,500	73,460,974	73,085,974	72,798,422	73,112,432
DIESEL TAX	18,737,000	22,451,725	22,640,725	22,831,865	23,024,916
ACCOUNT RECEIVABLE	686,048	681,048	681,048	681,048	681,048
MINERAL ROYALTIES	8,500,000				
COAL TAX REVENUE	0	2,078,380	8,822,400	16,483,880	17,888,220
INTEREST INCOME	0	6,089,105	4,004,097	1,380,346	0
MODIFIED	0	400,000	550,000	550,000	550,000
ACI CONVERSION	0	2,973,000	2,526,000		

TOTAL REVENUE	112,996,828	131,523,085	135,932,986	138,584,530	139,354,175
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AVAILABLE FUNDS	164,937,061	197,085,691	188,908,324	162,614,152	141,870,733
EXPENDITURE					

G.V.W.	3,207,546	3,113,357	3,195,827	3,342,445	3,439,628
GENERAL OPERATIONS	4,903,896	5,060,459	5,090,959	4,887,083	5,037,925
CONSTRUCTION	4,328,367	4,199,657	26,130,929	23,607,899	23,661,240
MAINTENANCE	41,729,404	40,211,558	40,201,981	43,156,732	44,601,979
PRECONSTRUCTION	3,482,615	3,407,288	2,935,908	3,142,721	3,240,211
EQUIPMENT	2,568,000	2,788,210	2,555,637	2,647,828	2,743,839
HDQTRS. BLDG.	587,245	646,106	588,505	596,085	602,845
A & E	500,000	762,100	762,100	375,000	375,000
LOCAL GOVERNMENT	14,150,000	14,150,000	14,150,000	14,150,000	14,150,000
BOND INTEREST & PRINCIPAL	4,898,063	14,127,230	15,975,094	15,973,573	15,975,105
RECONSTRUCTION TRUST	10,473,003	46,054,864	43,812,205	40,000,000	40,000,000
REVENUE	757,959	845,899	825,672	757,139	776,067
JUSTICE	6,044,981	6,202,653	6,204,890	6,360,012	6,519,012
MODIFIED (FY85-HB203)	1,743,376	1,919,341	1,080,812	1,101,077	1,137,913
PAYPLAN @2 1/2%	0	621,631	1,368,183	0	0

TOTAL EXPENDITURE	99,374,455	144,110,353	164,878,702	160,097,594	162,260,764
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ENDING CASH BALANCE SUBTOTAL	65,562,606	52,975,338	24,029,622	2,516,558	-20,390,031
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DEPT.OF JUSTICE MODIFICATION			1,453,238		1,150,269
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ENDING CASH BALANCE TOTAL	65,562,606	52,975,338	22,576,384	1,063,320	-22,993,538
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*** ASSUME NO MINERAL ROYALTIES.

ASSUME GASOHOL REDUCTION OF \$ 800,000 IN FY86,

\$1,200,000 IN FY87,

\$1,800,000 THEREAFTER.

ASSUME COAL TAX BEGINS IN FY86 AT NEW RATES 2% IN FY86 8% IN FY87 & 14% THEREAFTER.

ASSUME A 3¢ GAS & DIESEL INCREASE FOR ALL YEARS.

ASSUME 10.83% INTEREST RATE IN FY86 & 10.97 THEREAFTER.

#5 FUNDING THRU FY89

4¢ FUEL TAX INCREASE

HB919 (APPROX.\$9,000,000

ADDITIONAL COAL TAX DISTRIBUTION)

. STATE OF MONTANA

. DEPARTMENT OF HIGHWAYS

COMBINED RTF & EARMARK CASH FLOW

03/20/85

	FY85	FY86	FY87	FY88	FY89
BEGINNING CASH BALANCE	51,940,233	65,562,606	58,359,654	35,392,490	20,513,825
REVENUE					
G.V.W.	23,157,280	23,388,853	23,622,742	23,858,969	24,097,559
GAS TAX	61,916,500	77,393,132	77,018,132	76,730,580	77,044,590
DIESEL TAX	18,737,000	23,627,300	23,816,300	24,007,440	24,200,491
ACCOUNT RECEIVABLE	686,048	681,048	681,048	681,048	681,048
MINERAL ROYALTIES	8,500,000				
COAL TAX REVENUE	0	2,078,380	8,822,400	16,483,880	17,888,220
INTEREST INCOME	0	6,365,688	4,874,916	2,907,012	1,274,099
MODIFIED	0	400,000	550,000	550,000	550,000
ACI CONVERSION	0	2,973,000	2,526,000		
TOTAL REVENUE	112,996,828	136,907,401	141,911,538	145,218,929	145,736,007
AVAILABLE FUNDS	164,937,061	202,470,007	200,271,192	180,611,419	166,249,832
EXPENDITURE					
G.V.W.	3,207,546	3,113,357	3,195,827	3,342,445	3,439,628
GENERAL OPERATIONS	4,903,896	5,060,459	5,090,959	4,887,083	5,037,925
CONSTRUCTION	4,328,367	4,199,657	26,130,929	23,607,899	23,661,240
MAINTENANCE	41,729,404	40,211,558	40,201,981	43,156,732	44,601,979
PRECONSTRUCTION	3,482,615	3,407,288	2,935,908	3,142,721	3,240,211
EQUIPMENT	2,568,000	2,788,210	2,555,637	2,647,828	2,743,839
HDQTRS. BLDG.	587,245	646,106	588,505	596,085	602,845
A & E	500,000	762,100	762,100	375,000	375,000
LOCAL GOVERNMENT	14,150,000	14,150,000	14,150,000	14,150,000	14,150,000
BOND INTEREST & PRINCIPAL	4,898,063	14,127,230	15,975,094	15,973,573	15,975,105
RECONSTRUCTION TRUST	10,473,003	46,054,864	43,812,205	40,000,000	40,000,000
REVENUE	757,959	845,899	825,672	757,139	776,067
JUSTICE	6,044,981	6,202,653	6,204,890	6,360,012	6,519,012
MODIFIED (FY85-HB203)	1,743,376	1,919,341	1,080,812	1,101,077	1,137,913
PAYPLAN @2 1/2%	0	621,631	1,368,183	0	0
REVENUE					
TOTAL EXPENDITURE	99,374,455	144,110,353	164,878,702	160,097,594	162,260,764
ENDING CASH BALANCE SUBTOTAL	65,562,606	58,359,654	35,392,490	20,513,825	3,989,068
DEPT.OF JUSTICE MODIFICATION			1,453,238		1,150,269
ENDING CASH BALANCE TOTAL	65,562,606	58,359,654	33,939,252	19,060,587	1,385,561

***ASSUME GASOHOL REDUCTION OF \$ 800,000 IN FY86,

\$1,200,000 IN FY87,

\$1,800,000 THEREAFTER.

ASSUME COAL TAX BEGINS IN FY86 AT NEW RATES 2% IN FY86, 8% IN FY87 & 14% THEREAFTER.

ASSUME 10.83% INTEREST RATE IN FY86 & 10.97 THEREAFTER.

ASSUME 4¢ GAS & DIESEL TAX INCREASE IN FY86 & CONTINUING.

ASSUME NO MINERAL ROYALTIES AFTER FY85.

#6 FUNDING THRU FY89
5¢ FUEL TAX INCREASE
NO CHANGE IN COAL TAX
DISTRIBUTION

STATE OF MONTANA
DEPARTMENT OF HIGHWAYS
COMBINED RTF & EARMARK CASH FLOW
03/20/85

	FY85	FY86	FY87	FY88	FY89
BEGINNING CASH BALANCE	51,940,233	65,562,606	61,553,047	42,108,483	30,870,451
REVENUE					
G.V.W.	23,157,280	23,388,853	23,622,742	23,858,969	24,097,559
GAS TAX	61,916,500	81,325,290	80,950,290	80,662,738	80,976,748
DIESEL TAX	18,737,000	24,802,875	24,991,875	25,183,015	25,376,066
ACCOUNT RECEIVABLE	686,048	681,048	681,048	681,048	681,048
MINERAL ROYALTIES	8,500,000	0	0	0	0
COAL TAX REVENUE	0	0	6,722,000	14,129,040	15,332,760
INTEREST INCOME	0	6,529,728	5,390,183	3,794,752	2,550,213
MODIFIED	0	400,000	550,000	550,000	550,000
ACI CONVERSION	0	2,973,000	2,526,000		
TOTAL REVENUE	112,996,828	140,100,794	145,434,138	148,859,562	149,564,394
AVAILABLE FUNDS	164,937,061	205,663,400	206,987,185	190,968,045	180,434,845
EXPENDITURE					
G.V.W.	3,207,546	3,113,357	3,195,827	3,342,445	3,439,628
GENERAL OPERATIONS	4,903,896	5,060,459	5,090,959	4,887,083	5,037,925
CONSTRUCTION	4,328,367	4,199,657	26,130,929	23,607,899	23,661,240
MAINTENANCE	41,729,404	40,211,558	40,201,981	43,156,732	44,601,979
PRECONSTRUCTION	3,482,615	3,407,288	2,935,908	3,142,721	3,240,211
EQUIPMENT	2,568,000	2,788,210	2,555,637	2,647,828	2,743,839
HDQTRS. BLDG.	587,245	646,106	588,505	596,085	602,845
A & E	500,000	762,100	762,100	375,000	375,000
LOCAL GOVERNMENT	14,150,000	14,150,000	14,150,000	14,150,000	14,150,000
BOND INTEREST & PRINCIPAL	4,898,063	14,127,230	15,975,094	15,973,573	15,975,105
RECONSTRUCTION TRUST	10,473,003	46,054,864	43,812,205	40,000,000	40,000,000
REVENUE	757,959	845,899	825,672	757,139	776,067
JUSTICE	6,044,981	6,202,653	6,204,890	6,360,012	6,519,012
MODIFIED (FY85-HB203)	1,743,376	1,919,341	1,080,812	1,101,077	1,137,913
PAYPLAN @2 1/2%	0	621,631	1,368,183	0	0
TOTAL EXPENDITURE	99,374,455	144,110,353	164,878,702	160,097,594	162,260,764
ENDING CASH BALANCE SUBTOTAL	65,562,606	61,553,047	42,108,483	30,870,451	18,174,081
DEPT.OF JUSTICE MODIFICATION			1,453,238		1,150,269
ENDING CASH BALANCE TOTAL	65,562,606	61,553,047	40,655,245	29,417,213	15,570,574

*** ASSUME NO MINERAL ROYALTIES.

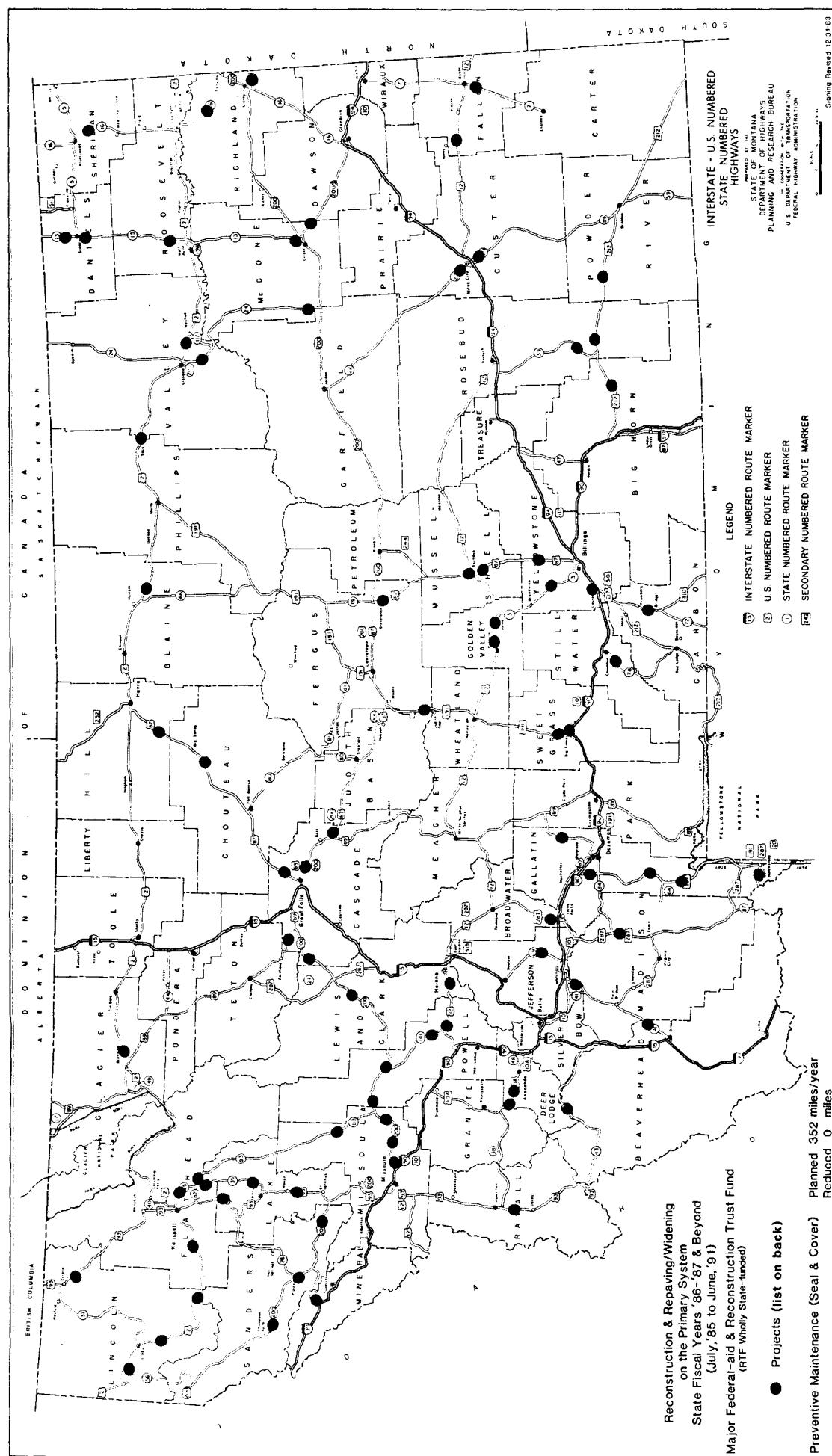
ASSUME GASOHOL REDUCTION OF \$ 800,000 IN FY86,
\$1,200,000 IN FY87,
\$1,800,000 THEREAFTER.

ASSUME A 5¢ A GALLON INCREASE IN GAS AND DIESEL TAX FOR ALL YEARS.

ASSUME COAL TAX BEGINS IN FY87.

ASSUME 10.83% INTEREST RATE IN FY86 & 10.97% THEREAFTER.

Exhibit 12
March 21, 1985



1	US 2	Reconstruction of 16 miles between Troy and Libby.	40	US 87	Resurfacing and safety improvements on 13.5 miles between Box Elder and Havre.
2	US 2	Resurfacing and safety improvements on 6.5 miles southeast of Libby.	41	US 87	Reconstruction and resurfacing of 38 miles between Loma and Box Elder.
3	US 2	Reconstruction of 3.3 miles between Elk Hill and Lyons Spring, southeast of Libby.	42	US 87	Resurfacing and safety improvements on 16.5 miles north of Great Falls.
4	US 2	Resurfacing and safety improvements on 22 miles from west of Marion to east of Kila.	43	US 2	Reconstruction of 6 miles east and west of Browning.
5	US 93	Reconstruction of 18 miles between Stryker and Eureka.	43a	US 2	Resurfacing and safety improvements on 22.5 miles between Browning and Cut Bank.
6	US 93	Reconstruction of 7.5 miles south from the Flathead County-Lake County line.	44	US 2	Reconstruction and resurfacing on 16.5 miles east of Fort Belknap.
7	US 93	Resurfacing of 8.5 miles from Post Creek to Ronan.	45	US 2	Resurfacing and safety improvements on 8.3 miles east of Saco.
8	US 93	Reconstruction of 15.2 miles north and south of Darby.	46	US 2	Resurfacing and safety improvements on 8.2 miles between Glasgow and Nashua.
9	MT 35	Reconstruction of 15.6 miles between Bigfork and Kalispell.	47	MT 24	Resurfacing and safety improvements on 15 miles between Glasgow and Fort Peck.
10	MT 35 & MT 82	Resurfacing and safety improvements on 16.9 miles north and south of Bigfork and west on MT 82 to the Flathead River.	48	MT 24	Resurfacing and safety improvements on 19.7 miles north of Flowing Wells.
11	MT 83	Resurfacing of 8.4 miles north and east of Bigfork.	49	MT 13	Resurfacing and safety improvements on 14.1 miles north of Scobey.
12	MT 83	Resurfacing and safety improvements on 8.3 miles between Seeley Lake and Lake Inez.	50	MT 13	Reconstruction of 11.5 miles south of Scobey.
13	MT 35	Resurfacing and erosion control on 14.5 miles north and south of Blue Bay.	51	MT 13	Resurfacing and safety improvements on 10.4 miles northeast of Wolf Point.
14	MT 200	Reconstruction of 1.5 miles at Thompson Falls.	52	MT 13	Resurfacing and safety improvements on 8.5 miles north of Circle.
15	MT 200	Reconstruction of 5 miles between Plains and Paradise.	53	MT 16	Reconstruction of 5.4 miles north and south of Antelope.
16	MT 200	Reconstruction or resurfacing of 17.3 miles from west of Perma to Dixon.	54	MT 16	Reconstruction of 8.6 miles between Culbertson and Sidney.
16a	MT 200	Reconstruction of 7.9 miles between Dixon and Ravalli.	55	MT 23	Reconstruction of 5.1 miles east of Sidney.
17	MT 200	Reconstruction of 16.4 miles and resurfacing on 2.6 miles between Bonner and Greenough Hill.	56	MT 200	Resurfacing of 17 miles east of Circle.
17a & b			57	MT 7	Reconstruction of 5.5 miles south of Baker.
18	MT 200	Resurfacing and safety improvements on 24 miles between Clearwater Junction and Helmsville Junction.	58	MT 22	Resurfacing and safety improvements on 7.5 miles northwest of Miles City.
19	MT 135	Resurfacing of 3.4 miles northeast of St. Regis.	59	US 12	Resurfacing and safety improvements on 25 miles west of Plevna.
20	US 10A	Resurfacing and safety improvements on 8 miles west of Anaconda to Georgetown Lake.	60	MT 59	Resurfacing and safety improvements on 10.7 miles south of Miles City.
21	US 10A	Resurfacing and widening of 6.5 miles on the Anaconda West Valley Highway.	61	MT 39	Resurfacing and safety improvements on 9.7 miles north of Lame Deer.
22	US 12	Reconstruction of 12 miles from Avon to Elliston.	62	US 212	Resurfacing of 8 miles between Lame Deer and Ashland.
	US 12	Reconstruction of 6.6 miles west of Helena.	63	US 212	Resurfacing and safety improvements on 7.8 miles east of Ashland.
	US 12	Resurfacing and widening of 9 miles north of Three Forks.	64	US 212	Reconstruction and resurfacing of 30 miles from west of Busby to Lame Deer.
25	MT 200	Resurfacing and safety improvements on 9.2 miles east of Rogers Pass.	65	MT 3	Reconstruction and resurfacing of 34 miles between Billings and Lavina.
26	MT 200	Resurfacing and safety improvements on 10.6 miles west of Simms.	66	US 87	Resurfacing of 16.8 miles south of Roundup.
27	US 89	Resurfacing and safety improvements on 10 miles north of the Sun River Junction.	67	US 87	Reconstruction of 9.6 miles north of Billings.
28	MT 43	Resurfacing and safety improvements on 9.4 miles northeast of Wisdom.	68	US 87	Resurfacing and safety improvements on 11.3 miles from Grassrange, south.
29	MT 141	Resurfacing of 19.4 miles north of Avon to Nevada Creek Reservoir.	69	US 87	Resurfacing and safety improvements on 8.1 miles from Roundup, north.
30	MT 41	Resurfacing and safety improvements on 7.1 miles north of Dillon.	70	US 310	Resurfacing and safety improvements on 3.5 miles east of Laurel to Mossmain.
31	MT 55	Resurfacing and safety improvements on 12.1 miles south of Whitehall.	71	US 310	Reconstruction of 7.5 miles between Bridger and Fromberg.
32	MT 69	Resurfacing and safety improvements on 15.9 miles between Boulder and Whitehall.	72	MT 78	Reconstruction of 18.6 miles from south of Absarokee to Columbus.
33	US 287	Reconstruction of 9 miles between Norris and McAllister.	73	US 12	Reconstruction of 7.1 miles east of Ryegate.
34	US 191	Resurfacing and safety improvements on 9.3 miles west of West Yellowstone.	74	US 12	Resurfacing and safety improvements on 8.5 miles west of Lavina.
35	US 191	Resurfacing and safety improvements on 24 miles north of Yellowstone National Park.	75	US 191	Resurfacing and safety improvements on 3.4 miles east and west of Big Timber.
36	MT 85	Resurfacing and safety improvements on 6.7 miles between Four Corners and Belgrade.	76	US 191	Resurfacing and safety improvements on 7.3 miles north of Big Timber.
37	MT 86	Reconstruction of 6 miles at Battleridge Pass, north of Bozeman.	77	US 191	Resurfacing and safety improvements on 10 miles north of Judith Gap.
	MT 200 & US 89	Reconstruction, resurfacing and safety improvements of 8.9 miles east of Great Falls.			
39	MT 200 & US 87	Resurfacing and safety improvements on 9.6 miles between Armington Junction and Raynesford.			