

Maine Motor Carrier Review Board
June 23, 2015
Draft Meeting Minutes

The Motor Carrier Review Board met on June 23, 2015.

The following Board members were present: Mark Hutchins, Chair; Brian Parke; Bruce Gray; David Littlefield; Patrick Sirois; and Alan Quinlan.

Bureau of Motor Vehicles Board Staff in attendance: Garry Hinkley, Stephen Ashcroft, April Goodwin, Cristina Stade, and Stacey Chandler.

Maine Attorney General's Office: William Laubenstein, Asst. Attorney General.

Guests: Patrick Moody, AAA; Shawn Currie, Maine State Police Commercial Enforcement Unit - Lieutenant; James Wright, Maine State Police Commercial Enforcement Unit – Motor Carrier Inspector; Dan Russell, Maine State Police Commercial Enforcement Unit – Motor Carrier Inspector; Eric Adair, Federal Motor Carrier Safety Administration; James Lee, Emery Lee And Sons Inc; Aaron Small, Emery Lee And Sons Inc; Scott Ferland; and John Holmes, Consumer's Fuel Company.

The meeting was called to order at 8:10 AM. Mark Hutchins read the opening statement.

Minutes of the March 10, 2015 Board meeting were approved. **David/Bruce – Unanimous.**

Announcements:

- Welcome to Pat Moody from AAA as the newest member of the Board. Pat's confirmation should be official by the end of the week.
- Construction to the roof on the BMV Main Office is in progress. As we've mentioned before the entire second floor is across the street in the Marquadt Building on the third floor. This has caused some small issues with folks looking for those services but the MCS staff has been triaging the needs and directing them to the correct facility.
- The parking lots adjacent to the BMV Main Office are being completely reconstructed. This has caused parking problems for staff and some customers. These have been kept to a minimum. Truck parking on the north side of the building has been maintained for MCS customers needing to utilize that space.
- BMV continuous to work on utilizing the current CVISN grant to further an overlimit permit routing system. We are having a vendor demonstration in July and are in the process of defining the business processes with MDOT for the project. This will greatly assist us in overlimit permitting especially with all the windmill projects in the next few years and continued staffing situations within the unit.
- Reminder - We are closing in on the October 23rd deadline for the termination of the MCS-150 and new USDOT fee's within the new URS. On this date carriers will no longer be able to use the paper MCS-150 and will have to apply AND update online only. It should be noted that the fee for a new USDOT number is \$300.00 AND if you check that you are going to be a "for hire" carrier then it will be an additional \$300.00 for a total of \$600.00. It is \$300.00 per application. The new form is MCSA-1.

- Just in case anyone is interested, Charter buses will no longer be exempt from the IRP starting January 1, 2016. Due to full reciprocity, the exemption is no longer valid. We have been working with the industry to ease this transition. This will be a huge shift financially for these companies.
- Introduction to new staff: Cristina Stade and Stacey Chandler.
- The IRP Peer Audit went well.
- State Police and Maine DOT are working on a project to review truck weight laws.

Correspondence:

- All correspondence is located in the packets.

CARRIER HEARINGS – (“A” CARRIERS)

EMERY LEE AND SONS INCORPORATED - MILLINOCKET, ME - USDOT # 671994 RSR 820.00; NFA; Bruce/Brian - Unanimous

EMERY LEE AND SONS INCORPORATED, OF MILLINOCKET, MAINE is an interstate for-hire carrier of construction materials/equipment, operating 15 power units and 15 drivers. During the review period of (7-1-13 to 6-30-14) the carrier had 24 violations, 3 of which were serious, including:

- 1 using a handheld mobile telephone while operating a commercial motor vehicle
- 1 no equivalent means of securement
- 1 axle positioning parts defective/missing
- 2 excess vehicle weight
- 2 failing to secure brake hose/tubing against mechanical damage
- 1 brake connections with leaks/constrictions
- 1 clamp/roto-chamber type brake(s) out of adjustment,
- 1 automatic brake adjuster - air brake
- 1 ABS - air brake system
- 1 ABS - malfunctioning circuit/signal
- 1 operating a commercial motor vehicle without periodic inspection
- 1 operating over dimension
- 3 inoperative required lamps
- 2 inspection/repair and maintenance parts and accessories
- 1 expired inspection
- 1 failing to secure vehicle equipment
- 1 failure to prevent cargo shifting
- 1 failing to meet minimum tie down requirements
- 1 damaged or discolored windshield.

The carrier's reported Maine mileage was 9,839 miles, taken from an annual fuel use identification decal report. Total points were 82 resulting in an RSR of 820.

The carrier has a current Vehicle Maintenance BASIC of 93 - deficient which exceeds the intervention threshold and is up from 80.6 during the review period, a MCSIP Step of 22 (not targeted with a compliance review complete), and an ISS inspection selection value of 67 (optional) which is up from 63 during the review period . This continuation will be the carrier's sixth preliminary review. The carrier was issued a warning letter in December 2010 (RSR 27.2) and October 2011 (RSR 48.60)

There have been 96 violations since the review period as of June 4, 2015, 11 of which were serious and 15 of which have resulted in summonses. There has also been 1 crash reported since the review period on September 18, 2014.

Documents for the record:

- 1) Carrier's supplement - Received April 14, 2015
- 2) QC carrier snapshot
- 3) Safety Measurement System History
- 4) BMV history

This is the 6th time this carrier has been up for review.

James Lee and Aaron Small attended the meeting and stated that they have 35 registered vehicles and that the miles used by the Board is not correct. They added that their trucks do not leave the yard unless they are checked first, and another outfit also inspects the trucks before they go on the road. They stated they have lots of paperwork, have modified the inspection checklist, and hold drivers responsible for daily checks which are signed off by Aaron Small (mechanic). They added that they have 2 mechanics on duty in the AM and PM to fix any issues and that they installed scales three years ago to weigh the dump trucks to be sure they are within the legal weight.

CONTINUED PRELIMINARY REVIEWS

P&B PAVING INCORPORATED – GRAY, ME. – USDOT# 1039329 RSR 305.00; NFA; Brian/Bruce - Unanimous

P&B PAVING INCORPORATED OF GRAY MAINE is an intrastate carrier exempt for hire of construction equipment/materials, operating 3 power units and 2 drivers. During the review period (10-1-13 to 9-30-14) the carrier had 30 violations, 4 serious for a total of 122 points including:

- 1 Tire-front tread depth less than 4/32 of inch
- 1 Failing to use seat belt while operating CMV
- 1 Leaking/spilling/blowing/falling cargo
- 1 Axle positioning parts defective/missing
- 1 Steering system components worn/welded/missing
- 1 Stop lamp violations
- 1 Inoperative head lamps
- 2 Inoperative tail lamp
- 3 Inoperative turn signal
- 2 Excess vehicle weight
- 2 Failing to secure brake hose/tubing against mechanical damage
- 1 Clamp/roto-chamber type brake(s) out of adjustment
- 1 Automatic brake adjuster - air brake
- 1 No/defective lighting devices/reflective devices/projected
- 2 2 Failure to provide evidence of insurance
- 1 Cab/body parts requirements violations
- 2 Inoperative required lamps
- 1 No/discharged/unsecured fire extinguisher
- 1 Inspection/repair and maintenance parts and accessories
- 2 Operating intrastate commercial without registration
- 1 Windshield wipers inoperative/defective
- 1 Exhaust leak under truck cab and/or sleeper

The carrier has a current Vehicle Maintenance BASIC is 95 which is deficient. The carrier's reported Maine mileage is 40,000 miles taken from the Fuel Use application (FUID) resulting in an RSR of 305.00

There have been 8 violations to report after the review period, 1 serious, totaling an additional 28 points.

Documents for the record:

- 1) QC carrier snapshot
- 2) Carrier's supplemental questionnaire
- 3) BMV history

This is a continuance of this carrier's first preliminary review

**CAMERON PAVING INCORPORATED – JACKSON, MAINE – USDOT# 792764
RSR 224.00; Letter A; Brian/David - Unanimous**

CAMERON PAVING INCORPORATED OF JACKSON, MAINE is an intrastate private property carrier. The carrier operates 3 power units with 3 drivers. During the review period (10-1-13 to 9-30-14) the carrier had 24 violations, 8 serious for a total of 112 points including:

- 2 State and local laws – Speeding 15 or more mph over the speed limit
- 1 Driving a commercial motor vehicle while disqualified
- 1 flat tire/fabric exposed
- 2 tire-tread depth less than 2/32 of inch
- 2 failure to use seatbelt while operating a commercial motor vehicle
- 1 inoperative head lamp
- 1 excess vehicle weight
- 1 defective parking brake on a commercial motor vehicle
- 1 no or improper emergency breakaway or emergency braking
- 1 failing to secure brake hose/tubing against mechanical damage
- 1 operating a commercial motor vehicle without periodic inspection
- 1 failure to correct defects noted on the inspection report
- 2 failure to provide evidence of insurance
- 1 inoperative required lamps
- 2 no/discharged/unsecured fire extinguisher
- 1 no or insufficient warning device
- 1 inspection/repair and maintenance parts and accessories
- 1 failure to surrender suspended license or registration
- 1 operating intrastate commercial without registration

The carrier has a Vehicle Maintenance BASIC of 96 which is deficient, with an ISS inspection value of 68. The carrier's reported Maine mileage is 49,500 miles taken from the Fuel Use application (FUID). The carrier has an RSR of 224.00

Documents for the record:

- 4) QC carrier snapshot
- 5) Carrier's supplemental questionnaire
- 6) BMV history

After the review period, the carrier had 1 accident. There were 6 violations after the reporting period, totaling an additional 34 points. None were serious.

This is a continuance of this carrier's first preliminary review.

JEFFREY HENRY OF THORNDIKE, ME - DBA HENRY'S TRUCKING - US DOT # 1793780

RSR 177.05; Letter A; Brian/Pat S - Unanimous

JEFFREY HENRY DOING BUSINESS AS HENRY'S TRUCKING OUT OF THORNDIKE, MAINE is an intrastate carrier of private property, authorized for hire carrying logs, poles, beams, lumber materials, farm supplies, machinery, large objects, grain, feed and hay. During the review period, (10-1-13 to 9-30-14) the carrier had 25 violations for 108 points including 4 serious for a total of 108 points. Violations include:

- 1 Tire-ply or belt material exposed
- 2 Tire-other tread depth less than 2/32 of inch
- 1 Axle positioning parts defective/missing
- 1 Inoperative tail lamp
- 3 Inoperative turn signal
- 2 Excess vehicle weight
- 1 Failing to secure brake hose tubing against mechanical damage
- 4 Inoperative defective brakes
- 1 Automatic brake adjuster - air brake
- 1 Brakes (general)
- 1 Fifth wheel
- 3 Frame cracked/loose/sagging/broken
- 2 No/discharged/unsecured fire extinguisher
- 2 Inspection/repair and maintenance carts and accessories

Reported mileage was 61,248 miles taken from the FUID report for an RSR of 177.05. The carrier had 4 violations after the review period including 2 serious resulting in an additional 22 points. The carrier has a current vehicle maintenance BASIC of 98, which is deficient, an ISS inspection value of 69 which is optional.

Documents for the record:

- 1) QC carrier snapshot
- 2) Carrier's supplemental questionnaire
- 3) BMV history

This is a continuance of this carrier's first preliminary review.

JIMMY G MOORE OF SPRINGFIELD, ME US DOT # 1766336

RSR 168.00; Letter A; Pat S/Brian - Unanimous

JIMMY G MOORE OF SPRINGFIELD, MAINE, d.b.a Jim Moore Son & Daughter Trucking of Springfield, Maine is an intrastate carrier of logs, poles, beams and lumber. The carrier operates 1 power unit with 1 driver. During the review period (10-1-13 to 9-30-14) the carrier had 39 violations, 11 serious for a total of 168 points. Violations include:

- 1 Tire-ply or belt material exposed
- 1 Tire-cut exposing ply and/or belt material
- 4 Tire-other tread depth less than 2/32 of inch
- 2 Axle positioning parts defective/missing
- 3 Leaf spring assembly defective/missing
- 2 Excess vehicle weight
- 1 Failing to secure brake hose/tubing against mechanical damage
- 2 Inadequate brakes for safe stopping

- 2 Insufficient brake linings
- 3 Clamp/roto-chamber type brake(s) out of adjustment
- 3 Automatic brake adjuster - air brake
- 1 Brake adjustment indicator - external automatic adjustment
- 2 Failure to correct defects noted on inspection report
- 1 Oil and/or grease leak
- 1 Wheel fasteners loose and/or missing
- 2 Inoperative required lamps
- 4 Inspection/repair and maintenance parts and accessories
- 1 Expired inspection
- 1 No/improper securement of loos
- 2 Damaged or discolored windshield

The carrier reported 100,000 miles on their FUID application for an RSR of 168. The carrier has had 15 violations after the review period including 10 serious violations.

The carrier does not have any reported accidents. The carrier has a vehicle maintenance BASIC of 99 which is deficient, and an ISS inspection value of 70.

Documents for the record:

- 1) QC carrier snapshot
- 2) Carrier's supplemental questionnaire
- 3) BMV history

This is a continuance of this carrier's first preliminary review.

**GALEN HOPKINS CONSTRUCTION INC., PLYMOUTH, ME - USDOT # 1913482
RSR 133.90; NFA; Brian/Bruce - Unanimous**

GALEN HOPKINS CONSTRUCTION INC. OF PLYMOUTH, MAINE is an intrastate carrier of private property operating 3 power units with 3 drivers. During the review period (10-1-13 to 9-30-14) the carrier had 19 violations, 3 serious for a total of 79 points. Violations include:

- 1 Tire-front tread depth less than 4/32 of inch
- 2 Tire-other tread depth less than 2/32 of inch
- 1 Inoperative tail lamp
- 2 Inoperative turn signals
- 2 Excess vehicle when
- 2 Failing to secure brake hose/tubing against mechanical damage
- 1 Clamp/roto-chamber type brake(s) out of adjustment
- 1 Automatic brake adjuster - air brake
- 1 Oil and/or grease leak
- 1 Inoperative required lamp
- 3 Inspection/repair and maintenance parts and accessories
- 1 Operating intrastate commercial without registration
- 1 No/improper heavy vehicle/machine securement

The carrier reported 59,400 miles on their FUID resulting in an RSR of 133.90. The carrier has a vehicle maintenance BASIC of 99 which is deficient, and an ISS inspection value of 70.

The carrier had 19 violations after the review period including 1 serious for an additional 82 points. The carrier had 1 reportable accident during the review period.

Documents for the record:

- 1) QC carrier snapshot
- 2) Carrier's supplemental questionnaire
- 3) BMV history

This is a continuance of this carrier's first preliminary review.

**JUSTIN H. LONG, INC. OF SPRUCEHEAD, ME US DOT # 1981143
RSR 85.22; Letter A; Bruce/Pat S – 4 For / 1 Opposed**

JUSTIN H. LONG INC. OF SPRUCEHEAD, ME is an intrastate carrier of private property, authorized for hire and exempt for hire carrying logs, poles, beams, lumber, machinery, large objects, garbage/refuse and construction. The carrier operates 4 power units with 4 drivers. During the review period (10-1-13 to 9-30-14) the carrier had 26 violations, 4 serious for a total of 98 points including:

- 1 Using a hand-held mobile telephone while operating a CMV
- 1 Tire-other tread depth less than 2/32 of inch
- 1 Tires (general)
- 1 Leaf spring assembly defective/missing
- 1 Steering system components worn/welded/missing
- 1 Inoperative tail lamp
- 1 Inoperative turn signal
- 1 Excess vehicle weight
- 1 No brakes as required
- 1 Clamp/roto-chamber type brake(s) out of adjustment
- 1 ABS - malfunctioning lamps towed CMV
- 1 Brakes (general)
- 1 Brake-reserve system pressure loss
- 1 No retro/reflective sheeting/reflex reflectors on mud flaps-Truck Tractor
- 1 Failing to ensure that vehicle is properly lubricated
- 1 Inoperative required lamp
- 5 Inspection/repair and maintenance parts and accessories
- 2 Wheel (Mud) Flaps missing or defective
- 3 Exhaust leak under truck cab and/or sleeper

The carrier reported 115,384 miles on their FUID application which results in an RSR of 85.22. After the review period, the carrier had 9 violations including 2 serious for an additional 37 points.

The carrier has a vehicle maintenance basic of 94 deficient and an ISS inspection value of 68 optional.

Documents for the record:

- 1) QC carrier snapshot
- 2) Carrier's supplemental questionnaire
- 3) BMV history

This is a continuance of this carrier's first preliminary review.

**BRAD A AITKEN OF MONROE, ME - US DOT # 2011508
RSR 73.00; NFA; Brian/Pat S - Unanimous**

BRAD AITKEN OF MONROE, MAINE is an intrastate authorized for-hire private property. The carrier operates 2 power units with 2 drivers. During the review period (10-1-13 to 9-30-14) the carrier had 19 violations, 4 of which were serious for a total of 77 points, including:

- 1 tire-other tread depth less than 2/32 of inch
- 2 Failure to use seatbelt while operating a commercial motor vehicle
- 1 axle positioning parts defective or missing
- 1 inoperative head lamp
- 3 failing to secure brake hose/tubing against mechanical damage
- 2 inadequate brakes for safe stopping
- 1 automatic brake adjuster – airbrake
- 3 oil and or gas leaks
- 2 no/discharge/unsecured fire extinguisher
- 1 no/insufficient warning devices
- 1 inspection/repair and maintenance parts and accessories
- 1 speeding

The carrier reported 105,000 miles from their FUID application resulting in an RSR of 73.33. After the review period, the carrier had 4 violations including 1 serious for an additional 16 points. The carrier has a Vehicle Maintenance BASIC of 90 which is deficient and an ISS inspection value of 66.

Documents for the record:

- 1) QC carrier snapshot
- 2) Carrier's supplemental questionnaire
- 3) BMV history

This is a continuance of this carrier's first preliminary review.

**THORNTON CONSTRUCTION, INC. OF MILFORD, ME – US DOT # 791398
RSR 35.87; Letter A; Brian/Bruce - Unanimous**

THORNTON CONSTRUCTION, INC. OF MILFORD, ME is an intrastate carrier of private property including, logs, poles, beams, lumber construction and aggregates. The carrier operates 24 power units and 21 drivers. During the review period (10-1-13 to 9-30-14) the carrier had 65 violations including 13 serious violations for a total of 278 points. Violations include:

- 1 Release of HM from package
- 1 Package not secure in vehicle
- 1 Using a hand-held mobile telephone while operation a CMV
- 3 Tire-other tread depth less than 2/32 of inch
- 1 Cargo tank test or inspection Markings - HM
- 2 Failure to use seat belt while operating CMV
- 3 Axle positioning parts defective/missing
- 1 Leaf spring assembly defective/missing
- 1 Power steering violations
- 1 Inoperative head lamps
- 1 Inoperative tail lamp
- 2 Inoperative turn signal
- 1 Placard damaged, deteriorated, or obscured
- 5 Excess vehicle weight
- 6 Failing to secure brake hose/tubing against mechanical damage
- 3 Clamp/roto-chamber type brake(s) out of adjustment

- 1 ABS - malfunctioning circuit/signal-truck tractor
- 1 No or defective ABS malfunction indicator for towed vehicles
- 1 ABS - malfunctioning lamps towed CMV
- 1 Operating a CMV without periodic inspection
- 1 Brake-air compressor violation
- 1 Failure to correct defects noted on inspection report
- 1 ER phone number not listed
- 1 Operating over dimension
- 1 Operating over dimension (width)
- 9 Oil and/or grease leak
- 1 Failure to comply with HM regulations
- 2 Inoperative required lamps
- 2 No/discharged/unsecured fire extinguisher
- 5 Inspection/repair and maintenance parts and accessories
- 1 Operating intrastate commercial without registration
- 1 Failing to secure cargo
- 1 Fuel system requirements
- 1 Exhaust system not securely fastened

The carrier reported 774,510 miles from their FUID application resulting in an RSR of 35.87. After the review period the carrier has had 47 violations including 5 serious for an additional 188 points.

The carrier had 2 accidents during the review period and 1 since. The carrier has an unsafe driving basic of 45, a vehicle maintenance BASIC of 95 which is deficient, and a crash indicator of 84 which is deficient and an ISS value of 88 (inspect).

Documents for the record:

- 1) QC carrier snapshot
- 2) Carrier's supplemental questionnaire
- 3) BMV history

This is a continuation of this carrier's sixth preliminary review. The carrier had a preliminary review on October 4, 2011 with an RSR of 114, and was issued a warning. The carrier had another review on December 15, 2011 – no further action.

**STEVEN HOVEY OF ORIENT, ME – D.B.A - BULL TRUCKING - US DOT # 2021423
RSR 26.11; NFA; Brian/Bruce - Unanimous**

STEVEN HOVEY, D.B.A BULL TRUCKING OF ORIENT, MAINE is an intrastate carrier of private property carrying poles, logs, beams and lumber. The carrier operates 1 power unit with 1 driver. During the review period (10-1-13 to 9-30-14) the carrier had 26 violations including 3 serious for a total of 106 points. Violations include:

- 1 State/Local Laws - Speeding 15 or more miles per hour over the speed limit
- 1 Tire-other tread depth less than 2/32 of inch
- 1 Failing to use seat belt while operating CMV
- 1 Inoperative head lamp
- 2 Inoperative turn signals
- 2 Excess vehicle weight
- 1 Operating over posted weight
- 3 Clamp/roto-chamber type brake(s) out of adjustment
- 1 Automatic brake adjuster - air brake
- 1 ABS - malfunctioning indicator to cab of towing CMV

- 1 ABS - malfunctioning lamas towed CMV
- 1 Brakes (general)
- 2 Loose/unfastened tie down
- 1 No/defective lighting devices/reflective devices/projected
- 1 No lower rear retro/reflective sheeting or reflex reflective material as required
- 2 No/discharged/unsecured fire extinguisher
- 2 No/insufficient warning devices
- 1 Inspection/repair and maintenance parts and accessories
- 1 Warning flag required on projecting load

The carrier reported 72,031 miles from the Carrier Supplemental for an RSR of 147.22. After the review period the carrier has had 7 violations, 1 serious for an additional 24 points.

During the review period the carrier had a vehicle maintenance BASIC of 97, and an ISS inspection value of 69. Currently the vehicle maintenance is down to 78 and the ISS inspection value is down to 47.

Documents for the record:

- 1) QC carrier snapshot
- 2) Carrier's supplemental questionnaire
- 3) BMV history

This is a continuance of this carrier's first preliminary review.

PRELIMINARY CARRIER REVIEWS

**SCOTT D FERLAND – POLAND, MAINE – USDOT# 2083862
RSR 1587.50; NFA; Brian/Bruce - Unanimous**

SCOTT D FERLAND OF POLAND, MAINE is an intrastate for-hire carrier of construction materials and /or equipment, along with grain, feed, hay, and farm supplies operating 3 power units and employing 3 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 30 violations, 5 of which were serious for a total of 127 points resulting in an RSR of 1587.50. The violations include:

- 1 Flat tire or fabric exposed
- 1 Failing to use seat belt while operating CMV
- 3 Axle positioning parts defective/missing
- 2 Steering system components worn/welded/missing
- 1 Power steering violations
- 1 Inoperative tail lamp
- 2 Failing to secure brake hose/tubing against mechanical damage
- 1 Brake connections with leaks/constrictions
- 1 Mismatched brake chambers on same axle
- 1 Clamp/roto-chamber type brake(s) out of adjustment
- 1 Inoperative/defective brakes
- 1 Operating a CMV without periodic inspection
- 3 Brakes (general)
- 1 Failure to correct defects noted on inspection report
- 4 Oil and/or grease leak
- 1 Wheel fasteners loose and/or missing
- 1 Inoperative required lamps
- 3 Inspection/repair and maintenance parts and accessories
- 1 Failure to display fuel decal

The carrier's reported Maine mileage was 7,500 miles taken from Maine's annual fuel use report, (FUID).

The carrier has a current Vehicle Maintenance BASIC of 92 which is deficient and an ISS Inspection Selection System value of 67 (optional). This carrier has a 50% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summary
- 2) QC carrier snapshot
- 3) BMV history

This is the first preliminary review for this carrier.

Scott Ferland attended the meeting and stated that in 2014 he had 8 dump trucks with 16 drivers and that the mileage is low as they are working on the pipeline. He stated that 18 of the violations were for a truck that he no longer has. He added that he does haul asphalt a bit. He stated that his drivers are picked from a Union pool and that the Union pays the drivers.

**NEWPORT METALS – EAST NEWPORT, MAINE – USDOT# 2084808
RSR 685.00; Continue; Brian/Bruce - Unanimous**

NEWPORT METALS OF EAST NEWPORT, MAINE is an intrastate carrier of private property carrying metal, sheets, coils, rolls, operating 4 power units and employing 2 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 21 violations, 3 of which were serious for 77 total points resulting in an RSR of 385. The violations include:

- 2 Flat tire or fabric exposed
- 1 Axle positioning parts defective or missing
- 1 Stop lamp violations
- 1 Inoperative turn signal
- 1 Brake tubing and hose adequacy
- 1 Failing to secure brake hose/tubing against mechanical damage
- 1 Automatic brake adjuster - air brake
- 2 Operating a CMV without periodic inspection
- 1 Oil and/or grease leak
- 1 Failure to provide evidence of insurance
- 3 Frame cracked/loose/sagging/broken
- 5 Inspection/repair and maintenance parts and accessories
- 1 Operating intrastate commercial without registration

The carrier's reported Maine mileage was 20,000 miles taken from Maine's annual fuel use report, (FUID).

The carrier has a current Vehicle Maintenance BASIC of 88 which is deficient and an ISS Inspection Selection System value of 65 (optional). This carrier has a 43.75% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 4) Motor Carrier Review Board Summary
- 5) QC carrier snapshot
- 6) Compliance reviews
- 7) BMV history

This is the first preliminary review for this carrier.

BUDGET BUILDERS AND SIDING INCORPORATED – MILFORD, MAINE – USDOT# 960869

RSR 550.00; NFA; Brian/Pat S - Unanimous

BUDGET BUILDERS AND SIDING OF MILFORD, MAINE is an intrastate carrier of private property carrying gravel, operating 2 power units and employing 2 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 9 violations, 4 of which were serious for a total of 55 points resulting in an RSR of 550. The violations include:

- 1 Using a hand-held mobile telephone while operating a CMV
- 1 Tire-front tread depth less than 4/32 of inch
- 2 Tire-other tread depth less than 2/32 of inch
- 1 Steering system components worn/welded/missing
- 1 Inoperative head lamps
- 1 Excess vehicle weight
- 1 Clamp/roto-chamber type brake(s) out of adjustment
- 1 Exhaust leak under truck cab and/or sleeper

The carrier's reported Maine mileage was 10,000 miles taken from Maine's annual fuel use report, (FUID).

The carrier has a current Crash Indicator of 95 which is deficient and an ISS Inspection Selection System value of 54 (optional). This carrier has a 40.00% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summary
- 2) QC carrier snapshot
- 3) BMV history

This is the first preliminary review for this carrier

CILLEY'S DOWNEAST WASTE LLC-PRINCETON, MAINE-USDOT# 2260054

RSR 430.14; Continue; Brian/Bruce - Unanimous

CILLEY'S DOWN EAST WASTE OF PRINCETON, MAINE is an interstate carrier of private property carrying garbage, refuse and trash, operating 6 power units and employing 3 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 73 violations, 19 of which were serious for a total of 314 points resulting in an RSR of 430.14. The violations include:

- 1 Tire-tread and/or sidewall separation
- 1 Tire-front tread depth less than 4/32 of inch
- 7 Tire-other tread depth less than 2/32 of inch
- 1 Failing to use seat belt while operating CMV
- 2 Rear of container not properly secured
- 5 Axle positioning parts defective/missing
- 2 Leaf spring assembly defective/missing
- 1 Inoperative/defective hazard warning lamp
- 2 Steering system components worn/welded/missing
- 1 Stop lamp violations

- 1 Inoperative turn signal
- 1 Excess vehicle weight
- 1 Failing to secure brake hose/tubing against mechanical damage
- 1 Brake connections with leaks/constrictions
- 2 Inadequate brakes for safe stopping
- 1 Insufficient brake linings
- 4 Clamp/roto-chamber type brake(s) out of adjustment
- 5 Inoperative/defective brakes
- 1 No or defective brake warning device
- 4 Automatic brake adjuster - air brake
- 2 Brakes (general)
- 1 Brake-reserve system pressure loss
- 1 Failure to correct defects noted on inspection report
- 4 Oil and/or grease leak
- 1 Failure to provide evidence of insurance
- 2 Frame cracked/loose/sagging/broken
- 1 Cab front bumper missing/unsecured/protruding
- 5 Inoperative required lamps
- 4 Inspection/repair and maintenance parts and accessories
- 2 Driver not in possession of medical certificate
- 1 Failure to display fuel decal
- 4 Operating intrastate commercial without registration
- 1 Damaged or discolored windshield

The carrier's reported Maine mileage was 72,585 miles taken from the carriers IFTA reporting.

The carrier has a current Vehicle Maintenance BASIC of 99 which is deficient and an ISS Inspection Selection System value of 70 (optional). This carrier has a 71.43% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summary
- 2) QC carrier snapshot
- 3) BMV history

This is the first preliminary review for this carrier.

**DANIEL P. MCAVOY – SHERMAN, MAINE – USDOT# 1199013
RSR 421.43; Continue; Brian/Bruce - Unanimous**

DANIEL P. MCAVOY OF SHERMAN, MAINE is an interstate carrier for hire of logs, poles, beams and lumber, operating 1 power unit and employing 1 driver. During the review period of (4-1-14 to 3-31-15) the carrier had 40 violations, 15 of which were serious for a total of 177 points resulting in an RSR of 421.43. The violations include:

- 1 Using a hand-held mobile telephone while operating a CMV
- 2 Tire-cut exposing ply and/or belt material
- 3 Axle positioning parts defective/missing
- 1 Air suspension pressure loss
- 1 Requiring or permitting driver to drive after 14 hours on duty
- 6 Driving beyond 8-hr limit since end of last off duty or sleeper period of at least 30 minute
- 1 Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)
- 1 Inoperative tail lamp

- 1 Inoperative turn signal
- 5 Failing to secure brake hose/tubing against mechanical damage
- 1 Inadequate brakes for safe stopping
- 1 Operating a CMV without periodic inspection
- 1 Brakes (general)
- 1 Brake-air compressor violation
- 1 No upper body corners retro reflective sheeting/reflex reflectors-Truck Tractor
- 1 Failure to provide evidence of insurance
- 1 Frame cracked/loose/sagging/broken
- 1 Inspection/repair and maintenance parts and accessories
- 1 Expired inspection
- 3 Operating intrastate commercial without registration
- 2 Damaged or discolored windshield
- 1 Windshield wipers inoperative/defective
- 1 Onboard recording device improper form and manner
- 2 Driver's record of duty status (general/form and manner)

The carrier's reported interstate mileage was 41,945 miles taken from the IFTA annual fuel use report.

The carrier has a current Vehicle Maintenance BASIC of 78 which is deficient along with HOS compliance BASIC of 97 which is also deficient. This carrier has an ISS Inspection Selection System value of 91 (inspect). This carrier has a 25.00% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summary
- 2) QC carrier snapshot
- 3) Compliance reviews
- 4) BMV history

This is the first preliminary review for this carrier.

**DOUBLE H CONTRACTING INC. – MILO, MAINE – USDOT# 1763659
RSR 207.81; Continue; David/Brian - Unanimous**

DOUBLE H CONTRACTING OF MILO, MAINE is an intrastate carrier of private property carrying logs, poles, beams and lumber, machinery and large objects operating 3 power units and employing 3 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 31 violations, 8 of which were serious for a total of 133 points resulting in an RSR of 207.81. The violations include:

- 7 Tire-other tread depth less than 2/32 of inch
- 1 Axle positioning parts defective/missing
- 1 Stop lamp violations
- 4 Excess vehicle weight
- 2 Failing to secure brake hose/tubing against mechanical damage
- 2 Clamp/roto-chamber type brake(s) out of adjustment
- 1 Inoperative/defective brakes
- 1 Automatic brake adjuster - air brake
- 1 Loose/unfastened tie down
- 1 Oil and/or grease leak
- 1 No/insufficient warning devices
- 7 Inspection/repair and maintenance parts and accessories

- 1 Speeding
- 1 Damaged or discolored windshield

The carrier's reported Maine mileage was 64,000 miles taken from Maine's annual fuel use report, (FUID).

The carrier has a current Vehicle Maintenance BASIC of 88 and an ISS Inspection Selection System value of 65 (optional). This carrier has a 57.14% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summery
- 2) QC carrier snapshot
- 3) BMV history

This is the first preliminary review for this carrier.

**B&R BARTLETT ENTREPRISES INC. – ORIENT, MAINE – USDOT# 697642
RSR 179.63; NFA; Brian/Bruce - Unanimous**

B&R BARTLETT OF ORIENT, MAINE is an intrastate carrier of private property carrying logs, poles, beams and lumber, machinery and large objects operating 5 power units and employing 3 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 21 violations, 4 of which were serious for 97.0 total points resulting in an RSR of 179.63. The violations include:

- 1 Tire-ply or belt material exposed
- 1 Tire-front tread depth less than 4/32 of inch
- 2 Tire-other tread depth less than 2/32 of inch
- 1 Stop lamp violations
- 1 Inoperative head lamps
- 1 Inoperative turn signal
- 1 Excess vehicle weight
- 1 Brake connections with leaks/constrictions
- 2 Clamp/roto-chamber type brake(s) out of adjustment
- 2 no operative/defective brakes
- 2 automatic brake adjuster - air brake
- 1 ABS - malfunctioning circuit/signal-truck tractor
- 1 Horn inoperative
- 2 Inoperative required lamps
- 2 Inspection/repair and maintenance parts and accessories

The carrier's reported Maine mileage was 53,870 miles taken from Maine's annual fuel use report, (FUID).

The carrier has a current Vehicle Maintenance BASIC of 98 which is deficient and an ISS Inspection Selection System value of 69 (optional). This carrier has a 57.14% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summery
- 2) QC carrier snapshot
- 3) BMV history

This is the second preliminary review for this carrier.

CONSUMERS FUEL COMPANY – BELFAST, MAINE – USDOT# 790118

RSR 177.78; NFA; Brian/Pat S - Unanimous

CONSUMERS FUEL COMPANY of BELFAST, MAINE is an intrastate carrier of private property carrying liquids and gases operating 5 power units and employing 5 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 14 violations, 3 of which were serious for a total of 64 points resulting in an RSR of 177.78. The violations include:

- 1 Tire-other tread depth less than 2/32 of inch
- 1 Failing to use seat belt while operating CMV
- 1 Leaf spring assembly defective/missing
- 2 Inoperative head lamps
- 1 Placard damaged, deteriorated, or obscured
- 1 Fail to test off-truck remote shutoff device
- 3 Failing to secure brake hose/tubing against mechanical damage
- 1 Basic description not in proper sequence
- 1 Failure to provide evidence of insurance
- 1 Cab/body parts requirements violations
- 1 No/discharged/unsecured fire extinguisher

The carrier's reported Maine mileage was 36,008 miles taken from Maine's annual fuel use report, (FUID).

The carrier does not presently have a current Vehicle Maintenance BASIC but has an ISS Inspection Selection System value of 1 (pass). This carrier has a 50.00% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summary
- 2) QC carrier snapshot
- 3) Compliance reviews
- 4) BMV history

This is the first preliminary review for this carrier.

John Holmes attended the meeting and stated that he is very concerned with safety and has insurance and workers comp claims to show this. He indicated that the driver that got the violation for not wearing a seatbelt has been spoken to numerous times. He added that new trucks have been purchased and the trucks without decals have a lot of miles. He stated that procedures will change and the driver will get suspended if he does not wear his seatbelt again.

JACOBS BOTHERS TRUCKING LLC – GLENBURN, MAINE – USDOT# 1691296

RSR 120.58; Continue; Brian/Bruce – Unanimous

** This carrier called on 6-15-15 to advise that they were out of business **

JACOBS BOTHERS TRUCKING LLC of GLENBURN, MAINE is an interstate carrier exempt for hire carrying logs, poles, beams and lumber operating 3 power units and employing 3 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 66 violations, 19 of which were serious for a total of 293 points resulting in an RSR of 120.58. The violations include:

- 2 Flat tire or fabric exposed
- 1 Tire-tread and/or sidewall separation
- 1 Tire-front tread depth less than 4/32 of inch
- 12 Tire-other tread depth less than 2/32 of inch
- 2 Axle positioning parts defective/missing
- 1 False report of drivers record of duty status
- 2 Inoperative turn signal
- 6 Excess vehicle weight
- 1 Driver failing to conduct pre-trip inspection
- 2 Failing to secure brake hose/tubing against mechanical damage
- 1 Inadequate brakes for safe stopping
- 3 Insufficient brake linings
- 2 Clamp/roto-chamber type brake(s) out of adjustment
- 1 Inoperative/defective brakes
- 2 No or defective brake warning device
- 2 Automatic brake adjuster - air brake
- 1 Brakes (general)
- 1 Brake-reserve system pressure loss
- 1 Loose/unfastened tiedown
- 2 Defective/improper fifth wheel assemblies
- 1 Tire under-inflated
- 1 Oil and/or grease leak
- 1 Failure to provide evidence of insurance
- 1 Frame accessories improperly attached
- 3 Inoperative required lamps
- 6 Inspection/repair and maintenance parts and accessories
- 3 Operating intrastate commercial without registration
- 1 Failure to prevent cargo shifting
- 1 No/improper securement of logs
- 1 Damaged or discolored windshield
- 1 Warning flag required on projecting load

The carrier's reported interstate mileage was 242,502 miles taken from the IFTA annual fuel use report. The carrier has a current Vehicle Maintenance BASIC of 99 which is deficient. This carrier has an ISS Inspection Selection System value of 72 (optional). This carrier has a 58.82% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summary
- 2) QC carrier snapshot
- 3) BMV history

This is the first preliminary review for this carrier.

SINUON CHAU – D.B.A. EAST ATLANTIC SEAFOOD – PORTLAND, ME. – USDOT# 1765407

RSR 115.63; NFA; Brian/Bruce - Unanimous

SINUON CHAU OF PORTLAND, MAINE is an interstate carrier of private property carrying seafood and operating 6 power units and employing 3 drivers. During the review period of (4-1-14 to 3-31-15) the carrier had 9 violations, 3 of which were serious for a total of 37 points resulting in an RSR of 115.63. The violations include:

- 1 Tire-other tread depth less than 2/32 of inch

- 2 Driving beyond 8-hr limit since end of last off duty or sleeper period of at least 30 minutes
- 1 Inoperative turn signal
- 1 Horn inoperative
- 1 Failure to provide evidence of insurance
- 1 Inspection/repair and maintenance parts and accessories
- 1 Driver not in possession of medical certificate
- 1 Driver's record of duty status (general/form and manner)

The carrier's reported interstate mileage was 31,987 miles taken from the IFTA annual fuel use report.

The carrier has no current BASIC scores. This carrier has an ISS Inspection Selection System value of 36 (pass). This carrier has a 16.67% vehicle out of service rate as indicated by the ISS carrier snapshot.

Documents for the record:

- 1) Motor Carrier Review Board Summary
- 2) QC carrier snapshot
- 3) BMV history

This is the first preliminary review for this carrier.

New Business:

Demonstration of Electronic File Sharing – Discussion items included the need to remove SSN/EIN's and any reference to \$ when scanning compliance reviews, BMV staff to send a mass email to Board members to alert them who new material is for when posting to the site, including a separate folder for Annual Reports, and providing power strips for the Board members to use during the meetings. Bruce would like to receive an actual packet. The motion to utilize this electronic file sharing passes unanimously.

Possible changes to the review process - Brian likes seeing older Compliance Reviews to watch for trends/patterns. Utilize A & I (NAS) to find related entities as a tool as FMCSA goes through an extensive process to officially find related entities. Brian and Steve have worked together to try to brain storm ways to improve and streamline the process to allow the Board to focus resources on the worst carriers and continue with due process. There is an idea to hold 3 meetings a year, only have 10 Preliminary Reviews instead of 20, and revise the Supplemental so the Board can be given more information for the Preliminary Review. The Rule would need to change before the process can change. Dan appreciated moving the time table forward but is not sure about only having 3 meetings a year. Eric is concerned that the Board will simply take carrier word that they will change without evidence. Shawn indicated that some carriers know how to avoid inspections. A statement should be added to the Supplemental indicating carrier should update information with FMCSA to assure the information is accurate. State Police identifies carriers to visit about the same time they are brought to the Board. Brian will work on revising the Supplemental and BMV will work on a new letter. Minor changes to the Rule Chapter should not take too long.

Next Meeting Date:

The next meeting is Tuesday, October 27, 2015 at 8:00 AM.

A motion was made to adjourn the meeting at 11:09 AM; **Brian/Mark - Unanimous**