

Motor Carrier Review Board

MEETING MINUTES

October 27, 2015

The following Board members were present: Brian Parke-Acting Chair; Patrick Moody; Bruce Gray; David Littlefield; Patrick Sirois; and Alan Quinlan.

Bureau of Motor Vehicles Staff in attendance: Stephen Ashcroft; April Goodwin; Cristina Stade; and Stacey Chandler.

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

Guests in Attendance: Eric Adair, Federal Motor Carrier Safety Administration and Shawn Currie, Federal Motor Carrier Safety Administration.

The meeting was called to order by Brian Park who read the opening statement and gave a conventional overview of the MCRB ground rules.

The June 23, 2015 meeting minutes were unanimously approved with 1 slight change, last page-new business - possible changes to the review process (8 lines down) replace the word **take** with **table**.

Announcements:

- Steve Ashcroft thanked Brian Park for hosting this review board session at the MMTA.
- Steve also officially welcomed Pat Moody as the new member of the Board.

BMV news:

- The construction to the roof and parking lot at the BMV Maine Office has been completed.
- MCS is continuing to utilize some of the CVISN grants that we were awarded by FMCSA. One of them is the automatic routing for overlimit permits. Currently it takes staff a considerable amount of time to process applications and then manually map the routes for them. Due to staff turnover and training, we've decided to pursue automated routing which would route the carrier's trip without staff intervention with the exception of checking it at the end to make sure that it's a valid route and there are no restrictions on that route. We have 2 vendors who have done demonstrations and we've put it out for an RFI (request for information). We hope to have a couple of more demos. My hope is that by this time next year, we have a working model.
- We're also using the CVISN grant to stabilize our current UCR system. The system that is in place is "Band-Aid and bailing wire" basically and we keep our fingers crossed every renewal season that it doesn't go down. We are going to be utilizing some of these funds to stabilize that and come up with a better platform for the future.
- The full implementation of the URS with FMCSA has been postponed as most of you know. Implementation was scheduled to start occurring 10/23/15. That has been postponed. The new dates are up on the FMCSA website. I will tell you that on December 12, 2015, all new applicants for US DOT numbers will have to go online to do their application. We've been helping folks do the MCS-150 and other agencies have helped folks do those as well. You will have to go to FMCSA's website and do it online. In September of next year, all new and existing entities will have to use the online process at FMCSA. There will be no more MCS-150 as you are used to, as an existing

carrier. You're going to have to do you updates and transactions online as of 9/30/16.

The USDOT number at that point will be the sole identifier, there will be no MC numbers issued and the MC number will basically be obsolete. That USDOT number will be the unique identifier for all carriers. All new applications at that point will still be online and they will be subject to the registration fee of \$300.00 per license. So if you're new carrier and you want a USDOT number and operating authority, its \$300.00 each for those. Insurance filings will be required for new carriers, similar to what you had to do if you had an MC number and a process agent will be required for new carriers. By December 31, 2016, all carriers new and existing will have to have the insurance filings and BOC-3. That is kind of a summary. You can go to FMCSA's website, if you have any questions and they have a FAQ's up there. If you wanted a timeline, you can print the timeline out for yourself.

- As a reminder, any charter bus companies who had been exempt from the IRP will be required to register with the IRP effective January 1, 2016. So, anyone that was exempt from the IRP due to the nature of the business, that exemption no longer exists and they are required to register with the IRP.
- About this meeting, five carriers for this review were given to us by the Maine State Police as a trial run at revamping the way we look at carriers now. Typically we look at carriers based on their relative safety rating. The MSP, if the board approves this change, will give us up to 5 carriers for review regardless of relative safety rating. So that will just be carriers that they are interested in having the board review, so we will take a look at those and decide which one of those are coming before the board.
- Lastly, there are several items that the board will need to take up today and we have a statistical analysis of the board's activity over the last 6 years. I felt that looking back through the history of the board; I didn't see that had ever been done. In my personal opinion it is useful to go back and see what you have done. I had our management analyst put that together for the board today. We have some proposed changes that we've talked about for a couple of meetings now about the way the board conducts its business
- Attendance of carriers present was taken by Brian.
- Stacy Chandler gave an overview of the statistics of the MCRB over the last 6 years or so. Brian thought it would be a good idea to do this review once every year.

“A” CARRIER HEARINGS WITH REPRESENTATION:

VISION WITH A PURPOSE INC.

Mr. Wayne Luce was sworn in. Steve presented relative carrier statistics for the company. Mr. Wayne Luce was present representing the company and spoke regarding his company. Mr. Luce explained the violations for VWAP were for lack of DOT numbers. Mr. Luce also blamed his inspection mechanic for failing at his job. He has since fired that mechanic to try to improve his record. The owner is getting his own inspection license. He feels that he is now trying to fix this issue. He currently has issues with corrosion. He stated that he has 52 vehicles including Suburban's. Summary: He is getting his inspection license and until that is done he is outsourcing to a local garage for inspections. He has also hired another mechanic who will be getting his school bus inspection license as soon as he can. He will have the mechanic inspect and will send them up the road to have them re-inspected. The owner was embarrassed to be in front of the MCRB. He recapped that the buses that failed MSP inspection were not actually on the road. The next MSP inspection will be vastly improved according to the owner. He has asked MSP to come back on 11/16/15 to come back and re-inspect. There were no questions for the carrier.

Motion for No Further Action by Alan, second by Bruce. Vote: Unanimous

JEFFREY HENRY D.B.A. HENRY'S TRUCKING

Jeffrey Henry was sworn in: Steve presented relative carrier statistics for the company.

The carrier has gotten new equipment, has fired the previous mechanic and hired a new one.

They are changing tires more often and are using new tires versus recapped, and they really want to be a safe carrier. They have had 1 inspection this year (a few weeks ago). As capped tires wear out, they are replacing them with new. Trucks are inspected before they are driven.

The new mechanic checks all equipment over each weekend. They have started documenting everything that the mechanic checks so there will be a record. Mr. Henry mentioned that he would like to enroll in a drug/alcohol testing program. The truck that was most recently cited in July was a truck that was not used every day and he feels that he probably just didn't check it as well as he should have. This is why he will be inspecting every weekend.

Motion for Letter A by Bruce, second by Pat S Vote: 1 for, 4 against.

Motion for continuance, appear at the next meeting with a safety plan, proof that he has enrolled in drug/alcohol testing and documented daily inspections by Pat S, second by Bruce. Vote: Unanimous

JIMMY G. MOORE D.B.A. JIM MOORE SON & DAUGHTER TRUCKING

Jimmy Moore was sworn in: Steve presented relative carrier statistics. The problems that he had were on his log trailer which he has since replaced and inspected by Pelletier trucking before he bought it. Most problems were with tires which he is now buying new instead of capped. He said that his old trailer was replaced in the spring 2015, although he had stops and serious violations in April and June. The board was concerned if he actually did fix the problem. When he had 2 flat tires, he was trying to get off the road and it was at that time that he was cited by MSP. He is now buying 1 or 2 tires every week whether they need to be replaced or not. His unit right now has no tires, (possibly 1), that needs to be replaced and he has tires coming this week. He also stated that sometimes he has a bald tire but only runs it until the new tire comes in. Mr. Moore does all maintenance and has begun keeping a record of maintenance. To convince the board of why they should accept his plan, he responded that he is just trying to make a living like everyone else. He is doing inspections in his yard but not writing anything down.

Motion for a continuance and submit a formalized checklist of daily inspection, develop written safety plan, evidence of drug/alcohol program by Pat S, second Bruce. Vote: Unanimous

THORNTON CONSTRUCTION, INC.

Daniel Thornton was sworn in. Steve presented relative carrier statistics. Mr. Thornton gave a very long history of his company and some life experiences to show that he has pride in his company and he understands the severity of the violations. Most violations were from the fuel truck which is used for fuel storage. The employee who formerly drove the truck was fired. He believes that the former employee's friend is on the MSP and believes that he was targeted unfairly by being pulled over while parked at a Rite-Aid. He explained the "hazardous material" issue as a drip from under the vehicle. The use of the handheld mobile phone, he was cited even though he was parked. The driver was rude to the MSP and he believes that's why he was cited.

The employee was terminated. They have a tire plan with Freightliner of Maine and they come every week. He explained all violations, why they occurred and what he was doing to fix them. He has offered driver safety training and analyzed all violations with his insurance agent. On July 7, 2015 there was a DOT inspection with no violations. Acadia Insurance has also provided training for defensive driving, procedures for a DOT stop, it was very thorough training and the drivers enjoyed the training.

Motion for No Further Action by Alan, second by Bruce. Vote: Unanimous

DOUBLE H CONTRACTING INC.

Bill Hall was sworn in. Steve presented relative carrier statistics. Mr. Hall explained that he had a particularly bad year last year. He has purchased a new trailer to add to the rotation. They have not had any new violations since the last inspection.

Motion for No Further Action by Pat, second by David. Vote: Unanimous

PRELIMINARY CARRIERS WITH REPRESENTATION:

SULLIVAN'S WASTE AND DISPOSAL & RECYCLING SERVICES INC.

Elizabeth, Ralph, Jeremiah Sullivan were sworn in. Steve presented relative carrier statistics. They have had an onsite mechanic and foreman who left abruptly and they feel that this is partially responsible for their woes as it left them without a mechanic, and he also took some of their business from them. They have not hired a new mechanic but have hired a foreman. They are now sending their vehicles out for maintenance. Elizabeth was not aware of any seat belt violations and stated that they keep records for each driver documenting any violation. They have purchased headsets for the drivers for their phones and have banned any type of smoking in all of their fleet in an attempt to alleviate distracted driving. They have each driver perform an inspection daily and submit an inspection report. When something is found, they write the issue down and try to fix it. They offer parts, bulbs etc. in stock. If they are unable to fix it, they send it out for maintenance. They feel that they are vigilant with maintenance. They now use Freightliner and New England tire, as of when their mechanic left. The program is working but is expensive.

Motion for No Further Action by Pat, second by David. Vote: Unanimous

FOREST FREIGHT LLC.

Dave Crockett and Ken Doare were sworn in. Steve presented relative carrier statistics. Dave has been put in a position to help and work with other drivers to help them comply with safety standards. The drivers are primarily responsible for the daily check of the vehicles. They have also started a program that sends their trucks/trailers to a shop for inspection every 2 weeks. Forest Freight inherited some of their problems from a neglectful previous owner and they didn't realize there were issues. They have let go a few drivers for hard use on equipment. There is a new company policy regarding cell use which was communicated by sending a packet that all drivers had to sign letting them know that they will be terminated with any mobile device use violations. They would like to have a manual for their drivers by the first of the year. The company will go over the manual with its employees. Their last tire violation was in 2014. They have invested a lot of money into tires.

Motion to continue by Bruce, second by David. NOTE: Contingent on MSP attending next hearing to articulate why they chose the carrier to be part of the MCR. Vote: Unanimous

BIG ROCK TRANSPORTATION, LLC

Melissa Hallet and Donald Wright were sworn in. Steve presented relative carrier statistics. It was determined that the carriers RSR was very low and would not normally bring them to the board. They have hired a safety person and have weeded out ineffective staff. In April 2014 a compliance review came back unsatisfactory and so they have implemented several big changes. They have issued drivers blue-tooth headset, upgraded their fleet (70% independent contractors), put in place driver fitness, drug/alc. and unsafe driver policy. They have a 0% tolerance for log falsification. Falsification of logs will result in immediate termination. They are confident that their new strategy and policies will help with their safety and violations. The carrier also

provided copies of their policies etc. for the board. Big Rock was acquired by Road Runner Transportation. They offer an incentive program for drivers who receive a cash reward for passing roadside service etc. January 1, 2015 they implemented every driver every day, every week a message is relayed and drivers are checked in on to see if they know the message.
Motion for No Further Action by Pat, second by Alan. Vote: Unanimous

NON-STATE POLICE RECOMMENDED CARRIERS:

ACE PROFESSIONAL TOWING LLC/ALMIGHTY

Scott Ferland was sworn in. Steve presented relative carrier statistics. They had a federal review in March. They have a new safety, operational and maintenance plan. Their biggest issue was a couple of old tractors. They've bought 2 brand new tractors in Aug of 2015. Ace has ceased hauling freight and is now a towing company only and Almighty Waste is running the freight. Ace ceased freight hauling around March 2015. Drivers now hand in a call sheet and check list everyday with their log. They have spare trucks and have competent employees.

Motion for No Further Action by Alan, second by Bruce. Vote: 4 for, 1 abstain, 1 absent

LEN POULIN INC.

Len Poulin and Laurie Allen were sworn in. Steve presented relative carrier statistics. Mr. Poulin was surprised to be called to the MCRB. They operate primarily dump trucks and haul gravel. A long time mechanic became sick and passed away unexpectedly. This past year they have had maintenance sent out for service. They had 2 mechanics which did not work out and they feel that their lack of attention to details contributed to the violations. The mechanics were terminated. He also had a friend driving a truck for him who incidentally was stopped and cited for marijuana. He was not an employee at the time, later hired and had another violation. He is no longer driving but is still employed with them. They have been buying new tires now instead of capped. They change 4 across the back. Mr. Poulin asked if it was possible to have multiple tire violation levels because he feels his tires are good, but he is getting cited due to a bad alignment when all tread is good except for 1 spot. He stated that he was not trying to make excuses, just trying to explain that he is not operating on bald tires.

Motion for No Further Action by Bruce, second by Alan. Vote: 5 for, 1 absent

NEW ENGLAND FISH COMPANY LLC

Holly Plourde was sworn in. Steve presented relative carrier statistics. They are leasing garage space, and are requiring drivers to complete pre and post trip paperwork. If there is a mechanical issue that is too much for their mechanic, they are sending out the work to Wagon Masters or Bernie's. They have a service truck for road issues, and they use Goodyear for tires. They are trying to get their drivers to be proactive and report issues. They are training their drivers. They are accessing online programs to track their drivers and view their logs. The drivers are also to e-mail logs to the main office. They are wrapping up their season and don't start up again until spring. They are having a hard time making their drivers comply. They feel that they are heavily training drivers. They have trouble retaining drivers. They offer incentives, higher pay and other steps to retain good drivers.

Motion for No Further Action by Alan, second by Bruce. Vote: 5 for, 1 absent

"A" CARRIERS HEARINGS WITH (NO) REPRESENTATION:

Cameron Paving Inc. (no representative was present) - Steve presented relative carrier statistics. Nobody was present to represent the company. They were told that they were to appear today, they completed their supplements and we have not heard from them. Brian is concerned that they may not be aware that they are a motor carrier. There is concern that they didn't bother to show up and have vehicle maintenance of 100. They have 2 drug charges on their list of violations. The carrier was given sufficient notice for the carrier to appear at today's MCRB. This is not the first time the carrier has not shown up.

Motion for continuance by David, second by Bruce. Vote: 5 for, 1 absent (*strongly request that the carrier attends the next MCRB. Outlining all actions in a letter that may be taken up to and including suspension.*)

Justin Long - (no representative was present) Steve presented relative carrier statistics. The carrier had 5 stops since the initial review. No serious violations are listed. The company is supposedly in transition. The board reviewed the violations.

Motion for No Further Action by Bruce, second by Brian. Vote: unanimous

Newport Metals LLC (no representative was present)- Steve presented relative carrier statistics. The carrier submitted info that states that they are no longer traveling to MA or NH and that they no longer run anything over 26,000 gvw. The board reviewed the entire supplemental. The carrier indicated that they don't have big trucks but violations offer evidence to the contrary

Motion for a Letter A by David, second by Alan- Vote: 5 for, 1 absent

Cilley's Down East Waste LLC - (no representative was present) - Steve presented relative carrier statistics. Supplemental was received the day prior to the MCRB at 3 p. m. The board discussed the carrier's violations and scores. The carrier has had severe difficulty in his personal life.

Motion for No Further Action by David, second by Bruce. Vote: 5 for, 1 absent

Daniel P Mcavoy - (no representative was present) Steve presented relative carrier statistics. We received a supplemental.

Motion for a Letter A by Alan, second by Bruce- Vote: 5 for, 1 absent

Jacobs Brothers Trucking- (no representative was present) they appear to be out of business.

Motion for No further action by David, second by Bruce- Vote: 5 for, 1 absent

Mason Pallet Inc. (no representative was present) Steve stated that they are currently out of service in FMCSA. Steve presented relative carrier statistics. The board discussed the violations. They recently had an accident of which they left the scene of the crime.

Motion for a continuance by Alan, second by Bruce- Vote: 5 for, 1 absent

Archie's Inc. - (no representative was present) Steve presented relative carrier statistics. There were 153 violations during the review period and an additional 25 since June 2015.

Motion for a continuance by Alan, second by David- Vote: 3 for, 1 opposed, 1 abstain, 1 absent

Jarrod Arute - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board.

Motion for No Further Action by Alan, second by David. Vote: 5 for, 1 absent

Premium Log yards Inc. - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board.

Motion for No Further Action by David, second by Bruce. Vote: 5 for, 1 absent

Michael E Secotte Sr. - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board.

Motion for No Further Action by David, second by Bruce. Vote: 5 for, 1 absent

Paul A Maguire Jr. - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board

Motion for No Further Action by David, second by Alan. Vote: 5 for, 1 absent

C T Sides LLC - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board

Motion for a continuance by David, second by Bruce- Vote: 5 for, 1 absent

K M Morin Logging Inc. - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board

Motion for a continuance by David, second by Bruce- Vote: 5 for, 1 absent

Vincent J Briggs - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board

Motion for No Further Action by Alan, second by Bruce. Vote: 5 for, 1 absent

Laura Gould - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board

Motion for No Further Action by Alan, second by David. Vote: 5 for, 1 absent

Regional Rubbish Removal Inc. - (no representative was present) Steve presented relative carrier statistics. Some discussion of statistics by the Board

Motion for No Further Action by Alan, second by Bruce. Vote: 5 for, 1 absent

END OF CARRIER REVIEWS

Proposed procedural changes: Steve and his team came up with language appropriate for rule-making. Everyone is welcome to submit comments.

- Motion was made to adopt suggested changes and move forward with rule-making.
- The Board voted to advise the SOS office to go ahead with the rule-making.
- The next MCRB meeting will be on Tuesday, March 29, 2016.