



Some Motor Carrier Compliance Improvements Made, But Overweight Vehicle Penalties Not Raised

at a glance

The Department of Transportation (FDOT) implemented several recommendations for improving the Motor Carrier Compliance Program. OPPAGA's 1999 report found that Florida's overweight penalty structure failed to deter repeat and more serious violations, which do more severe damage to highways.

- A carrier may pay in advance for an overweight permit when a load will exceed weight limits. As OPPAGA recommended, the department reviewed its permit fee structure and found that, taken as a whole, current fees were sufficient to cover the administrative costs and the cost of road damage anticipated from advance permitted overweight vehicles.
- The department also attempted to conduct a study to determine whether Florida's intrastate driving time exemptions for commercial motor carriers increase the risk of crashes. However, department managers reported that only one motor carrier was willing to participate in the study. The experience of a single company cannot be used to draw valid conclusions for the industry. Department managers said they may revisit Florida's requirements for commercial motor vehicle driver hours of service next year. Florida's current driving time requirements

preclude the state from receiving approximately \$3 million in annual federal funding.

- The department improved its data system to provide staff better access to law enforcement resources.

The Legislature did not increase penalties for truck weight violations. Existing fines are a mere nuisance to many truckers and are not graduated to increase in proportion to the amount of damage caused by the violation, which increases exponentially at higher weights. We continue to suggest that penalties should be increased to deter overloading and to help ensure that violators compensate for road damage. Our recommended fine structure would bring in an estimated \$56 million in additional annual trust fund revenues.

Purpose

In accordance with state law, this progress report informs the Legislature of actions taken by the Department of Transportation in response to a 1999 OPPAGA report.^{1,2} This report presents our assessment of the extent to which the department has addressed the

¹ Section 11.45(7)(f), *F.S.*

² *Justification Review of the Motor Carrier Compliance Program within the Department of Transportation*, [Report No. 98-86](#), June 1999.

findings and recommendations included in our report.

Background ---

The Motor Carrier Compliance Program's primary purposes are to protect highway system pavement and structures from excessive damage due to overweight and oversize vehicles and to reduce the number and severity of crashes involving commercial vehicles. To achieve these purposes, program staff enforce state and federal laws and agency rules that regulate the weight and size of vehicles operating on the state's highways, and the safety of commercial motor vehicles and their drivers.

The state's weight and size limits were established to prevent heavy trucks from causing unreasonable damage to highway systems and thereby protect the public's investment in these roadways. Violations of Florida's weight limits are more likely to cause severe road damage than in other states. Florida's law allows some of the heaviest trucks in the country. Because the amount of road damage caused by heavy trucks increases exponentially as weight increases, truckers who add illegal weight to these already heavy loads cause significant damage.

The program uses both non-sworn weight inspectors and sworn law enforcement officers to enforce vehicle weight, size, fuel tax, and registration requirements. These inspectors weigh trucks and check registration and fuel tax compliance at fixed scale locations along major highways. The program's law enforcement officers patrol the state's highways and use portable scales to weigh trucks that do not pass fixed scale stations.

As part of their patrol duties on state highways, the program's law enforcement

officers also enforce commercial motor vehicle safety regulations by performing safety inspections and enforcing traffic laws. The program's safety enforcement responsibilities also include compliance reviews at carrier places of business, which are performed by specially trained law enforcement staff.

The Florida Department of Transportation's Motor Carrier Compliance Office administers the Motor Carrier Compliance Program. The department allotted the office \$25,075,423 and 438 positions for Fiscal Year 2001-02.³ Program staff include 235 sworn law enforcement officers.

Prior Findings ---

Overweight trucks cause substantial road damage

Our prior review of the Motor Carrier Compliance Program noted that overweight trucks contribute to the deterioration of Florida's road infrastructure and diminish highway capacity by causing roads and bridges to deteriorate prematurely. This road damage increases the cost to taxpayers for maintaining roads and structures. The Florida Department of Transportation spent \$200 million annually for pavement resurfacing and attributed the majority of this cost to truck traffic.

However, Florida's vehicle weight penalties were insufficient to deter overloading. The penalties were not graduated to increase in proportion to the amount of damage caused by an overweight truck, which increases exponentially at higher weights. Further, violators were not paying their fair share of road damage costs. Florida's weight penalty

³ Motor Carrier Compliance is no longer considered a separate program for state budget purposes. Fiscal Year 2001-02 funding for the Motor Carrier Compliance Office was included in appropriations for the Highway Operations Program.

structure had not been changed in 46 years. The fine was established in 1953 at five cents per pound for exceeding weight limits.

Florida's weight fines were so low that they were simply a nuisance to many truckers and considered a part of the cost of doing business. Motor Carrier Compliance Office weight inspectors told us that they encountered companies that habitually overloaded their trucks and gave their drivers money to pay the weight fines when they are caught driving overweight through the fixed weigh stations.

A carrier may pay in advance for an overweight vehicle permit when a load will exceed weight limits. However, the department's overweight vehicle permit fees may not have fully recovered road repair and administrative costs. The department issues overweight permits for a single trip or for unlimited trips during a year (the latter are commonly referred to as "blanket" permits).

The department's policy has been to establish fees for these permits at a level sufficient to cover the costs to repair the road damage caused by permitted overweight vehicles and to administer the permitting program. However, the department no longer had records of how its trip permit fee schedules were established, and thus could not provide assurance that these fees adequately covered road damage costs.

We had two concerns about blanket permit fees. First, department managers were basing their assumptions of how often blanket permits were used (and thus the amount of road damage) on an analysis conducted in 1991 that had not been updated to consider changes in trucking industry habits. Second, Florida statutes limit the department's ability to increase blanket permit fees for containerized cargo to an amount that reflects the possible road damage caused by users of

these permits. These permits are used more frequently than other blanket permits.

We made several recommendations to address these concerns.

- To deter commercial motor carriers from deliberately overloading vehicles and ensure that those who overload pay their fair share of state road resurfacing costs, we recommended that the Legislature revise the law to establish higher and graduated penalties for drivers caught violating weight limitations. We proposed a weight fine schedule that would have the potential fiscal impact of an additional \$56 million in annual trust fund revenues to be used to offset the department's road resurfacing costs. We also recommended that the law be amended to provide increasingly higher penalties for those drivers who are caught a second and third time for weight violations.
- To ensure that overweight permit fees adequately cover road damage and administrative costs, we recommended that the Florida Department of Transportation review its overweight permit fee structure and develop a methodology to ensure that road damage and administrative costs are being covered. We also recommended that the department establish a process to review its overweight permit fees at least once every two years to determine if the fees should be revised.
- To ensure that multi-trip (blanket) permit holders pay the costs of road damage caused by permitted vehicles, we recommended that the Legislature revise s. 316.550, *Florida Statutes*, to remove the \$500 limit on permit fees. We also recommended that the department re-evaluate its blanket permit fees at least every two years to

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update trip mileage information and reflect any changes in industry habits, such as frequency of use of containerized cargo blanket permits.

Florida's intrastate driving time regulations

Driver fatigue has increasingly become one of the top commercial motor vehicle safety concerns. Studies have shown that commercial motor vehicle crashes are more likely to be caused by driver error than mechanical failure. Florida initially adopted the federal driving time regulations for all commercial motor carriers in 1987, but the Legislature exempted intrastate carriers from some of the regulations in 1988. As a result, the Federal Highway Administration ruled Florida ineligible for any federal Motor Carrier Safety Assistance Program funding. The federal agency amended its rules in Fiscal Year 1993-94 to enable states to receive 50% of their share of funding if they have adopted the federal motor carrier safety regulations for interstate carriers, but not intrastate carriers.

To compensate for the annual loss of federal funding, the Legislature added an additional \$5 surcharge on commercial motor vehicle license plates in 1988. The \$5 surcharge produced revenues of \$1.6 million in Fiscal Year 1999-2000. For federal Fiscal Year 2002, the Motor Carrier Compliance Office is budgeted to receive an estimated \$3 million in basic Motor Carrier Safety Assistance Program grant funding, but will forgo approximately \$3 million in additional federal grant funding.

Our office previously raised concerns about Florida's statutory driving time exemptions in our 1994 review of the department's commercial motor vehicle safety enforcement program and recommended that the Motor Carrier Compliance Office conduct a study to determine whether Florida's driving time exclusions contribute to driver fatigue. At

that time, the Motor Carrier Compliance Office had been approved for a federal grant to fund the study for two years, but had not conducted the study. The Motor Carrier Compliance Office did not contract with a consultant to undertake the study until March 1999. The study was due to be completed by December 31, 1999.

We recommended that the Florida Department of Transportation continue to study whether Florida's intrastate driving time exemptions increase the risk of commercial motor vehicle crashes. We also recommended that once the study is completed, the Legislature consider whether it is in the state's best interest to continue the current intrastate driving time limits or whether the state should adopt the federal driving time standards for all intrastate carriers. Adopting the federal regulations could reduce the crash rate and would have the added benefit of making the state eligible for full federal funding. If the state becomes eligible for full federal funding, the Legislature could either rescind the \$5 commercial motor vehicle tag fee or allow the department to use both funding sources for safety enforcement.

Program data systems

A 1994 OPPAGA report on safety enforcement and the follow-up to that report and two reports by the Florida Department of Transportation's inspector general identified a need for better Motor Carrier Compliance Office data systems and use of data for targeting enforcement efforts. Program managers had responded to each of these reports with assurances that such systems were being developed.

Five years later, the program was still in the process of implementing these improvements. Program staff had made some progress since our prior reviews and the program appeared

to be headed in the right direction with data system improvements. However, some needed improvements in the program's data systems were still in the implementation stage. Program officers' laptop computers did not operate as mobile data terminals. The data entered by patrol officers was not collected on a real-time basis and data entry was delayed up to 17 days. Program officers also did not yet have online access to driver and vehicle violation history while in the field. Furthermore, program staff did not yet have computerized access to carrier violation histories due to a lack of an identification system for intrastate carriers. Unlike interstate carriers, intrastate carriers have not previously been registered or given carrier identification numbers. Program managers were in the process of implementing an intrastate carrier registration.

To make needed information available for targeting enforcement efforts, we recommended that the Motor Carrier Compliance Program continue with its efforts to improve its data systems.

Status of Recommendations —

The department has taken actions to address our recommendations to review its overweight permit fee structure, study intrastate carriers hours-of-service requirements, and improve Motor Carrier Compliance Office data systems. However, the Legislature has not adopted our recommendations to increase the penalties for truck weight violations.

The department reviewed its overweight vehicle permit fee structure

As OPPAGA recommended, the department reviewed its overweight vehicle permit fee

structure in March 2001. The department found that, taken as a whole, current permit fees were sufficient to cover administrative costs and the cost of road damage anticipated from advance permitted overweight vehicles.

The department attempted to complete a study to address the hours of service issue, but was unable to get sufficient carriers to participate

The department has attempted to conduct a study to determine whether Florida's intrastate driving time exemptions for commercial motor carriers increase the risk of crashes. However, department managers reported that only one motor carrier was willing to participate in the study. The experience of a single company cannot be used to draw valid conclusions for the industry. Department managers indicated they may revisit Florida's requirements for commercial motor vehicle driver hours of service next year.

Department managers also report that the federal Department of Transportation recently submitted a proposal to take a different approach to commercial motor vehicle driver hours of service requirements, which has generated much controversy.

The Motor Carrier Compliance Office has continued efforts to improve its data system

Department managers report that the program has improved its data system to provide staff better access to law enforcement resources. For example, the program's officers now use laptop computers to enter and access inspection information in the federal motor carrier safety data system. The majority of officers now have cellular digital packet data (CDPD) connected to their laptops, which provide real-time data on the

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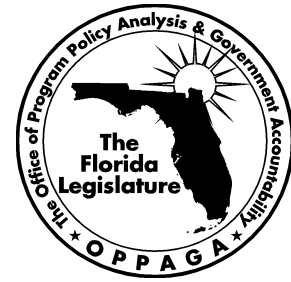
violation histories of vehicles and their drivers. The CDPD's coverage area includes approximately 80% of Florida's population and 60% of its geographical area. Department managers expect this coverage area to improve over time as more cellular telephone carriers provide this service.

Department managers also report that their staff have registered approximately 10,000 intrastate carriers and that they continue with this effort as new carriers are identified. Staff use vehicle violation data and other data to target safety enforcement efforts such as compliance reviews. For example, they may target carriers with high out-of-service rates or high crash rates.

The Legislature has not revised the law to establish higher graduated penalties for weight violations

The Legislature has not revised s. 316.545, *Florida Statutes*, to establish higher and graduated penalties for major carrier weight violations by commercial vehicles and to provide for increasingly higher penalties for those drivers caught a second and third time violating the state's weight limitations. We continue to suggest that penalties should be increased to deter overloading and to help ensure that violators compensate for road damage. The recommended fine structure presented in our prior report would generate an estimated \$56 million in additional annual trust fund revenue to help offset department highway resurfacing costs.

The Florida Legislature
Office of Program Policy Analysis
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