



# Office of Program Policy Analysis And Government Accountability



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## FOLLOW-UP REPORT ON THE COMMERCIAL MOTOR VEHICLE SAFETY ENFORCEMENT PROGRAM ADMINISTERED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION

### **REPORT ABSTRACT**

The Florida Department of Transportation has taken some of the steps we have recommended, such as improving the Program's communications system, providing additional safety enforcement training, and adopting a policy and procedures manual. However, taking additional steps we have recommended would improve the management of safety enforcement activities, increase officer productivity, and result in the state receiving an additional \$1.35 million in federal safety enforcement funds.

### **PURPOSE OF REVIEW**

In accordance with s. 11.45(7)(f), F.S., this follow-up report informs the Legislature of actions taken by the Department of Transportation in response to our Report No. 94-14, which we issued on December 5, 1994. This report presents our assessment of the extent to which the Department has addressed the findings and recommendations included in our report.

### **BACKGROUND**

The Commercial Motor Vehicle Safety Enforcement Program is administered by the Department of Transportation. This Program is intended to help ensure that commercial trucks and buses operating in Florida are mechanically safe and that drivers of these vehicles are

properly licensed and do not create a safety hazard to the traveling public. The Department's Motor Carrier Compliance Office (MCCO) employs law enforcement officers who patrol the state's highways to perform vehicle safety inspections and enforce weight limits. Officers also determine whether commercial drivers are appropriately licensed, are not under the influence of drugs or alcohol, and have maintained required logbooks of their hours of service.

MCCO was appropriated \$18,094,000 and authorized 382 positions for fiscal year 1996-97. Program funding is derived from the State Transportation Trust Fund. This Trust Fund receives revenue from state gasoline taxes, motor vehicle license registration fees, and federal grants. Fines from MCCO's safety enforcement activities as well as a \$5 surcharge on commercial motor vehicle tags are also deposited into the Trust Fund and are intended to provide funding for the Commercial Motor Vehicle Safety Enforcement Program. MCCO does not separate its costs of safety enforcement activities from its other activities. MCCO managers estimate that the Department will spend between \$7.2 million and \$8.1 million on safety enforcement activities during fiscal year 1996-97.

### **PRIOR FINDINGS**

Our prior report found that the Department's effectiveness in enforcing commercial motor vehicle safety laws was hindered by several problems. There were substantial variations between field offices in how they carried out their safety enforcement activities. Factors contributing to

these differences included the lack of a statewide procedures manual, limited training received by some officers, and the central office's lack of a system to aggregate and analyze field office activity data. MCCO also lacked a method for monitoring whether carriers correct vehicle defects cited during MCCO safety inspections. Furthermore, the statutory penalty for failing to correct out-of-service violations before driving did not comply with the levels the Federal Highway Administration was requiring states to implement by 1997. Also, MCCO did not have unassigned vehicles for officers to use when their assigned patrol cars were being repaired which reduces staff productivity and ability to patrol state roads. In addition, MCCO's communications system was outdated. Officers were frequently unable to contact their field office to seek instruction, perform background checks on drivers and vehicles they have stopped, or to request backup in emergency situations. Finally, officers' ability to perform vehicle inspections was limited by a lack of safe inspections sites in some parts of the state.

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## ***CURRENT STATUS***

The Department has taken some steps that we recommended which has improved commercial motor vehicle safety enforcement operations. However, further improvements in safety operations are possible if additional actions are taken

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## ***ACTIONS TAKEN***

**Policy and Procedures Manual.** The Department completed and adopted a policy and procedures manual with and provided copies to all MCCO officers.

**Safety Enforcement Training.** The Department provided formal safety enforcement training to all of its enforcement staff. Additionally, MCCO established and met a goal of obtaining Commercial Vehicle Safety Alliance (CVSA) for its 177 sworn law enforcement officers doing safety inspections.

**Verification Procedures.** MCCO established procedures to verify that 15% of serious vehicle safety violations were

corrected prior to the vehicle being operated. This is accomplished through covert surveillance, on-site verifications, and inspections at motor carrier terminals. However, the MCCO headquarters does not monitor field office verification activities.

**Communications System.** MCCO, with the assistance of the Division of Communications of the Department of Management Services, evaluated alternatives to its communications system. As the result of this evaluation, MCCO became a participant in the 800 MHz statewide law enforcement radio communications system in fiscal year 1995-96. Until the 800 MHz system is completely phased in throughout the state, MCCO is primarily using the Florida Department of Law Enforcement to informally provide after-hour dispatch service. To improve the reliability of communications, MCCO has purchased 210 new low band radios for its officers and new base stations for its field offices. Additionally, MCCO has ordered 180 cellular phones for its patrol cars which will allow mobile data terminals in patrol cars to communicate with various databases.

**Terminal Audits.** In December 1994, MCCO established terminal audit (a review of records and personnel interviews conducted at a motor carrier's truck terminal) goals by month and year for each field office. MCCO increased the number of terminal audits from 45 audits in calendar year 1993 to 373 in fiscal year 1995-96 (see Exhibit 1). Motor carriers cannot be selected for terminal audits based on information contained in the SAFETYNET information system as this system is not completely implemented (see below). Although the Legislature amended s. 316.302, F.S., to provide increase access to driving records, MCCO is still not authorized to have access during terminal audits to any records needed to determine commercial drivers' compliance with driving time restrictions.

## Exhibit 1

### Not All Field Offices Met Goals for Conducting Terminal Audits

Field Office	Terminal Audits		Percent of Terminal Audit Goal Performed	Percent of Terminal Audits Performed Statewide in Fiscal Year 1995-96
	Annual Goal	Conducted in Fiscal Year 1995-96		
Pensacola	12	20	167%	5%
Tallahassee <sup>1</sup>	24	22	92%	6%
Jacksonville	72	23	32%	6%
Lake City	12	11	92%	3%
Ocala	24	21	88%	6%
Orlando <sup>2</sup>	96	60	63%	16%
Tampa	72	54	75%	14%
Fort Myers	48	58	121%	16%
Miami	72	73	101%	20%
West Palm Beach	72	31	43%	8%
<b>TOTAL</b>	<b><u>504</u></b>	<b><u>373</u></b>	<b>74%</b>	<b><u>100%</u></b>

<sup>1</sup> Includes Panama City sub-office.

<sup>2</sup> Includes Deland sub-office.

Source: Based on records provided by the Department of Transportation.

### ***ACTIONS NOT TAKEN***

While the Department has taken some of the actions we recommended, other recommendations have not been acted upon:

**Monitoring.** We recommended that MCCO monitor the safety enforcement activities of its field offices and take corrective action when needed. Although MCCO does receive periodic reports on field safety enforcement activities, these reports still do not allow management to monitor the safety enforcement activities of its field offices in a timely and efficient manner and take corrective action when needed.

**Monitoring Repair Certifications.** We recommended that the SAFETYNET computerized information system be used to track whether motor carriers return certifications indicating that vehicle defects have been repaired as required. MCCO headquarters and the Tallahassee field office have been conducting tests of SAFETYNET but the system is not fully operational. According to MCCO

management, field staff should be trained and SAFETYNET fully operational in all field offices by April 1997. MCCO has established a manual tracking system to track serious safety ("out-of-service") violations but not less serious safety ("non-out-of-service") violations. The Department does not plan on seeking legislative authorization to impose a penalty for failing to return certifications until SAFETYNET is in place long enough to determine the magnitude of noncompliance.

**Unassigned Vehicles.** We recommended the Department seek legislative funding to purchase and maintain at least ten unassigned vehicles (one at each MCCO field office) to reduce vehicle downtime for maintenance and repairs. Such vehicle downtime affects both officer productivity and field office coverage. The Department has not sought funds to purchase unassigned vehicles to improve officer productivity when assigned vehicles are not available due to maintenance or repairs. Rather, the Department has attempted to minimize vehicle downtime by reducing the number of vehicles with mileages meeting or exceeding replacement criteria. Through recent vehicle purchases, MCCO reduced the percentage of its vehicles driven

beyond applicable replacement criteria from 54% in March 1994 to 15% in May 1996. During this same time period, the number of vehicles driven over 100,000 miles dropped from 55 to 2.

However, the Department will need additional patrol vehicles if it intends to prevent excessive repair costs and vehicle downtime resulting from vehicles driven past Department replacement criteria. The Department has allocated only enough state and federal funds (\$767,000) in fiscal year 1996-97 to replace approximately 37 of the 43 vehicles whose mileages are expected to exceed Department replacement criteria in May 1997. An additional 47 vehicles are expected to exceed replacement criteria by May 1998.

The Secretary of Transportation issued a directive in early 1996 to remove 12 previously assigned patrol vehicles from senior MCCO officers whose primary job duties were tasks other than conducting safety and weight inspection. However, not all field offices have access to these unassigned vehicles when their vehicles are being maintained or repaired. Without unassigned vehicles at each field office, MCCO officer productivity will continue to be reduced while their assigned vehicles undergo repairs or maintenance.

**Lack of Safe Inspection Sites.** We recommended that MCCO continue to identify areas where officers cannot effectively inspect vehicles due to lack of safety inspection sites. The Department should use this listing to incorporate truck pull-off lanes in its future road design plans, as feasible. Although MCCO staff stated that a list of critical locations where a pull-off site was needed to conduct truck safety inspections was submitted to the State Highway Engineer's office in the fall of 1995, the State Highway Engineer's office has no record of receiving the list. MCCO plans to submit a revised list of critical locations where a pull-off site is needed for conducting truck safety inspections to the

State Highway Engineer's office by December 1996. The State Highway Engineer's office stated that the critical locations identified on the submitted list would be evaluated and, where feasible, incorporated in road designs by July 1998.

**Law Enforcement Role.** We recommended, in light of MCCO's increasing law enforcement role, the Legislature reassess the mission and organizational assignment of the Commercial Motor Vehicle Safety Enforcement Program to the Department of Transportation. The Legislature has not reassessed mission or organizational assignment. MCCO has expanded its law enforcement role in enforcing commercial vehicle safety by acquiring additional radar and alcohol detection equipment. Additionally, all MCCO officers are receiving drug interdiction training.

**Foregone Federal Funds.** We recommended MCCO initiate a driver fatigue study in fiscal year 1994-95. We also recommended that, upon completion of the study, the Legislature consider if it is in the state's best interest to continue its current extended driving time standards or to adopt federal driving time standards and become eligible for full federal safety enforcement funding. MCCO has not conducted the study on driver fatigue despite federal funding being available to MCCO for this study for the past four years. MCCO staff stated that they have not been able to conduct this study due to lack of data and difficulties in identifying a consultant. Lack of comparability between state and federal driving time standards have resulted in the state foregoing approximately \$1.35 million in federal safety enforcement funds for fiscal year 1995-96.

**Performance Measures.** We recommended that the Department revise the program measures used in its Legislative Budget Request to include effectiveness and outcome measures. The Department has proposed Program measures but made use of these measures contingent upon full implementation of the SAFETYNET information system, which has not yet occurred.

This project was conducted in accordance with applicable evaluation standards. Copies of this report may be obtained by telephone (904/488-1023 or 800/531-2477), by FAX (904/487-3804), in person (Claude Pepper Building, Room 312, 111 W. Madison St.), or by mail (OPPAGA Report Production, P.O. Box 1735, Tallahassee, FL 32302). Web site: <http://www.state.fl.us/oppaga/>

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