

oppaga

Justification Review

Motor Carrier

Compliance Program

Florida Department of Transportation

Report 98-86 June 1999



*Office of Program Policy Analysis
and Government Accountability*

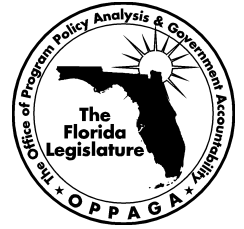
an office of the Florida Legislature

Motor Carrier
Compliance Program
Florida Department of Transportation
Report 98-86 June 1999



The Florida Legislature

OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY



John W. Turcotte, Director

June 1999

The President of the Senate,
the Speaker of the House of Representatives,
and the Joint Legislative Auditing Committee

I have directed that a program evaluation and justification review be made of the Motor Carrier Compliance Program administered by the Florida Department of Transportation. The results of this review are presented to you in this report. This review was made as a part of a series of justification reviews to be conducted by OPPAGA under the Government Performance and Accountability Act of 1994. This review was conducted by Becky Vickers, Rich Woerner, Bernadette Leyden, Sergio Pena, and Jenny Wilhelm under the supervision of Kathy McGuire.

We wish to express our appreciation to the staff of the Florida Department of Transportation for their assistance.

Sincerely,

John W. Turcotte
Director

Table of Contents

Executive Summary	i
Chapter 1: Introduction.....	1
Purpose	1
Background.....	1
Chapter 2: Program Benefit, Placement, and Performance	5
Program Benefit and Impact of Abolishment	5
Organizational Responsibility.....	9
Program Performance.....	10
Options for Improvement.....	14
Chapter 3: Protecting Florida Roads	15
Options for Improvement.....	15
Chapter 4: Cost Savings and Cost Recovery	26
Options for Improvement.....	26
Chapter 5: Improved Operations and Efficiency	32
Option for Improvement	32
Appendix A	
Statutory Requirements for Program Evaluation and Justification Reviews	35
Appendix B	
State Axle Limits.....	38
Appendix C	
OPPAGA Report No. 98-54, Motor Carrier Program Meets Most Standards; Accountability System in Need of Strengthening.....	40
Appendix D	
Response From the Florida Department of Transportation	52

Justification Review of the Motor Carrier Compliance Program

Purpose

This is the second of two reports presenting the results of our program evaluation and justification review of the Florida Department of Transportation's Motor Carrier Compliance Program. State law directs our office to complete a justification review of each state agency program that is operating under a performance-based program budget. Our office reviews each program's performance and identifies alternatives for improving services and reducing costs.

Background

The Motor Carrier Compliance Program's primary purposes are to protect highway system pavement and structures (e.g., bridges) 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. The program uses both non-sworn weight inspectors and sworn law enforcement officers to enforce vehicle weight, size, fuel tax, and registration requirements. Weight inspectors weigh trucks and check registration and fuel tax compliance at 21 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.¹

¹ The department's Maintenance Program issues permits to carriers to exceed the state's weight and size laws under certain circumstances. The Motor Carrier Compliance Program is responsible for enforcing the terms of the permits.

Executive Summary

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 \$20.8 million in operating costs and 385 positions for Fiscal Year 1998-99. Program staff include 212 sworn law enforcement officers.

Program Benefit, Placement, and Performance

The Motor Carrier Compliance Program's weight and safety enforcement activities are beneficial to the state and should be continued. Studies show that weight enforcement programs help avoid pavement damage from overweight vehicles. Pavement damage reduces road life cycles and thus increases the cost to taxpayers for maintaining roads. Most of the state's roadway wear is due to truck traffic; the road damage caused by overweight vehicles increases exponentially at higher vehicle weights. The department spends approximately \$200 million annually for roadway resurfacing.

State commercial motor vehicle safety enforcement programs help reduce the number of commercial motor vehicle accidents through roadside inspections and enforcement activities, which increase the likelihood that safety defects, driver deficiencies, and unsafe practices will be detected. Although commercial motor vehicles are less likely to be involved in crashes than passenger vehicles, the size of commercial vehicles makes it much more likely that a crash will result in serious injury, death, or property damage.

The Florida Department of Transportation should continue to administer the Motor Carrier Compliance Program. There are no compelling benefits to transferring the program to another agency. Commercial motor vehicle weight enforcement is logically placed at the Florida Department of Transportation because this agency is responsible for maintaining roads. Commercial motor vehicle safety enforcement is efficiently performed by the same agency responsible for weight enforcement.

The program's effectiveness in preventing overweight and unsafe trucks from operating is currently not being measured. The program exceeded

one of its three performance standards for the level of services it provides (outputs). Using a new weigh-in-motion facility, program staff weighed more vehicles in Fiscal Year 1997-98. However, the program did not meet expectations for conducting safety inspections or weighing vehicles with portable scales because managers shifted emphasis to commercial motor vehicle traffic enforcement, and program officers spent more time on general law enforcement activities.

Options for Improvement

The state's overweight penalty structure fails to deter repeat and more serious violations, which do more severe damage to highways

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 recommend that the Legislature revise s. 316.545, F.S., to establish higher and graduated penalties for weight violations. We also recommend that the Legislature revise s. 316.545, F.S., to provide for increasingly higher penalties for those drivers who are caught a second and third time violating the state's weight limitations. A possible penalty schedule for accomplishing these recommendations is shown on page 20. *Estimated Additional Annual Trust Fund Revenue to Help Offset Department Resurfacing Costs: Up to \$56 million*

The Legislature should consider establishing a clean slate provision so that repeat offenders may go back to being subject to the lowest penalty schedule after a specified period of violation-free driving, such as two years. We also recommend that the Legislature revise s. 316.545, F.S., to require offloading at the officer's discretion for any weight exceeding legal weight limits, rather than at the current level of 6,000 pounds over gross weight limits.

The department's overweight vehicle permit fees may not fully recover road repair and administrative costs

To ensure that overweight permit fees adequately cover road damage and administrative costs, we recommend 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. The department should maintain this information as a permanent record as long as the permit fee is in effect. We also recommend 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 recommend that the Legislature revise s. 316.550(2), F.S., to remove the \$500 limit on permit fees. We also recommend that the department re-evaluate its blanket permit fees at least every two years to update trip mileage information and reflect any changes in industry habits, such as frequency of use of containerized

Executive Summary

cargo blanket permits. *Estimated Additional Annual Trust Fund Revenue to Help Offset Department Resurfacing Costs: Up to \$2 million*

Using civilians to perform reviews at carrier terminals would reduce program costs

To maximize the program's staff resources, we recommend that the Legislature revise s. 316.302(6), F.S., to authorize the Florida Department of Transportation to use civilians for conducting compliance reviews and commercial motor vehicle safety inspections. If this revision is made, we recommend that the department convert seven Motor Carrier Compliance Office law enforcement officer positions to civilian positions. The conversion should be accomplished over time through attrition. We recommend that the department primarily use the civilian positions to conduct compliance reviews at carrier terminals, with occasional assistance from these staff to meet program safety inspection responsibilities. *Estimated Annual Cost Savings to Trust Fund: \$67,000*

Florida's intrastate driving time regulations do not meet federal requirements

We recommend that the Florida Department of Transportation continue to study whether Florida's intrastate driving time exemptions increase the risk of commercial motor vehicle crashes. Once the study is completed, we recommend that 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 for commercial motor vehicle safety enforcement. 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. We will review the status of the department's study when we conduct the follow-up to this justification review. *Estimated Additional Trust Fund Revenue for Commercial Motor Vehicle Safety Enforcement: \$1.6 million*

The program needs to improve its data systems to better target enforcement efforts

To make needed information available for targeting enforcement efforts, we recommend that the Motor Carrier Compliance Program continue with its efforts to improve its data systems. We will review the status of data system implementation when we conduct the follow-up to this justification review.

Agency Response

The Secretary of the Florida Department of Transportation provided a written response to our preliminary and tentative findings and recommendations. (See Appendix D, page 52, for his response.)

Introduction

Purpose

This is the second of two reports presenting the results of our Program Evaluation and Justification Review of the Florida Department of Transportation's Motor Carrier Compliance Program. The Government Performance and Accountability Act of 1994 directs OPPAGA to conduct a justification review of each program during its second year of operating under a performance-based program budget.² Justification reviews assess agency performance measures and standards, evaluate program performance, and identify policy alternatives for improving services and reducing costs. In February 1999, we published a report presenting our analysis of the program's performance measures and standards and its performance using these measures.³ This report analyzes policy alternatives for improving program services and reducing costs. Appendix A summarizes our conclusions regarding the nine issue areas the law requires to be considered in a program evaluation and justification review.

Background

The Motor Carrier Compliance Program's primary purposes are to protect highway system pavement and structures (e.g., bridges) 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. While performing these duties, program staff also verify that vehicle owners have properly registered their vehicles and paid applicable fuel taxes.

² The Motor Carrier Compliance Program began operating under a performance-based program budget in Fiscal Year 1997-98.

³ *Motor Carrier Program Meets Most Standards; Accountability System in Need of Strengthening*. [OPPAGA Report No. 98-54](#), February 1999. Appendix C contains the full text of this report.

Introduction

Sworn and non-sworn staff conduct weight and safety activities

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. The program uses both non-sworn weight inspectors and sworn law enforcement officers to enforce vehicle weight, size, fuel tax, and registration requirements. Weight inspectors weigh trucks and check registration and fuel tax compliance at 21 fixed scale locations along major highways. Most of these weigh stations are located in Northern and Central Florida. 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.⁴

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. Safety inspections can include examination of vehicle parts such as brakes, lights, and safety equipment and, if carried onboard, the packaging and labeling of hazardous materials. Safety inspections and traffic enforcement may also include determining whether commercial drivers are appropriately licensed, have maintained required logbooks of their hours of service, and are operating their vehicles in a safe manner (e.g., not speeding or operating under the influence of drugs or alcohol).

The program's safety enforcement responsibilities also include compliance reviews, which are performed by specially trained law enforcement staff. Compliance reviews consist of visiting truck and bus company places of business (terminals) to examine company vehicles and maintenance records, personnel records, and safety procedures.

Program staff can impose penalties for violations of commercial motor vehicle laws. If a fine is imposed as part of weight enforcement or safety inspection activities, the penalty must be paid before the driver can proceed on the highway. These fines may be paid by the driver or by a valid surety bond posted by the trucking or bus company (carrier).

At \$21 million, the program is less than 1% of DOT's budget

The Florida Department of Transportation's Motor Carrier Compliance Office administers the Motor Carrier Compliance Program. The department allotted the office \$20.8 million in operating costs and 385 positions for Fiscal Year 1998-99. Program staff include 212 sworn law enforcement officers. See Exhibit 1 for Fiscal Year 1996-97 through 1998-99 allotments and staffing for the Motor Carrier Compliance Office. The Motor Carrier Compliance Office accounts for less than 1% of the Florida Department of Transportation's \$3.8 billion budget for Fiscal Year 1998-99.

⁴ The department's Maintenance Program issues permits to carriers to exceed the state's weight and size laws under certain circumstances. The Motor Carrier Compliance Program is responsible for enforcing the terms of the permits.

Exhibit 1
Motor Carrier Compliance Office Allotments
for Fiscal Years 1996-97 Through 1998-99

Program Allotments	Fiscal Year		
	1996-97	1997-98	1998-99
Trust Funds	\$17,600,000	\$18,400,000	\$20,800,000
FTE Staffing	382	393	385

Source: Florida Department of Transportation.

1997-98 program revenues were \$14.9 million

The program is funded from revenues in the State Transportation Trust Fund, into which a variety of transportation-related funding is placed to offset the costs of the department's programs. The only trust fund revenues that are specifically earmarked for the Motor Carrier Compliance Program are federal grant monies. In Fiscal Year 1997-98, the Motor Carrier Compliance Program received federal grants totaling \$2.5 million. However, two other sources of trust fund revenues can also be attributed to this program. First, program staff collected \$9.9 million in penalties for commercial motor vehicle weight violations and \$1 million in penalties for safety violations. Second, the Legislature established a \$5 surcharge on commercial motor vehicle registrations in 1988 when the state lost federal funding for safety enforcement due to statutory exemptions for intrastate driving time limits.⁵ The surcharge resulted in trust fund revenues of \$1.4 million in Fiscal Year 1997-98. The total Fiscal Year 1997-98 trust fund revenues either directly or indirectly attributable to this program were \$14.9 million.

Total department fixed capital outlay and operating expenditures for enforcing commercial motor vehicle weight and safety regulations were \$33.7 million for Fiscal Year 1997-98. Department records show Motor Carrier Compliance Office expenditures of \$17.8 million for the fiscal year. However, the department also expends funds for the design, construction, and maintenance of fixed weigh stations through other department entities.⁶ The department spent \$15.9 million for right-of-way, design, construction, and maintenance of fixed weigh stations in addition to Motor Carrier Compliance Office expenditures for Fiscal Year 1997-98.⁷

⁵ The program has since regained 50% of its federal funding allotment for safety enforcement.

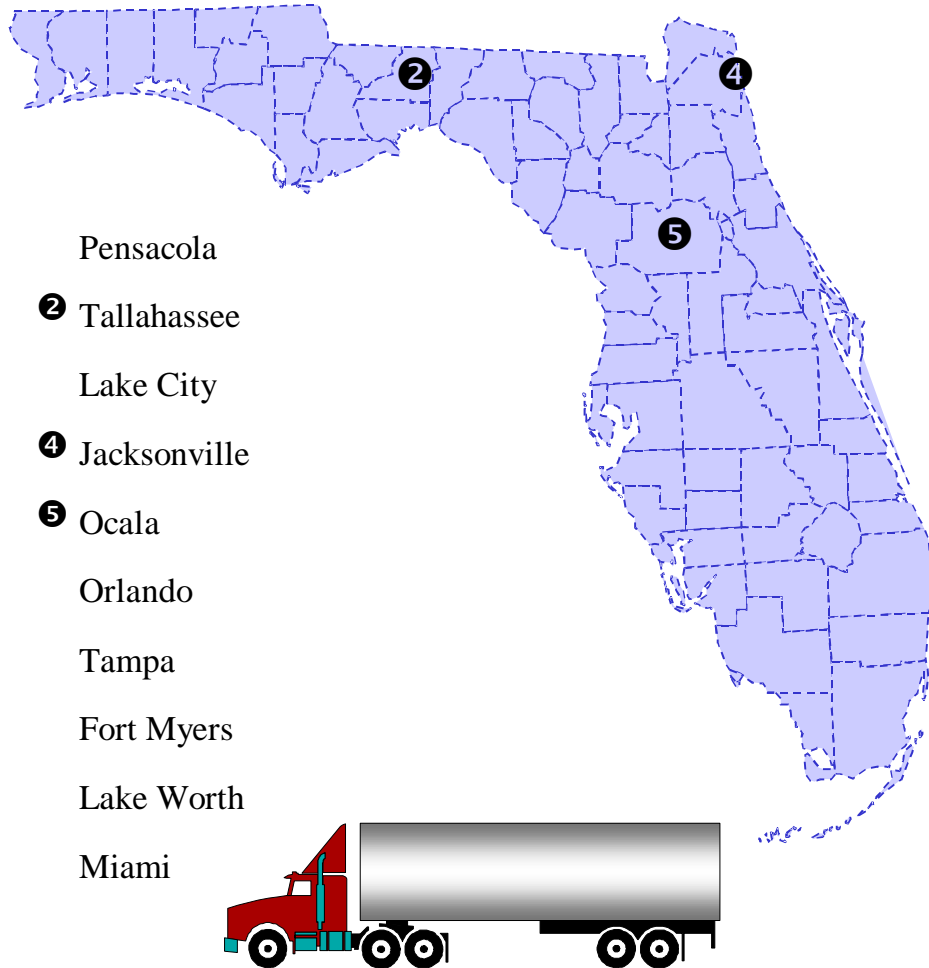
⁶ The Florida Department of Transportation's funds are not appropriated in the performance-based program budget format.

⁷ Department managers define the Motor Carrier Compliance Program to only consist of the Motor Carrier Compliance Office. These other expenditures are considered part of the Right-of-Way, Construction, and Maintenance programs.

Introduction

The Motor Carrier Compliance Office comprises a central office located in Tallahassee that provides overall coordination for the program and 10 field enforcement offices. Field office locations are shown in Exhibit 2.

Exhibit 2
Motor Carrier Compliance Office Locations in Florida



Program Benefit, Placement, and Performance

Program Benefit and Impact of Abolishment

The Motor Carrier Compliance Program's weight and safety enforcement activities are beneficial to the state and should be continued.

Weight Enforcement

Studies show that commercial motor vehicle weight enforcement programs help avoid pavement damage from overweight vehicles.⁸ The original intent behind truck weight regulations was to establish standards so that road departments could build roads that would last for an economically reasonable period of time before wearing out. The basic premise was that if vehicle drivers followed the standards, the roads could be expected to meet their design life.

Weight enforcement protects our investment in roads

Florida Department of Transportation managers stated that while they cannot specifically quantify the cost impact, they believe the cost of weight enforcement activities are more than covered by the cost avoidance accruing from preventing premature pavement deterioration. According to department planning documents and pavement engineers, most of the state's roadway wear is due to truck traffic.

Damage increases exponentially at higher weights

Trucks that exceed road weight limits cause roads and bridges to deteriorate prematurely and increase the possibility of bridge stress and fatigue. The road damage caused by overweight vehicles increases exponentially at higher vehicle weights. For example, a legally loaded (80,000 pound gross weight) semitrailer truck places a load on the road equal to about 9,600 cars. If this truck is loaded to 95,000 pounds— 15,000

⁸ For example, see 1997 U. S. DOT Comprehensive Truck Size and Weight Study, Report on Audit of the Vehicle Weight Enforcement Program, U.S. Department of Transportation, Inspector General, November 21, 1991, and Wisconsin Safety and Weight Policy Study by Cambridge Systematics, Inc., with Street Smarts and Dr. Thomas M. Corsi, September 1994.

Program Benefit, Placement, and Performance

pounds overweight—its pavement damaging impact can double.⁹ This damage increases the cost to taxpayers for maintaining roads and structures. The department spends approximately \$200 million annually for roadway resurfacing.¹⁰

Pavement damage from overweight vehicles would likely increase if the Motor Carrier Compliance Program were abolished. Department weigh-in-motion sensors showed that 6% of the truck traffic crossing the sensors during 1998 exceeded the state's 80,000-pound gross vehicle weight limits.¹¹ Our research led us to conclude that these percentages would be even higher in the absence of a state weight enforcement program. For example, a department study showed an increase in the number and degree of weight violations in areas where enforcement was discontinued.

Federal highway funds are contingent on the program

Florida could also lose 10%, or approximately \$120 million annually, of its federal highway funding if the Motor Carrier Compliance Program were abolished.¹² Like all states, Florida implements federal weight laws to preserve federal highway infrastructure investments. Each state vehicle weight and size enforcement program must submit an annual certification to the U.S. Department of Transportation's Federal Highway Administration. Federal rules provide that if the Federal Highway Administration is not satisfied with the level of a state's enforcement as evidenced by the annual certification, the state may lose 10% of its federal highway funding.

Safety Enforcement

The purpose of state commercial motor vehicle safety enforcement is to reduce the number of truck accidents through roadside inspections and enforcement activities (such as on-site reviews at carriers' places of

⁹ 2020 Florida Transportation Plan, 1999 Short Range Component, Florida Department of Transportation.

¹⁰ The \$200 million does not include the incidental costs of resurfacing projects such as adding sidewalks or bicycle paths.

¹¹ The department's Statistics Office uses weigh-in-motion sensors for planning and statistical reporting purposes. These sensors are portable or buried in highway pavement, as opposed to the weigh-in-motion sensors that the Motor Carrier Compliance Program uses to monitor vehicle weights at some of its fixed weigh stations. The numbers reported above likely include some vehicles that have been issued permits to exceed legal weight limits. The department issued 25,000 overweight vehicle permits during Fiscal Year 1997-98. We were not able to obtain sufficient information to determine the extent to which permitted vehicles could have been included in the sample. The department does not maintain permit data by vehicle, and data is lacking on the population of trucks registered to drive through the state. The Department of Highway Safety and Motor Vehicles, which collects registration fees from other states for interstate vehicles registered to drive in Florida, does not compile the vehicle information in such a way that the number of vehicles registered is readily accessible.

¹² Florida is scheduled to receive an average of \$1.2 billion annually in federal aid highway funding for the six years beginning in 1998.

business) to increase the likelihood that safety defects, driver deficiencies, and unsafe practices will be detected. Commercial motor vehicle crashes are of national concern because of the high probability of death or injury from these crashes.

Florida has a large number of fatal crashes involving trucks

Although commercial motor vehicles are less likely to be involved in crashes than passenger vehicles, the size of commercial vehicles makes it much more likely that a crash will result in serious injury, death, or property damage. For example, large trucks account for approximately 7% of all motor vehicle travel and only 3% of motor vehicles involved in police-reported crashes. However, accidents involving large trucks account for 12% of U.S. traffic fatalities. The Federal Highway Administration has designated Florida as a “top ten crash state” based on the number of large truck fatal crashes occurring in Florida.¹³

Safety inspections reduce crashes

Roadside safety inspections, such as those conducted by the Motor Carrier Compliance Program, have been determined to have both direct and indirect deterrent effects that reduce the number of crashes. The Federal Highway Administration’s Office of Motor Carriers recently analyzed the effectiveness of roadside inspections by creating a model to estimate the number of crashes avoided and the costs and benefits of detecting and correcting vehicle and driver out-of-service conditions.¹⁴ The model also assumes that the very existence of roadside inspection programs reduce the number of crashes through a general deterrence factor. The model estimated that in 1996 the total national benefits (direct and deterrent) from state roadside inspection programs were 640 crashes avoided at a cost of \$86 million.¹⁵

Records reviews also reduce crashes

Other program safety enforcement activities have also been found to help reduce crash rates. For example, staff conduct compliance reviews at carriers' terminals or places of business to determine compliance with safety regulations. While crash reductions have not been estimated for Florida, preliminary results from a national study concluded that compliance reviews result in reduced commercial vehicle crashes.¹⁶ For 1996, the Office of Motor Carriers within the U.S. Department of Transportation conducted compliance reviews on 8,111 carriers. Based on carrier crash rates before and after the compliance reviews, the study

¹³ The rankings do not take into account the number of vehicles and miles traveled in each state.

¹⁴ State safety enforcement programs, such as the Motor Carrier Compliance Program, place vehicles and/or drivers “out-of-service” for serious safety violations found during state roadside safety inspections. An out-of-service violation is one that is deemed to pose an imminent safety hazard (such as inoperative brakes). An out-of-service notice prohibits the driver from continuing the trip until the violation is corrected.

¹⁵ “Roadside Inspections: How Effective Are They?” *Motor Carrier Safety Analysis, Facts, and Evaluation Newsletter*, U. S. Department of Transportation, Office of Motor Carriers, Volume 3, No. ii, January 1998.

¹⁶ *Motor Carrier Safety Analysis, Facts, and Evaluation Newsletter*, Volume 3, No. iii, U. S. Department of Transportation, Office of Motor Carriers, March 1998.

Program Benefit, Placement, and Performance

estimated that the reviews resulted in the avoidance of 4,317 crashes over a three-year period.¹⁷

More crashes are caused by driver factors than vehicle defects

Recent Motor Carrier Compliance Program plans have concentrated on ways to reduce the number of crashes. The Federal Highway Administration has concluded that commercial motor vehicle crashes are more likely to be caused by driver-related factors than by vehicle defects. As a result, the program has increased its emphasis on commercial motor vehicle traffic enforcement and roadside inspections that concentrate more on driver requirements such as properly maintaining logbooks (which show the hours driven) and having proof of an up-to-date physical examination. This change in emphasis may have contributed to a recent decrease in state commercial motor vehicle crashes over time (see Exhibit 3).¹⁸

Exhibit 3 Commercial Motor Vehicle Crashes in Florida Have Decreased Over Time

Year	Crashes Resulting in Fatalities	Fatalities	Crashes Resulting in Injury	Persons Injured	Total Crashes
1994	282	326	6,955	12,062	10,644
1995	270	301	7,225	12,476	11,464
1996	249	296	6,448	10,487	9,485
1997	188	213	5,729	9,022	9,328

Source: Florida Department of Transportation Motor Carrier Compliance Office 1999 Commercial Vehicle Safety Plan.

Program officers are specially trained

If this program were abolished, commercial motor vehicle crashes may increase due to the lack of trained personnel to enforce commercial motor vehicle safety regulations. Motor Carrier Compliance Program patrol officers have received certification from the Commercial Motor Vehicle Safety Alliance regarding how to properly conduct commercial motor vehicle safety inspections. Due to its highly technical nature, specialized training enhances the quality of commercial motor vehicle safety inspections. Although local law enforcement agencies and the Florida Highway Patrol may detect some of the violations currently found by Motor Carrier Compliance Program staff, the state would lose the benefit of having a program exclusively devoted to commercial motor vehicle

¹⁷ The U.S. Department of Transportation's Federal Highway Administration's Office of Motor Carriers conducts compliance reviews of interstate carriers. State programs conduct similar reviews of intrastate carriers and may also assist the Federal Highway Administration with reviews of interstate carriers.

¹⁸ These data do not show the extent to which a commercial motor vehicle or its driver actually caused the crash. As a result, the Motor Carrier Compliance Program has received a federal grant and entered into an interagency agreement with the Department of Highway Safety and Motor Vehicles (the primary agency responsible for collecting crash data) to improve commercial motor vehicle crash data.

enforcement. There is no assurance that other law enforcement agencies would invest in the necessary certification to conduct commercial motor vehicle safety inspections.

The amount the state invests in commercial motor vehicle safety enforcement is relatively small in comparison to the benefits. Much of the program's cost for commercial motor vehicle safety enforcement is covered by annual federal funding of approximately \$2 million. We estimated that approximately \$3 million of the Motor Carrier Compliance Office's Fiscal Year 1997-98 expenditures were for safety enforcement.¹⁹

Organizational Responsibility

The Florida Department of Transportation should continue to administer this program

There are no compelling benefits to transferring the Motor Carrier Compliance Program to another agency. Enforcement of commercial motor vehicle weight regulations is logically placed at the Florida Department of Transportation because this agency is responsible for maintaining roads and would be the agency most adversely affected by inadequate weight enforcement. The department would experience increased expenses for road resurfacing due to increased pavement damage and would lose a significant portion of its annual funding (\$120 million) if federal highway funds were cut due to inadequate weight enforcement.

The state could make enforcement of commercial motor vehicle safety regulations the responsibility of another law enforcement agency, such as the Florida Highway Patrol. However, commercial motor vehicle safety enforcement is efficiently performed by the same agency responsible for weight enforcement. The officers who patrol the state's highways to enforce weight regulations are a logical choice for enforcing other commercial motor vehicle laws such as safety and registration requirements. Program officers are trained to visually detect both weight and safety violations while vehicles are moving or pulled over on the side of the highway.

Although legislation was introduced in the 1994 legislative session to move the Motor Carrier Compliance Office to the Department of Agriculture and Consumer Services, there are substantial differences between that department's role in trucking regulation and the responsibilities of the Motor Carrier Compliance Office. The Department of Agriculture and Consumer Services administers agricultural inspection stations, which inspect trucks traveling on certain state roads to determine

¹⁹ Program managers were unable to divide program expenditures among weight enforcement, safety enforcement, and other activities. Our estimate assumes that non-staff expenditures, such as equipment for patrol officers and data systems, can be divided among activities in approximately the same proportions as staff time.

whether they are transporting agricultural pests or diseases that could threaten the state's agricultural industries. On some roads, these inspection stations are located adjacent to fixed weigh stations operated by the Motor Carrier Compliance Program. However, agricultural inspection stations are only located on some roads above the Suwannee and St. Mary's rivers, with a limited number of officers patrolling the remaining roads that cross the two rivers. In contrast, the Motor Carrier Compliance Program has a much broader mission to enforce commercial motor vehicle weight and safety regulations throughout the state.

It is also unlikely that significant savings would be achieved by merging the Motor Carrier Compliance Program with another state program. The state would still incur costs to build and operate fixed weigh stations and to perform the necessary patrol duties of enforcing commercial motor vehicle regulations.

Program Performance

As discussed in our earlier report on the program's performance-based program budgeting (PB²) measures, the program's effectiveness in preventing overweight and unsafe trucks from operating is currently not being measured. We recommended new outcome measures to address this problem.²⁰

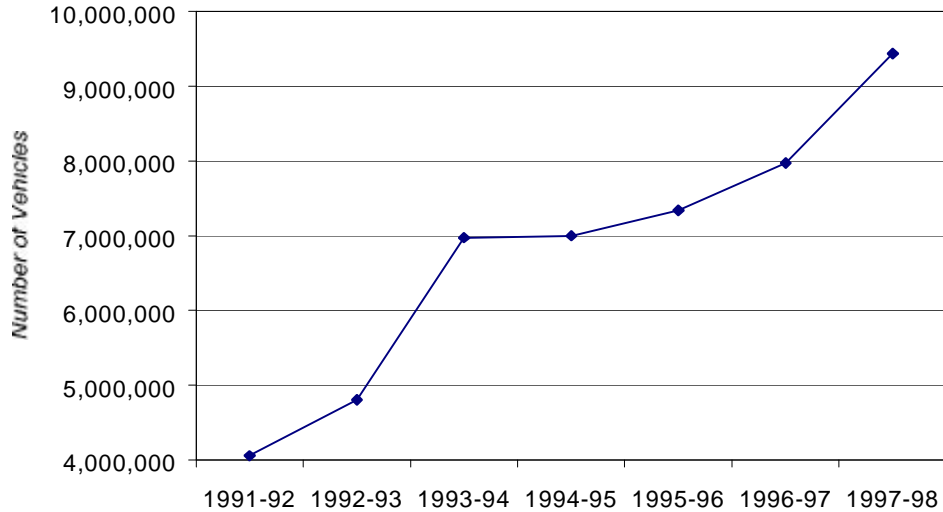
Program staff weighed more trucks at fixed weigh stations

The program's output measures, which assess the level of services provided, show that staff weighed more vehicles than projected for Fiscal Year 1997-98. The program used a new weigh-in-motion facility that increased the number of vehicles weighed.²¹ As shown in Exhibit 4, the number of vehicles program staff weighed annually increased by approximately five million from Fiscal Year 1991-92 to Fiscal Year 1997-98; use of more weigh-in-motion facilities is a primary reason for this increase. Weigh-in-motion equipment helps the program process more trucks through the weigh stations. Without this equipment, weigh stations are often unable to accommodate the volume of truck traffic and to avoid traffic blockages, inspectors may have to let trucks go rather than weighing them.

²⁰ [OPPAGA Report No. 98-54](#), February 1999. See Appendix C.

²¹ A traditional fixed weigh station uses static scales, which require each vehicle to come to a complete stop to be weighed. Static scales are more accurate than weigh-in-motion equipment. A weigh-in-motion facility combines use of static scales with weigh-in-motion equipment. Trucks entering the facility are essentially screened in motion as they drive over the weigh-in-motion scales. Trucks which are potentially overweight based on the results from the weigh-in-motion equipment are signaled to veer off to be weighed on static scales for verification.

Exhibit 4
The Number of Vehicles Weighed at Fixed Scale Facilities
Increased Over Time Primarily Due to Adding Weigh-in-Motion Equipment



Note: The first weigh-in-motion facility came online during Fiscal Year 1992-93, the second in Fiscal Year 1993-94, and the third during Fiscal Year 1997-98.

Source: OPPAGA review of Motor Carrier Compliance Office records.

The program currently operates four weigh-in-motion facilities and has plans to convert one existing facility to one of weigh-in-motion equipment by the end of Fiscal Year 1999-2000. Weigh-in-motion facilities benefit both the state and the trucking industry. The state benefits through an increased weight enforcement effort and the trucking industry benefits by reductions in wait time.

The program did not meet some goals due to changes in priorities and other duties

The program did not meet Fiscal Year 1997-98 output standards for conducting safety inspections or weighing vehicles with portable scales. Program managers report that these standards were not met because (1) they shifted program emphasis to enforcing commercial motor traffic laws to help reduce crashes and thus increase highway safety, and (2) program officers spent more time on general law enforcement activities such as responding to emergencies.

A shift to more commercial motor vehicle traffic enforcement is in line with national trends in state safety enforcement programs. As discussed earlier, Federal Highway Administration studies show that commercial motor vehicle crashes are more likely to be caused by driver error than faulty equipment. As a result, the Federal Highway Administration has directed state programs to reduce the emphasis on vehicle inspections in favor of safety inspections that emphasize driver requirements and

Program Benefit, Placement, and Performance

commercial motor vehicle traffic enforcement.²² The number of uniform traffic citations issued by program officers increased from 8,768 in Fiscal Year 1994-95 to 12,520 in Fiscal Year 1997-98. The program's commercial motor vehicle traffic enforcement activities concentrate on four types of traffic violations: following too closely, speeding in excess of 15 miles over the speed limit, illegal lane changes, and driving under the influence of alcohol or drugs.

Department managers stated that the program's law enforcement officers also allocated considerable time to responding to state emergencies (e.g., fires, floods, and hurricanes) and providing assistance to state and local law enforcement agencies. As state law enforcement officers, Motor Carrier Compliance Office staff have a statutory responsibility to respond to state emergencies and render assistance to other law enforcement agencies.

Better data is needed on how officers spend time

We do not disagree with the program's law enforcement responsibilities and managers' prerogative to shift emphasis as warranted to increase traffic safety. To recognize the shift in emphasis, we recommended that the program develop an output measure assessing the number of traffic stops.²³ However, we are concerned that the program does not have good data to support management's assertion that officers are performing fewer safety and portable scale inspections due to performing other tasks. For example, although program staff have counted the number of tickets issued for commercial motor vehicle traffic violations, staff did not track how much officer time was spent on traffic enforcement activities. As we discussed in our first performance report, program managers plan to implement an improved system for collecting information on officer activities and the time they spend on these activities by the summer of 1999.

Accomplishments

Monitoring of compliance with out-of-service orders and dispatch services have improved

Motor Carrier Compliance Program staff have addressed two problems we observed in a 1994 review.²⁴

- Program staff have improved monitoring of compliance with out-of-service orders. Based on a goal established by the Commercial Motor Vehicle Safety Alliance for state safety enforcement programs, our prior review recommended that program staff verify the correction of 15% of all out-of-service violations. Verification is accomplished

²² The Federal Highway Administration provides funding to state programs through the Motor Carrier Safety Assistance Program.

²³ See Appendix C.

²⁴ *Performance Audit of the Commercial Motor Vehicle Safety Enforcement Program Administered by the Department of Transportation*, OPPAGA Report No. 94-14, December 5, 1994.

Program Benefit, Placement, and Performance

through procedures such as reinspecting vehicles, covert observation, or later follow-up at carrier terminals. In 1993, program staff rarely verified the correction of out-of-service violations. For 1997, program staff reported the verification of 20% of out-of-service orders.

- Program managers have improved the dispatch services for patrol officers. Formerly, the program did not have dispatch services. In most field offices, secretarial staff answered radio calls from officers in addition to their other duties during normal office hours (8 a.m. to 5 p.m.). After the field offices closed, officers had to attempt to call weigh stations, which may have been beyond radio range or did not have the computer terminals necessary to access state license, registration, and criminal justice databases. Now, program managers have made arrangements with the Florida Department of Law Enforcement to provide 24-hour dispatch services.

Program staff effectively coordinate with other law enforcement agencies

According to officials from other law enforcement agencies, program staff are effectively coordinating and taking action on multi-jurisdictional problems such as stolen commercial motor vehicles and drug trafficking by trucks. For example, a Motor Carrier Compliance officer works full-time as a member of the Florida Commercial Vehicle Cargo Theft Task Force. Other agencies participating in the task force include the Federal Bureau of Investigation, Florida Highway Patrol, Metro-Dade Police Department, U.S. Customs, and Florida Department of Law Enforcement. To help stop drug trafficking, program officers assist federal and state law enforcement agencies with special details or operations related to drug trafficking by commercial motor vehicles. Program managers have obtained federal Drug Interdiction Assistance Program training for all but the newest officers. This training helps the officers become more aware of the signs of illegal drugs so that they can be alert to these signs when they stop trucks.

Program staff also effectively coordinate with other law enforcement programs in state emergencies. The Motor Carrier Compliance Office has assisted in the state's response to natural disasters such as floods, wildfires, and hurricanes by deploying signs, barriers, and barricades and enforcing weight restrictions associated with traffic control on damaged roads. Program staff also assist the Florida Highway Patrol in evacuations and other assignments. According to staff from other state law enforcement agencies, the Motor Carrier Compliance Office is very responsive to their requests for disaster assistance.

The program received federal recognition

The Motor Carrier Compliance Program has received recognition from the Federal Highway Administration for promoting the "No-Zone" campaign to educate drivers of passenger vehicles not to drive in truck drivers' "blind spots." No-Zones are areas where crashes are more likely to occur. The program has distributed approximately 100,000 brochures and other materials to the public. Also, in cooperation with the Florida Trucking Association, program staff have placed decals on three

department heavy trucks to show drivers where not to drive and provided funding to purchase six other decals for private commercial carriers through grant funds in 1997.

Options for Improvement

The remaining three chapters of our report contain our conclusions and recommendations for improving the Motor Carrier Compliance Program and the extent to which the department protects Florida roads by deterring carriers from deliberately overloading vehicles and recovering the pavement resurfacing costs of overweight commercial motor vehicles. Chapter 3 contains our conclusions and recommendations on preserving Florida roads. Chapter 4 contains our conclusions and recommendations to reduce program costs and increase program revenues. Chapter 5 contains our conclusions and recommendations to improve program operations and efficiency.

Protecting Florida Roads

Options for Improvement

Overweight trucks deteriorate Florida's road infrastructure and diminish highway capacity by causing roads and bridges to wear out prematurely. This road damage increases the cost to taxpayers for maintaining roads and structures. The Florida Department of Transportation spends \$200 million annually for pavement resurfacing and attributes the majority of this cost to truck traffic.

The degree to which the department deters carriers from deliberately overloading vehicles and recovers the pavement resurfacing costs caused by overweight commercial motor vehicles can be increased in two ways:

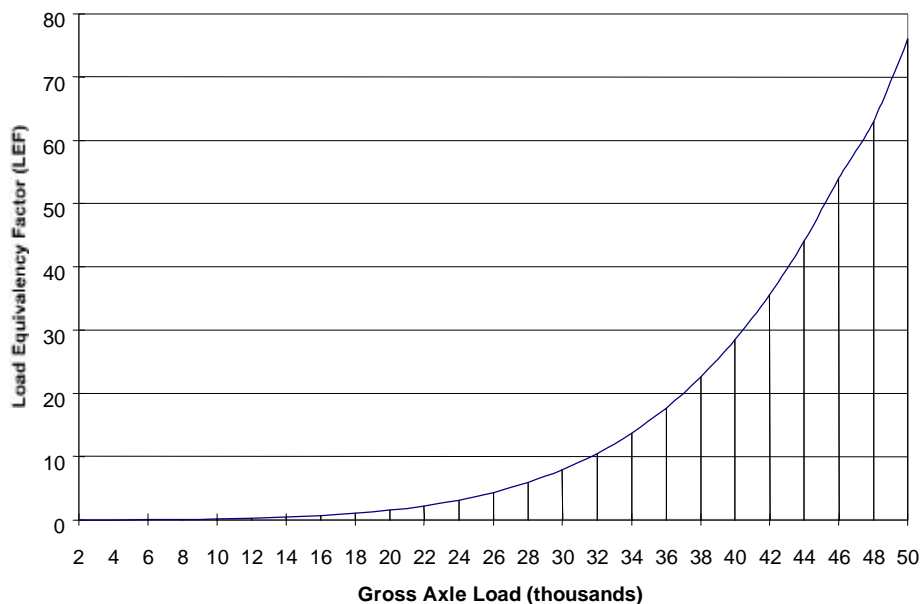
- the Legislature should increase the statutory penalties for weight violations, and
- the department should update its permit fees for overweight vehicles to fully recover road repair and administrative costs.

The state's overweight penalty structure fails to deter repeat and more serious violations, which do more severe damage to highways

Violations of Florida's weight limits are more likely to cause severe road damage than in other states. Florida law allows some of the heaviest trucks in the country.²⁵ Because the amount of road damage caused by heavy vehicles increases exponentially as weight increases, truckers who add illegal weight to these already heavy loads cause significant damage. (See Exhibit 5.) For example, if the weight on a single truck axle is increased from 22,000 to 30,000 pounds, its pavement-damaging impact more than triples.

²⁵ As shown in Appendix B, Florida has the highest tandem axle weight in the country (44,000 pounds). Only six states have higher limits for single axles, and one other state has the same single axle limit as Florida (22,000 pounds).

Exhibit 5
Relationship between Pavement Damage
(Load Equivalency Factor) and Vehicle Weight



Source: OPPAGA analysis of information from *Pavement Management Systems*, the National Highway Institute, Federal Highway Administration, U.S. Department of Transportation.

The scale tolerance increases legal truck weights

A primary reason that Florida's axle limits exceed those of other states is the incorporation of a 10% “scale tolerance” to account for possible variations in scale accuracy. Although the state’s axle limits are 20,000 pounds (single axle) and 40,000 pounds (tandem axle), the scale tolerance factor allows trucks to operate at the 22,000-pound and 44,000-pound limits shown in Appendix B. As a result, trucks that are loaded overweight in Florida cause significant road damage. Overweight trucks can also pose a safety hazard, as these vehicles need greater stopping distances and place more wear on their brakes than lighter-weight vehicles.

To address concerns about overweight trucks, the Florida Transportation Commission studied the issue of lowering the state’s axle limits in 1993 and concluded that the costs of reducing the axle limits outweigh the benefits.^{26, 27} Instead, the commission recommended raising the state’s weight fines to better deter weight violations. Our office has twice recommended raising the weight fines, once in 1984 and again in 1991.²⁸

²⁶ *Truck Weights and Penalties in Florida*, Florida Transportation Commission, July 1993.

²⁷ The commission concluded that carriers would increase truck trips to carry the extra weight. Increased truck trips would increase transportation costs, have adverse environmental effects, increase traffic congestion, and increase concerns about traffic safety.

²⁸ Office of the Auditor General Reports No. 10331, January 20, 1984, and No. 11649, June 4, 1991.

To provide an effective deterrent and help ensure that violators pay their fair share of costs, vehicle weight penalties should (1) be sufficiently severe to deter overloading, (2) reflect the exponential damage done by higher weight vehicles by imposing higher fines per pound for more serious violations, and (3) penalize repeat offenders more heavily. Violators should also pay their fair share of road damage costs. Florida's weight penalty structure does not meet any of these criteria.

The five cents per pound fine has not increased in 46 years

Florida's fine for overweight vehicles has not changed in 46 years. The fine was established in 1953 at five cents per pound for exceeding weight limits.²⁹ The value of this penalty has steadily dropped: between 1953 and 1998 the cost of living increased 508%. Due to inflation, the five-cent fine is worth less than a penny (\$0.0082) in today's prices. If the fine had mirrored cost-of-living increases, it would currently be 30 cents per pound.

In contrast, the industry's potential revenue from running overweight has increased. For example, between 1960 and 1990, average truck revenue per ton-mile increased from 6.3 to 22.1 cents. Thus, the industry's revenue from running overweight increased 3.5 times with no offsetting increase in the weight fine.³⁰ The state's low fine structure, coupled with a profit motive, create a favorable incentive for trucks to run overweight.

Fines are so low they are only a nuisance

Studies have shown that low fines are simply a nuisance to many truckers and are considered a cost of doing business. For example, a carrier may need to haul an extra 2,000 pounds over the legal limit to Miami from Orlando, a route with no fixed weigh stations. The carrier may have to choose between overloading one vehicle or sending the extra weight via another vehicle. If the carrier overloads the 2,000 pounds on the first vehicle, the carrier is risking a weight fine of \$100, which would only be assessed if a program patrol officer stops and weighs the truck.³¹ If the carrier chose to ship the extra 2,000 pounds using another vehicle, the expense could far exceed the \$100 weight fine. A major trucking company quoted us prices ranging from \$300 to \$2,600 to transport a 2,000-pound shipment from Orlando to Miami, depending on the commodity being transported.

²⁹ There are two exceptions to the five-cent penalty. First, when the excess weight is 200 pounds or less, the fine is a flat rate of \$10. Second, if a vehicle is 600 pounds over the state's axle limits (22,000 pounds), but does not exceed the gross weight limits (80,000 pounds), the fine is a flat rate of \$10. The latter provision results in a negligible fine of approximately \$.016 per pound for a 600-pound weight violation. Florida Statutes also provide that drivers may shift vehicle cargo to try to bring their trucks into compliance with the axle limits before a penalty may be imposed, as long as the vehicle did not also exceed gross weight or other maximums.

³⁰ Florida Transportation Commission, July 1993.

³¹ Our office previously estimated that overweight trucks on routes that bypass fixed weigh stations have an approximately 2% chance of encountering and being pulled over by a program patrol officer.

Fines do not deter overloading

Florida's weight fines are not sufficiently high to deter some carriers from overloading. Motor Carrier Compliance Office weight inspectors told us that they encounter companies who habitually overload and give their drivers money to pay the weight fines when they are caught driving overweight through the fixed weigh stations.

Weight fine data also indicates that the state's weight fine is not high enough to deter some carriers from overloading. As shown in Exhibit 6, the number of weight violations per year has been increasing. In Fiscal Year 1997-98, the 10 carriers who were fined most frequently were each fined more than 200 times. The number of fines for these carriers ranged from 250 to 847 fines in one year, and the average fine per incident was less than \$100.³² Although these carriers likely have large trucking operations, the number of times they were caught violating the weight limits indicates that the state's five cents per pound weight fine does not deter them from overloading.

**Exhibit 6
Weight Violations Are Increasing**

Fiscal Year	Number of Weight Violations	Total Weight Fines Imposed
1993-94	49,673	\$7.4 million
1994-95	49,082	7.7 million
1995-96	52,401	8.5 million
1996-97	55,635	9.7 million
1997-98	57,719	9.9 million

Source: OPPAGA review of Motor Carrier Compliance Office records.

Fines do not increase for more serious violations

Florida's weight fines also do not reflect the seriousness of violations. Since the road damage from an overweight truck increases exponentially, fines should increase exponentially as the amount of the violation increases. Instead, Florida penalizes each violation the same amount per pound (five cents), regardless of the magnitude of the weight violation.

Graduated fines would provide more of a deterrent for the more serious violations and help ensure that the worst violators contribute more to fix the damage they cause. Because graduated fines result in a higher assessment per pound as the amount of violation increases, they address the increased damage caused by heavier axle weights. Data from the

³² The number of fines per carrier may be understated. The program does not currently have a standard way to enter the names of the carriers into its weight penalty database. For example, one carrier was listed under 11 slightly different variations of the carrier's name. Our office has previously concluded that this type of data entry method limits the accuracy of the database for determining frequencies. (See *Review of the Equipment Management Information System*, [OPPAGA Report No. 96-02](#), July 1996.)

Federal Highway Administration for 1997 indicates that 34 states have established a graduated fine structure.

Violators do not pay more for repeat violations

Also, Florida's fines are not designed to discourage repeat violations; the fine is the same regardless of the number of times a driver is caught traveling overweight. Eleven states have implemented increasingly higher fines to discourage repeat violations. Fine schedules that increase for repeat violations are considered more effective in deterring carriers that knowingly overload vehicles. The Florida Transportation Commission study recommended that repeat violators who operate at high illegal weights be subject to an additional monetary penalty.³³

Carriers who deliberately overload do not pay their fair share

The state's five cents per pound weight fine is also low in comparison to the cost of resurfacing roads and weight regulation. During Fiscal Year 1997-98, the department collected approximately \$10 million in weight penalties. In contrast, the department spends approximately \$200 million annually for roadway resurfacing, most of which is needed due to heavy truck traffic. Although some of these costs are due to legally loaded vehicles, a disproportionate share of the damage being repaired is due to illegally overweight vehicles.

In addition, during Fiscal Year 1997-98, the department spent nearly \$16 million for right-of-way, design, and construction of fixed weigh stations. The department expended an additional \$18 million to operate the Motor Carrier Compliance Office; of this, we estimate that \$8 million was spent on weight enforcement activities.³⁴ Thus, the department spent an estimated \$24 million enforcing motor carrier weight regulations, or \$14 million more than collected from overweight vehicle fines.

The minimum fine for some violations is not even sufficient to cover the Motor Carrier Compliance Office's cost to process the paperwork. For example, Florida Statutes provide that when excess vehicle weight is 200 pounds or less, the fine is a flat rate of \$10. Also, if a vehicle is 600 pounds over the state's axle limits (22,000 pounds), but does not exceed the gross weight limits (80,000 pounds), the fine is a flat rate of \$10. In comparison, the Motor Carrier Compliance Office expends \$35 in staff time to process each weight fine.

Weight penalties should be tougher

Given Florida's high axle weight limits, the Legislature should revise Florida's penalties for weight violations to better deter overweight trucks. The penalties should be set at a level to help deter carriers from deliberately overloading vehicles, penalize more serious and repeat violations at progressively higher rates, and provide funds to offset

³³ *Truck Weights and Penalties in Florida*, The Florida Transportation Commission, July 1993.

³⁴ Program managers could not estimate the portion of Motor Carrier Compliance Office expenditures that were used to enforce weight regulations. Our estimate assumes that non-staff expenditures, such as equipment for patrol officers and data systems, can be divided among activities in approximately the same proportions as staff time.

department resurfacing costs. Also, minimum fines should at least cover the cost to cover paperwork processing. Reducing the number of illegally overweight trucks would extend the life of roads, thereby reducing construction and maintenance costs and preserving highway capacity. Reducing the number of overweight trucks would also enhance highway safety.

We have developed a potential graduated fine schedule that incorporates these features. (See Exhibit 7.) This schedule incorporates increasingly higher fines for more serious violations to reflect the exponentially higher damage caused to roads as truck weights increase and more stringent fines for repeat violations.³⁵

Exhibit 7
Potential Graduated Fine Schedule for Weight Violations

Amount of Overweight Violation	Penalty	
<i>Graduated Fine for First Violation</i>		
Up to 500 pounds	\$35.00	flat rate ¹
501 to 1,000 pounds	0.07	per pound
1,001 to 2,000 pounds	0.10	per pound
2,001 to 5,000 pounds	0.16	per pound
5,001 to 10,000 pounds	0.31	per pound
over 10,000 pounds	0.56	per pound
<i>Graduated Fine for Second Violation Within One Year</i>		
Up to 500 pounds	\$50.00	flat rate
501 to 1,000 pounds	0.10	per pound
1,001 to 2,000 pounds	0.16	per pound
2,001 to 5,000 pounds	0.31	per pound
Over 5,000 pounds	0.56	per pound
<i>Graduated Fine for Third Violation Within One Year</i>		
Up to 500 pounds	\$80.00	flat rate
501 to 1,000 pounds	0.16	per pound
1,001 to 2,000 pounds	0.31	per pound
Over 2,000 pounds	0.56	per pound

¹ A \$35 fine would cover the Motor Carrier Compliance Office's cost to process the weight fine.

Source: OPPAGA analysis.

³⁵ We developed this fine scheduled based on a basic engineering principle that pavement damage increases to the fourth power as vehicle axle weights increase. For example, doubling the weight on an axle from 15,000 to 30,000 pounds increases the pavement damage by 16 times (two to the fourth power). Our fine schedule for first time violations increases at this same rate in comparison to the seven-cent fine for violations between 501 and 1,000 pounds. The seven-cent fine for violations of 501 to 1,000 pounds was selected so that the fine for a 501-pound violation would not be less than the \$35 flat rate fine for a 500-pound violation. The fine schedules for second and third violations were established so that successive violations are fined at the next higher rate.

Exhibit 8 shows estimated fine revenue assuming that all violations are assessed at the level of a first time violation and that the number of violations remains the same as found in Fiscal Year 1997-98. Implementation of this option could thus increase the weight fines collected by up to \$56 million annually over the current level (\$10 million) and thereby help offset department resurfacing costs.

**Exhibit 8
Estimated Fine Revenues for Offsetting Resurfacing Costs**

Number of Pounds Over Weight Limits	Number of Fiscal Year 1997-98 Violations	Percent of Total Violations	Proposed Penalty	Estimated Fines to Be Assessed ¹
1 to 500	7,331	13%	\$35.00 flat rate	\$ 256,585
501 to 1,000	12,561	22%	0.07 per pound	660,733
1,001 to 2,000	13,959	24%	0.10 per pound	2,037,086
2,001 to 5,000	14,507	25%	0.16 per pound	7,421,226
5,001 to 10,000	5,786	10%	0.31 per pound	12,416,556
10,000 and over	3,575	6%	0.56 per pound	42,883,496
Total	57,719	100%		\$65,675,683

¹ Number of violations or number of pounds overweight for each violation identified during Fiscal Year 1997-98 multiplied by the new penalty amount.

Source: OPPAGA analysis of Motor Carrier Compliance Program records.

Adopting this fine schedule should have the effect of decreasing road resurfacing costs and increasing the revenue to offset these costs. However, the extent to which this fine schedule will address department resurfacing costs can only be estimated. On one hand, the number of overweight trucks should decrease as a result of higher fines, thereby bringing down revenue from penalties. On the other hand, since Florida has been experiencing steady increases in its truck traffic, over time the amount of fines assessed could increase.

A repeat offender penalty system must be tied to driver violation history data so that Motor Carrier Compliance Office staff can readily identify those drivers who should be subject to the higher penalties. The program does not currently have sufficient data capabilities to implement such a system and would thus have to improve its data systems to implement this type of requirement.

Off-loading requirements should be strengthened

According to the Federal Highway Administration, a high fine structure should be combined with a requirement to offload excess weight over legal limits to better deter violations. Florida's weight penalty provisions include an offloading provision, but it does not take effect until the excess weight reaches 6,000 pounds over gross weight limits. We identified six other states that require offloading for any excess weight over legal limits.

An offloading requirement creates a strong deterrent because it requires the driver to take the time to make arrangements for the excess cargo, and the carrier incurs the expense of sending another truck to pick up the cargo. Due to safety considerations, the other states' laws allow officers to use their discretion when requiring a truck to offload excess cargo.

Recommendations

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 recommend that the Legislature revise s. 316.545, F.S., to establish higher and graduated penalties for weight violations. We also recommend that the Legislature revise s. 316.545, F.S., to provide for increasingly higher penalties for those drivers who are caught a second and third time violating the state's weight limitations. A possible weight fine schedule for accomplishing these recommendations is shown in Exhibit 7. This schedule could be phased in over a period of two to three years by starting at lower fine levels.

To implement a repeat violation penalty schedule, the Motor Carrier Compliance Program would need to improve its data system so that program staff can readily identify repeat offenders by using commercial driver's license information. The Legislature should consider establishing a clean slate provision so that repeat offenders may go back to being subject to the lowest penalty schedule after a specified period of violation-free driving, such as two years.

We also recommend that the Legislature revise s. 316.545, F.S., to require offloading at the officer's discretion for any weight exceeding legal weight limits, rather than at the current level of 6,000 pounds over gross weight limits.

The department's overweight vehicle permit fees may not fully recover road repair and administrative costs

The department's Maintenance Program (Permit Section) issues permits to trucking companies to exceed legal weight limits under certain circumstances. The purpose of Florida's overweight permits is to allow for the transport of goods that cannot reasonably be dismantled or disassembled to meet state weight limits or which have been shipped in conjunction with a maritime shipment in containers that would have to

be opened in order to be divided.³⁶ All states issue overweight permits for certain types of loads, primarily those of a non-divisible nature.

Truckers can buy trip and multi-trip permits to overload

The department is authorized by s. 316.550(5), F.S., to issue the permits, establish rules and regulations regarding the issuance of permits, and to charge a fee. The department issues two types of overweight permits: trip permits and multi-trip permits. A trip permit is valid for five days and may be used once. A multi-trip permit (commonly referred to as a “blanket” permit) is valid for one year and may be used an unlimited number of times. Exhibit 9 shows the department’s current overweight permit fee schedule.

Exhibit 9
Department Fee Schedule for Overweight Vehicle Permits

Weight Categories	Trip Permit Fees ¹		Blanket Permit Fees
Up to 95,000 pounds	\$0.27	per mile	\$240
Up to 112,000 pounds	0.32	per mile	280
Up to 122,000 pounds	0.36	per mile	310
Up to 132,000 pounds	0.38	per mile	330
Up to 142,000 pounds	0.42	per mile	360
Up to 152,000 pounds	0.45	per mile	380
Up to 162,000 pounds	0.47	per mile	400
Over 162,000 pounds	0.003	per 1,000 pounds per mile	Not Issued
Containerized Cargo ²	0.27	per mile	500

¹ The department charges an additional \$3.33 per permit to cover administrative costs.
² Vehicles hauling containerized cargo may not exceed 95,000 pounds.

Source: Florida Department of Transportation.

Trip Permits

Our office and the Florida Transportation Commission have previously recommended that the department ensure that the prices it charges for overweight vehicle trip permits adequately cover the state’s costs for allowing vehicles to be driven overweight.³⁷ Due to the exponential relationship between vehicle weight and road damage, overweight vehicles cause significantly more road damage than vehicles under state

³⁶ The Maintenance Program also issues over-dimension permits for vehicles and/or loads that exceed state limits on size. These vehicles are restricted to certain routes. The major purpose of overdimension permits is to ensure that department staff review the vehicle’s route to determine whether roadway structures on the route, such as bridges and highway overpasses, can accommodate the vehicle’s size.

³⁷ Office of the Auditor General Reports No. 10331, January 20, 1984, and No. 11649, June 4, 1991; Florida Transportation Commission, July 1993.

Protecting Florida Roads

weight limits. Department managers told us that it has been the department's policy to establish permit fees at a level that would cover the costs to repair the road damage caused by permitted overweight vehicles and to administer the permitting program.

The department last revised the trip permit fee schedule by rule in 1992 to charge a per-mile rather than a flat rate fee for trip permits. When purchasing a trip permit, carriers must declare the miles to be traveled using the permit. In order to derive a permit fee per mile, department staff used assumptions to develop a "damage fee" (to cover the cost of road damage caused by the overweight vehicles), and information on the average number of miles traveled and administrative costs per permit. The department has not updated any of these items since they were calculated in 1991.

The department needs to revisit the trip permit fee structure

We attempted to determine how the "damage fee" for each weight category of permits was derived. However, department managers could not find records to show how the fees were calculated and could not explain the assumptions used to derive the damage fees. They stated that they are certain that the fees are based on pavement resurfacing costs that are commensurate with current costs and they are confident in the validity of the analysis.

Without documentation of the damage fees and the assumptions used to derive them, the department cannot provide assurance that trip permit fees adequately cover road damage costs. Moreover, we question the validity of assuming that the administrative cost per permit has remained the same since 1991. The department needs to review its overweight permit fee structure to ensure that it adequately covers current road damage and administrative costs. The department also needs to establish a process for periodic review of its overweight permit fees to determine if the fees should be revised.

Blanket Permits

Department managers based the blanket permit fees on the same "damage fee" analyses used to derive the trip permit fees. They assumed that holders of most blanket permits will use the permits 10 times in one year, and that the distance traveled for each of these trips will be the same as the average mileage reported by those who apply for single trip permits. Since blanket permit holders are not required to report on how they use the permits, department staff surveyed carriers who frequently purchased the permits to obtain the information for making these assumptions. Department managers told us that they last gathered information to validate their assumptions in 1991, but they have no reason to suspect that the industry's habits are different today.

Blanket permit fees are based on outdated mileage information and do not cover some resurfacing costs

We have two concerns about the department's blanket permit fees, in addition to our concerns about the department's lack of documentation for its "damage fee" methodology. First, department managers have assumed that industry habits have remained constant without making an effort to periodically verify that this assumption holds true. For example, although carriers provide the miles they plan to travel when they obtain trip permits, the department is still relying on a mileage estimate obtained in 1991 by reviewing a sample of trip permit applications.

Our second concern is that Florida statutes limit the department's ability to adjust blanket permit fees to recover road damage costs. Section 316.550(5), F.S., caps the charge for annual blanket permits at \$500. As a result of the statutory cap, the department is probably not recovering road damage costs for containerized cargo blanket permits. Department managers report that this category of permits is used more frequently than other blanket permits. They estimate that if the charge for containerized cargo blanket permits was raised to recover road damage costs, the fee could approach \$2,500 to \$5,000 annually, as opposed to the current fee of \$500.

The department issued 1,027 containerized cargo blanket permits during Fiscal Year 1997-98 at a cost of \$448,000.³⁸ If the department had charged \$2,500 instead of \$500 for each of these permits, the fees collected would have been \$2.5 million, an increase of \$2 million.

Recommendations

To ensure that permit fees adequately cover current road damage and administrative costs, we recommend 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. The department should maintain this information as a permanent record as long as the permit fee is in effect. We also recommend 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 blanket permit holders pay the costs of road damage caused by permitted vehicles, we recommend that the Legislature revise s. 316.550(2), F.S., to remove the \$500 limit on permit fees. We also recommend that the department re-evaluate its blanket permit fees at least every two years to update trip mileage information and reflect any changes in industry habits, such as frequency of use of containerized cargo blanket permits.

³⁸ The department issues overweight permits to entities such as governments at no cost.

Cost Savings and Cost Recovery

Options for Improvement

Program managers could reduce program costs and increase program revenues by

- using civilians to perform reviews at carrier terminals and thus reduce program costs for sworn law enforcement officers and
- completing a study to determine whether to change statutory driving time exemptions that may contribute to a high rate of intrastate carrier-involved crashes and that prevent full federal funding for commercial motor vehicle safety enforcement.

Using civilians to perform reviews at carrier terminals would reduce program costs

The program's commercial motor vehicle weight and safety enforcement activities involve both patrol and non-patrol duties. Sworn law enforcement officers are necessary for performing patrol duties such as stopping vehicles on roadways to conduct weight and safety checks. The program also uses civilians as weight inspectors at weigh stations. In a similar manner, the program could use civilians to perform safety enforcement activities that do not involve patrol duties, such as conducting compliance reviews of documentation at motor carrier terminals and some safety inspections.

Civilians could conduct compliance reviews and some safety inspections

Compliance reviews involve visiting a carrier's office to review records, interview personnel, and educate carriers about safety requirements. For example, program staff may examine a carrier's personnel records to determine whether drivers have received required physical examinations, drug tests, and reviews of their driving histories. Compliance reviews may also determine whether carriers corrected violations identified during roadside safety inspections. Compliance reviews are an important aspect of commercial motor vehicle safety enforcement because they

prevent crashes by detecting safety problems and educating carriers about safety requirements.³⁹

Safety inspections, which are normally conducted on roadsides as part of officers' patrol duties, are occasionally conducted at fixed locations such as roadblocks or at weigh stations. Safety inspections can include examination of vehicle parts such as brakes, lights, and safety equipment and, if carried onboard, the packaging and labeling of hazardous materials. Safety inspections may also include determining whether commercial drivers are appropriately licensed, have maintained required logbooks of their hours of service, and are carrying proof of a current physical examination.

The federal government and some states use civilians

Both the federal government and some other states use civilians to perform compliance reviews at carrier terminals and, to a more limited degree, safety inspections at fixed locations. The Federal Highway Administration's Office of Motor Carriers conducts compliance reviews of interstate carriers and safety inspections at roadblocks without using sworn law enforcement staff. We identified five programs in other states that use civilians for some safety enforcement activities. These state programs hire persons with an understanding of commercial motor vehicles, such as former heavy truck mechanics or trucking industry personnel, or persons with an investigative background. The civilian employees perform compliance reviews and/or safety inspections at fixed locations or in an assistant capacity to law enforcement staff.

The use of civilians is an efficient and effective way to help enforce safety regulations. Using civilians stretches resources because costs are less for these staff than for sworn law enforcement officers, both at the time of the initial hire and on a recurring basis. By using civilian rather than law enforcement staff, programs avoid the costs of law enforcement certification training, equipment, and patrol vehicles. Retirement benefit costs are also significantly lower for civilians. The use of civilians also allows programs to conduct compliance reviews and certain safety inspections without taking law enforcement officers away from their important patrol duties.

³⁹ As discussed earlier, preliminary results from a U.S. Department of Transportation (U.S. DOT) study of compliance reviews concluded that these reviews result in a reduction of commercial vehicle crashes. For 1996, the Office of Motor Carriers within the U.S. DOT conducted compliance reviews on 8,111 carriers nationally. The study estimated that 4,317 crashes were avoided due to these reviews over a three-year period.

Cost Savings and Cost Recovery

Civilian staff cost less than sworn officers

The department could implement the use of civilians to primarily perform compliance reviews by converting sworn law enforcement positions through attrition.⁴⁰ Converting positions would be a way for the program to meet its safety enforcement responsibilities at less cost. For example, the program currently uses 3 full-time equivalent (FTE) positions to conduct compliance reviews, and program managers plan to devote an additional 3.5 FTEs to compliance reviews in the near future. If the program converted seven sworn law enforcement positions to civilian positions, the program would save an estimated \$67,000 annually (see Exhibit 10). Also, the program would save an estimated \$16,000 per employee as each position is converted from a law enforcement officer to a civilian position. This savings would accrue from reduced costs for background investigations, training, uniforms, and equipment.

Exhibit 10

Potential Program Savings From Using Seven Civilians for Compliance Reviews

	Estimated Annual Savings¹
Law enforcement training	\$32,000
Retirement benefit costs	16,000
State vehicle ²	19,000
Total	\$67,000

¹ We have assumed that the civilian employees would be similarly attired as the program's civilian weight inspectors. The program's uniform costs are similar for weight inspectors and law enforcement officers.

² Our estimate averages vehicle costs over four years, which Motor Carrier Compliance Office management stated is the typical useful life of their patrol vehicles.

Source: OPPAGA analysis of Florida Department of Transportation records and interviews with Motor Carrier Compliance Program managers.

Using civilians to perform some of the program's safety enforcement activities would require revisions to Florida Statutes. Section 316.302(6), F.S., currently requires sworn law enforcement staff for both safety inspections and reviews at carrier terminals. Federal law does not require sworn staff for either activity.

Recommendations

To maximize the program's staff resources, we recommend that the Legislature revise s. 316.302(6), F.S., to authorize the Florida Department of Transportation to use civilians for conducting compliance reviews and

⁴⁰ Rather than lose trained commercial motor vehicle officer staff, it would be in the state's best interest to convert to civilian positions through attrition. Program officers receive a significant amount of training in order to effectively perform commercial motor vehicle weight and safety enforcement.

commercial motor vehicle safety inspections. If this revision is made, we recommend that the department convert seven Motor Carrier Compliance Office law enforcement officer positions to civilian positions. The conversion should be accomplished over time through attrition. We recommend that the department primarily use the civilian positions to conduct compliance reviews at carrier terminals, with occasional assistance from these staff to meet program safety inspection responsibilities. We estimate a total annual savings of \$67,000 from converting seven sworn positions to civilian positions.

Florida's intrastate driving time regulations do not meet federal requirements

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. Due to the size and weight of these vehicles, crashes involving large trucks are more likely to result in serious injury, death, and property damage than other crashes.

In an effort to reduce the possibility of driver fatigue, federal motor carrier safety regulations limit the amount of time drivers can operate commercial motor vehicles without resting. These regulations apply to all interstate carriers. Most states have also adopted these regulations for intrastate carriers.

Florida is one of only two states that has not adopted all of the federal driving time regulations for intrastate carriers. 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. (See Exhibit 11.) 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.

Cost Savings and Cost Recovery

**Exhibit 11
Federal Driving Time Requirements Are More Strict**

Florida Statutory Provisions	Federal Regulations
Florida intrastate drivers are allowed to operate vehicles up to 15 hours within a 24-hour period.	Federal regulations generally provide that drivers may operate vehicles for a maximum of only 12 hours, including tolerances.
Florida intrastate drivers are allowed to drive up to 72 hours within a seven-day period and 84 hours within an eight-day period.	Federal regulations allow a maximum of only 60 hours in a seven-day period if the carrier does not operate commercial motor vehicles every day of the week or 70 hours in an eight-day period if the carrier operates commercial motor vehicles daily.
Florida intrastate drivers are allowed to start counting hours for the seven-day or eight-day periods described above after 24 hours of rest.	Federal regulations only allow this in certain specialized operations, i.e., groundwater well drilling operations, utility service vehicles, and construction materials and equipment.
Florida intrastate drivers who only drive within a 200 air-mile radius of their base of operation do not have to keep a daily record of driving time.	Federal regulations allow this exemption for drivers who drive within a 150 air-mile radius of their base of operation, including tolerances.

Source: OPPAGA review of Florida Statutes, federal regulations, and interviews with Motor Carrier Compliance Program and Federal Highway Administration officials.

Florida will lose \$1.6 million in federal funds this year

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 \$1.4 million in Fiscal Year 1997-98. For Fiscal Year 1998-99, the Motor Carrier Compliance Office will receive \$1.6 million in basic Motor Carrier Safety Assistance Program grant funding, but will forego an additional \$1.6 million.

Florida has a high rate of intrastate carrier accidents.

Although proponents of the driving time exemptions argue that intrastate drivers should be allowed to operate vehicles for longer periods because such driving is less fatiguing than interstate driving, an alarming proportion of Florida’s heavy truck crashes involve intrastate carriers. The Federal Highway Administration is especially concerned about intrastate carrier crashes in Florida. According to statistics from this agency’s Office of Motor Carriers, 51% of fatal commercial motor vehicle crashes in Florida over the last three years involved intrastate carriers. Florida has the highest percentage of intrastate carrier crashes in the continental United States. Eighty-eight percent of commercial drivers in crashes are Florida residents, over half of which are driving in their home county at the time of the crash.

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.⁴¹ 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 is due to be completed by December 31, 1999.

Recommendations

We recommend that the Florida Department of Transportation continue to study whether Florida's intrastate driving time exemptions increase the risk of commercial motor vehicle crashes. Once the study is completed, we recommend that 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. We will review the status of the department's study when we conduct the follow-up to this justification review.

⁴¹ *Performance Audit of the Commercial Motor Vehicle Safety Enforcement Program Administered by the Department of Transportation*, OPPAGA Report No. 94-14, December 5, 1994.

Improved Operations and Efficiency

Option for Improvement

Motor Carrier Compliance Program managers could enhance the program's capability to effectively enforce commercial motor vehicle weight and safety regulations by completing improvements to its data systems. Better information will allow program staff to better target enforcement efforts.

The program needs to improve its data systems to provide information for targeting enforcement efforts

Our 1994 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 responded to each of these reports with assurances that such systems were being developed. However, five years later, the program is still in the process of implementing these improvements.

Some progress made in improving data systems

We reviewed the program's data systems and found that program staff have made progress since our prior reviews and the program appears to be headed in the right direction with data system improvements. Program managers have provided laptop computers to patrol officers and hired staff specifically devoted to data systems. Program managers told us they plan to eventually make the officers' laptop computers operate as mobile data terminals, which will give officers access to National Crime Information Center and Florida Crime Information Center information and data on previous weight and safety violations. To date, officers use their laptops mainly to fill out some of the forms that were formerly filled out by hand, such as reports on the results of safety inspections.⁴²

⁴² Since our prior report and the reports from the Florida Department of Transportation's inspector general, Year 2000 compliance has emerged as a significant data system issue. The program's data system improvements have been expanded to include Year 2000 compliance.

However, some needed improvements in the program's data systems, such as those noted below, are still in the implementation stage.

- Program officers' laptop computers do not yet operate as mobile data terminals. The data entered by patrol officers is not collected on a "real-time" basis. Data entry is delayed up to 17 days.
- Program officers do not yet have online access to driver and vehicle violation history while in the field. Without this type of information, program staff are unable to effectively implement progressively higher penalties for violations of out-of-service orders.⁴³ Federal regulations authorize penalties for commercial drivers of not less than \$1,000 and up to \$2,500 for violating out-of-service orders, and penalties for employers (carriers) of not less than \$2,500 and up to \$10,000 for these violations. Florida Statutes have adopted these penalties by reference. To implement these requirements, the program established a policy to penalize drivers \$1,000 for the first offense of violating an out-of-service order, and \$1,500 (second offense) to \$2,500 (third offense or higher) for repeat violations of out-of-service orders. The program's fines for a carrier who has knowledge of the violation or a carrier/driver are \$2,500 for a first offense, \$5,000 for a second offense, and \$10,000 for a third or higher offense.

Without a data system to identify that a driver or vehicle has been put out-of-service, officers have little means to determine whether an out-of-service driver or vehicle has been previously put out of commission by another officer. Typically, program officers can only identify violations of out-of-service orders when they catch an out-of-service driver or vehicle that they themselves previously caught.

- Program staff have not yet computerized 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 are in the process of implementing an intrastate carrier registration program with the assistance of the Federal Highway Administration's Office of Motor Carriers and the Florida Trucking Association. However, managers expect that it will be March 2000 before the majority of carriers are registered. The program will continue to register additional intrastate carriers as they are identified. Without a consistent way to identify intrastate carriers, the program is hampered in its ability to develop compliance histories of the various carriers to use for targeting safety enforcement activities, such as compliance reviews.

⁴³ Motor Carrier Compliance Program officers place vehicles and/or drivers "out-of-service" for serious safety violations found during roadside safety inspections. An out-of-service violation is one that is deemed to pose an imminent safety hazard (such as inoperative brakes). An out-of-service order prohibits the driver from continuing the trip until the violation is corrected.

Improved Operations and Efficiency

Our interviews with Motor Carrier Compliance Office managers and staff and review of its data system improvements led us to conclude that if MCCO continues with current data system plans, the problems described above will be addressed. Program managers expect that the data system enhancements needed to address these problems will be in place by January 2000, but the systems to improve use of the officers' laptop computers will still need additional testing at that point.

Recommendations

To make needed information available for targeting enforcement efforts, we recommend that the Motor Carrier Compliance Program continue with its efforts to improve its data systems. We will review the status of data system implementation when we conduct the follow-up to this justification review.

Appendix A

Statutory Requirements for Program Evaluation and Justification Reviews

Section 11.513(3), F.S., provides that OPPAGA Program Evaluation and Justification Reviews shall address nine issue areas. Our conclusions on these issues as they relate to the Motor Carrier Compliance Program are summarized below.

Issue	OPPAGA Conclusions
The identifiable cost of the program	Total department fixed capital outlay and operating expenditures for enforcing commercial motor vehicle weight and safety regulations were \$33.7 million for Fiscal Year 1997-98. Department records show expenditures of \$17.8 million for the Motor Carrier Compliance Office in Fiscal Year 1997-98. However, the department also expends funds for the design, construction, and maintenance of fixed weigh stations through other department entities. The department spent \$15.9 million in Fiscal Year 1997-98 for right-of-way, design, construction, and maintenance of fixed weigh stations in addition to the expenditures of the Motor Carrier Compliance Office.
The specific purpose of the program, as well as the specific public benefit derived therefrom	<p>The program's major purposes are to protect highway system pavement and structures from excessive wear due to overweight and oversize commercial vehicles and to reduce the number and severity of crashes involving commercial vehicles. To achieve these purposes, program staff enforce commercial motor vehicle weight and safety regulations.</p> <p>Studies show that weight enforcement programs help avoid pavement damage from overweight vehicles. Pavement damage reduces road life cycles and thus increases the cost to taxpayers for maintaining roads. Most of the state's roadway wear is due to truck traffic; the road damage caused by overweight vehicles increases exponentially at higher vehicle weights. The department spends approximately \$200 million annually for roadway resurfacing.</p> <p>State commercial motor vehicle safety enforcement programs help reduce commercial motor vehicle accidents through roadside inspections and enforcement activities, such as on-site reviews at carriers' places of business, which increase the likelihood that safety defects, driver deficiencies, and unsafe practices will be detected. Although commercial motor vehicles are less likely to be involved in crashes than passenger vehicles, the size of commercial vehicles makes it much more likely that a crash will result in serious injury, death, or property damage.</p>
Progress towards achieving the outputs and outcomes associated with the program	The program's effectiveness in preventing overweight and unsafe trucks from operating is currently not being measured. We have recommended measures to address this problem in our performance-based program budgeting (PB ²) performance report. The program exceeded one of its three performance standards for the level of services it provides (outputs).

Appendix A

Issue	OPPAGA Conclusions
<p>An explanation of circumstances contributing to the state agency's ability to achieve, not achieve, or exceed its projected outputs and outcomes, as defined in s. 216.011, F.S., associated with the program</p>	<p>Using a new weigh-in-motion facility, program staff weighed more vehicles in Fiscal Year 1997-98 than in prior years. However, the program did not meet expectations for weighing vehicles with portable scales and conducting safety inspections. Program managers report that they shifted emphasis to commercial motor vehicle traffic enforcement and that officers spent more time on general law enforcement activities.</p>
<p>Alternative courses of action that would result in administering the program more efficiently or effectively</p>	<p><u>Organizational Responsibility.</u> The Florida Department of Transportation should continue to administer the Motor Carrier Compliance Program. There are no compelling benefits to transferring the program to another agency. Commercial motor vehicle weight enforcement is logically placed at the Florida Department of Transportation because this agency is responsible for maintaining roads. Commercial motor vehicle safety enforcement is efficiently performed by the same agency responsible for weight enforcement.</p> <p><u>Options for Improvement</u></p> <p><u>Protecting Florida Roads.</u> The degree to which the department deters carriers from deliberately overloading vehicles and recovers the pavement resurfacing costs of overweight commercial motor vehicles can be increased in two ways:</p> <ul style="list-style-type: none"> • the Legislature should increase the statutory penalties for weight violations, and • the department should update its permit fees for overweight vehicles to fully recover road repair and administrative costs. <p><u>Cost Savings and Cost Recovery.</u> Program managers could reduce program costs and increase program revenues by</p> <ul style="list-style-type: none"> • using civilians to perform reviews at carrier terminals and thus reduce program costs for sworn law enforcement officers, and • completing a study to determine whether to change statutory driving time exemptions that may contribute to a high rate of intrastate carrier-involved crashes and that prevent full federal funding for commercial motor vehicle safety enforcement. <p><u>Improved Operations and Efficiency.</u> Motor Carrier Compliance Program managers could enhance the program's capability to effectively enforce commercial motor vehicle weight and safety regulations by completing improvements to the program's data systems. Better data systems will allow program staff to better target enforcement efforts.</p>
<p>The consequences of discontinuing the program</p>	<p>Pavement damage from overweight vehicles would likely increase if this program were abolished. The state could also lose 10% of its federal highway funding (approximately \$120 million annually) if weight enforcement activities were discontinued.</p> <p>Commercial motor vehicle crashes may also increase if this program were abolished. Although local law enforcement agencies and the Florida Highway Patrol may detect some of the violations currently found by program staff, the state would lose the benefit of having a program exclusively devoted to commercial motor vehicle enforcement.</p>

Issue	OPPAGA Conclusions
<p>Determination as to public policy, which may include recommendations as to whether it would be sound public policy to continue or discontinue funding the program, either in whole or in part, in the existing manner</p>	<p>The program should complete a study to be used to determine whether to change statutory driving time exemptions that may contribute to a high rate of intrastate carrier-involved crashes and that prevent full federal funding for commercial motor vehicle safety enforcement.</p> <p>Otherwise, program funding should continue as currently implemented. It would not be sound public policy to increase fines and fees to the trucking industry solely for the purpose of increasing funding for this program, as program enforcement actions could then be viewed as efforts to increase its own revenues.</p> <p>Although we have made recommendations to increase vehicle weight fines and overweight permit fees, the purpose for these recommendations is not to increase Motor Carrier Compliance Program funding. Our recommendations are intended to help deter repeat and more serious overweight violations, which do more severe road damage, and to ensure that those carriers who overload vehicles pay their fair share of road resurfacing costs.</p>
<p>Whether the information reported pursuant to s. 216.031(5), F.S., has relevance and utility for evaluation of the program</p>	<p>The program's performance-based program budgeting (PB²) measures need some modifications to adequately assess program outcomes and costs. The Legislature cannot use the program's current PB² measures to assess program effectiveness in preventing unsafe and overweight trucks from operating in Florida. The program's outcome measures are too limited in scope to be meaningful. Additional explanatory information is needed to provide an appropriate context for interpreting outcome data. Moreover, the program's outcome measures do not address safety enforcement, which is one of the program's two major functions, or provide information on program costs.</p>
<p>Whether state agency management has established control systems sufficient to ensure that performance data are maintained and supported by state agency records and accurately presented in state agency performance reports</p>	<p>The program has adequate internal controls over the source data used to determine performance results and set targets. The department's inspector general has validated the reliability of the process used to collect data for performance measurement purposes. However, the program should improve its accountability system for data reliability by maintaining documentation indicating how staff calculate performance results using data from summary reports and the extent to which baseline data are used to set targets.</p>

Appendix B

State Axle Limits

Table B-1
Only Six States Have Higher Single Axle Limits Than Florida

State	Axle Limits	State	Axle Limits
Hawaii	22,500	Utah	20,000
New York	22,400	Washington	20,000
Connecticut	22,400	Wisconsin	20,000
Massachusetts	22,400	Alaska	20,000
Rhode Island	22,400	Arizona	20,000
New Jersey	22,400	California	20,000
Florida	22,000	Delaware	20,000
Washington, D.C.	22,000	Indiana	20,000
New Mexico	21,600	Iowa	20,000
Georgia	20,340	Kansas	20,000
New Hampshire	20,000	Mississippi	20,000
Michigan	20,000	North Dakota	20,000
Alabama	20,000	Ohio	20,000
Idaho	20,000	Oregon	20,000
Illinois	20,000	Vermont	20,000
Louisiana	20,000	Virginia	20,000
Maine	20,000	West Virginia	20,000
Maryland	20,000	Wyoming	20,000
Minnesota	20,000	North Carolina	20,000
Montana	20,000	Kentucky	20,000
Nebraska	20,000	Arkansas	20,000
Nevada	20,000	Colorado	20,000
Oklahoma	20,000	Missouri	20,000
Pennsylvania	20,000	South Carolina	20,000
Tennessee	20,000	South Dakota	20,000
Texas	20,000		

Source: OPPAGA analysis of information from the American Trucking Associations, Inc.

Table B-2
Florida Has the Highest Tandem Axle Weight Limit of Any State

State	Axle Limits	State	Axle Limits
<i>Florida</i>	<i>44,000</i>	Washington	34,000
Alaska	38,000	Wisconsin	34,000
North Carolina	38,000	Arizona	34,000
Washington, D.C.	38,000	California	34,000
Wyoming	36,000	Delaware	34,000
Colorado	36,000	Indiana	34,000
Connecticut	36,000	Iowa	34,000
Rhode Island	36,000	Kansas	34,000
New Mexico	34,320	Mississippi	34,000
New Hampshire	34,000	North Dakota	34,000
Michigan	34,000	Ohio	34,000
Alabama	34,000	Oregon	34,000
Idaho	34,000	Vermont	34,000
Illinois	34,000	Virginia	34,000
Louisiana	34,000	West Virginia	34,000
Maine	34,000	Kentucky	34,000
Maryland	34,000	Arkansas	34,000
Minnesota	34,000	Missouri	34,000
Montana	34,000	South Carolina	34,000
Nebraska	34,000	South Dakota	34,000
Nevada	34,000	Georgia	34,000
Oklahoma	34,000	New York	34,000
Pennsylvania	34,000	Massachusetts	34,000
Tennessee	34,000	New Jersey	34,000
Texas	34,000	Hawaii	34,000
Utah	34,000		

Source: OPPAGA analysis of information from the American Trucking Associations, Inc.

**OPPAGA [Report No. 98-54](#), Motor Carrier
Program Meets Most Standards;
Accountability System in Need of
Strengthening**

Response From the Florida Department of Transportation

In accordance with the provisions of s. 11.45(7)(d), F.S., a draft of our report was submitted to the Secretary of the Florida Department of Transportation for his review.

The department's written response is reprinted herein beginning on page 53.



Florida Department of Transportation

**JEB BUSH
GOVERNOR**

605 Suwannee Street
Tallahassee, Florida 32399-450

**THOMAS F. BARRY, JR.
SECRETARY**

June 14, 1999

Mr. John Turcotte, Director
Office of Program Policy Analysis
& Government Accountability
Post Office Box 1735
Tallahassee, Florida 32302-1735

Dear Mr. Turcotte:

This is the Department's response to recommendations contained in the Draft Report of the Florida Department of Transportation's Motor Carrier Compliance Program Compliance Justification Review.

Overall, the Department feels the review findings of the motor carrier operation was fair and positive. The following are comments for each of the recommendations referred to in the report.

Chapter 3 - Department's response: Increasing overweight penalties is the prerogative of the Legislature.

Chapter 4 - Department's response to Compliance Reviews: There are mixed views as to using civilians versus law enforcement officers to conduct compliance reviews. If the legislature revises Florida Statute 316.302(6) to allow for civilians to conduct these reviews, the Department will support.

The Department opposes converting existing law enforcement positions to civilian compliance reviewers. Law enforcement personnel currently do compliance reviews along with other duties and eliminating law enforcement positions would adversely effect other responsibilities such as mutual aid responses, commercial motor vehicle traffic enforcement and assisting other law enforcement personnel.

Department's response to Intrastate driving time: MCCO will continue the Hours of Service Study. Any changes to the Intrastate hours of service regulations is the prerogative of the Legislature.

Chapter 5 - Department's response: MCCO will continue efforts to improve its data systems.

Thank you for the opportunity to respond to this review.

Sincerely,

/s/ Thomas F. Barry, JR., P.E.
Secretary

TFB:se