

# Motor Carrier Review Board

## MEETING MINUTES

March 29, 2016

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

Bureau of Motor Vehicles Staff in attendance: Garry Hinkley, Stephen Ashcroft; April Goodwin; and Shannon Price

Guests in Attendance: James Wright and Lynn Porter of the Maine State Police Commercial Vehicle Enforcement Unit.

Acting Chair Brian Parke took attendance of the carriers present for the meeting. They were;

1. Jeffrey Henry
2. Forest Freight
3. Eric Bussell
4. KDT Towing & Repair
5. Langille Construction

Note: Vincent Briggs arrived after the start of the meeting.

The meeting was called to order by Acting Chair, Brian Parke who read the opening statement and gave an overview of the MCRB meeting rules.

The October 27, 2015 meeting minutes were unanimously approved by the board.

### **Announcements:**

- Steve Ashcroft thanked Brian Parke for hosting this review board meeting at the MMTA.
- Steve advised the Board that the MCRB rule change was final and posted. Steve outlined the changes that were made, and briefly discussed the need to give some thought about the frequency of meetings due to the fact that there was now a 60 deadline for sending the supplemental form to carriers prior to the meetings.

Mr. Parke asked if the board had any reservations or objections to taking carriers that were present out of order, none had an objection.

***\*\*These minutes will proceed in the order in which they were taken up by the board\*\****

### **Langille Construction Inc. – Preliminary Review**

Ms. Carol Bell was sworn in. Steve presented relative carrier statistics for the company. Ms. Bell was present representing the company and spoke regarding the company. Ms. Bell stated that Langille's takes this very seriously and that they had met with all the employees regarding the violations on their record. In doing so she related that some of the violations were seatbelt violations and they have a "larger driver" who's seatbelt did not fit and was embarrassed to say that. They have since bought an extension so that this will not happen anymore. They are looking at the preventative maintenance schedules, etc. to make any and all corrections. Chairman Parke asked if there were any incentive programs in place to reward the employees for good performance and Ms. Bell advised that they are looking at that. There were no additional questions by the Board.

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

**KDT TOWING AND REPAIR INC. State Police requested review/Preliminary Review**

**Terry Downes** was sworn in: Steve presented relative carrier statistics for the company. Mr. Downes was present representing the company and spoke regarding the company. Mr. Downes related that they take this very seriously, have never been on the list before and work very closely with “the DOT” and State Police out on the highways performing towing operations. He stated that it is very embarrassing for them. They are working on a better maintenance program but they work 24/7 so it is difficult to get vehicles in for repair. They are putting another couple vehicles in service so that they can address this. They are working on the tie down issues as well. They are still working with the one driver that had some substance abuse problems and he is still employed with them. He is also working on joining a drug testing pool. Chairman Parke questioned BMV staff about a current suspension for the company for an outstanding fine. Mr. Downes stated he will take care of that issue. There was discussion about the tie down issues and specifically what caused them. They disputed that it was not adequate as the method is an industry standard but have retrofitted the strapless mechanism to be compliant with the rule.

Chairman Parke asked that the members of the State Police CVEU speak to why this carrier was chosen. Inspector Supervisor James Wright was sworn in and gave a synopsis of why the carrier was selected by them to be reviewed.

**Motion by Alan for No Further Action if the fine is paid within 30 days, if not then the carrier will be continued on to a Letter A -, second by Bruce. Vote: 4 for, 1 abstain**

**ERIC BUSSELL JR. State Police requested review/Preliminary Review**

**Eric Bussell** was sworn in. Steve presented relative carrier statistics for the company. Mr. Bussell was present representing the company and spoke regarding the company. Mr. Bussell stated that they have started doing the maintenance better and the trucks are home on the weekends now so they can be maintained. He has hired a weekend mechanic for this. He has also started renting trailers as well. Chairman Parke questioned one of the most recent stops that had multiple equipment violations and asked whether the trailer rental was prior to this stop or after. Mr. Bussell stated that it was after. Chairman Parke also questioned regarding the weight violations. Mr. Bussell has had his employees sign a contract that they will pay any overweight fines.

Chairman Parke asked that the members of the State Police CVEU speak to why this carrier was chosen. Inspector Supervisor James Wright was sworn in and gave a synopsis of why the carrier was selected by them to be reviewed. The reasoning was that these carriers are small operations that would normally not be reviewed by the board because of the size of the company. There was discussion regarding weight fines and the impact of heavy weights. There was a question about what type of maintenance program Mr. Bussell had in place. Mr. Bussell stated that since their compliance review, when vehicles travel 10,000 miles they come in for a full service and they do a daily inspection every day. They are also keeping maintenance records now which they weren't doing before the review.

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

**FOREST FREIGHT LLC– Continued Carrier**

**David Crockett and Ken Doane** were sworn in. Steve presented relative carrier statistics for the company. Mr. Doane was present representing the company and spoke regarding the company. Chairman Parke explained that he thought the supplemental that was provided to the Board after the last meeting was well done and comprehensive. Mr. Doane explained that they've only had one stop since the last review and had no additional violations. Mr. Doane had a procedural question about how the safety score could go up with no new violations. This was

explained by Steve. David asked if the manual that the company was going to put into place was done and in place yet. Mr. Doane stated that they had run into “technical difficulties” and it was not yet in place, he thought it was half done.

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

**JEFFREY HENRY– Letter A Carrier**

**Jeffrey Henry** was sworn in. Steve presented relative carrier statistics for the company. Mr. Henry was present representing the company and spoke regarding the company. Mr. Henry stated that they are getting the trucks into the garage more often, and they are trying to do better with the tires and tire violations because that was a lot of their problems. Chairman Parke asked about a written safety plan that was not supplied but asked for by the board. Mr. Henry stated all he had was the maintenance records and what they do to the trucks. Chairman Parke asked for any questions of Mr. Henry and there were none.

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

**VINCENT BRIGGS- State Police requested review/Preliminary Review**

**Vincent Briggs** was sworn in. Steve presented relative carrier statistics for the company. Mr. Briggs was present representing the company and spoke regarding the company. Mr. Briggs stated that he’s “done everything I can do”. Mr. Briggs talked about his trucks and the differences between his old truck and the new truck. He does not use re-caps anymore, just all new. He also talked about the exhaust violation which he took to a mechanic, got an inspection and the mechanic stated he didn’t know why it was a violation. He does not have the driver with the license suspension anymore and has hired an older driver that is very conscientious. Chairman Parke asked what the process is for determining when to replace tires. Mr. Briggs stated that he only travels about 30,000 miles a year and he gets about 3 years out of them. He also stated he’d like to get rid of the truck and have someone else haul his wood. After an inquiry about an overweight violation Mr. Briggs stated that he has chopped off the top of the stakes so the trucks can’t be overloaded. Patrick Moody asked about the improper securement violation and after some confusion about the violation (talked about oil leak and another securement violation) it was determined that the driver hadn’t cleaned off the deck of debris.

Chairman Parke asked James Wright to summarize why this carrier was chosen by the State Police for review. Inspector Wright stated the “inspections say it all” and he can appreciate that they have to operate in tough places but they have to be legal when they hit the road.

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

**CAMERON PAVING INC. – Letter A Carrier**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Chairman Parke inquired whether or not the corrective action plan submitted to the Maine State Police as a result of a compliance review was accepted and sufficient. Steve did not know but would inquire from the Maine State Police. Some discussion ensued regarding the corrective action plan, and compliance with what was accepted or submitted. It was noted that there were a lack of inspections on this carrier since the last review most likely due to the fact that they were a paving company. It was also noted that there was no representative present at the last meeting either. The Board had considerable discussion on what their options were such as; continuance as an A carrier, suspension, a suspension with a stay, or to once again have the company produce documents or attend to explain their corrective action plan. The Board finally arrived at a decision to recommend a suspension, have that suspension be stayed until a sufficient Safety Plan and Corrective Action Plan from the

November review is submitted that is acceptable to the Secretary of State and their attendance at the next MCRB meeting. The plan must be received within 60 days of the next meeting date or the suspension would take effect immediately. This item will be taken up under Old Business.

**Motion by Bruce for a suspension which would be stayed until a Corrective action plan and Safety Plan is submitted by the carrier AND they attend the next MCRB meeting. The Plans must be submitted to the Secretary of State within 60 days of the next meeting date. Second by David. Vote: Unanimous**

**JIMMY G. MOORE – Letter A Carrier**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Lynn Porter of the Maine State Police was sworn in. Inspector Porter had some direct contact knowledge with Mr. Moore and his company. Inspector Porter had done the compliance review and found that Mr. Moore was very uncooperative; he had made numerous attempts at contact and finally got in touch with his wife Donna. They had very little to work with for records and did not have any drug testing program. Donna had told Inspector Porter they had enrolled in a drug and alcohol testing program but he had no evidence of that. Chairman Parke outlined what the Board had asked of the company at the last MCRB meeting and outlined the insufficient items that they had sent back. Inspector Porter outlined his perception of the state of the company's operations and equipment, which wasn't good. The board discussed options for action and whether or not the carrier was still operating or not.

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

**NEWPORT METALS INC. – Letter A Carrier**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Inspector Porter stated that he believed that the owner had died in 2015. Chairman Parke was interested in recommending suspension and submission of an updated supplemental and discussed with the Board having the same language as with Cameron Paving.

**Motion by Bruce for a suspension which would be stayed until a Corrective action plan and Safety Plan is submitted by the carrier AND they attend the next MCRB meeting. The Plans must be submitted to the Secretary of State within 60 days of the next meeting date. Second by David. Vote: Unanimous**

**DANIEL P. McAVOY – Letter A Carrier**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Chairman Parke had a question regarding the process by which the points are assigned in the RSR with respect to the no fault crash in 2014. David asked to look at the most recent roadside inspection and had some questions about that. Chairman Parke noted that most of his violations were hours of service related and seemed to have fixed that issue. Chairman Parke also noted that the FMCSA had done a review last month and presumed that they (FMCSA) was following up on any issues and that the Board wouldn't be doing anything different or more than the FMCSA.

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

**MASON PALLET INC. – Continued Carrier**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Inspector Wright explained what a New Entrant Audit involved because this carrier was currently suspended for failing that audit. Chairman Parke

noted that there was nothing for the Board to do because of the current suspension by the FMCSA.

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

**ARCHIES INC. – Continued Carrier**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Chairman Parke noted that this company was affiliated with the Aulenbach company which was a poor carrier some years ago. There was some discussion regarding the affiliation and lack of information regarding Archies.

**Motion by Alan for moving the carrier to a Letter A, second by David. Vote: 4 for - 1 abstain**

**CT SIDES LLC– Continued Carrier**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. This carrier is currently OOS by the FMCSA for unfit/unsafe. Steve let the Board know that the company had submitted a safety plan to FMCSA and it had not been accepted. Due to the current suspension the Board felt there was nothing more that they could add.

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

**KM MORIN LOGGING– Continued Carrier**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Chairman Parke noted that due to the carrier not returning the requested paperwork to the Board, there was no choice but to move this carrier to a Letter A.

**Motion by David for moving the carrier to a Letter A, second by Bruce. Vote: Unanimous**

**ORLAND DWELLY & SONS INC.- State Police requested review/Preliminary Review**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. The company was currently suspended for failure to pay a reinstatement fee for an unpaid fine. Inspector Wright was asked to give the panel a synopsis of the company and why they had chosen them. Inspector Wright stated that based on a compliance review and the issues found, the company was chosen.

**Motion by David for moving the carrier to a Letter A, second by Bruce. Vote: Unanimous**

**WORCESTER PEAT CO.- State Police requested review/Preliminary Review**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Inspector Wright stated that the company had gotten anonymous calls about driver issues and is under a current review. Some of the complaints were of unqualified drivers and drivers failing drug tests. He went on to say the review is incomplete. Chairman Parke asked if he was comfortable that the results of the investigation would alleviate the State Police concerns of compliance and safety issues. Chairman Parke reiterated that this carrier could come back on the list if that was not the case.

**Motion by Bruce for a continuance on this carrier, second by Alan. Vote: 4 for - 1 abstain**

**P&D TRANSPORT - Preliminary Review**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. The Board discussed how common lights would come unplugged (some of the violations listed), and some of the other violations listed on their record. Chairman Parke asked to look at the latest roadside inspections.

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

**DUBE ENVIRONMENTAL- Preliminary Review**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. There was a question if this carrier had been in front of the Board before. It was determined that they had been reviewed in years past. There was further discussion about the “periodic inspection” violations and the mind set about not correcting. The Board felt they wanted a Supplemental from the carrier.

**Motion by Bruce for a continuance on this carrier, second by David. Vote: Unanimous**

**PELKEY TRANSPORT- Preliminary Review**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. This company’s USDOT number was currently inactive.

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

**G&C TRUCKING LLC- Preliminary Review**

**There was no representative for this company present at the meeting.** Steve presented relative carrier statistics for the company. Chairman Parke let the Board know that this carrier is under review by the FMCSA at this time.

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

- Chairman Parke asked about any new or old business.
- Steve asked if the information being provided was adequate.
- Chairman Parke states he likes it and David agreed.
- Patrick M asked if the State Police could also present a synopsis on the carrier’s present by their request. Steve stated he would speak with Lt. Nichols regarding this.
  
- The next meeting date was scheduled as **Tuesday August 16, 2016 at BMV’s Main Office in the Executive Conference Room @ 0900.**