The following Board members were present: Chairman David Littlefield, Brian Parke, Casey Gray, Edmund ‘Ed’ Therrien, Granville ‘Dick’ Brown, and Patrick Moody.

Presiding Officer: William Laubenstein, Assistant Attorney General.

Bureau of Motor Vehicles Staff in attendance: April Goodwin and Garry Hinkley.

Guests in Attendance: Eric Adair, Federal Motor Carrier Safety Administration and Aaron Hayden, Maine State Police Commercial Enforcement Unit-Lieutenant.

The meeting was called to order at 08:01AM by Chairman David Littlefield.

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

**Blue Diamond Transportation LLC (USDOT 2533963) – First Offense**

April Goodwin presented the Bureau’s testimony and exhibits: Blue Diamond Transportation LLC (USDOT# 2533963) of Presque Isle, Maine is an interstate carrier operating 324 power units and 340 CDL drivers. During the review period of April 1, 2018 to March 31, 2019 the carrier had 134 original violations, 40 of which were serious, the violation point total was 581, and the ISS Score was 98. Additional research into convictions while preparing for the hearing resulted in 3 additional violations on May 30, 2018 which increased the violation point total to 590. This exceeded the established suspension threshold of 165 points and an ISS score of 70. Since the review period, there were 2 additional violations (1 serious) and the ISS Score remained at 98. FMCSA conducted a Compliance Review in 2018. Under the old rules, this carrier was reviewed by the Board 1 time in October of 2017 with a violation point total of 316 (72 total violations, 23 of which were serious) and an ISS Score of 99. The Board voted No Further Action at that Preliminary Review.

Representatives of Blue Diamond Transportation LLC (Kelly McDonald, Bruce Sargent, and April Bell) were sworn in and presented testimony: FMCSA conducted an audit in June of 2018 that resulted in a Conditional safety rating. An outside consultant came in to assist them. A letter outlining the changes they have done and were in the process of doing was then sent to FMCSA and the safety rating was changed to Satisfactory in November of 2018. They got a wakeup call, know they have a problem, implemented a lot of changes to address those problems, and feel changes take time to work through the system and improve the scores. They have about 300 drivers, 60 of them are company drivers, and the others are owner operators. They do about 14,000 trips in Maine over a 12 month period and cover about 17 million miles in Maine. Ms. Bell was hired as the safety director a little over a year ago. They are switching to ELD’s and have forward facing cameras in 50 units. About a year and a half ago a fining policy was put into place. For hours of service the result is a $750 fine. Fines increased this past April. A year ago they implemented 6 month inspections; they may increase that to 3 months to better stay on top of maintenance. Ms. Bell’s personal goal is to have ELD’s in all units by the end of August. The company has 6 employees in the safety department and all the drivers are broken up between those 6 employees. Problematic drivers are looked at every day. Last August, Tim Doyle completed a 3 hour training with the safety employees. Drivers come to the shop, look
through the vehicles, do inspections, and do needed repairs. There are 8 mechanics at the shop. If a driver cannot go to the shop, they must go to a professional dealer for the inspection. The minimum fine for a maintenance violation is $500. The company has a 3 strike rule. The shop had training on pre-trip inspections and other various trainings have been done. They reached out to Tim Doyle at MMTA for assistance as well as Rick Gooble and the Maine State Police. The company uses a 3rd party to verify driver licenses, but the reports are only monthly so are not always up to date. Mr. Sargent indicated he does not believe in an incentive program as there should not be an incentive to do the right thing. Ms. Bell indicated that to the 53 bad inspections there were 58 good ones and that a drawing is done for good inspections to win $1,000. She added that numbers are placed on a board in the office for everyone to see, they do an orientation when drivers are new, there is no reoccurring training, but the safety employees are on the phones with drivers all the time to check in. To summarize, the company was put on notice by FMCSA, they are working to implement needed changes, but it takes time to see the results of changes.

**Motion by Brian to grant the appeal: second by Casey. Vote: 5 In Favor/1 Opposed**

**Len Poulin Inc (USDOT 773400) – First Offense**

April Goodwin presented the Bureau’s testimony and exhibits: Len Poulin Inc (USDOT# 773400) of Benton, Maine is an intrastate carrier operating 17 power units and 3 CDL drivers. During the review period of April 1, 2018 to March 31, 2019 the carrier had 50 violations, 11 of which were serious, the violation point total was 196, and the ISS Score was 73. This exceeds the established suspension threshold of 165 points and an ISS score of 70. Since the review period, there have been no additional violations and the ISS Score has remained at 73. Under the old rules, this carrier has been reviewed by the Board 5 times. Most recently was in August of 2016 with a violation point total of 111 (24 total violations, 4 of which were serious) and an ISS Score of 72. The Board voted No Further Action at that Preliminary Review.

Representatives of Len Poulin Inc (Len Poulin, Laurie Allen, and Liam Poulin) were sworn in and presented testimony: Mr. Poulin indicated that they have dump and service trucks and that Laurie is the office manager. They indicated they had ‘housekeeping’ violations (such as not having 3 reflectors, lights, no 3 wheel round lights) felt those issues are not major, and that their collective violations brought them to the Board. They indicated the tire violation was not because the tire was bald or cord was showing, they spent $10,000 on new tires in the last 2 months, and do not buy recaps. They indicated they have put in a lot of effort into changing drivers and ensuring pre and post-trip inspections are all saved in boxes. A new inspection manager was hired. The issue of no seatbelt was a plus size driver who used the excuse that his shoulder hurt. They indicated they got a violation for no windshield washer fluid, a driver did not know how to turn on the lights so that resulted in a violation, and a violation was given for not having the GVW sticker on the door because it was behind the seat. Ms. Allen indicated that she speaks with all the drivers on Friday’s before they are given their paychecks. She added that they hired an outside company to go through the trucks and will park any truck that cannot be fixed. They have fired an employee and retired the truck that had ¼ of the violations. They currently have 4 drivers. The violation for talking on a cell phone occurred when the driver was stopped at a stop sign, did not have a headset, and that no one was around. They indicated that they have gotten forms to assist with inspecting the trucks. An OOS violation was given because a driver forgot to put the fuel cap back on. They indicated their insurance went up and that if there is no work for the drivers, they are told to go home. They have implemented a 3 strike policy and that a driver has been put on notice due to being pulled over more than the other drivers.

**Motion by Brian to grant the appeal: second by Ed. Vote: Unanimous**
**Travis S Hayden (USDOT 1791065) – First Offense**

April Goodwin presented the Bureau’s testimony and exhibits: Travis S Hayden, dba Phoenix Trucking (USDOT# 1791065) of Wellington, Maine is an intrastate carrier operating 6 power units and 4 CDL drivers. During the review period of April 1, 2018 to March 31, 2019 the carrier had 83 violations, 19 of which were serious, the violation point total was 379, and the ISS Score was 73. This exceeds the established suspension threshold of 165 points and an ISS score of 70. Since the review period, there have been 10 additional violations (1 serious) and the ISS Score has increased to 89. Under the old rules, this carrier has been reviewed by the Board 3 times. Most recently in October of 2017 with a violation point total of 383 (93 total violations, 12 of which were serious) and an ISS Score of 74, the Board voted no further action at that preliminary review.

Travis S Hayden was sworn in and presented testimony and exhibits: Mr. Hayden indicated that he has hired another full time mechanic. The driver that was on drugs and involved in an accident was terminated and Mr. Hayden provided the Board with the passing pre-employment drug test done on 12/14/18 as well as provided pictures of the truck both before and after the accident. He felt that it is not fair that after crash violations count against him. The phone violation was due to a driver using a phone while stopped at a stop sign and Mr. Hayden has gotten a phone use violation himself. He indicated he buys tires from different places and tells the drivers to replace them when needed. Drivers do not always tell him of issues, they take the trucks home, most grease them, and taking them home is a privilege. Hired drivers are given policies to review and sign and know they are supposed to have a headset. If caught 3 times they are terminated. First time is a verbal, second time is a written warning, and then third time is termination. He added that drivers are told to use a headset or pull over to use the phone. Mr. Hayden indicated that he does give a $50 bonus for a clean inspection. Tags are now being placed on equipment that should not be on the road and if a driver takes a vehicle with a tag, they will be penalized. He has started to assign 2 trailers to each driver so they can be responsible for them.

**Motion by Brian to grant the appeal: second by Ed. Vote: 4 In Favor/1 Opposed/1 Abstain**

**Thornton Construction Inc (USDOT 791398) – First Offense**

April Goodwin presented the Bureau’s testimony and exhibits: Thornton Construction Inc (USDOT# 791398) of Milford, Maine is an intrastate carrier operating 30 power units and 26 CDL drivers. During the review period of April 1, 2018 to March 31, 2019 the carrier had 55 original violations, 6 of which were serious, the violation point total was 196, and the ISS Score was 71. Additional research into convictions while preparing for this hearing resulted in 1 additional violation on August 14, 2018 which increased the violation point total to 204. This exceeds the established suspension threshold of 165 points and an ISS score of 70. Since the review period, there have been no additional violations and the ISS Score has remained at 71. Under the new rules, this carrier has been reviewed by the Board 1 time. Most recently, last quarter with a violation point total of 256 (66 total violations, 11 of which were serious) and an ISS Score of 72. The Board voted to rescind the suspension.

Representatives of Thornton Construction Inc (Dan Thornton and Todd Bouchard) were sworn in and presented testimony: Mr. Thornton stated that their score shows improvements, another mechanic was hired, and they are going one by one through inspections. Trucks leave the garage to go to an inspection station, if it fails, Todd and Dan go over the write up, the truck gets fixed, and it is put back on the road. This time last year they were hauling 15,000 yards of gravel and
they have chosen not to do that. Mr. Thornton indicated that it hurts his pride to be here. They are looking at what other successful companies are doing and are providing training. Their biggest change has been sharing this process with the drivers so they understand how violations affect the company.

**Motion by David to grant the appeal: second by Ed. Vote: Unanimous**

Motion by Brian to approve the February 12, 2019 meeting minutes: second by Ed. Vote: Unanimous

**New/Old Business:**
- April indicated that Garry Hinkley will retire on May 31, 2019.
- April introduced Kristin Hicks-Poisson as the new manager of the Overlimit Permit and Operating Authority units.
- Pat indicated that he will take part in the teen driving expo at the Maine Mall on August 23rd from 10:00AM to 2:00PM.
- David would like the driver’s manual to be looked at to ensure there is language about CMV blind spots and sharing the road with trucks. Pat, as a driving instructor, suggests a video to be incorporated for training. Lt Hayden is trying to incorporate a program FMCSA sponsors in New Hampshire called ‘Teens and Truckers’ to help Maine.

**Next meeting dates:**
- Tuesday, August 13, 2019
- Thursday, November 14, 2019: due to Monday being a holiday, the meeting will take place on a Thursday.
- Tuesday, February 11, 2020
- Tuesday, May 12, 2020

Motion by Brian to adjourn at 11:20AM, second by Ed. Vote: Unanimous.