

# Office of the Legislative Auditor Program Evaluation Update

## TRUCK SAFETY REGULATION

June 23, 1993

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**The Departments of Transportation and Public Safety have ended their discord over truck safety regulation by dividing up their responsibilities as we recommended last year. The agencies continue to conduct effective roadside inspections and company safety reviews.**

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### OVERVIEW

In January 1992, we completed an evaluation of truck safety regulation in Minnesota. Our evaluation found considerable conflict and a lack of coordination between the two state agencies responsible for truck safety, the State Patrol and the Minnesota Department of Transportation (Mn/DOT). We recommended a clearer division of responsibilities, with the Patrol responsible for all roadside truck safety inspections and Mn/DOT responsible for reviewing driver and truck safety programs at company terminals.

On March 12, 1992, the commissioners of the departments of Public Safety and Transportation issued a statement that they had reached a general agreement to divide their activities along the lines recommended in our report. In testimony before the Legislative Audit Commission, the two agencies pledged to implement their agreement by

mid-1992 and the commission indicated its interest in monitoring the implementation.

This document evaluates the progress made by the two agencies in implementing a workable division of labor, reducing interagency conflict, and coordinating truck safety activities. It also updates agency activities, including roadside inspections and safety audits conducted at terminals or truck company offices. Our review is based primarily on interviews with management and staff of the two state agencies and the federal Office of Motor Carrier Safety and a review of summary data reported by the agencies.

### IMPLEMENTATION ISSUES

After several meetings in the spring of 1992, both agencies agreed to implement the new division of labor on July 1, 1992. We found that:

- **The agencies have implemented the division of labor we recommended.**

Since mid-1992, the Patrol has conducted all of the highway safety checks and Mn/DOT has conducted safety reviews at company terminals or headquarters.

Two Mn/DOT staff have completed training and have recently begun conducting more extensive compliance reviews for those companies whose initial safety reviews were not satisfactory.

Mn/DOT staff still occasionally inspect trucks at company headquarters in conjunction with safety reviews and its hazardous materials specialists are still permitted to respond to emergencies and to stop trucks carrying hazardous materials when they observe a leak or dangerous situation. Two Patrol truck inspectors, by special agreement with Mn/DOT, still conduct safety reviews.

The agreement also called for Mn/DOT to assume responsibility for the collection and transmission of data for the Federal Highway Administration under the Motor Carrier Safety Assistance Program, although the Patrol continues as the designated "lead agency" for the program. Mn/DOT has contracted with

IBM to install a new motor carrier information system and is currently transmitting data to the Federal Highway Administration. When fully operational in the summer of 1993, the system will provide for a single source of safety and economic information for motor carriers.

The management of both agencies feel that the new arrangement is working well and are grateful that their offices can put the interdepartmental squabbles behind them and concentrate on doing their jobs. However, some Mn/DOT staff were originally hired and trained to perform on-the-road inspections and did not possess the auditing and computer skills necessary to conduct safety audits. As a result, Mn/DOT has had to provide additional training for these workers. Some Mn/DOT staff resent their removal from roadside inspection activities. They feel they made a significant contribution to truck safety that was not recognized in the new division of labor.

Mn/DOT also reports that its inability to stop and pull over vehicles could hamper some investigations of carriers operating outside of their regulatory authority. While most investigations of economic authority involve audits of company shipping records,

some small companies do not keep adequate records and some companies may falsify records. Independent checking of cargo may sometimes be necessary. Having to rely on peace officers to stop and pull over vehicles could hamper investigations in some instances.

## PERFORMANCE ISSUES

In our 1992 report, we found that the two Minnesota agencies conducted 30,303 roadside inspections and 527 safety reviews in the federal fiscal year that ended in September 1991. Our follow-up reveals that:

- **The agencies have continued to be as productive under the new division of labor as they had been before.**

In federal fiscal year 1992, the two agencies completed 28,820 roadside inspections and 774 safety reviews. For the six months ended March 31, 1993, the agencies conducted 15,020 roadside inspections and 268 safety reviews. These figures exceed the goals contained in Minnesota's State Enforcement Plan submitted to the federal government in con-

junction with the Motor Carrier Safety Assistance Program. We also found that:

- **Roadside inspection results continue to be in line with national averages.**

Table 1 presents roadside inspection results since federal fiscal year 1990. Out-of-service violations are the most serious violations, requiring the driver to remove the truck from service until the deficiency is corrected. As reported in our earlier study, most driver out-of-service violations are for excessive hours of driving; the most frequent vehicle out-of-service violation is for defective brakes. The table shows that in 1993 Minnesota inspectors removed from service over 30 percent of the vehicles they inspected and nine percent of drivers they stopped. Nationwide, in the year ended September 30, 1992, 28 percent of vehicles inspected and seven percent of drivers stopped were taken out of service for safety violations.

Table 2 shows that safety reviews at company headquarters or truck terminals continue to find unsatisfactory safety procedures for about 10 percent of the companies that are reviewed. About one-third of the compa-

**Table 1: Roadside Inspections, FY 1990-93<sup>a</sup>**

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993<sup>b</sup></u>
Number of Inspections	32,933	30,303	27,354	15,020
Percent of Vehicles with Out-of-Service Violations	29.0%	30.7%	35.7%	31.5%
Percent of Drivers with Out-of-Service Violations	7.3	16.1	12.6	9.2
Number of Out-of-Service Violations Per Vehicle	0.75	0.93	0.72	0.58
Total Number of Violations Per Vehicle	3.7	4.5	4.2	4.0

Source: State Patrol, MCSAP Quarterly Reports.

<sup>a</sup>Figures are for federal fiscal years ending September 30.  
<sup>b</sup>1993 data are for six months through March 31, 1993.

nies receive conditional ratings.

necessary, on the whole, the relationship between the agencies has improved.

## CONCLUSIONS

Both agencies have cooperated in implementing their agreement to divide responsibilities along the lines we recommended in our 1992 report. Both agencies have continued to exceed their safety review and inspection quotas. Indications are that data management may be improved under the new arrangement. Although some retraining of staff has been

## AGENCIES' RESPONSE

After reviewing this update, Commissioner of Transportation James N. Denn wrote on June 8, 1993:

*I believe the report accurately reflects the progress made by the State Departments of Transportation and*

**Table 2: Safety Review Results**

<u>Time Period</u>	<u>Number</u>	<u>Percent of Companies Rated:</u>		
		<u>Satisfactory</u>	<u>Conditional</u>	<u>Unsatisfactory</u>
January 1990-March 1991	273	51%	40%	8%
January 1992-April 1993	798	56%	33%	10%

Source: Office of Motor Carriers, Federal Highway Administration.

*Public Safety in advancing the goals of safe truck operations in Minnesota.*

*The original 1992 report, "Truck Safety Regulation" identified the shortcomings of the division of responsibilities which then existed between the two agencies. Using that report as a guide, both departments agreed to coordinate their efforts and to resolve the problems pointed out in the report. The current update clearly indicates the success of this joint project. Mn/DOT appreciates the contribution of your office to this effort. We are convinced that the outcomes are in the very best interests of the state.*

On June 15, Commissioner of Public Safety Michael S. Jordan wrote:

*We are in complete agreement with your update. The division of responsibilities has worked well. Betsy Parker, Minnesota Department of Transportation, and Major Gene Halverson, Minnesota State Patrol, continue to meet and discuss ways to increase the effectiveness of Commercial Vehicle Enforcement in Minnesota.*

## SUMMARY OF OUR JANUARY 1992 TRUCK SAFETY REGULATION REPORT

Our 1992 evaluation, *Truck Safety Regulation*, examined the responsibilities of the State Patrol and the Department of Transportation for truck safety regulation. The study resulted from a period of poor coordination and conflict between the two agencies that had come to the attention of the Legislature.

We conducted our evaluation by observing each agency's operations and talking to front-line workers, managers, truckers, and federal officials. We also reviewed statistical information on safety inspections and the results of those inspections.

We found that the primary conflict between the agencies involved responsibility for roadside inspection of trucks. We concluded that:

- **The Patrol is better suited than Mn/DOT to conduct roadside inspections of trucks.**

The Patrol's responsibility for operating truck weigh scales, its general responsibility for on-the-road law enforcement, and superior record of

finding safety violations and removing unsafe vehicles and drivers from the road were all factors that influenced that conclusion.

Accordingly, we recommended that:

- **All roadside enforcement activities should be assigned to the Patrol, while Mn/DOT should be responsible for reviewing truck safety procedures with company officials.**

The two agencies issued a joint response to our report pledging to work together to resolve the division of labor issues that were the focus of their conflict and develop a plan to address the concerns contained in our report.

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For additional information or copies of our 1992 evaluation, contact:

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