



STATE OF MAINE  
Department of Public Safety  
Maine State Police  
Commercial Vehicle Enforcement Unit  
State House Station 20  
Augusta, Maine  
04333-0020

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**Testimony of Lt. Aaron Hayden**

**IN OPPOSITION OF LD 1455**

**An Act to Establish the Weigh Point Preclearance Program**

Senator Chipman, Rep. Williams, and distinguished Members of the Joint Standing Committee on Transportation. My name is Lt. Aaron Hayden, and I am the Commanding Officer of the State Police Commercial Vehicle Enforcement Unit. I am here today to testify on behalf of the Department of Public Safety and the Maine State Police in opposition of LD1455.

This bill is to create an act to establish the weigh point preclearance program.

The Maine State Police is the lead agency for the Motor Carrier Safety Administrative Plan (MCSAP). On December 4, 2015, the President signed into law the FAST Act. It provides long-term funding certainty for surface transportation priorities including the Federal Motor Carrier Safety Administration's (FMCSA) grant programs. One of the largest changes under the FAST Act is the consolidation of multiple FMCSA grant programs into the Motor Carrier Safety Assistance Program (MCSAP) and High Priority (HP) Program. MCSAP and HP now include components of the previously separate New Entrant, Border Enforcement, Safety Data Improvement, Performance and Registration Information Systems Management, and Commercial Vehicle Information Systems and Networks grant programs.

This MCSAP Comprehensive Policy (MCP) serves as a combined information resource, providing program policy, guidance, and technical

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assistance. It includes FMCSA's goals, objectives, and national program elements and strategies to meet the Nation's most urgent commercial motor vehicle (CMV) safety needs. Within this policy are the state's requirements to have electronic screening or a preclearance program.

The section that addresses E-screening from the MCSAP policy is as follows: **Electronic Screening (E-Screening)**. Projects that electronically identify a commercial vehicle, verify its size, weight, and credentials information, and review its carrier's past safety performance while the vehicle is in motion and then communicate safely to the driver to either pull in or bypass the roadside inspection station. Vehicles that are: 1) properly credentialed; 2) operated by a motor carrier with a history of safe operations; and 3) within weight limits (if the site is instrumented for weight measurements) are allowed to bypass inspection facilities (although such vehicles are still subject to random inspection). E-screening projects are designed to target roadside enforcement services aimed at high-risk motor carriers/motor vehicles, and to reduce operating costs for safe and legal motor carriers. Fixed, virtual, or mobile inspection stations that can provide this functionality are examples of e-screening implementations. Transponders (i.e., dedicated short-range communications or commercial mobile radio services network devices, such as smartphones, tablets, fleet management systems, global positioning system navigational units, and onboard telematics devices are referred collectively as wireless mobile data devices.

Maine as a state became compliant with this requirement in 2005 with the pilot of Maine's first bypass program. The program was selected through a process and a company selected. Keep in mind that FMCSA only requires that a state has a program and does not require more than one vendor. The bypass program in Maine is based on a company's safety score and not based on weight. A company choosing to buy into a program can do so and if their company meets the safety requirements set for that time frame, then they would receive a signal on a transponder to bypass the open scale house. The Trooper or Motor Carrier Inspector receives a signal of a bypassing truck with a picture and then ensures visually the truck passing is the correct one receiving the bypass. As you can imagine when screening 100s of trucks at a time this can be difficult to track. It is important that trucks that do not meet our safety criteria do not bypass the scale without proper screening.

There are three very significant areas within this bill that formulate our reasons for our opposition.

1<sup>st</sup>- Any additional laws in 29-A that require the state police to do more tasks than what we are currently tasked to do is concerning. We would ask that the Transportation Committee consider additional headcount be added if this act were to pass. This bill basically requires Troopers to evaluate multiple programs at the same time while trying to screen commercial vehicles. This would require additional manpower be present at the weigh stations.

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2<sup>nd</sup>- This act also subverts current Maine procurement rules and Office of technology procedures. This act requires the Maine State Police to allow for all bypass systems being offered to be **“used concurrently”**. This could require technology to be forcefully installed into our weigh stations even if we felt that company was not up to Maine’s standards for IT protection.

3<sup>rd</sup>- As stated above Maine already has a preclearance program that is evaluated to ensure it meets the standards we have here in Maine. We have evaluated other vendors in the past and ask that you continue to allow for that. A requirement in law for a program that already exists is unnecessary.

We understand the need to be fair to business. It is very important to note that we have not blocked companies that provide services to commercial vehicle owners and operators. Most of these companies offer many services such as tolling and traffic alert systems that are outside of Maine’s bypass program and can still be used if a company chooses. Maine only has 5 fixed point structural weigh stations and again only a few Troopers and Motor Carrier inspector to run the technologies we have currently in use. Any additional requirements as stated above would be draw on manpower.

For these reasons, we urge you to vote against of LD1455.

On behalf of the Department of Public Safety and the Maine State Police, I thank you for your time and would be happy to try and answer any questions that you might have.

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