



MINNESOTA TRUCKING ASSOCIATION

SAFE

ESSENTIAL

ENVIRONMENTALLY RESPONSIBLE

July 1, 2011

The Honorable Kathleen Blatz
Special Master
State of Minnesota
St. Paul, MN 55155

FILED
Court Administrator

JUL - 1 2011

By  Deputy

62CV119203

Dear Justice Blatz:

Minnesota's trucking industry is highly regulated. As a result, the government shutdown impacts the ability of motor carriers to operate safely and legally. By their omission, the Ramsey County District Court declared two trucking-related government services non-essential: (1) public rest areas and (2) permitting through the Driver and Vehicles Services Division (DVS) of the Department of Public Safety (DPS). The Minnesota Trucking Association contests these parts of the District Court's order.

1. Rest Areas

The District Court's order directs services to continue that protect the safety of Minnesotans. Minnesota's public rest areas serve a vital, irreplaceable safety function for the trucking industry and should remain open at a minimal level.

The Department of Transportation (MnDOT) operates forty-three Class I rest areas, twenty-nine of which are located on an interstate highway. The agency also operates twenty-four Class II rest areas at non-interstate locations. Class I rest areas operate year-round and are full-service. Class II rest areas have limited facilities and are generally operated on a seasonal basis.

Truck drivers must have access to these rest areas to help them comply with clear legal requirements. Federal and state laws mandate that truck drivers rest for ten consecutive hours after being on duty for fourteen hours each day, under 49 C.F.R. part 395 and Minnesota Statutes § 221.0314. Only two locations exist where drivers may obtain this necessary rest: private truck stops and public rest areas. Both are designed to provide safe, long-term parking and the necessary amenities to accommodate large commercial vehicles. However, there are not enough parking spaces at private truck stops to meet demand. The Federal Highway Administration and the Minnesota Department of Transportation both agree that Minnesota has a shortage of truck parking spaces, and at least fifteen state rest areas have insufficient capacity. As a result, shutting them down would cripple an already overburdened system.



Good stuff.



While passenger-car drivers have many other safe and legal options available to them, truck drivers' options are extremely limited. Those who run out of hours during the shutdown, but cannot find space in a private truck stop, will be forced to choose between two illegal options: drive in excess of their hours to find an acceptable space or park on the side of the road, where they become a potential hazard for other motorists.

We also question whether closure of the rest areas violates contracts executed with the U.S. Department of Transportation Federal Highway Administration as a condition of receiving federal transportation funding grants.

2. Driver and Vehicle Services Credentials

DVS issues licenses and credentials that allow the holders to legally operate a truck. These licenses and credentials are required by federal and state law. Although deputy registrars across Minnesota have authority to issue these new or renewal credentials, the transaction is not complete without a response (issuance of photo license or CDLIS verification number) from DVS. DVS is currently closed and not able to complete this transaction. Without the ability to obtain these materials in a timely manner, motor carriers and drivers face operating in violation of the law.

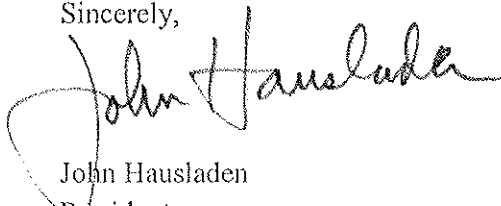
To that point, the United States Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) has enacted Comprehensive Safety Analysis (CSA), a new program to aid in detailed real-time tracking and credentialing of drivers. Without the proper paperwork, carriers would be placed out of service with no immediate recourse to help them get back on the road. This is especially critical when freight consists of time-sensitive medical supplies or perishable food.

The District Court's order has already noted that enforcement of motor vehicle laws, both commercial and non-commercial, is a core function of state government. Supplying adequate staff for DVS to process those credentials and keep truck drivers in compliance is equally critical.

Closure of DVS and its commercial vehicle functions likely place the state in violation of contracts with the FMCSA to administer key safety programs, like the Motor Carrier Safety Assistance Program (truck inspections); New Entrant Program (compliance reviews); DataQs Program (challenges of incorrect data on motor carrier or driver records); and CDL Program (meeting federal licensing requirements). DVS staff is neither available to fulfill its obligations under these federal grants, nor are they able to address issues and discrepancies that arise for both law enforcement and credential holders.

In light of the above, we respectfully request that the Special Master designate public rest areas and credentialing from DVS as core government functions and order Mn/DOT and DPS to continue those services during the shutdown.

Sincerely,

A handwritten signature in black ink that reads "John Hausladen". The signature is written in a cursive style with a large, sweeping initial "J".

John Hausladen
President
Minnesota Trucking Association

cc: Kristyn Anderson, Office of the Attorney General
Steve LaPierre, Office of the Attorney General
Christopher Channing, Ramsey County District Court
David Lillehaug, Counsel for Governor Mark Dayton
Tom Sorel, Department of Transportation
Ramona Dohman, Department of Public Safety
Dan Drexler, District of Minnesota – Federal Motor Carrier Safety Administration