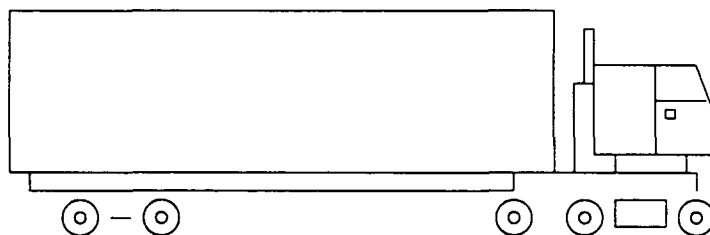


1990
ANNUAL REPORT
OF THE
✓ GOVERNOR'S MOTOR CARRIER
TASK FORCE
FOR
SAFETY AND UNIFORMITY



Submitted to
WILLIAM DONALD SCHAEFER, GOVERNOR
STATE OF MARYLAND

JANUARY, 1991

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EXECUTIVE SUMMARY

The Governor's Motor Carrier Task Force For Safety and Uniformity is the successor to the Governor's Task Force on Uniform Motor Carrier Procedures and the Truck Safety Task Force. The Task Force continues to study existing Maryland regulation of heavy trucks and buses, and to develop procedures that are simpler and more uniform, while ensuring that safety is not compromised and commercial vehicles pay their fair share of highway user costs. The Task Force has representation from the elected and appointed state officials, motor carrier industry, labor, and citizens. The Secretary of Transportation serves as Chairman.

To provide even broader input from the motor carrier industry, an Industry Advisory Committee, composed of representatives of a variety of carriers and industry interests, has been established.

The following are the major issues on which the Task Force focused during calendar year 1990:

- * Preventive Maintenance Program. The Maryland Preventive Maintenance (PM) Regulations became effective January 1990. A PM Handbook describing the program and regulations was developed with 6,200 copies sold.
- * Commercial Driver's License (CDL). The implementation of the CDL Program proceeded with community college training and issuance to date of 30,000 CDL's. The program appears to be able to license all Maryland commercial drivers by the April 1992 deadline.
- * Monitoring and Passage of Legislation/Regulations. Two federal acts, (1) Sanitary Food Transportation (2) Hazardous Materials Transportation and Safety, were tracked through their passage. Recommendations were made for easing regulations for small amounts of hazardous materials, for forestalling duplicative OSHA/USDOT regulations, and for setting a reporting threshold for property damage accidents.
- * Public Information. A motor carrier element of the "Drive To Survive" program was undertaken to improve statewide traffic safety. Advertising used in the media campaign sponsored by the Maryland Motor Truck Association was used in various Drive to Survive functions in the State.

The Task Force has continued to make significant progress in improving safety programs and to bring about greater uniformity in Maryland's motor carrier regulatory procedures.

1990
Membership of the Governor's Motor Carrier Task Force
For Safety and Uniformity

CHAIRMAN

Richard H. Trainor, Secretary
Maryland Department of Transportation
P.O. Box 8755
BWI Airport MD 21240-0755
(301) 859-7397

MEMBERS

The Honorable Thomas Yeager
Senator
Legislative District 13
413 Main Street
Laurel, MD 20707
498-3400

William L. Rohrbaugh
Rohrbaugh's Charter Service,
Inc.
3395 Main Street
Manchester, MD 21102
239-8000

Rita Bontz
President
Independent Truckers and
Drivers Association
1109 Plover Drive
Baltimore, MD 21227
242-0507

Donald M. Bowman
D. M. Bowman, Inc.
Route 2, Box 43 A-1
Williamsport, MD 21795
223-6900

MEMBERS

The Honorable Bruce Poole
Delegate
24 Jonathan Street
Hagerstown, MD 21740
739-6409

Ty Pruitt, President
Maryland Motor Truck
Association, Inc.
Ty Pruitt Trucking
539 N. Dean Street
Baltimore MD 21205
732-5020
(appointed 10/31/90)

Walter Thompson
Executive Vice President
Maryland Motor Truck
Association, Inc.
3000 Washington Boulevard
Baltimore, MD 21230
644-4600

Anthony Dell'Isola
Fleet Specialist
United States Fidelity &
Guaranty Company
100 Light Street
Baltimore, MD 21202
625-5684

George W. Woods
President
Teamsters Joint Council
319 West Howard Street
Hagerstown, MD 21740
739-7550

Kenneth L. Pierson
3300 Glen Avenue
Glenn Dale, MD 20769
390-6640

Claude M. Ligon Commissioner
Public Service Commission
American Building
231 E. Baltimore Street
Baltimore, MD 21202
333-6094

Captain John Himmelmann
Commercial Vehicle Enforcement
Division
Maryland State Police
4660 Wilkens Avenue
Baltimore, MD 21229
247-6641

Arthur E. Price
Director
Motor Vehicle Fuel Tax Div.
Comptroller of the Treasury
P. O. Box 1751
Treasury Building
Annapolis, MD 21401
974-3131

Edward A. Gallagher, IV
President, Maryland Motor
Truck Assoc., Inc.
George Transfer, Inc.
P.O. Box 3153
Parkton, MD 21120
329-4000
(until 10/30/90)

Dr. Harvey Clearwater
Associate Professor
Director, Safety Education
Center
University of Maryland
PERH
College Park, MD 20742
405-2520

Marshall Rickert
Administrator
Motor Vehicle Administration
6601 Ritchie Highway
Glen Burnie, MD 21062
768-7274

Major Richard Janney
Maryland State Police
1201 Reisterstown Road
Pikesville MD 21208
653-4214

George Harman
Program Administrator
Toxics Registries and
Analysis Program
Maryland Department of the
Environment
2500 Broening Highway
Dundalk, MD 21224
631-3794
(appointed 10/31/90)

The Honorable Ida G. Ruben
Senator
11 Schindler Court
Silver Spring, MD 20903
439-2332

Dr. Katherine P. Farrell
Asst. Sec. for Toxics,
Environmental Science &
Health
Md. Dept. of the Environment
2500 Broening Highway
Baltimore MD 21224
(until 10/30/90)

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INTRODUCTION

Governor William Donald Schaefer in 1989 appointed the Governor's Motor Carrier Task Force for Safety and Uniformity as the successor to the Governor's Task Force on Uniform Motor Carrier Procedures and the Truck Safety Task Force. The new Task Force continued in 1990 to deal with safety, and procedural and regulatory issues. The task force met on March 23, June 8, September 13, and December 5. A summary of these meetings is included as Appendix A.

To provide broader input from the motor carrier industry, an Industry Advisory Committee (see Appendix B for list of members) continued with appointments by the Chairman of the Task Force.

The work of the task force was primarily done by the various functional subcommittees consisting of task force members and other interested individuals (see Appendix C for list of members of the subcommittees and working groups). Therefore, this report is organized principally along the functions of the subcommittees.

VEHICLE INSPECTION AND MAINTENANCE SUBCOMMITTEE

The subcommittee provided oversight to the Preventive Maintenance (PM) Program activities and concerned itself with the need to undertake a continuous review of the safety impact of the Maryland Motor Carrier Safety Program (MMCSPP).

Preventive Maintenance Program

The Preventive Maintenance (PM) law requires that owners of heavy trucks, buses, and trailers systematically inspect, repair, and maintain vehicles at least every 12 months or 25,000 miles, whichever occurs first. The law applies to the following Maryland registered vehicles:

- * Class E truck with a registered or operating gross vehicle weight of over 10,000 pounds;
- * Class F tractor;
- * Class G freight trailer or freight semi-trailer; and,
- * Class P passenger bus.
- * Class M multipurpose vehicle with seating for 16 or more people, or a vehicle previously registered as Class H school bus or Class P bus.

The Preventive Maintenance Regulations were adopted effective

ERRATA SHEET -- 1990 Annual Report of the Governor's Motor Carrier Task Force for Safety and Uniformity, January 1991

January 8, 1990.

A PM Handbook containing the law, regulations and inspection forms was developed. Approximately 6,200 copies have been sold by the Division of State Documents. As part of the continuing educational and enforcement process, 463 PM audits were conducted for CY 1990. The audits were used to determine compliance and advise carriers of their responsibilities under the PM law.

Enforcement of the Federal annual inspection requirement became effective July 1, 1990. The Federal Highway Administration previously certified the Maryland PM Program as meeting the Federal requirements, and further requiring that all Maryland-registered commercial vehicles must meet the State's PM regulations.

Roadside Inspections

The number of roadside inspections completed in FY 1990 increased approximately 65% above FY 1989 inspections as shown in Figure 1 and Table 1. The percent of all trucks placed out of service as a result of full driver/vehicle inspections decreased from 52.9% in FY 1989 to 51.7% in FY 1990. The number of citations issued decreased approximately 18% in FY 1990.

**Table 1. Roadside Inspection Summary
All Vehicles**

	FY 1988	FY 1989	FY 1990	
Number of Roadside Inspections				
Trucks	19,193	23,732	41,061	45,606
Buses	<u>1,195</u>	<u>1,735</u>	<u>874</u>	<u>858</u>
Total	20,388	25,467	41,935	46,464
Percent of Trucks Out-of-service*	51.8	52.9	51.7	
Average Number of Defects per Truck*	4.4	4.55	3.9	
Citations Issued	5,652	8,429	6,887	

* Based on data obtained from full driver/vehicle inspections using CVSA/FHWA inspection criteria

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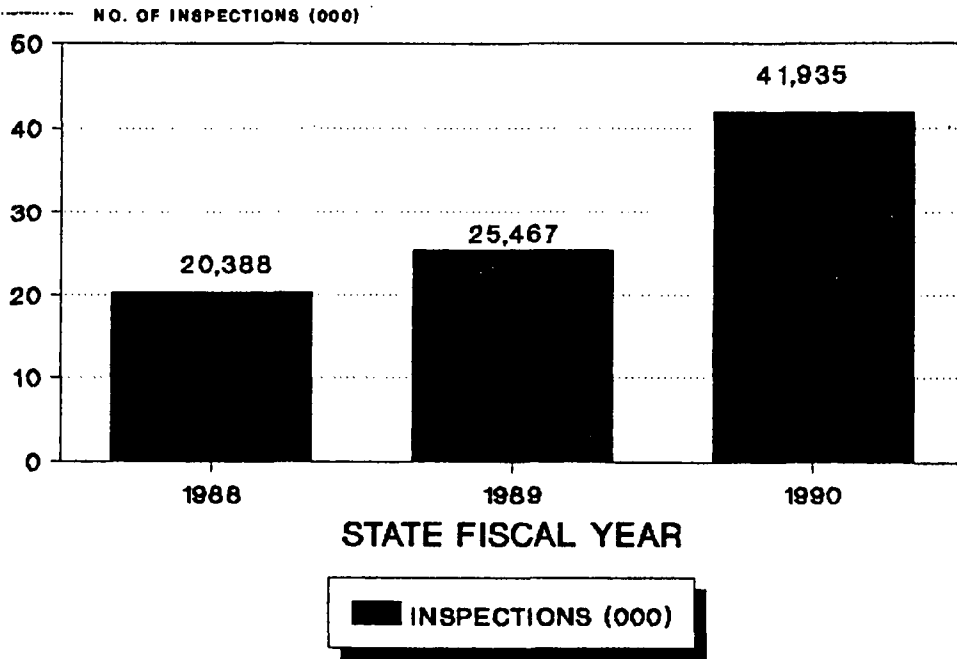
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MARYLAND MOTOR CARRIER SAFETY PROGRAM

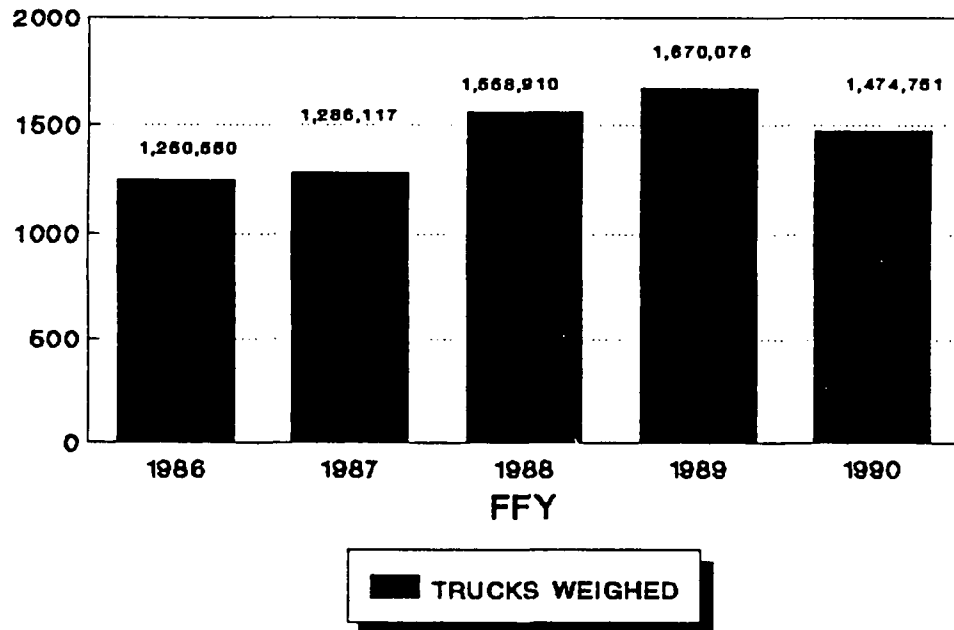
INSPECTIONS - STATE FISCAL YEAR

Figure 1



TRUCKS WEIGHED
Per FEDERAL FISCAL YEAR

Figure 2



Tracking of Maryland-registered vehicles data began in January of 1990. The out-of-service rates for Maryland-registered vehicles is not significantly different than the rate for all vehicles inspected. A summary of roadside inspections for Maryland-registered vehicles compared to all vehicles inspected for the period of January 1, 1990 through June 30, 1990 is shown in Table 2.

**Table 2. Roadside Inspection Summary
All Vehicles vs. Maryland-Registered**

	All Vehicles Jan - June 1990	MD-Registered Jan - June 1990
Number of Roadside Inspections		
Trucks	25,112	10,114
Buses	423	132
Total	25,535	10,246
Percent of Trucks Out-of-service*		
	47.7	44.6
Average Number of Defects per Truck*		
	3.9	3.5
Citations Issued	3,294	1,929

* Based on data obtained from full driver/vehicle inspections using CVSA/FHWA inspection criteria

The full implementation in 1990 of the SAFETYNET data processing system, developed by the Federal Highway Administration, will enable Maryland to improve the inspection data analysis in the future.

Vehicle Size and Weight Enforcement

Figure 2 shows truck weighed in at Maryland weigh stations in the last five years shows a small decrease in Federal FY 1990. This was largely due to mechanical problems with the weigh-in-motion scales, later fixed, at West Friendship.

Random Vehicle Inspections

On May 22, 23 and 24, 1990, random vehicle inspections (CVSA level 1, full vehicle/driver inspections) were conducted on I-70 at the West Friendship weigh station from 7 am - 5 pm. Vehicles were selected for inspection on a random numerical basis to assure equal probability of selection.

Analysis of the random vehicle inspections indicates the following:

1. Of the 143 vehicles inspected, 62 vehicles (43.3%) were placed out of service.
2. Of the 143 drivers checked, 4 (2.8%) were placed out of service.
3. For Maryland-registered trucks inspected, 26 of the 61 (42.6%) vehicles inspected were placed out of service.

Future random vehicle inspections will be conducted to determine if compliance is improved as a result of the Preventive Maintenance Program and other Maryland Motor Carrier Safety Program initiatives.

Heavy Truck Accident Trends

Heavy trucks (trucks of over 10,000 lbs. gross weight) were involved in 113 fatal and 1,950 serious injury accidents in 1989, small increases over 1988. Fatal accident and serious injury accident data from 1984 to 1989 is as follows:

Year	<u>Heavy Trucks</u>					<u>5-Year Average</u>	
	1984	1985	1986	1987	1988	1984-88	1989
Fatal Accidents	94	112	109	100	101	103	113
Serious Injury Accidents	1,700	1,740	1,890	1,890	1,920	1,828	1,950

Motor Carrier Safety Regulations

A Working Group on Motor Carrier Safety Regulations was created in late 1990 to update Maryland's regulations.

PUBLIC INFORMATION SUBCOMMITTEE

The Public Information Subcommittee provided concepts and direction for the motor carrier element of the Maryland "Drive to Survive" highway safety public awareness campaign. It included TV, radio and print advertising that was used in a media campaign sponsored by the Maryland Motor Truck Association early in 1990. These materials were subsequently used during various Drive to Survive functions in jurisdictions throughout the state.

The subcommittee has been working on developing a program to use truck drivers to report drunk drivers or other dangerous activities on the highway. The proposed program would use mobile telephones and CB radios to report highway incidents to the proper law enforcement agency. The subcommittee is working with the mobile phone companies and the Emergency Number System Board on a system to implement in 1991. The program will be publicized through the "Drive to Survive" campaign.

In 1990, each of the state agencies involved in the MMCSF picked an "Inspector of the Year." The subcommittee recommended that the task force continue to give special recognition to motor carrier safety inspectors who have been identified by their agencies for outstanding contributions to the roadside inspection program as well as to drivers or members of the industry who have made contributions to motor carrier safety. The then Task Force Chairman, outgoing MDOT Secretary Richard H. Trainor, gave this recognition to the inspectors selected by the three agencies most active in commercial vehicle inspections. He invited these Maryland Inspectors of the Year to carry out a first inspection at the opening of the newest scale house/inspection station on eastbound US 48 west of Frostburg. These inspectors were Hazardous Materials Specialist Rose Clark from the Department of the Environment, Officer George Mock of the Toll Facilities Police, and Transportation Inspector Malcolm Rote of the Maryland State Police.

HAZARDOUS MATERIALS SUBCOMMITTEE

The Hazardous Materials Subcommittee focused most of its efforts during 1990 on the proposed reauthorization of the federal Hazardous Materials Transportation Act. Reviews of the Maryland Transportation Authority's and Motor Vehicle Administration's hazardous materials regulations comprised the majority of the Committee's other efforts. Other topics which were briefly considered included training, safe havens, and routing. The findings of the committee in the three main subject areas are presented below.

Reauthorization of the Hazardous Materials Transportation Act

Provisions of the bills that were considered by the U.S. Congress during 1990 had some potentially significant consequences on the trucking industry. The Hazardous Materials Committee tracked the various bills concerning the proposed legislation and reported to the full Task Force during the year so that the members could take actions as appropriate. The key elements of the various bills considered by Congress were as follows:

- a. Preemption
- b. Routing
- c. Flow studies
- d. Marking retention
- e. Permits for explosives, toxic by inhalation substances, HRCQ, LPG, and LNG
- f. Rail delegation to states
- g. Backhauling of food with hazardous materials or hazardous wastes
- h. Registration
- i. Computer tracking

Three House bills (Luken, Mineta, Administration) and one in the Senate (Exon) were considered by Congress. The final disposition resulted in the passage of two bills.

The first bill out of Congress was the "Sanitary Food Transportation Act of 1990". This bill essentially combined some aspects the hazardous materials bills and a safety bill. The text was presented in the Congressional Record - Senate on October 19, 1990 beginning on page S-16093.

The portion of this legislation concerning the practice of backhauling (the act of alternating the transportation of food and non-food hazardous materials in vehicles without taking precautions to prevent contamination) will impose a number of restrictions on the transportation industry. Initially, it calls for rulemaking and fact finding on topics including record-keeping, identification and marking, certification, disposal, container fabrication, tank trucks, rail tank cars, and cargo tanks. At a minimum, no food, food additives, or drugs will be allowed in tanks that previously were used to transport certain non-food items. Permanent markings will be required on tanks used for food transportation, and dedicated vehicles will be required for certain asbestos articles, extremely hazardous products, and refuse.

Rulemaking is required to begin before the end of 1990 with final rules to be issued within 270 days. Despite attempts by the U.S. DOT to shift the lead agency responsibility to another federal agency, Congress placed them in the lead with support to

be provided by the Department of Agriculture, Department of Health and Human Services, and the U.S. Environmental Protection Agency.

The other key element of this bill relating to hazardous materials transportation concerned the establishment of a requirement for companies to have a "satisfactory" or "conditional" safety rating issued by the Federal Highway Administration before they can transport hazardous materials, or more than 15 passengers. Those companies with an unsatisfactory rating would be barred from transporting passengers, or materials in placarded amounts.

In other elements of the bill relating to general safety, procedures will need to be established to better verify that corrections have been made to vehicles that were inspected and found to have certain safety defects. A study on truck visibility will also be mandated under the bill.

The second major piece of legislation passed by Congress was identified as the "Hazardous Materials Transportation and Uniform Safety Act of 1990". This bill was signed into law on November 16, 1990 by the President. It contained most of the elements that had been previously identified in the draft legislation. The key elements of the law are presented below:

- a. Preemption - Specific and clear authority was established for the U.S. DOT in the areas of materials classification, packaging, marking, labeling, placarding, shipping papers, spill reporting, routing, and container manufacturing. This authority had been assumed by the U.S. DOT, but never clearly codified.
- b. Routing - Federal guidelines are to be developed within 18 months. These guidelines will be mandated for use by the states if they decide to establish their own routing program. Industry had been concerned about the proliferation of state attempts to set routing standards. This should insure that national uniformity is maintained.
- c. Misrepresentation - Under existing rules, it was permissible to mark or placard a non-hazardous shipment as being hazardous. This excessive marking has been used by some shippers and carriers to dissuade pilferaging. This process has been linked to unnecessary delays in rescue attempts during emergency response situations. This new language in the statute will clarify the law in this area.
- d. Training - Training requirements for hazardous materials workers in the trucking industry have been

considered necessary for some time. Rulemaking had been instituted, but never finalized. At least nine specific competencies will be required following the implementation of the training requirements. The U.S. DOT will be required to establish training standards within 18 months. Rulemaking docket number HM 126-F has already been started by U.S. DOT.

- e. Registration - The bill states that by 3/31/92 and with renewal every one to five years, most hazardous materials carriers must register. Carriers that must register will include those that carry Class A or B explosives in excess of 25 kilograms, Highway Route Controlled Quantities of radioactive materials, poisons with an inhalation hazard (greater than one liter), bulk carriers of more than 3500 gallons or 468 cubic feet, or any amount of material in excess of 5,000 pounds if it needs to be placarded. Costs shall be set to cover administration of the program and training (see items "k" & "l" below for funding levels).
- f. Motor Carrier Safety Permits - In addition to registration, carriers of Class A and B explosives, liquified natural gas, extremely toxic by inhalation commodities, and HRCQs of radioactive materials will need special permits. The rules are to be developed within one year and made effective within two years.
- g. Penalties - The existing \$10,000 maximum penalties will be increased to \$25,000 and a minimum of \$250 will be established. Incarceration for five years will be authorized for criminal violations.
- h. State Fee Usage - Should a state establish a fee system of its own, it would be required to use the funds to enhance hazardous materials transportation safety.
- i. Radioactive Materials - A study of the railroad and highway transportation of certain high levels of radioactive materials will be required to assess the need for dedicated trains and whether intermodal systems would have greater potential safety.
- j. Inspectors - Thirty additional federal hazardous materials inspectors are authorized by the legislation.
- k. Emergency Response Training - Public Sector Training and Planning is of primary significance to the State Emergency Response Commission and the Local Emergency Response Planning Committees. Grants in the amount of \$5,000,000 per year for six years beginning in FY 1993 will be available to states for developing local

emergency response plans. Training grants will likewise be made available. Funds for training will be set at \$7,800,000 per year for the same six year period.

- l. Private Sector Training - Private sector training grants are authorized in the amount of \$250,000 per year for the same period. Distribution will be to non-profit organizations.
- m. Federal Contractors - All federal and state laws and regulations will now apply to federal contractors and federally leased vehicles that transport hazardous materials.
- n. Uniformity - National uniformity in the registration and permitting requirements cited in "e" and "f" above is mandated.
- o. Use of Rail Cars - Restrictions on the use of rail cars for explosives and certain material that is toxic by inhalation are established.
- p. Rail Tank Design - A study of rail tank car design is mandated.
- q. Financial Responsibility - Financial responsibility for "hazardous substances" in greater than 3500 gallons, class A explosives, poison gas, liquified gas, compressed gas, and some radioactive materials is set at \$5,000,000. Waiver options are granted to the Secretary to reduce the amount to \$1,000,000.
- r. Improving Identification - A study on improving the current system of identifying hazardous materials is mandated. Two areas of investigation are required:
 - (1) improvements to the current system of placarding, and
 - (2) establishing a central computerized tracking system.

The second element is an outgrowth of the proposal submitted by Representative Applegate of Ohio. The National Academy of Sciences is tasked with evaluating the feasibility of establishing the system and providing a report on the subject within two years.

- s. Improved Communications - Rulemaking on the establishment of requirements for carriers to maintain a continually monitored telephone to provide emergency response information is mandated.

- t. Use of Unsatisfactory Carriers - The Secretary is required to submit a report to Congress within 90 days on the safety benefits that would accrue if 50% of the financial responsibility was placed on shippers that use unsatisfactory carriers.
- u. Marking of Containers - The Secretary of Labor is required to conduct rulemaking that will mandate the retention of transportation marking and placarding of hazardous materials until they are removed from their containers. This will close a potentially significant loophole in the emergency communication requirements.

Maryland Transportation Authority Regulations Review

The Subcommittee became aware of some problems with the Maryland Transportation Authority regulations following an incident at the Fort McHenry Tunnel involving the spilling of a small amount of hazardous materials during the summer. A proposed revision to COMAR 11.07.01 was distributed to the committee members for their use in responding to the Maryland Transportation Authority (MdTA) notice of proposed changes that was published in the Maryland Register on September 21, 1990. The committee's original intent had been to develop a set of proposed changes to MdTA's hazardous materials regulations and submit them from the full Task Force. However, since MdTA had initiated formal rulemaking before the committee began its discussion, and in consideration of the brief time between the committee meeting and the deadline for comments, each committee member was encouraged to comment directly to the MdTA.

Most of the suggested changes to the MdTA's regulations for hazardous materials were to correct technical errors or oversight. Since all comments on the proposed MdTA regulations were submitted individually, the reader is referred to the public record maintained by MdTA. The Maryland Register notice, September 21, 1990, containing MdTA's proposed changes is shown in Attachment D.

Maryland Motor Vehicle Administration Regulations Review

The Subcommittee had prepared a draft revision of the Maryland Motor Vehicle Administration regulations, COMAR 11.16.01 (see Attachment E) previously. Since they had not yet been acted upon, the committee again reviewed the content of the proposed revisions. A Working Group on Hazardous Materials Regulations was created in late 1990 to work with MVA.

One question concerning the applicability of the regulations to carrier's materials and supplies was discussed. The current federal regulations require full compliance, including shipping paper requirements, for carrier's materials and supplies

regardless of the amount. This requirement was considered by the committee to be excessive and burdensome on industry.

Three options were discussed to seek relief from these requirements. One would be for Maryland to exclude the requirements in their adopted regulations for intrastate carriers. This would offer protection to Maryland carriers, but would not provide for any relief to carriers that engage in interstate operations. Second, the institution of a "laissez faire" enforcement policy was considered. Thirdly, the committee discussed the possibility of petitioning the U.S. DOT to institute rulemaking on this matter to provide the necessary relief. This was considered the best of the two regulatory procedures because it would continue to promote the concept of national uniformity, which is considered as a key element of the success and acceptance that the national motor carrier safety program has achieved. A petition letter was prepared and endorsed by the Task Force. A copy of the petition letter signed by the Task Force Chairman is shown as Attachment F of this report.

The "laissez faire" enforcement option was implemented by the regulatory agencies until such time as a clear need for enforcement is established, or until the regulatory options are considered.

TRAINING AND PENALTIES SUBCOMMITTEE

The Subcommittee addressed various training and penalties issues during 1990. The review and monitoring of the Commercial Driver License (CDL) program implementation was the committee's top priority. During the course of the year, the subcommittee kept abreast of the licensing operation of commercial drivers and any problems that the Motor Vehicle Administration might be encountering in licensing commercial drivers in Maryland.

This Subcommittee also monitored closely the failure rates of commercial drivers converting to the new commercial licensing system. The subcommittee reviewed educational and training opportunities for commercial drivers who may have difficulties converting to the new commercial driver's license. The conversion was found to be quite adequate with educational opportunities enhanced by the community colleges offering remedial educational courses pertaining to the CDL program. The program appears to be on target to license all Maryland commercial drivers by the April 1992 deadline. The subcommittee has continued to review the fine schedule for commercial vehicle drivers developed by the Maryland State Police and approved by the District Court under Judge Sweeney's jurisdiction.

The Maryland State Board of Community Colleges with Dundalk Community College set up a train-the-trainer program so the other community colleges could conduct the training courses. The MVA is furnishing commercial driver's license (CDL) manuals to the community colleges for the courses. The grant for the course was through the Maryland Department of Economic and Employment Development (DEED).

The Motor Vehicle Administration purchased 100 cassette training tapes for libraries of Maryland using federal CDL funds.

The Subcommittee formed a special Working Group on Administrative Adjudication and Penalties. This group is to review and submit recommendations to the full committee for the state to adopt administrative penalties and administrative hearing provisions unit for hazardous materials violations and other motor carrier safety violations that might be better addressed through administrative sanctions, in addition to criminal violations. This issue is presently under study by the aforementioned Working Group and this group will report their findings in 1991 to the full committee.

RELATED SAFETY ISSUES SUBCOMMITTEE

The Subcommittee on Related Safety Issues met twice during the year and continues to monitor the many Federal Motor Carrier Safety Regulations rulemakings to keep the Task Force advised of the impact on Maryland's truck and bus safety regulatory program. Rulemakings being monitored include:

- | | |
|-----------------|---|
| Docket MC-89-5 | Redefining of Commercial Motor Vehicle: a proposal to raise the applicability threshold for safety regulations from 10,001 pounds to 26,000 gross vehicle weight rating. |
| Docket MC-89-3 | Inspection, Repair and Maintenance: Brake inspection; a proposal to establish qualifications or persons responsible for repairing, adjusting and servicing brakes on commercial vehicles. |
| Docket MC-89-17 | Qualification of Drivers: Diabetics; a proposal to conditionally allow insulin dependent diabetics to operate commercial vehicles in interstate commerce. |
| Docket MC-90-2 | Notification and Reporting of Accidents: a proposal to revise the reporting |

threshold for property damage only accidents from a dollar criterion to "tow-a-way" criterion.

The Subcommittee is also interested in the notice of proposed rulemaking issued by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), proposing to regulate occupant protection in motor vehicles, which appear to overlap to some extent with U.S. Department of Transportation (DOT) and State requirements. Particularly burdensome are the proposed training and recordkeeping requirements.

The Subcommittee continues to be interested in the safety or alternative fuels for commercial vehicles, and upcoming DOT rulemaking concerning the review and preemption of noncompatible State requirements and the new study of driver fatigue that could result in revisions to commercial driver hours of service limitations.

The Subcommittee plans to continue monitoring Federal developments in the motor carrier safety field as reflected in rulemaking efforts by Federal agencies and Departments and other emerging safety issues.

At this time, the Subcommittee recommends support for the revision of the Federal commercial vehicle accident reporting threshold for property-damage-only-accidents; and recommends coordination with OSHA to eliminate any burdensome training and recordkeeping requirements for safety belt use.

A Working Group on Drug Testing Regulations was formed in late 1990 to make recommendations on drug testing provisions for intrastate drivers.

PERMITTING SUBCOMMITTEE

The Subcommittee monitored development of a model regional oversize/overweight permitting agreement developed by Cambridge Systematics, Inc. under contract to the Federal Highway Administration. Subcommittee chairman participated on Northeast Association of State Highway and Transportation Officials working group to develop a Northeastern regional agreement. Draft agreements of other geographic regions were also reviewed. Legislation was drafted, copy attached as Appendix G, and introduced as part of an omnibus truck and bus bill providing express authority for Maryland to join a regional agreement. The bill died for an unrelated reason and will be resubmitted for the 1991 Session of the Maryland General Assembly.

Early in 1991, the American Association of State Highway and

Transportation Officials (AASHTO) convened a Task Force on Truck Size and Weight to develop AASHTO policy for the emerging issues related to increasing truck size and weight. Several proposals and surveys by the task force were reviewed and comments provided.

The Subcommittee also monitored legislation introduced in Congress to require all states to join the International Registration Plan and the International Fuel Tax Agreement. Liaison was also maintained with the National Governors' Association Working Group on State Motor Carrier Procedures to keep track of national efforts to develop uniformity.

Trucking in Maryland: A Handbook was revised with MDOT and the subcommittee ideas for improvement. The small changes in the handbook to come out the first of the year generally reflect agencies' changes in organization, phone numbers, addresses, etc., as well as editorial work for ease of reading.

LIGHTWEIGHT VEHICLES SUBCOMMITTEE

The Subcommittee has recently organized and is defining issues to be addressed by the Task Force.

APPENDIX A

**Summary of Task Force Meetings
January - December, 1990**

Summary of Task Force Meetings
January - December, 1990

March 23, 1990

Additional appointments to the Task Force and Advisory Committee were announced. Subcommittee representatives gave status reports. PM handbooks are available. June was designated as "Drive to Survive" month. In February and March 2,336 special driver roadside inspections resulted in 8% vehicles out of service, 6 alcohol violations and 1 drug arrest. The task force received a comprehensive report on the SAFETYNET management information system.

June 8, 1990

Subcommittee reports included information on Inspection and Maintenance --Some Class "M" vehicles are added to PM program, Training and Penalties--15,000 MD. CDL's issued so far, and Public Information--discussed of an awards program continuing this motor carrier portion of Drive to Survive, and using truckers to report drugged/drunk drivers. The Task Force was briefed of the new 1990 General Assembly session, Roadcheck 90, and partial use of some park and ride lots (but not the Laurel rest area) by truckers. Additional discussion took place on increasing the effort to get bad truck drivers off the road (BAT Patrol) and on FHWA links with truck parking and drug testing.

September 13, 1990

6,000 copies of the Preventive Maintenance Handbook have been sold. The update of the Hazardous Materials Response Guidebook and the Status Report on Large Truck Safety in the USA are being distributed. The MSP has reorganized motor carrier activities into the Commercial Vehicle Enforcement Division. Community Colleges have developed CDL refresher courses in 17 locations; 24,000 of the estimated 120,000 commercial drivers in Maryland have CDL's.

December 5, 1990

Subcommittee status reports included establishment of working groups to investigate and report back on special topics. Proposed legislation submitted to bring Maryland vehicle size and weight laws into conformance with Federal requirements and to provide authority for the state to join regional oversize and

overweight permitting agreements. The last meeting of the National Governor's Association Working Group on State Motor Carrier Procedures described joint state tax agreements which have been implemented. SHA is producing a map of the Maryland Truck Network with park and ride lots available for night truck parking use. MVA has issued 30,000 CDL's out of the 120,000 who will need a CDL. Recent Federal legislation was summarized including provisions prohibiting the hauling of garbage in food transport vehicles and a Traffic Enforcement Pilot Program (Maryland and Virginia among the 5 states) to target driving violations of commercial drivers.

APPENDIX B

**Maryland Motor Carrier Industry Advisory Committee
Membership List**

Maryland Motor Carrier Industry Advisory Committee
to the
Governor's Motor Carrier Task Force for Safety and Uniformity

CHAIRMAN

J. Sean Callahan
Preston Trucking Co., Inc.
151 Easton Boulevard
Preston, Maryland 21655
(800) 551-7737 or 1-673-7151

MEMBERS

D. L. Alberti
Alberti Van & Storage, Inc.
18930 Gaithersburg-
Laytonsville Rd.
Gaithersburg, Md. 20879-4196
840-2100

Chris Balodemas
Director of Traffic,
Transportation
and Fleet Maintenance
Giant Food, Inc.
6000 Sheriff Road
Landover, Md. 20785
341-4875

Rita Bontz, President
Independent Truckers
and Drivers Association
1109 Plover Drive
Baltimore, Md. 21227
242-0507

Donald M. Bowman
D. M. Bowman, Inc.
Route 2, Box 43 A-1
Williamsport, Md. 21795
223-6900

Gordon Westkamp
Baltimore Tank Lines
P. O. Box 1028
Glen Burnie, Maryland 21061
760-5500

MEMBERS

Ty Pruitt
President
Maryland Motor Truck Assoc.
Ty Pruitt Trucking
539 N. Dean Street
Baltimore MD 21205
732-5020

Eugene Higgins
Joseph J. Hock Trucking,
Inc.
5501 Belle Grove Road
Baltimore, Md. 21225
789-4400

H. Glenn Miller
Genstar Stone Products Co.
Executive Plaza IV
11350 McCormick Road
Hunt Valley, Md. 21031
628-4000

John C. Miller
Maryland Farm Bureau
8930 Liberty Road
Randallstown, Md. 21113
922-3426

Edwin F. Hale, President
Port East Transfer, Inc.
Pulaski Hwy & 68th Street
Baltimore, Md. 21237
342-1500

Thomas March
Greyhound Lines, Inc.
1110 New York Avenue, N.W.
Washington, D. C. 20005
202-289-5133

Ray Poussard
Public Affairs
United Parcel Service
316 Pennsylvania Avenue
Washington, D. C. 20003

Peter Ramaley
S & A Distribution Services
900 S. Eutaw Street
Baltimore, Md. 21230
685-2200

Robert J. Smith
Transportation Department
Baltimore Gas & Electric Co.
7210 Windosr Boulevard
Baltimore MD 21207
298-9442

Rebecca Hahn Windsor
Hahn Transportation, Inc.
P.O. Box 8
New Market MD 21774
865-5467

Bill Orner
President
Western Maryland Trucker's
Association
R.D.1 Box 209
Grantsville, MD 21536
895-5436 (office)
895-5710 (home)

Bill Rohrbaugh, President
Rohrbaugh's Charter Service
3395 Main Street
Manchester, Md. 21102
239-8000

Robert Proctor
Chairman of the Board of
Directors
Bausum & Duckett Electric
Co., Inc.
3481 Pike Ridge Rd.
Edgewater MD 21037

APPENDIX C

**Membership List of Subcommittees
and
Working Groups**

Hazardous Materials Subcommittee

CHAIRPERSON

George Harman
 Program Administrator, Toxics Registries & Analysis Program
 Maryland Department of the Environment
 2500 Broening Highway
 Baltimore, MD 21224
 (301) 631-3794

MEMBERS

Gerald Gietka
 Md. Dept of the Environment
 TESH-Hazardous Materials Transp.
 Div.
 2500 Broening Highway
 Baltimore, MD 21201
 631-3791

Max Drauschak
 Preston Trucking Co.
 151 Easton Boulevard
 Preston, MD 21655
 673-7151

Frank White
 Inland Leidy
 3600 Clipper Mill Road
 Baltimore, MD 21211
 889-6600

Michael Zezeski
 State Highway Administration
 7491 Connelley Drive
 Hanover, MD 21076
 787-5860

Kevin McNiel
 Fleet Transit, Inc.
 3225 Tate Street
 Baltimore MD 21226
 355-7910
 1-800-848-9393

Robert J. Smith
 Engineer
 Transportation Dept.
 Baltimore Gas & Electric Co.
 P.O. Box 1475
 Baltimore MD 21203
 298-9442

MEMBERS

Lt. Lonnie Fulton
 Md. Transportation Authority
 P. O. Box 19691
 2200 S. Clinton Street
 Baltimore, MD 21225
 522-9409

Murray Zepp
 Maryland Motor Truck Association
 3000 Washington Boulevard
 Baltimore MD 21230
 644-4600

Allen Ward
 Office of Fire Marshall
 6776 Reisterstown Road
 Suite 314
 Baltimore, MD 21215
 836-4844

Major Richard Janney
 Special Operations Bureau
 Maryland State Police
 1201 Reisterstown Road
 Pikesville MD 21208
 653-4214

Lt. Kenneth Harry
 Commercial Vehicle Enf. Div.
 Maryland State Police
 4660 Wilkens Avenue
 Baltimore MD 21229
 799-8822

Capt. James Henry
 Baltimore City Fire Dept.
 Engine House 20
 3130 W. North Avenue
 Baltimore MD 21216
 396-0420

MEMBERS

Joseph L. Muscaro
Haz. Mat. Program Manager
U.S. DOT
Federal Highway Administration
31 Hopkins Plaza, Rm. 1615
Baltimore MD 21201
962-4571

Mati Koiva
Md. DOT
BWI Airport
P.O. Box 8755
Baltimore MD 21240
859-7362

MEMBERS

Paul M. Bomgardner
Haz. Mat. Specialist
Safety Department
American Trucking Association
2200 Mill Road
Alexandria VA 22314-4677
(703) 838-1849

1/Sgt. Scott Mergenthaler
Md. State Police
Commercial Vehicle Enf. Div.
4660 Wilkens Avenue
Baltimore MD 21229
247-6641

Work Group
on
Hazardous Materials Regulations

CHAIRPERSON

George Harman
Program Administrator, Toxics Registries & Analysis Program
Maryland Department of the Environment
2500 Broening Highway
Baltimore, MD 21224
(301) 631-3794

MEMBERS

Murray Zepp
Maryland Motor Truck Assoc.
3000 Washington Boulevard
Baltimore, MD 21230
644-4600

Bruce Diehl
Room #145
Motor Vehicle Administration
6601 Ritchie Highway, N.E.
Glen Burnie, MD 21062
768-7208

Lt. Kenneth Harry
Commercial Vehicle Enf. Div.
Maryland State Police
4660 Wilkens Avenue
Baltimore, MD 21229
799-8822

MEMBERS

Cpl. Craig Talbot
Commercial Vehicle Enf. Div.
Maryland State Police
Suite 304
4660 Wilkens Avenue
Baltimore, MD 21229
247-6641

Lt. Lonnie Fulton
Md. Transportation Authority
P.O. Box 19691
2200 S. Clinton Street
Baltimore, MD 21225
522-9409

Jim Heidel
Md. Dept. of Transportation
P.O. Box 8755
BWI Airport, MD 21240
859-7350

Lightweight Vehicles Subcommittee

CHAIRMAN

Robert Proctor
 Chairman of the Board of Directors
 Bausum & Duckett Electric Co., Inc.
 3481 Pike Ridge Road
 Edgewater MD 21037
 956-2927

MEMBERS

Gerald Hook
 The Potomac Edison Co.
 Downsville Pike
 Hagerstown MD 21740
 790-6161

Debbie Burke
 Potomac Electric Power Co.
 1900 Pennsylvania Ave. N.E.
 Washington, D.C. 20068
 872-2358

Oland Mills
 Delmarva Power Co.
 Naylor Mill Road & Rt. 13
 P.O. Box 1739
 Salisbury MD 21801
 860-6046

Kevin Burke, OMC
 Federal Highway Admin.
 The Rotunda, Suite 220
 711 West 40th Street
 Baltimore MD 21211
 962-2889

Murray Zepp
 Maryland Motor Truck
 Association
 3000 Washington Boulevard
 Baltimore MD 21230
 644-4600

MEMBERS

Fred Beaton
 Southern Maryland Electric
 Cooperative, Inc.
 Hughesville MD 20637
 274-3111

Reginald Jenkins
 Bell Atlantic
 1310 N. Court House Road
 9th Floor
 Arlington VA 22201
 (703) 974-5964

Robert Smith
 Baltimore Gas & Electric Co.
 Transportation Department
 P.O. Box 1475
 Baltimore MD 21203
 281-3401

Larry R. Swartzlander
 Maryland Dept. of Transp.
 P.O. Box 8755
 BWI Airport MD 21240
 MS 145
 859-7364

Permitting Subcommittee

CHAIRMAN

Mati Koiva

Maryland Department of Transportation
Office of Transportation Planning, MDOT
P.O.Box 8755
BWI Airport, MD 21240-0755

MEMBERS

Rita Bontz, President
Independent Truckers and
Drivers Association
1109 Plover Drive
Baltimore, MD 21227

Capt. John Himmelmann,
Commander
Commercial Vehicle Enf. Div.
Maryland State Police
4660 Wilkens Avenue
Baltimore, MD 21229

Major Richard Janney,
Special Operations Bureau
Maryland State Police
1201 Reisterstown Road
Pikesville MD 21208

Ed Hechmer, Chief
Toll Facilities Police
Baltimore Harbor Tunnel
P. O. Box 3432
Baltimore, MD 21225

Steve Adkins
MDOT/OTP
P.O. Box 8755
BWI Airport, MD 21240-0755

James Causey
Deputy Commissioner
Department of Transportation
Baltimore City
Room #526
417 E. Fayette Street
Baltimore MD 21202

MEMBERS

Arthur E. Price, Director
Motor Vehicle Fuel Tax Div.
Comptroller of the Treasury
P. O. Box 1751
L. L. Goldstein Building
Annapolis, MD 21401

John Cahill
State Highway Administration
707 N. Calvert Street
Room #410
Baltimore, MD 21202

Delores Strausser
State Highway Administration
707 N. Calvert Street
Room #112
Baltimore, MD 21202

Marshall Rickert
Administrator
Motor Vehicle Administration
6601 Ritchie Highway
Glen Burnie, MD 21062

Joseph Colden
Motor Vehicle Administration
6601 Ritchie Highway
Glen Burnie, MD 21062

Jim Heidel
Md. Dept. of Transportation
P.O. Box 8755
BWI Airport, MD 21240
859-7350

Public Information Subcommittee**CHAIRPERSON**

Dennis R. Atkins
Deputy Director, Office of Transportation Planning
Maryland Department of Transportation
P.O. Box 8755
BWI Airport, Maryland 21240-0755
(301) 859-7336

MEMBERS

Murray Zepp
Maryland Motor Truck Assoc.
3000 Washington Boulevard
Baltimore, Maryland 21230
644-4600

Mati Koiva
MDOT/OTP
P.O. Box 1755
BWI Airport, MD 21240- 0755
859-7362

Capt. Johnny L. Hughes
Maryland State Police
1201 Reisterstown Road
Pikesville, MD 21208-3899
653-4343

MEMBERS

Rita Bontz
President
Independent Truckers and
Drivers Association
1109 Plover Drive
Baltimore, Maryland 21227
242-0507

Kenneth L. Pierson
300 Glen Avenue
Glenn Dale, Maryland 20769
390-6640

Richard Page
Public Service Commission
American Building
231 E. Baltimore Street
Baltimore, Maryland 21202
333-6060

Training and Penalties Subcommittee

CHAIRMAN

Melvin Holmes
Associate Administrator
Driver Services
Motor Vehicle Administration
6601 Ritchie Highway
Glen Burnie, MD 21062

MEMBERS

Dr. Harvey Clearwater
Associate Professor
Director, Safety Education
Center
University of Maryland
PERH
College Park, MD 20742

William L. Rohrbaugh
President
Maryland Bus Association
Rohrbaugh's Charter Service,
Inc.
3395 Main Street
Manchester, MD 21102

Major Richard Janney
Special Operations Bureau
Maryland State Police
1201 Reisterstown Road
Pikesville MD 21208

Ronald Lipps
Office of Transportation
Planning, MDOT
BWI Airport, MD 21240-0755

MEMBERS

Senator Thomas Yeager
Legislative District 13
413 Main Street
Laurel, MD 20707

Rita Bontz
President
Independent Truckers and
Drivers Association
1109 Plover Drive
Baltimore, MD 21227

Murray Zepp
Maryland Motor Truck Assn.
3000 Washington Boulevard
Baltimore, MD 21230

Capt. John Himmelmann
Commander
Commercial Vehicle Enf. Div.
Maryland State Police
4660 Wilkens Avenue
Baltimore MD 21229

Delegate Jean Roesser
10830 Fox Hunt Lane
Potomac, MD 20854

Work Group
on
Administrative Adjudication and Penalties

CHAIRMAN

Melvin Holmes
Associate Administrator
Driver Services
Motor Vehicle Administration
6601 Ritchie Highway
Glen Burnie, MD 21062

MEMBERS

Mati Koiva
Motor Carrier Programs
Md. Dept. of Transportation
P.O. Box 8755
BWI Airport, MD 21240
859-7362

1/Sgt. Scott Mergenthaler
Commercial Vehicle Enf. Div.
Maryland State Police
Suite 304
4660 Wilkens Avenue
Baltimore MD 21229
247-6641

Richard Page
Public Service Commission
American Building
231 E. Baltimore Street
Baltimore, MD 21202
333-6063

George Harman
Md. Dept. of the Environment
2500 Broening Highway
Baltimore, MD 21224
631-3794

MEMBERS

Murray Zepp
Maryland Motor Truck Assoc.
3000 Washington Blvd.
Baltimore, MD 21230
644-4600

Rita Bontz
President, Independent
Truckers and Drivers Assoc.
1109 Plover Drive
Baltimore, MD 21227
242-0507

Edward Hargadon
Supervising Attorney
Motor Vehicle Administration
Room #200
6601 Ritchie Highway, N.E.
Glen Burnie, MD 21062
768-7440

Related Safety Issues Subcommittee

CHAIRMAN

Kenneth L. Pierson
3300 Glen Avenue
Glenn Dale, MD 20769
390-6640

MEMBERS

Cpl. M. (Buddy) Bell
Maryland State Police
S.T.E.U.
7777 Washington Blvd.
Jessup MD 20794
799-0146

Rita Bontz
President
Independent Truckers and
Drivers Association
1109 Plover Drive
Baltimore, MD 21227
242-0507

James Latchaw
14201 Gaines Avenue
Rockville, MD 20853
871-7067

Mike Zezeski
Office of Traffic
7491 Connelley Drive
Hanover, MD 21076
787-5860

Larry R. Swartzlander
Md. Dept. of Transportation
P.O. Box 8755
BWI Airport, MD 21240
859-7364

MEMBERS

Andrew R. Hricko
General Counsel
Insurance Institute for
Highway Safety
Suite 800
1005 N. Glebe Road
Arlington VA 22201
(703)247-1500

Richard Page
Public Service Commission
American Building
231 E. Baltimore Street
Baltimore, MD 21202
333-6063

Joseph Colden
Motor Vehicle Administration
6601 Ritchie Highway
Glen Burnie, MD 21062
787-2971

Anthony Dell'Isola
Fleet Specialist
United States Fidelity &
Guaranty Company
100 Light Street
Baltimore, MD 21202
625-5684

Houston D. Wedlock
Safety Coordinator
Preston Trucking Company
151 Blades Lane
Baltimore, MD 21061
636-3000

Work Group
on
Drug Testing Regulations

CHAIRMAN

Kenneth L. Pierson
3300 Glen Avenue
Glenn Dale, MD 20769
390-6640

MEMBERS

1/Sgt. Bill Tower
Maryland State Police Headquarters
Crime Lab Division
1201 Reisterstown Road
Pikesville, MD 21208
653-4387

Skip Bullen
Md. Dept. of Transportation
MS 260
P.O. Box 8755
BWI Airport, MD 21240
859-7592

Gerald Gietka
Md. Dept. of the Environment
TESH - Hazardous Materials Transp.
Div.
2500 Broening Highway
Baltimore, MD 21201
631-3791

MEMBERS

Alisoun Moore
Motor Carrier Programs
Md. Dept. of Transportation
P.O. Box 8755
BWI Airport, MD 21240
859-7950

Murray Zepp
Maryland Motor Truck Assoc.
3000 Washington Boulevard
Baltimore, MD 21230
644-4600

Rita Bontz, President
Independent Truckers and Drivers
Assoc.
1109 Plover Drive
Baltimore, MD 21227

Bruce Diehl
Room #145
Motor Vehicle Administration
6601 Ritchie Highway, N.E.
Glen Burnie, MD 21062
768-7208

Vehicle Inspection and Maintenance Subcommittee

CHAIRMAN

Clyde E. Pyers
 Director, Office of Transportation Planning
 Maryland Department of Transportation
 P.O. Box 8755 MS 135
 BWI Airport, MD 21240
 859-7333

MEMBERS

Major Richard Janney
 Special Operations Bureau
 Maryland State Police
 1201 Reisterstown Road
 Pikesville MD 21208

Bruce Diehl
 Motor Vehicle Administration
 6601 Ritchie Highway
 Glen Burnie, MD 21062

Edward Gallagher IV
 George Transfer, Inc.
 P. O. Box 3153
 Parkton, MD 21120

Murray Zepp
 Maryland Motor Truck Assoc.
 3000 Washington Boulevard
 Baltimore MD 21230

MEMBERS

Claude M. Ligon, Commissioner
 Public Service Commission
 American Building
 231 E. Baltimore St.
 Baltimore, MD 21202

Richard Page
 Public Service Commission
 American Building
 231 E. Baltimore St.
 Baltimore, MD 21202

Dr. Harvey Clearwater
 Associate Professor, Director,
 Safety Education Center
 University of Maryland
 PERH
 College Park, MD 20742

Joseph Cowman
 Md. Dept. of Transportation
 P.O. Box 8755
 BWI Airport, MD 21240
 859-7396

PM Regulations Working Group

Eugene Higgins
Joseph J. Hock Trucking, Inc.
5501 Belle Grove Road
Baltimore, Maryland 21225
789-4400

Rita Bontz, President
Independent Truckers and
Drivers Association
1109 Plover Drive
Baltimore, Maryland 21227
242-0507

Murray Zepp
Maryland Motor Truck
Association, Inc.
3000 Washington Boulevard
Baltimore, Maryland 21230
644-4600

Dave Gaulden
Preston Trucking Co.
151 Easton Blvd.
Preston, MD 21655
673-7151

Louis F. Sturn
LFS Coach, Inc.
2200 Ridge Road
Baltimore, MD 21207
298-3334

V. Fred Storm
Monumental Motor Tours, Inc.
3319 Pulaski Hwy.
Baltimore, MD 21224
675-8000

Dr. Harvey Clearwater
Associate Professor
Director, Safety Education
Center
University of Maryland
PERH
College Park, MD 20742
995-4717

Clyde Pyers
Director
Office of Transp. Planning
MDOT, MS 140
P.O. Box 8755
BWI Airport, MD 21240-0755
859-7333

Major Richard Janney
Special Operation Bureau
Maryland State Police
1201 Reisterstown Road
Pikesville, Maryland 21208
653-4214

Lt. Bob Kirk
Maryland State Police
1401 Bel Air Road
Bel Air MD 21014
879-2101

Richard Page
Public Service Commission
American Building
231 E. Baltimore Street
Baltimore, MD 21202
333-6060

Clifford Watts
Public Service Commission
American Building
231 E. Baltimore Street
Baltimore, MD 21202
333-6061

W. Drew Stabler
Agriculture
4401 Brookeville Road
Brookeville, MD 20833
774-9290

Diane Ratcliff
Manager, Statewide Programs
Mass Transit Administration
300 W. Lexington Street
Baltimore, MD 21201-3415
333-2993

Mati Koiva
Office of Transp. Planning
MDOT, MS 145
P.O. Box 8755
BWI Airport, MD 21240-0755
859-7362

Work Group
on
Motor Carrier Safety Regulations

CHAIRPERSON

Bruce Diehl

Director, Vehicle Emission Inspection Program
Motor Vehicle Administration
6601 Ritchie Highway, N.E.
Glen Burnie, MD 21062
(301) 768-7208

MEMBERS

Murray Zepp
Maryland Motor Truck Assoc.
3000 Washington Blvd.
Baltimore, MD 21230
644-4600

Cpl. Craig Talbot
Commercial Vehicle Enf. Div.
Maryland State Police
Suite 304
4660 Wilkens Avenue
Baltimore, MD 21220
247-6641

MEMBERS

Lt. Lonnie Fulton
Md. Transportation Authority
P.O. Box 19691
2200 S. Clinton Street
Baltimore, MD 21225
522-9409

Mati Koiva
Motor Carrier Program
Md. Dept. of Transportation
P.O. Box 8755
BWI Airport, MD 21240
859-7362

APPENDIX D

Maryland Transportation Authority Maryland Register Notice

	Benefit (+) Cost (-)	Magnitude
C. On regulated industries or trade groups:	(+)	Undetermined
Hazardous materials carriers	(-)	Undetermined (minor)
D. On other industries or trade groups:	NONE	
E. Direct and indirect effects on public:	(+)	Undetermined

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The Maryland Transportation Authority may experience a slight increase in toll revenues due to hazardous materials carriers being allowed to use the Baltimore Harbor Tunnel Thruway from the Child Street entrance ramp in the southbound direction only.

C. Hazardous materials carriers will be able to use the Baltimore Harbor Tunnel Thruway from the Child Street entrance ramp in the southbound direction only saving time and avoiding use of city streets at the cost of paying the Baltimore Harbor Tunnel Thruway toll.

E. The public will benefit because hazardous materials carriers will be able to use the Baltimore Harbor Tunnel Thruway from the Child Street entrance ramp in a southbound direction only and avoid using city streets.

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY
11.07.01 Transportation of Hazardous Materials

Authority: Transportation Article, 14-205, §21-1403, and §21-1411, Annotated Code of Maryland

Notice of Proposed Action
(80-530-P)

The Maryland Transportation Authority proposes to amend Regulations .01, .02 and .04 - .06 under COMAR 11.07.01 Transportation of Hazardous Materials. The proposed amendments were considered by the Maryland Transportation Authority at a public meeting held August 19, 1990, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

These proposed amendments will clarify the regulations and will add an exception to the regulations for carrying hazardous materials on the Baltimore Harbor Tunnel Thruway from the Child Street entrance ramp in the southbound direction only. These proposed amendments were developed as a result of the Regulatory Review and Evaluation Act, State Government Article, §10-135, and Executive Order 01.01.1986.01, and were found to be in order by the Joint Committee on Administrative, Executive and Legislative Review.

Estimate of Economic Impact

I. Summary of Economic Impact. By adding an exception to the regulations for vehicles carrying hazardous materials on the Baltimore Harbor Tunnel Thruway from the Child Street entrance ramp in a southbound direction only, both hazardous materials carriers and the public will benefit.

II. Types of Economic Impacts.	Revenue (+) Expense (-)	Magnitude
A. On issuing agency:		Undetermined
MTA	(+)	(minor)
B. On other State or local agencies:	NONE	

Opportunity for Public Comment

Written comments may be sent to Thomas J. Fallon, Jr., Administrator for Tunnels, Box 3432, Baltimore, Maryland 21225 or by calling 354-8684. All comments must be received by 4:30 p.m. on October 23, 1990. No public hearing has been scheduled.

Open Meeting

The Maryland Transportation Authority will consider action on these amendments during a public meeting November 12, 1990 at 9 a.m. in the Administration Building, Francis Scott Key Bridge, Dundalk, Maryland 21222, pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

.01 Definitions.

A. The following classes of hazardous materials are defined in the United States Department of Transportation Regulations, 49 CFR Part 171.8 et seq., which are incorporated by reference:

- (1) - (10) (text unchanged)
- (11) N.O.S. (Not Otherwise Specified);
- (12) - (16) (text unchanged)

B. Terms Defined.

- (1) - (3) (text unchanged)
- (4) "Hazardous material" means:

(a) A substance or material which has been determined by the [Secretary] Secretary of Transportation for the United States Department of Transportation (U.S.D.O.T.) to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and which has been so designated; or

- (b) (text unchanged)
- (5) - (7) (text unchanged)

(8) "Transportation [facilities projects]" Facilities Projects" means the following facilities and their approaches:

- (a) Baltimore Harbor Tunnel (I-895);
- (b) William Preston Lane, Jr. Memorial Bridge (U.S. 50/301);
- (c) Harry W. Nice Memorial Bridge (U.S. Route 301);
- (d) [Susquehanna River Bridge;] Thomas J. Hatem Memorial Bridge (U.S. Route 40);
- (e) Francis Scott Key Bridge (MD 695);

- (f) John F. Kennedy Memorial Highway (I-95); and
 (g) The I-95 Fort McHenry Tunnel (I-95).

.03 General.

A. — B. (text unchanged)

C. Maryland Transportation Authority employees shall have the right to inspect the cargo or shipping papers of any vehicle they believe or suspect to be carrying hazardous material to ascertain if it complies with all State and federal regulations. The inspection [can] may take place [before or] at any point where or after the vehicle enters on any Transportation [facilities project] Facilities Project or its approaches. If hazardous materials cannot be identified by class, or if listed as N.O.S., or if shipping papers are not available to determine the type of cargo, the vehicle may not be allowed to enter or remain on the Transportation [facilities project.] Facilities Project.

D. — E. (text unchanged)

.04 Tunnel Restrictions.

A. — C. (text unchanged)

D. [Materials classified in any of the] The following classes of hazardous materials are prohibited from entering any tunnel [unless specifically excepted]:

- (1) Explosives, Class A, B, and C prohibited;
- (2) Poisons, Class A prohibited;
- (3) Organic peroxides prohibited;
- (4) Irritating material prohibited;
- (5) Oxidizers prohibited;
- (6) Flammable liquids, solids, and compressed gases prohibited, with the following exceptions:

(a) — (c) (text unchanged)

(7) Corrosive materials prohibited, except batteries;

(8) Non-flammable compressed gases prohibited, with the following exceptions:

(a) — (g) (text unchanged)

(9) Poisons, Class B prohibited, with the following exceptions:

(a) — (g) (text unchanged)

(10) Radioactive materials prohibited, [except] with the exception of manufactured articles, [that is,] such as instrument or clock dials, electronic tubes of which radioactive materials are a component part, watches, X-ray machines, etc.

E. — F. (text unchanged)

G. Tank vehicles which are empty, [with] or which have residue of not more than 50 gallons, or vehicles transporting empty containers are [not allowed in] prohibited from entering any tunnel if they previously carried a prohibited hazardous material [which is not allowed through a tunnel unless the], with the following exceptions:

(1) Vehicles or containers that have been sufficiently cleaned of residue and purged of vapor to remove any potential hazard;

(2) Vehicles or containers that have been reloaded with a material not classified as a hazardous material; [or]

(3) Vehicles or containers whose [Previous] previous cargo was:

(a) — (b) (text unchanged)

[(c) A flammable liquid packed in containers which are now completely empty (tank vehicles used to transport flammable liquids are not allowed through the tunnel even if empty).]

[(d)] (c) (text unchanged)

[(e)] (d) An organic peroxide[.]; or

(4) Completely empty containers whose previous cargo was a flammable liquid.

H. Tank vehicles used to transport flammable liquids, even if empty, are prohibited from entering any tunnel.

I. Notwithstanding the above restrictions, vehicles carrying hazardous materials prohibited from entering any tunnel may use the Baltimore Harbor Tunnel Thruway from the Child Street entrance ramp in a southbound direction only.

.05 Bridge and Highway Restrictions.

A. Radioactive Material and Explosives. A vehicle may not enter upon any Transportation [facilities project] Facilities Project bridge or highway if its load includes any Class A or B explosives or any radioactive materials except under the following conditions:

(1) — (4) (text unchanged)

B. (text unchanged)

.06 Exemptions.

A. A person who desires to transport through a Transportation [facilities project] Facilities Project tunnel a material prohibited by these regulations may apply for [a temporary] an exemption permit. Permits may be granted in the discretion of the Maryland Transportation Authority subject to the following conditions:

(1) The entity requesting the exemption permit submits written evidence that the proposed cargo poses a minimal risk to the travelling public, Maryland Transportation Authority employees, and the Transportation [facilities project] Facilities Project;

(2) The permit shall be [of limited] for a specific duration [not to exceed 3 months] as established by the Maryland Transportation Authority;

(3) — (4) (text unchanged)

B. (text unchanged)

JOHN A. AGRO, JR.
 Executive Secretary
 Maryland Transportation Authority

APPENDIX E

**Draft COMAR Revision
Transportation of Hazardous Materials**

TITLE 11
DEPARTMENT OF TRANSPORTATION
SUBTITLE 16 MOTOR VEHICLE ADMINISTRATION

11.16.01 Transportation of Hazardous Materials

Authority:

.01 (Text unchanged)

.02 Application.

- [A. The regulations adopted by the Administration apply to each motor carrier engaged in the transportation of hazardous materials listed in Part 172.49 CFR Subpart A - Applicability, and Subpart B - Table of Hazardous Materials, Description, Proper Shipping Name, Class, Label, Packaging and Other Requirements, by a vehicle which must be marked or placarded in accordance with Part 172.506 or 177.823 of Title 49, Code of Federal Regulations. For purposes of this regulation, motor carrier includes:]

(1)-(2) (Text unchanged)

- [Agency Note: Unless specifically provided, the term "motor carrier" includes a common carrier by motor vehicle, a contract carrier by motor vehicle, and a private carrier of property by motor vehicle (Reference: 49 CFR 390.15).]

A. These regulations adopted by the Administration apply to each motor carrier operating in Maryland and engaged in the transportation of hazardous materials regulated by Title 49, Code of Federal Regulations. For purposes of this regulation, motor carrier includes:

B. (Text unchanged)

[.03 Required Exterior Marking on Vehicles (Part 172.506 or 177.823 of Title 49, CFR).

- A. Every carrier operating, hauling, or in any manner using a vehicle containing any explosive or other dangerous article as specified in §§A(1) and B of this regulation shall cause every vehicle, at all times while containing the explosive or other dangerous material, or combination of these materials, to display markings or placards in accordance with the following requirements:
- (1) The markings or placards required to be displayed on each vehicle shall comply with the requirements of Appendixes A and B of Part 172 of Title 49 CFR.
 - (2) The markings of placards shall be displayed as required in Part 172, CFR 49.
 - (3) Each vehicle containing more than one kind of explosives or other dangerous material requiring different placards shall comply with Part 172.506, CFR 49.

- (4) In any combination of two or more vehicles containing explosives or other dangerous materials, each vehicle shall be marked or placarded as to its contents and in accordance with A(1)) and (3).

B. Tank Vehicles.

- (1) Every tank vehicle used for the transportation of any explosive or other dangerous materials, regardless of quantity or whether loaded or empty, shall be marked or placarded in accordance with Part 172.514, CFR 49.
- (2) Tank vehicles transporting gasoline may be marked or placarded "GASOLINE" in place of the required "FLAMMABLE" marking or placard and in the same size and color as required for the "FLAMMABLE" marking or placard.
- (3) Tank vehicles transporting any flammable gas shall be placarded as required in Appendix B, Part 172, CFR 49.
- (4) Tank vehicles transporting any nonflammable compressed gas shall be marked in letters not less than 4 inches high with the words "COMPRESSED GAS". In addition, the common name of the contents shall be marked on the tank in letters at least 2 inches high using approximately a 1/4 inch stroke, in the colors specified in A(1)).
- (5) Specifications MC 330 and MC 331 cargo tanks shall be durably marked in letters at least 2 inches high in the area immediately adjacent to the identification plate, "QT" to indicate construction of quenched and tempered steel or "NOT" to indicate construction of other than quenched and tempered steel.
- C. The marking or placarding required by this regulation shall be removed from or covered on any vehicle to which it is attached when the vehicle does not contain the article for which the marking is required, except in the case of tank vehicles used exclusively for transportation of the material for which the marking is required.]

[.04 Adoption of Federal Regulations.

A. For the administration of Transportation Article, S22-409, the Administration does hereby adopt, as a part of these regulations, those parts of Title 49 of the Code of Federal Regulations that are specifically designated, as follows:

- (1) Part 173 - "General Requirements for Shipments and Packagings";
- (2) Part 177 - "Carriage by Public Highway";
- (3) Part 391 - "Qualifications of Drivers";
- (4) Part 392 - "Driving of Motor Vehicles";
- (5) Part 393.95(a) - "Parts and Accessories Necessary for Safe Operation; Sub-Part - Fire Extinguisher";
- (6) Part 397 - "Transportation of Hazardous Materials (by Motor Vehicles):

Driving and Parking Rules".]

.04 Adoption of Federal Regulations

A. For the administration of Transportation Article, 22-409, the Administration does hereby adopt, as a part of these regulations, those parts of Title 49 of the Code of Federal Regulations that are specifically designated as follows:

(1) So much of 49 CFR Part 171 as deals with General Requirements (171.2), matter incorporated by reference (171.7), definitions and abbreviations (171.8), rules of construction (171.9), immediate notice of certain hazardous materials incidents (171.15), detailed hazardous materials incident reports (171.16).

(2) Part 172 - "Hazardous Materials Tables and Hazardous Materials Communications Regulations"

(3) Part 173 - "General Requirements for Shipments and Packagings";

(4) Part 177 - "Carriage by Public Highway";

(5) Part 178 - "Shipping Container Specifications"

B. (Text unchanged).

[C. The adoption of Federal regulations as specified in A and B as they may be amended from time to time, becomes effective October 1, 1979.]

.04 Adoption of Out-of-Service-Criteria

A. A vehicle which fails to meet the Hazardous Materials Out-of-Service standards established by the Commercial Vehicle Safety Alliance (CVSA), and adopted by the State of Maryland, shall be declared "OUT OF SERVICE" and shall not be allowed to continue on the highway until the unsafe condition is corrected.

.05 The adoption of federal regulations and CVSA Out-of-Service Criteria as specified in .03 and .04 above are adopted as they may be amended from time to time.

APPENDIX F

**Petition Letter to
U.S. Department of Transportation
Research and Special Programs Administration**



Maryland Department of Transportation

The Secretary's Office

F-1

William Donald Schaefer

Governor

Richard H. Trainor

Secretary

Stephen G. Zentz

Deputy Secretary

December 24, 1990

Mr. Travis Dungan, Administrator
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Dungan:

Maryland has been participating in several joint federal-state programs to enforce hazardous materials transportation regulations since 1981. As we have been enforcing the adopted federal regulations, we have become aware of some rules that are burdensome on industry and do not seem to significantly enhance public safety.

The primary intent of the governing statute and regulations seems to be directed toward the protection of the public and emergency responders through the containment and communication of significant hazards associated with the transportation of dangerous substances. The regulations, however, apply in many instances to virtually all hazardous materials that are being transported, including some "materials and supplies" (ref. 49 CFR 177.809) that are minimally hazardous.

We clearly recognize the need to provide emergency responders with the most complete information possible when attending to an incident situation. However, the full application of the shipping paper, marking, labelling, and container specification rules in those situations involving "minimal" quantities does not seem to enhance public safety. The potential risks to emergency responders attending to a commercial transportation incident are no greater than those that would be encountered in a personal vehicle incident involving identical commodities, such as engine starting fluid, cleaners, solvents, and gasoline. Since these same commodities are sold to and carried by non-profit organizations, government agencies, and the general public without the requirements for similar documentation or specification containers, the question of need for the regulation of de minimus quantities of hazardous materials has been raised.

My telephone number is (301)- 859-7397

TTY For the Deaf: (301) 684-6919

State Office: Box 8755, Baltimore/Washington International Airport, Maryland 21240-0755

Mr. Travis Dungan
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As further justification for the requested changes, we would point out that Maryland response agencies are involved in over 1,000 hazardous materials incidents annually. There have been no documented cases where the absence of shipping papers for materials and supplies or the use of non-specification gas cans has exacerbated an incident situation. Additional justification is provided by the large negative economic effect that the regulations are having on industry. Full compliance with the regulations for shipping paper requirements requires service truck drivers to inventory their vehicles daily and prepare a current document. The time involved for the many thousands of vehicles operated by public utilities and the private service industry, although only 5 or 10 minutes each, results in thousands of wasted man hours in total.

Specifically, we are petitioning you, under authority provided in Title 49 CFR Part 106.31, to initiate rulemaking to allow for additional exemptions in the regulations. First, we are asking for relief from the shipping paper requirements for less than case load amounts of materials and supplies when transported in containers designed for use by the general public and are not for resale and, secondly, relief from the specification container requirements for gasoline when transported in containers of five gallons or less that meet standard construction codes of the Underwriters Laboratory, similar approving organization, or a recognized state fire marshall.

Suggested text to accomplish the requested changes is shown below with the new text underlined:

Title 49 CFR

Part 177.809 Carriers's material and supplies:

The regulations in Parts 170-189 of this subchapter apply to all shipments of hazardous materials, including carrier's materials and supplies, except

(a) Part 172 Subpart C - Shipping Papers, when materials and supplies are in less than case load amounts, are intended for use by the carrier, and they are not for distribution in commerce; and

Mr. Travis Dungan
Page 3

(b) Part 173 Subpart A - Specification Packaging, for gasoline when in containers of five gallons or less capacity that meet NFPA, UL, or similarly recognized state or national fire control authority specifications and have the word "gasoline" displayed in at least one inch high letters.

Part 172.200 (shipping papers)

(b) This subpart does not apply to any material other than a hazardous waste or hazardous substance, that is:

(4) in containers of less than case load amounts, is intended for use by the carrier, and is not for distribution in commerce.

Part 171.8 (definitions)

() "Carriers' materials and supplies" means: a hazardous material, other than a hazardous substance or a hazardous waste, that is being transported in less than case load amounts, is intended for use by the carrier for purposes of equipment maintenance, and is not for distribution in commerce.

We have discussed these proposed changes with the Governor's Task Force on Motor Carrier Safety and Uniformity and have received their endorsement of this petition. As a measure of the breadth of the support for this petition, I am enclosing a roster of the Task Force membership. Your consideration of this request will be appreciated.

Sincerely,



Richard H. Trainor
Secretary

RHT/bc

Enclosure (Task Force membership list)

APPENDIX G

House Bill 1506 - 1990 Session

**Authorizing Maryland to Join
Regional/National Oversize/Overweight
Permitting Agreements**

HOUSE BILL No. 1506

5

1 for cargo, or, for a distance not to exceed 1 mile, facilities for food, fuel, repairs, or
2 rest.]

3 24-112.1.

4 (A) THE STATE HIGHWAY ADMINISTRATION MAY ENTER INTO
5 RECIPROCAL AGREEMENTS ON BEHALF OF THIS STATE, WITH THE DULY
6 AUTHORIZED AGENTS OF ANY OTHER STATE, POSSESSION, TERRITORY,
7 OR COMMONWEALTH OF THE UNITED STATES OR CANADA, OR THE
8 DISTRICT OF COLUMBIA, THAT PROVIDE FOR:

9 (1) ISSUING PERMITS FOR NONDIVISABLE LOADS OF
10 OVERWEIGHT OR OVERSIZE VEHICLES INVOLVED IN INTERSTATE
11 COMMERCE;

12 (2) COLLECTING OF PERMIT FEES;

13 (3) THE DISBURSEMENT OF FUNDS COLLECTED BY THE STATE
14 HIGHWAY ADMINISTRATION WHICH ARE DUE TO OTHER STATES OR
15 JURISDICTIONS BASED ON THE RESPECTIVE PERMIT FEES CHARGES IN
16 THOSE STATES OR JURISDICTIONS; AND

17 (4) RECEIVING OF FUNDS FROM OTHER STATES OR
18 JURISDICTIONS FOR PERMIT FEES COLLECTED ON BEHALF OF THIS
19 STATE.

20 (B) THE STATE HIGHWAY ADMINISTRATION MAY NOT ENTER INTO
21 ANY RECIPROCAL AGREEMENT THAT WOULD AFFECT THIS STATE'S
22 PERMIT FEES OR CONFLICT WITH ANY PROVISIONS OF THIS TITLE.

23 (C) IN EXERCISING THE AUTHORITY GRANTED UNDER THIS
24 SECTION, THE STATE HIGHWAY ADMINISTRATION MAY:

25 (1) ENTER INTO REGIONAL OR NATIONAL PERMIT
26 AGREEMENTS PERTAINING TO OVERWEIGHT OR OVERSIZE VEHICLES
27 INVOLVED IN INTERSTATE COMMERCE;

28 (2) CONDUCT AUDITS TO ASSURE COMPLIANCE WITH ANY
29 PERMIT AGREEMENT ENTERED INTO UNDER THIS SECTION; AND

30 (3) ENFORCE THE PROVISIONS SET FORTH IN ANY PERMIT
31 AGREEMENT ENTERED INTO UNDER THIS SECTION.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect July 1, 1990.