

Director's Office

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December 1, 2018

To: Iowa General Assembly

From: Mark Lowe, Director 

Subject: Report regarding enforcement activities conducted by Iowa Department of Transportation Motor Vehicle Enforcement (MVE) officers

The attached report is submitted pursuant to section 321.477(5), which directs the department to "submit a report to the general assembly on or before December 1 of each year that details the nature and scope of enforcement activities conducted in the previous fiscal year by employees designated as peace officers pursuant to this section who are assigned to the supervision of the highways of this state. The report shall include a comparison of commercial and noncommercial enforcement activities conducted by such employees."

As in the previous year's report, enforcement activities have been reported for the previous federal fiscal year, FFY2018 (October 1, 2017, to September 30, 2018) to align to data maintained for federal reporting of size and weight enforcement activities to the Federal Highway Administration and commercial vehicle and driver safety enforcement activities to the Federal Motor Carrier Safety Administration.

Enforcement activities, which are detailed on pages 2 and 3 of the report, show that based on total number of traffic stops and inspections, non-commercial motor vehicle traffic stops accounted for three percent (1,483 stops) of all traffic stops and inspections conducted by MVE officers, while commercial motor vehicle traffic stops and inspections accounted for the remaining 97% of all traffic stops and inspections conducted by MVE officers – two percent (820) were commercial motor vehicle traffic stops, 47% (21,649) were commercial motor vehicle mobile safety inspections conducted at roadside, and 48% (22,371) were commercial motor vehicle safety inspections conducted at MVE scale facilities.

The report also compares enforcement activity based on citations issued, and shows that during the period of reporting, non-commercial motor vehicle citations accounted for eight percent (1,306) of citations issued by MVE officers and commercial motor vehicle citations accounted for 92% (15,784) of citations issued by MVE officers. One caveat is necessary regarding the comparison of citations issued. In prior years the standard citation form used by officers did not ask the officer issuing the citation to indicate whether the vehicle operated at the time of the citation was a commercial or noncommercial motor vehicle, but only asked whether the operator was required to hold a

commercial driver's license (CDL) to operate the vehicle. Although this distinction allowed some comparison of commercial versus non-commercial citations issued (based on whether the operator was required to hold a CDL, the resulting comparison was imprecise, because the federal definitions of a commercial motor vehicle for purposes of the commercial driver's license regulation and commercial motor vehicle safety regulations are different – for purposes of commercial driver's license regulations, a commercial motor vehicle includes a combination or straight vehicle with, respectively, a combined gross weight rating or gross combination weight (whichever is greater) of 26,001 or more pounds or a gross vehicle weight rating or gross vehicle weight (whichever is greater) of 26,001 or more pounds,¹ but for purposes of the commercial motor vehicle safety regulations, a commercial motor vehicle includes a vehicle with a gross vehicle weight rating or gross vehicle weight (whichever is greater) of 10,001 pounds or more.² (In other words, a vehicle may be considered a commercial motor vehicle but does not require a CDL for its operation.) Because of this, comparing citations issued based on whether the citation indicated a CDL was required leaves out commercial motor vehicles with a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds but less than 26,001 pounds, which leads to under-reporting of citations issued to operators of commercial motor vehicles.

To correct this, the citation form used by officers has been amended to include a field that allows the officer to indicate whether the vehicle operated was a commercial motor vehicle, regardless of whether a CDL was required for its operation. This change was made in the last year and all officers were required to use the amended citation form and make this distinction beginning March 1, 2018. Because this change was made in mid-year, it did not account for citations issued relative to vehicles that did not require a CDL for their operation during that part of the federal fiscal year preceding March 1, 2018. 4,343 citations were issued during that period relative to vehicles that did not require a CDL but may still have been commercial motor vehicles, and accordingly these citations were not included in the citation totals. Future year reports will not have this discrepancy, as citations fully distinguishing between commercial and non-commercial vehicles will be consistently used throughout future reporting years.

¹ See 49 CFR § 383.5. This section specifically defines a commercial motor vehicle to include “any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle . . . if the motor vehicle is a—

(1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater[.]”

² See 49 CFR 390.5. This section specifically defines a commercial motor vehicle to include “any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle . . . [h]as a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater.”

IOWA MOTOR VEHICLE ENFORCEMENT

FFY 2018 ANNUAL REPORT



IOWA CODE 321.477 EMPLOYEES AS PEACE OFFICERS

1. The department may designate by resolution certain of its employees upon each of whom there is conferred the authority of a peace officer to enforce all laws of the state including but not limited to the rules and regulations of the department. Employees designated as peace officers pursuant to this section shall have the same powers conferred by law on peace officers for the enforcement of all laws of this state and the apprehension of violators.
2. Employees designated as peace officers pursuant to this section who are assigned to the supervision of the highways of this state shall spend the preponderance of their time conducting enforcement activities that assure the safe and lawful movement and operation of commercial motor vehicles and vehicles transporting loads, including but not limited to the enforcement of motor vehicle laws relating to the operating authority, registration, size, weight, and load of motor vehicles and trailers, and registration of a motor carrier's interstate transportation service with the department.
3. Employees designated as peace officers pursuant to this section shall not exercise the general powers of a peace officer within the limits of any city, except as follows:
 - a. When so ordered by the direction of the governor.
 - b. When request is made by the mayor of any city, with the approval of the director.
 - c. When request is made by the sheriff or county attorney of any county, with the approval the director.
 - d. While in the pursuit of law violators or in investigating law violations.
 - e. While making any inspection provided by this chapter, or any additional inspection ordered by the director.
 - f. When engaged in the investigation and enforcement of laws relating to narcotic, counterfeit, stimulant, and depressant drugs.
4. The limitations specified in subsection 3 shall in no way be construed as a limitation on the power of employees designated as peace officers pursuant to this section when a public offense is being committed in their presence.
5. The department shall submit a report to the general assembly on or before December 1 of each year that details the nature and scope of enforcement activities conducted in the previous fiscal year by employees designated as peace officers pursuant to this section who are assigned to the supervision of the highways of this state. The report shall include a comparison of commercial and noncommercial motor vehicle enforcement activities conducted by such employees.
6. The maximum age for a person employed as a peace officer pursuant to this section is sixty-five years of age.

***Per House File 2494 of the 2018 legislative session, this authority will sunset on July 1, 2019**

OVERVIEW

GENERAL RESPONSIBILITIES

The responsibilities of MVE officers have evolved to meet the needs of a modern transportation system and as federal regulations regarding commercial motor vehicles, carriers, drivers, and loads were established and grew. Significant additions to responsibilities included adoption of the Federal Motor Carrier Safety Regulations (see Iowa Code 321.449) and the federal Hazardous Materials Safety Regulations (see Iowa Code 321.450) in 1987. Today, responsibilities of MVE officers include the following:

- Enforcement of size and weight regulations.
- Escort of oversize and overweight vehicles and vehicles carrying radioactive loads.
- Enforcement of the state and federal motor carrier and hazardous materials safety regulations.
- Enforcement of fuel tax regulations, including operating authority under the International Fuel Tax Agreement (IFTA) for interstate commercial motor vehicles and laws regarding the use of untaxed fuel.
- Enforcement of commercial motor vehicle registration regulations, including operating authority under the International Registration Plan (IRP) and the federal Unified Carrier Registration (UCR) system for interstate commercial motor vehicles; driver and vehicle inspections for commercial motor vehicles involved in accidents causing serious injuries or fatalities.
- By designation of the governor, serve as the lead agency for the federal Motor Carrier Safety Assistance Program in Iowa.

In addition, MVE officers:

- Guide and control traffic during a variety of incidents, events, and emergencies.
- Assist other law enforcement agencies as requested.
- Provide highway assistance to stranded and disabled motorists.
- Provide work zone enforcement to promote work zone safety.
- Engage in noncommercial traffic enforcement and operating while intoxicated enforcement as needed.

Note: Absent further action by the legislature this authority is repealed July 1, 2019.

MVE'S ROLE IN TRANSPORTATION INFRASTRUCTURE AND FEDERAL FUNDING

MVE plays an integral role in protecting the integrity of Iowa's transportation infrastructure. During FFY 2018, MVE weighed 890,290 vehicles, including 388,201 vehicles being weighed using weigh-in-motion technology. In addition, 41 special weight enforcement projects using portable scales and weigh-in-motion equipment were conducted during the federal fiscal year.

This protection of infrastructure integrity is directly tied to federal highway funding. Under 23 USC 141(a)&(b), a state that fails to enforce maximum size and weight laws on the federal-aid systems, including the interstate system, is subject to a reduction of its federal highway funding. In FFY 2018, that amount for Iowa would be approximately \$35.8 million. MVE maintains and implements our size and weight plan to retain our eligibility for full funding each federal fiscal year.

ORGANIZATION

MVE HAS POSITIONS FOCUSED ON:



Field enforcement



Hazardous materials enforcement

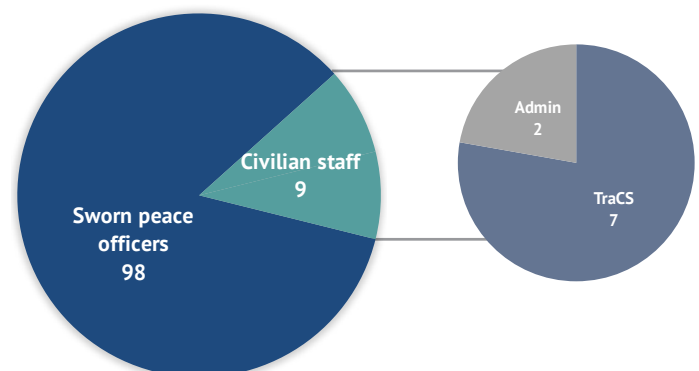


Administration



TraCS (Traffic & Criminal Software) and MACH (Mobile Architecture for Communications Handling).

FULL-TIME EQUIVALENTS FFY 2018





TRAINING

100%

OF MVE OFFICERS HAVE COMPLETED THE IOWA LAW ENFORCEMENT ACADEMY AND ARE TRAINED AND CERTIFIED TO ILEA STANDARDS.

➤ All of our officers meet the same standards, training, and certifications required of all law enforcement officers in the state of Iowa, and on top of that complete and maintain training specific to duties performed as an MVE officer.

REQUIRED IN-SERVICE TRAINING

IOWA LAW ENFORCEMENT ACADEMY BASIC TRAINING

- ALERRT (active shooter)
- ASAP - collapsible baton
- Below 100
- CPR first responder
- Data Master certification
- Defensive driving
- Defensive tactics
- DRE (Drug Recognition Expert)
- Firearms – Handgun – Long Gun
- Implied consent
- Iowa Law Enforcement Academy Basic Training
- Iowa traffic laws
- Iowa weapon laws
- Mandatory reporter
- OC (pepper) spray
- Radar certification
- Standardized field sobriety test
- Stop Stick® certification
- Tactical medical training
- Taser certification
- TIM (Traffic Incident Management)

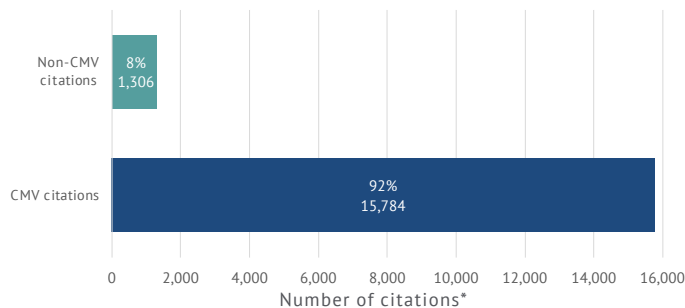
TRAINING SPECIFIC TO MVE

- 4th amendment search and seizure
- Blue Courage
- Bus inspector certification
- Cargo tank certification
- CFR 23 FHWA weight enforcement – HAENNI (portable) scales
- CFR 49 North American standard inspections, Parts A & B
- Compliance review audit
- Hazardous materials certification
- Human Trafficking Awareness
- Motor Carrier Safety Assistance Program
- New entrant safety audits



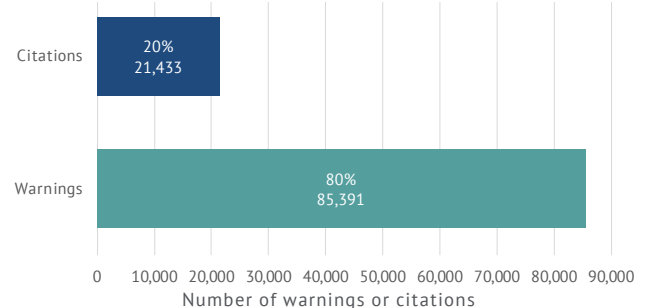
ENFORCEMENT ACTIVITIES

CMV VS. NON-CMV CITATIONS

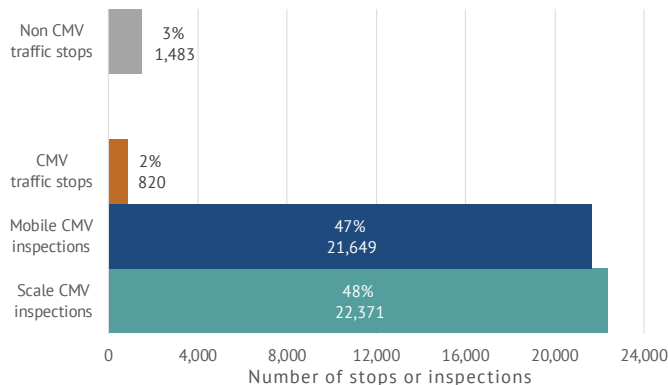


*In our reporting we realized there was ambiguity in the denotation of CMV vs. non-CMV citations. Beginning in March 2018, officers were required to use a new field to accurately record each type. For this reason, 4,343 citations were issued in this reporting period that are not distinguishable as CMV or non-CMV, and are not reflected in the graph above. The addition of this field will allow for more accurate reporting moving forward.

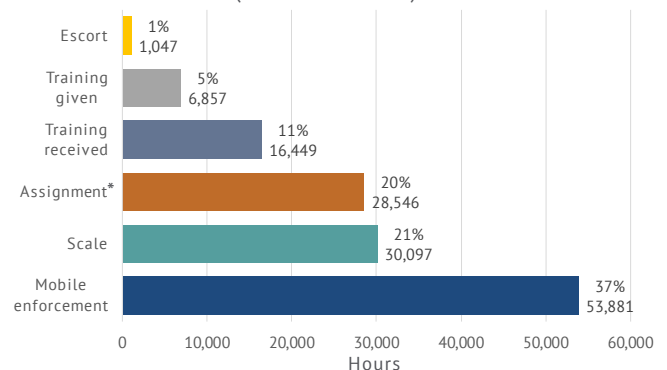
WARNINGS VS. CITATIONS (includes CMV and non-CMV)



MVE TRAFFIC ENFORCEMENT ACTIVITY



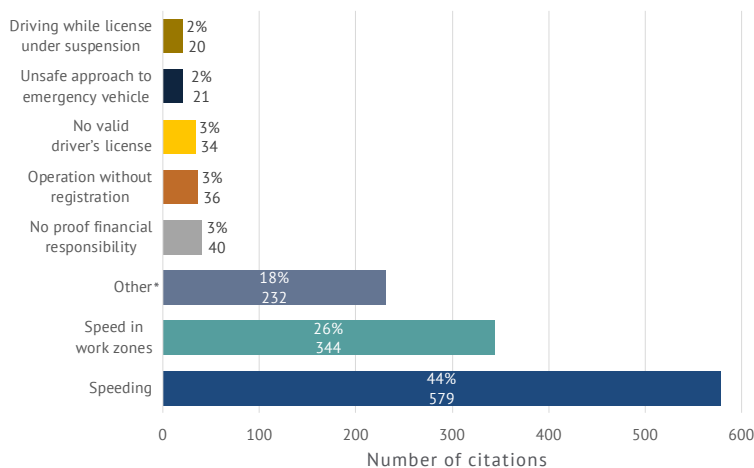
OFFICER TIME ALLOCATION BY ACTIVITY (Overtime included)



*Assignment covers a range of activities related to commercial motor vehicle enforcement, including motor carrier audits; education and outreach programs; commercial vehicle and driver information line duty; training development; attending inter-agency meetings and safety meetings; court attendance; traffic control for construction projects, special events, and accidents; and a variety of necessary administrative duties.



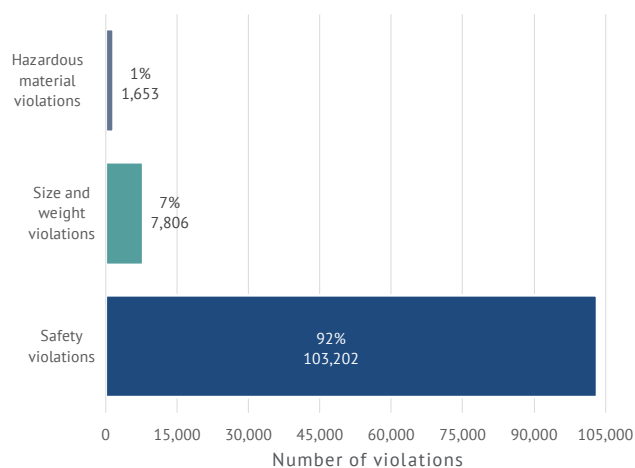
CITATIONS WRITTEN TO NON-CMVS BY TYPE**



*This chart shows the top seven categories in which the most citations were written. The "other" category represents a combination of the categories that did not fall in the top seven. This includes violations such as seat belts, traffic control devices, failure to obey stop signs, tinted windows, improper tail lights, towing an unsafe vehicle, non-registered vehicles, etc. Percentages are out of 1,306 non-CMV citations.

**Citations don't reflect those that result in a complaint and affidavit such as an OWI. MVE recorded 84 non-CMV complaint and affidavits, 106 CMV complaint and affidavits, and an additional 50 that were not distinguishable as CMV or non-CMV.

CMV INSPECTION VIOLATIONS* OFF OF INSPECTIONS BY TYPE



*Violations are those noted in the inspection report whether it resulted in a warning or a citation. A single inspection report may contain multiple violations.

WORK ZONES



Almost half of work zones crashes are **REAR-END CRASHES** due to driver inattention and speed. Commercial motor vehicles can be particularly dangerous in this circumstance.



SPEED plays a role in the majority of crashes in Iowa work zones.



MVE devoted approximately **5,000 STAFF HOURS TO WORK ZONE ENFORCEMENT** to alert drivers of approaching work zone traffic to slow them down and avoid rear-end collisions.

It is difficult to safely move traffic through the changes that occur when work zones shift. MVE officers work closely with Iowa DOT construction staff to pinpoint trouble spots where additional enforcement would benefit public safety and provides additional law enforcement staffing for traffic control when contractors are moving large equipment to and from a project or when barriers dividing traffic are being installed.

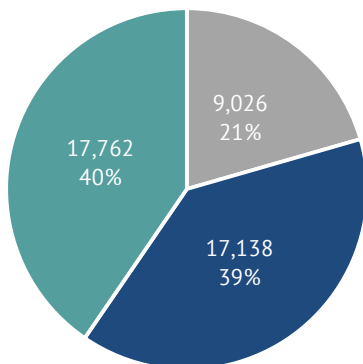
The majority of crashes in work zones are rear end crashes due to driver inattention and speed. Commercial motor vehicles can be particularly dangerous in this circumstance. Additional enforcement presence has been shown to reduce these types of crashes, particularly in heavily traveled interstate work zones.

INSPECTIONS

Although focus has often been placed on the total number of commercial and noncommercial citations issued by MVE officers as a measure of the balance of their activities between commercial and noncommercial vehicles and enforcement activities, those gross numbers paint an incomplete picture because they fail to reflect the time invested by MVE officers in the size, weight, load, operating authority, and commercial vehicle safety duties required of them and the fact that many of those activities will not result in citations (note that commercial safety inspections are intended to document not just violations but compliance rates to establish safety ratings favorable to safe carriers). Much of MVE officers' time is devoted to size, weight, load, authority and safety inspections, both at fixed-scale locations and at roadside from stops initiated on patrol, and those inspections take much more time to complete than a typical traffic stop for a noncommercial vehicle.

Based on time and activity reports, MVE officers spent over half of their time (58 percent) on patrol or operating fixed-scale locations, and 95 percent of traffic enforcement actions initiated by MVE officers involved commercial motor vehicle inspections arising from interactions initiated on patrol or at a fixed-scale. Just 3 percent of traffic enforcement activities initiated by MVE officers involved a traffic stop of a noncommercial motor vehicle.

CMV SAFETY INSPECTIONS BY LEVEL



■ 1-Full Inspection ■ 2-Walk-Around Driver / Vehicle ■ 3-Driver Only

On a citation basis, the data likewise show the majority of citations issued by MVE officers were related to commercial motor vehicle violations. Of the citations with CMV/non-CMV data available, **92.4 PERCENT OF CITATIONS WERE ISSUED TO CMV VEHICLES, WHILE 7.6 PERCENT WERE ISSUED TO A NON-COMMERCIAL MOTOR VEHICLE OPERATOR.** Whether compared by time invested or number of citations issued, MVE officers clearly spent the preponderance of their time conducting enforcement activities that assure the safe and lawful movement and operation of commercial motor vehicles and vehicles transporting loads.

HOW LONG DOES AN INSPECTION TAKE?



LEVEL 1 INSPECTION

Full inspection of driver's credentials, condition, status, hours of service, seat belt, logs, reports, and the vehicle, including physically inspecting under the vehicle.



LEVEL 2 INSPECTION

Walk around driver/vehicle inspection. Similar to Level 1 but only includes those items that can be inspected without physically getting under the vehicle.



LEVEL 3 INSPECTION (DRIVER ONLY)

Driver/credential inspection only. Covers the driver's credentials, condition, status, hours of service, seat belt, logs, and reports.



HAZMAT INSPECTION

A level 1 or level 2 inspection that includes a regulated amount of hazardous materials. When hazmat is present, we check for proper shipping documents, placards, label markings, packaging, load securement, and separation of certain classes of hazmat.

MVE is headquartered in the Motor Vehicle Division building in Ankeny, but the vast majority of its resources and staff are dispersed providing an enforcement presence throughout the state. MVE operates 11 fixed-scale locations, also called weigh stations, on the Primary Road System. These permanent locations provide a platform for weighing a vehicle as a unit and allows officers to conduct both weight and safety inspections on vehicles passing through these facilities. In addition to permanent locations, MVE relies on intelligent screening systems to screen CMVs while they are on the move. This allows our officers to be more efficient and have a larger impact on the safety of our roadways.

INTELLIGENT SCREENING SYSTEMS

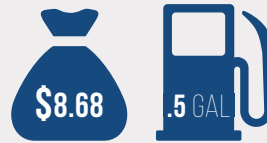
ENFORCEMENT BENEFITS

Help officers make smart inspection decisions, focusing limited resources on vehicle and carriers most in need of intervention.

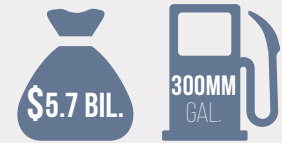
CARRIERS BENEFITS

Reduce delay and lost travel and driver time, reduce fuel consumption (which reduces emissions), and increases productivity.

EACH BYPASS SAVES



SINCE 1997, PREPASS CARRIERS HAVE SAVED MORE THAN:



National savings based on FMCSA estimates

PREPASS

PrePass is a weigh station bypass system that is a public-private partnership between state transportation officials and trucking industry members that works to improve safety and efficiency in freight movement and commercial transportation.

Carriers participating in PrePass place transponders in their vehicles. When the vehicle approaches a scale equipped with PrePass, the transponder transmits carrier and vehicle information through the reader to the PrePass system, which automatically checks the vehicle's safety and credential clearance status and the vehicle's weight. Based on this information, the PrePass system sends a signal to the driver. A green light tells the driver to bypass the scale, and a red light tells the driver to pull into the weigh station. To maintain system integrity, some PrePass trucks are randomly selected and receive a red light, requiring them to pull into the weigh station where a carrier's compliance can be confirmed. If a noncompliant truck fails to pull into the weigh station an officer can be dispatched to intervene with the vehicle.

PrePass technology is used at five Iowa scale locations. The Iowa DOT has been a long time member of HELP Inc., which provides the PrePass system at no cost to member jurisdictions.

360SMARTVIEW

360 Smartview is another bypass system that can screen all vehicles entering a scale site, and not just those carriers that are equipped with PrePass transponders. This system uses cameras at the scale's entrance ramp to take photos of the vehicle, the license plate, and the USDOT number. Using national commercial vehicle databases, the system quickly makes sure the license plate number and USDOT number correlate; and then checks the carrier's safety rating, which is based on prior inspections, citations, and other factors related to the vehicles in its fleet.

The system directs vehicles from carriers with good safety ratings to bypass the scale and continue with very little delay or interruption, and directs vehicles that have questionable plates or USDOT numbers or are from carriers with questionable safety ratings to continue to the scale facility where an officer can further inspect the vehicle. This system was implemented at no charge at the Dallas and Jasper County scale locations to the state through a grant from the Federal Motor Carrier Safety Administration.

PREPASS IOWA BENEFITS SINCE 2000



327,536 hours saved



1,572,170 gallons of fuel saved

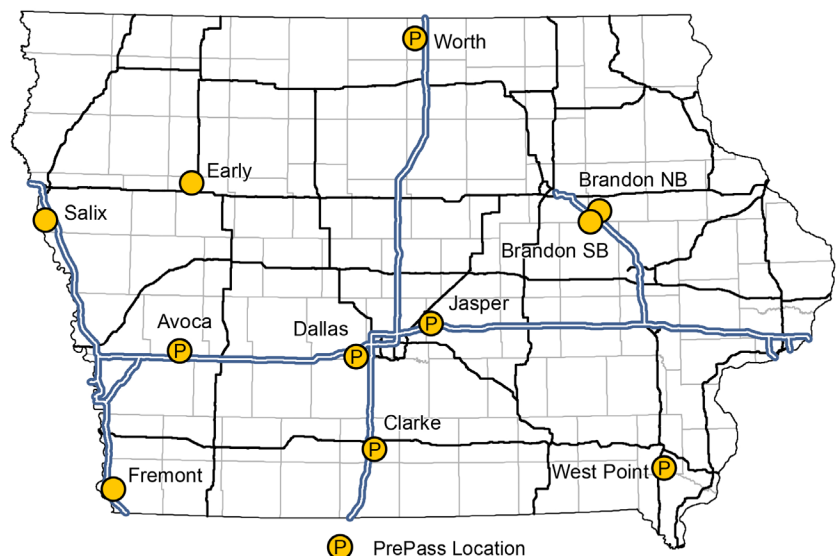


3,470 metric tons of emissions reduced



\$29,025,870 operational cost savings

IOWA SCALE LOCATIONS





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