

November 27, 2019

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, FFY2019 (October 1, 2018 to September 30, 2019) 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.

# IOWA MOTOR VEHICLE ENFORCEMENT

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FFY 2019 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 482 of the 2019 legislative session, this authority will sunset on July 1, 2022.**

## 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:

- Enforce size and weight regulations.
- Escort oversize and overweight vehicles and vehicles carrying radioactive loads.
- Enforce the state and federal motor carrier and hazardous materials safety regulations.
- Enforce 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.
- Enforce 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.
- Conduct 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.

### 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 2019, MVE weighed 812,366 vehicles, including 343,667 vehicles being weighed using weigh-in-motion technology. In addition, 42 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 2019, that amount for Iowa would be approximately \$35.7 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

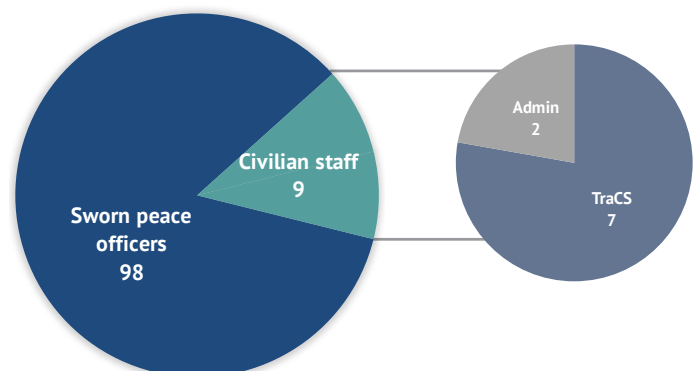


Administration



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

### FULL-TIME EQUIVALENTS FFY 2019





# 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)

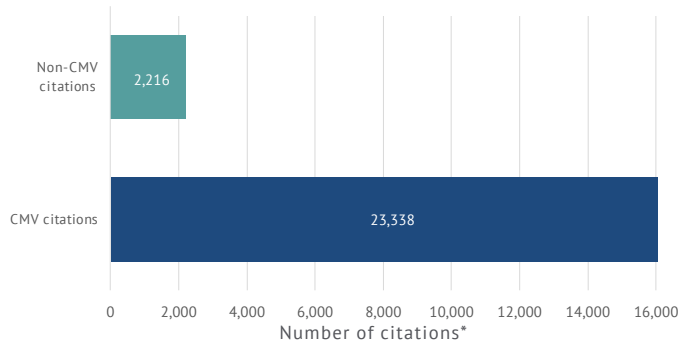
### TRAINING SPECIFIC TO MVE

- 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

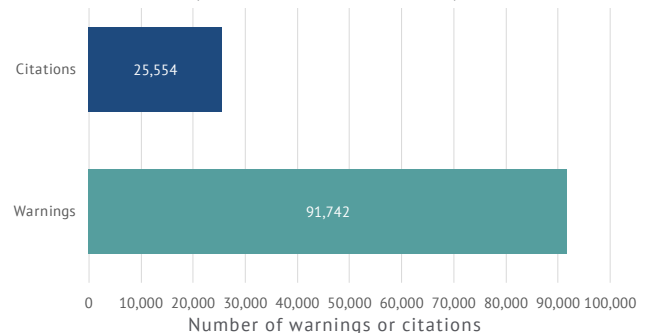


# ENFORCEMENT ACTIVITIES

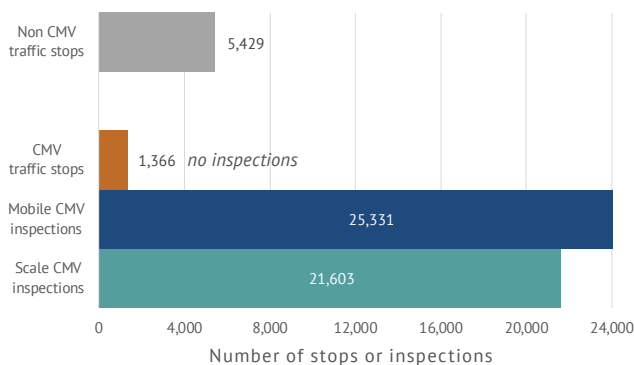
### CMV VS. NON-CMV CITATIONS



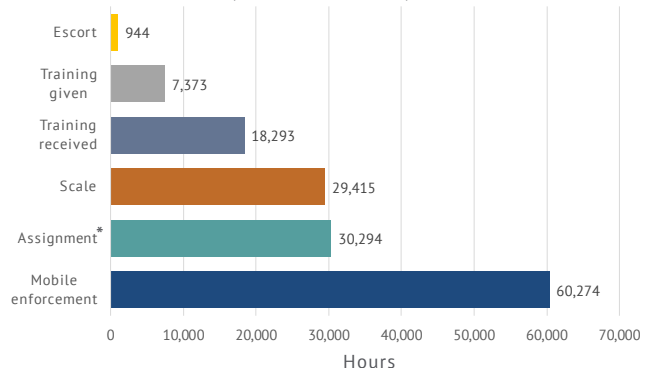
### WARNINGS VS. CITATIONS (includes CMV and non-CMV)



### MVE TRAFFIC ENFORCEMENT ACTIVITY



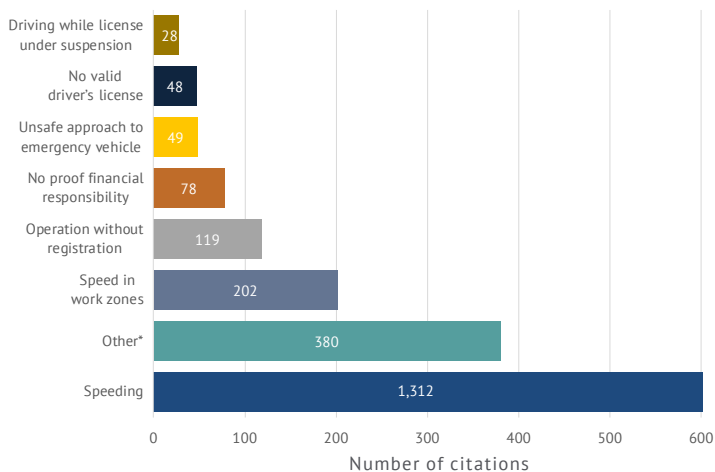
### OFFICER TIME ALLOCATION BY ACTIVITY (Overtime included)



\*Assignment time covers a range of activities related to commercial vehicle enforcement including motor carrier audits; education and outreach programs; training development; attending interagency meetings and safety meetings; court attendance; traffic control for construction projects, special events and crashes, along with a variety of necessary administrative duties.



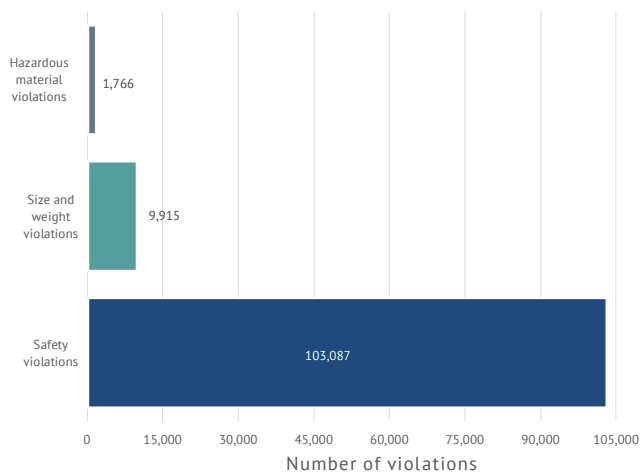
### CITATIONS WRITTEN TO NON-CMVS BY TYPE\*\*



\*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.

\*\*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



**41%** 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 regularly engages in **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.

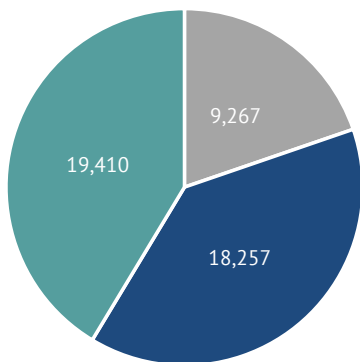
The majority of crashes in work zones are rear end crashes due to driver inattention and speed. Commercial motor vehicles can be particularly dangerous in this circumstance. Additional enforcement presence has been shown to reduce these types of crashes, particularly in heavily traveled interstate work 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 (61 percent) on patrol or operating fixed-scale locations, and 91 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 10 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, **91.3 PERCENT OF CITATIONS WERE ISSUED TO CMV VEHICLES, WHILE 8.7 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. MVE also utilizes designated truck inspection areas at some rest areas as a safer alternative to checking commercial vehicles roadside.

## INTELLIGENT SCREENING SYSTEMS

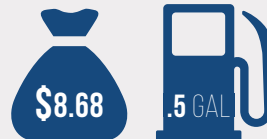
### ENFORCEMENT BENEFITS

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

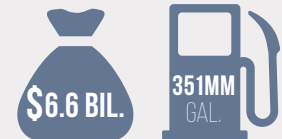
### CARRIERS BENEFITS

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 six Iowa scale locations. The Iowa DOT has been a long time member of the PrePass Safety Alliance, 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



**397,304** hours saved



**1,905,761** gallons of fuel saved

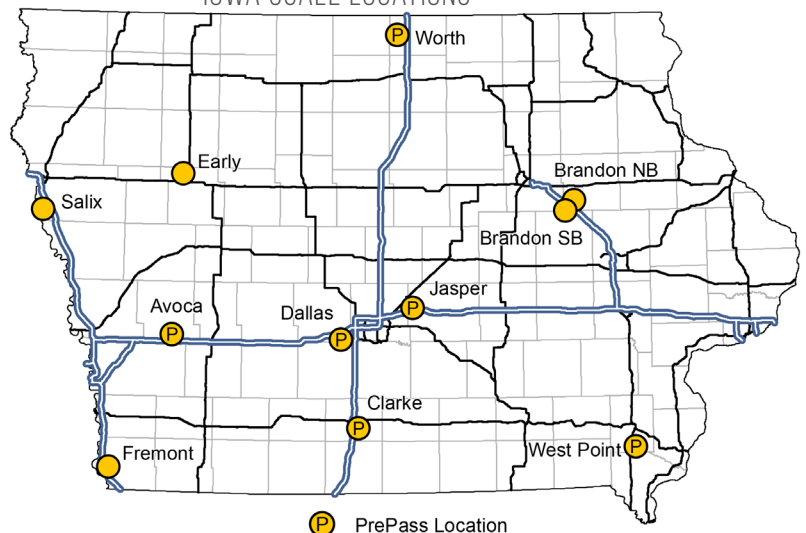


**4,207** metric tons of emissions reduced



**\$36,264,791** operational cost savings

## IOWA SCALE LOCATIONS





 **IOWA DOT**  
GETTING YOU THERE»»

     [www.iowadot.gov](http://www.iowadot.gov)

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