

MAINE MOTOR TRANSPORT ASSOCIATION

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"The spokesman for the Maine Trucking Industry"

July 10, 2013

The Honorable Susan Collins
United States Senate
413 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Collins,

I am writing on behalf of the Maine Motor Transport Association and our 1,239 member companies in order to bring to your attention a requirement in MAP-21 that became effective in October of 2012 that could have dire consequences, especially for small Maine motor carriers.

The provision of MAP-21 that causes us concern is the raising of the fine for motor carriers functioning without operating authority (MC #), from \$650 to a mandatory minimum fine of \$10,000 for property carriers and \$25,000 fine for passenger carriers.

While the Association certainly does not condone motor carriers operating without proper authority, or in violation of any of the Federal Motor Carrier Safety Regulations, the ultimate impact of a \$10,000 or \$25,000 fine would decimate many small businesses regardless of their intent or knowledge to comply. Such an excessive fine for a first time, and possibly inadvertent violation, seems unusually onerous and is essentially a "one and done level of fine".

To compound the issue, the rules for operating authority are extremely complicated. There are many commodities that are exempt and do not require operating authority. There are other commodities, similar to some that are exempt, that would require authority. As you can imagine, it is sometimes difficult for motor carriers to be entirely sure of the difference and effectively putting them out of business for this infraction seems unfair. Simply put, it is not a stretch to envision a situation whereby a well-intended motor carrier believed that they did not require operating authority and unwittingly found themselves in violation and facing a \$10,000 fine.

The specific section referencing increase penalty is found in Section 32108(a)(4) on page 378 of the following site: <http://www.gpo.gov/fdsys/pkg/BILLS-112hr4348enr/pdf/BILLS-112hr4348enr.pdf>

The following links may also be helpful for your staff in reviewing this issue.

- <http://www.fmcsa.dot.gov/about/what-we-do/MAP-21/Map21.aspx>
- <http://www.fmcsa.dot.gov/documents/adminrule.pdf>

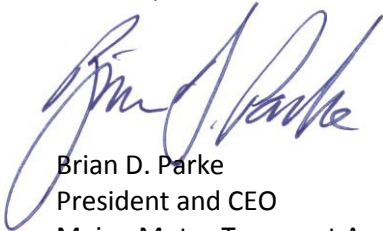
We would much prefer a less unforgiving approach that would address the problem (failure to secure operating authority) and would encourage proactive compliance by making the fine less extreme. It

would be much more effective to either allow for a warning or to implement a graduated fine schedule such as a \$650 fine for the first offense and then a \$10,000 fine for subsequent violation.

I urge you to consider the impact that this new mandatory minimum fine could have on Maine's small businesses and hope that this dramatically high level of fine could be reduced to something more reasonable.

As always, please feel free to contact either myself or Tim Doyle if we can assist you in this or any other trucking industry matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian D. Parke". The signature is fluid and cursive, with the first name being the most prominent.

Brian D. Parke
President and CEO
Maine Motor Transport Association