



**Minutes**  
**Regulatory Committee Meeting**  
**October 17, 2022 – 9:45 am**

**I. Call to Order**

Chairman Ellis called the meeting to order at 9:45 am.

**II. Roll Call**

The following committee members were in attendance:

Seth Bauer	Mike Morgan
Jason Brown	Mike Murphy
Joe Colapietro	Scott O’Keefe
Clete Cordero	Todd Polen
Mark Davis	Rob Sowers
Richard Ellis – Chairman, Commerce and Advocacy	Paul Stegall
James Faas	Mitch Tuss
Steve Hartmann	Matt VanDerPol – Vice Chairman, Commerce and Advocacy
Greg Joyner	Tim Vander Pol
Chris Kast	Jeremy Vetterkind
Greg McDermitt	Nick Wingerter – Chairman, State Regulatory
Kris McLennan	

The following non-committee-members were in attendance:

Elizabeth Bickhart	Lloyd Rawson
John Hughes	LaDona Teague
Brad Owens	Jake Whitney

Staff in attendance were Allison Austin – Staff Liaison to State Regulatory, Erin Carter, Jeff Cooper, Paul Dugent, Lily Eghtessad, Larissa Franklin, Ashley Gencarelli, Marli Hall, Angela Li – Staff Liaison, Caroline Lyle, Bill Mascaro, Adam Mercer – Staff Liaison to Commerce and Advocacy, Helen Mosher, Lisa O’Donnell, Joel Ringer, Debbie Sparks, John Talieri and Erin Topper

General Counsel is Claire Shapiro. There were no guests in attendance.

**Commerce and Advocacy**

III. **Supreme Court Preemption Cases**

Counsel Shapiro gave an update on the Supreme Court preemption cases. A motion was made by Tim Vander Pol, seconded by Todd Polen, and approved by the Committee, to submit comments on the DOL employee-independent contractor rule for purposes of the FLSA.

IV. **Speed Limiters Comments Review**

Mr. Mercer reviewed the comments that FMCSA has received on their proposed speed limiters regulation.

V. **Use of Electronic Documents**

Counsel Shapiro gave a presentation on when electronic documents are permissible in place of paper documents.

VI. **Potential Drug Testing Changes**

Ms. Li gave a presentation on some upcoming proposed changes to drug testing requirements.

VII. **Service Contract Act Appeal**

Counsel Shapiro gave an update on the Service Contract Act appeal.

VIII. **Old Business**

There was no old business to come before the Commerce and Advocacy Committee.

IX. **Other Business**

Counsel Shapiro gave a report on the legislative topics that NMFTA's lobbyist has been following, truck parking and federal excise tax on trucks. NMFTA will draft template letters that members can use to ask their representatives to support those bills.

Counsel Shapiro reported on a recently-proposed rule from FMCSA to require electronic IDs on all Commercial Motor Vehicles. A motion was made by Mr. Morgan, seconded by Mr. Vander Pol, and approved by the committee to send out a survey seeking member input on the proposed rule.

Mr. Mercer made a request that committee members continue to submit agenda topics to the committee.

**NMFTA State Regulatory Committee**

Chairman: Nick Wingerter

X. **Lawsuit Against Rhode Island Tolls**

Counsel Shapiro provided a report on the outcome of the court case against Rhode Island truck-only tolls, with the federal judge ruling that the tolling system is unconstitutional. She will continue to monitor similar cases in other states.

**XI. Pennsylvania Tolling Update**

Counsel Shapiro provided an update on Pennsylvania's proposed tolling of nine interstate bridges. A new law rescinds the state DOT's Pathways Major Bridge Public-Private Partnership Initiative and tolling plan, and tolling plans are now eliminated from consideration as a revenue source.

**XII. Mobile River Bridge Update**

Ms. Austin provided an update on Alabama's consideration of potential tolling revenues for a new bridge over the Mobile River. The tolls for trucks will vary by size, with the ownership of an ALGO pass greatly influencing the cost of the toll.

**XIII. Zero-Emission Vehicle Mandates**

Counsel Shapiro reported that, at the request of the Committee, NMFTA filed follow-up comments with the California Air Resources Board (CARB) regarding draft Zero-Emission Vehicle (ZEV) regulations, and reported on CARB's reasons for rejecting NMFTA's suggested changes to the regulation.

**XIV. Oregon Diesel Retrofit**

Ms. Li provided a timeline for enforcement of the Oregon Diesel Engine Retrofit Compliance Program, which begins on January 1, 2023, with the requirement that medium-and heavy-duty trucks using engines made in 1996 or older get a diesel retrofit.

**XV. Old Business**

There was no old business to come before the State Regulatory Committee.

**XVI. New Business**

There was no new business to come before the State Regulatory Committee.

**XVII. Adjournment**

The meeting was adjourned at 10:43 am.