



Minutes
Regulatory Policy Committee
February 6, 2023 – 1:00 pm-2:15 pm PT
Hilton La Jolla Torrey Pines, La Jolla, CA
Chairman: Richard Ellis
Staff Liaison: Allison Austin

I. Call to Order

Chairman Ellis called the meeting to order at 1:00 pm.

II. Roll Call

The following committee members were in attendance:

Seth Bauer	Todd Polen
Jason Brown	Paul Stegall
Clete Cordero	Scott Thomley
Richard Ellis – Chairman	Tim Vander Pol
Lisa Klein	Nicholas Wingerter – Special Advisor
Mike Morgan	
Mike Murphy	
Scott O’Keefe	

The following non-committee-members were in attendance:

Elizabeth Bickhart	Kris McCoskery
Glenn Cornish	Greg McDermitt
James Faas	Mike Morgan
Lindsey Gustafson	Brad Owens
Jim Jagers	Andrew Slusher
Chris Kast	Mark VanderPol
John Maconochie	Jake Whitney

The following staff members were in attendance:

Erin Carter	Debbie Sparks
Paul Dugent	John Talieri
Marli Hall	Leslie Tate
Lisa O’Donnell	Erin Topper

General Counsel is Claire Shapiro.

- III. **Antitrust Advisory**
Chairman Ellis advised the committee that this meeting is being conducted in compliance with NMFTA’s antitrust guidelines.
- IV. **Approval of the Minutes – October 2022**
A motion was approved to accept the minutes of the October 2022 Regulatory Policy Committee meeting, which were previously distributed to committee members.
- V. **Independent Contractors Under FLSA**
Counsel Shapiro provided an update on the status of the Department of Labor’s rule on independent contractors under the FLSA, and reviewed the comments submitted by NMFTA opposing the proposed rule.
- VI. **Electronic IDs**
Counsel Shapiro advised the Committee that NMFTA had not submitted comments in response to the advance notice of proposed rulemaking on the Electronic ID rule, but advised that we will revisit this issue when an actual rule is issued.
- VII. **Safety Fitness Procedures**
Allison reported on FMCSA’s advance notice of proposed rulemaking pertaining to revisions to FMCSA’s safety fitness procedures.
- VIII. **Safe Integration of Automated Driving Systems-Equipped CMVs**
Counsel Shapiro reported on the supplemental advance notice of proposed rulemaking that FMCSA recently issued in connection with Safe Integration of ADS-Equipped CMVs. After discussion, the committee decided to wait and see what the proposed rule would look like before taking action.
- IX. **Hair-Follicle Testing for Drugs**
Allison gave an update regarding the use of hair-follicle tests to comply with DOT drug testing requirements.
- X. **Legislative Update**
Britton Mullen, NMFTA Lobbyist, gave a recorded update on relevant legislative matters.
- XI. **TWIC Legislation**
Counsel Shapiro updated the committee on proposed legislation that would allow the combination of a TWIC card and a BOL to be adequate to establish driver identity, qualifications, and purpose for entering a military base.
- XII. **Rhode Island Tolling Litigation**
- XIII. **Connecticut Highway Use Tax**
- XIV. **Zero-Emission Vehicle Mandates**
Counsel Shapiro updated the committee on relevant state matters, including Rhode Island tolling litigation, Connecticut Highway Use Tax, and the California zero-emission vehicle (ZEV) mandate.

XV. Old Business

No old business was brought before the committee.

XVI. New Business

Nicholas discussed several new state matters.

XVII. Adjournment

The meeting was adjourned at 2:15 pm.