



Minutes
Regulatory Policy Committee Meeting

October 2, 2023 – 10:45 am-11:30 pm ET
Westin Alexandria Old Town, Alexandria, VA

Chairman: Richard Ellis

Special Advisor: Nicholas Wingerter

Staff Liaison: Britton Mullen

I. Call to Order

Chairman Ellis called the meeting to order at 11:51 am ET.

II. Roll Call

The following committee members were in attendance:

Seth Bauer	Mike Murphy
Joe Colapietro	Claire Shapiro
Mark Davis	Tim Vander Pol
Richard Ellis — Chairman	Matt VanDerPol
Lisa Klein	Jeremy Vetterkind
Mike Morgan	Cynthia Winkler
Jim Mullen	Nicholas Wingerter — Special Advisor
Britton Mullen — Staff Liaison	

The following non-committee-members were in attendance:

Matt Batteh	Dmitriy Pankratov
Steven Chapman	Robert Sowers
James Faas	John Trumpy
John Hughes	Lesley Veldstra Killingsworth
Kris McLennan	Jake Whitney

The following staff members were in attendance:

Colleen Airgood	Adam Mercer
Sarah Cottrell	Amber Parker
Paul Dugent	Lanae Peterson
Larissa Franklin	Carrie Sparks
Ashley Gencarelli	Debbie Sparks
Nicole Jones	Gabriela Torres
Caroline Lyle	

General Counsel is Claire Shapiro.

III. **Antitrust Advisory**

Matt VanDerPol advised the committee that this meeting is being conducted in compliance with NMFTA's antitrust guidelines.

IV. **Approval of the Minutes – June 2023**

Mike Morgan motioned to accept the minutes of the June 2023 Regulatory Policy Committee meeting, which were previously distributed to committee members. Sheri Frieze seconded, and the motion was passed.

V. **Crash Preventability Determination Program**

Britton Mullen, NMFTA's lobbyist, reported on the NMFTA comments submitted in response to the April 2023 FMCSA notice regarding proposed modifications to some existing crash types.

VI. **Safety Fitness Procedures**

Britton Mullen reported on the FMCSA's Advanced Notice of Proposed Rulemaking regarding the identification of unfit motor carriers. NMFTA submitted comments in 2016 and is to consider submitting comments by the October 30 deadline. Mike Morgan made a motion to recommend that NMFTA submit comments regarding safety fitness procedures. VanDerPol seconded, and the motion was passed.

VII. **Rhode Island Tolling Legislation**

Britton Mullen reported on the Rhode Island Tolling Legislation and the previous lawsuit, which argued that the state violated the Commerce clause by requiring out-of-state heavy trucks to pay nearly all tolls while exempting state businesses and intrastate motor carriers. The state is seeking to overturn that decision and is awaiting the court's decision.

VIII. **Side Underrides**

Britton Mullen reported on side underrides and the current research on side underride guards to better understand the overall effectiveness and assess the feasibility, benefits, costs, and impacts of installing side underrides on trailers. After NHTSA's research concludes, a report will be filed in the federal register for public comment

when NMFTA can consider submitting comments.

IX. Driver Detention

Britton Mullen reported on the recent announcement by FMCSA to gather information on the Impact of Driver Detention Time on Safety and Operations. Following the discussion, Mike Morgan motioned to recommend that NMFTA submit comments regarding safety fitness procedures. VanDerPol seconded, and the motion was passed.

X. Legislative Update

Britton Mullen provided an update on relevant legislative matters, including cyber security, Strengthening the Supply Chain Act, repealing the federal excise tax, Drive Safe Act, truck parking and bathrooms for truck drivers.

XI. Clean Freight Coalition

Jim Mullen reported on NMFTA's efforts via the Clean Freight Coalition, an alliance of truck transportation stakeholders committed to a clean energy future for America's trucking industry.

XII. Old Business

Britton Mullen shared the topics of Safe Integration of Automated Driving Systems-Equipped CMVs, Hair-Follicle Testing for Drugs, Oral Swab Testing for Drugs, Compliance Safety Accountability (CSA) Prioritization Preview and Independent Contractors Under FLSA will continue to be monitored moving forward as there are no relevant updates at the current time.

XIII. New Business

Nicholas Wingerter discussed several new state matters.

XIV. Adjournment

Mike Morgan made a motion to adjourn. Jeremy Vetterkind seconded the motion, and the Regulatory Policy Committee meeting adjourned at 12:22 pm ET.