

Agricultural Interdiction Commercial Vehicle Enforcement Merger Sub-Team

Agricultural Interdiction Stations, Motor Carrier Size and
Weight Weigh Stations, and Florida Highway Patrol
Commercial Vehicle Enforcement

Recommendations for the Law Enforcement

Consolidation Task Force

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BACKGROUND

On July 1, 2011, SB 2160 became effective and created a Law Enforcement Consolidation Task Force. One of the directives mandated by SB 2160 for the Law Enforcement Consolidation Task Force is to evaluate any duplication of law enforcement functions throughout state government and identify any functions that are appropriate for possible consolidation.

This document is the result of one such evaluation into the feasibility of merging or co-locating the Florida Department of Agriculture and Consumer Services Office of Agricultural Law Enforcement Interdiction Stations with the Florida Department of Transportation Motor Carrier Size and Weight Weigh Stations or the merger of the Office of Agricultural Law Enforcement (OALE) with the Florida Highway Patrol Commercial Vehicle Enforcement. The basis of this study is the appearance that each entity conducts various inspections of commercial motor vehicles and/or the contents therein and as such, should be able to conduct those inspections simultaneously or at least at the same location.

By bringing various stakeholders together (including law enforcement and various industry personnel) this feasibility study was generated to provide the Law Enforcement Consolidation Task Force with the requisite information needed to make an informed recommendation as to the possible outcome of such a merger or co-location.

MERGER OF AGRICULTURAL INTERDICTION AND FLORIDA HIGHWAY PATROL COMMERCIAL VEHICLE ENFORCMENT

The Commercial Vehicle Enforcement unit, formerly known as Motor Carrier Compliance, was moved to the Florida Department of Highway Safety and Motor Vehicles as a result of legislation passed during the 2011 legislative session. They were moved from the Florida Department of Transportation. They are currently a bureau within the Florida Highway Patrol and are staffed with 261 sworn personnel. The weigh scale locations formerly managed by Motor Carrier Compliance were not

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transferred to the Department of Highway Safety and Motor Vehicles when the merger of the two enforcement entities occurred. The weigh scales remain under the management of the Department of Transportation.

The primary purpose of the **Florida Highway Patrol Commercial Vehicle Enforcement** (FHP/CVE) weight enforcement program is to protect Florida's highway systems and bridges from damage caused by overweight vehicles. Establishment of the state's weight and size limits prevents heavy trucks from causing unreasonable damage to highway systems and thereby protects the public's investment in these roadways. In an effort to reduce the number of commercial motor vehicle related crashes, FHP/CVE officers perform safety inspections on commercial vehicles and traffic enforcement with an emphasis on violations by commercial motor vehicle and passenger vehicles interacting with large trucks. FHP/CVE is a statewide enforcement agency which primarily conducts enforcement efforts through mobile patrols during peak traffic periods. Approximately 65% of inspections conducted by the unit result from mobile patrol enforcement with the remaining 35% of inspections occur during operations conducted at Department of Transportation managed weigh scales.

The mission of the Office of Agricultural Law Enforcement is to protect Florida's agriculture and its consumers. The **Bureau of Uniform Services** is responsible for conducting interdiction operations in support of the Department's regulatory authority and programs. The bureau operates 23 agricultural interdiction stations located on every paved highway crossing the natural boundary of the Suwannee and St. Mary's Rivers, as well as Interstate 10's western entrance into Florida at Pensacola. Agricultural vehicle inspections are conducted at each location 24 hours a day, 365 days a year, by sworn law enforcement personnel. The bureau consists of 210 sworn personnel, a majority of which are located in Northeast Florida. The bureau is not a mobile patrol enforcement operation. Personnel staff fixed locations.

Statutory authority is granted to the Commissioner of Agriculture to promulgate rules which strengthen and protect Florida's agricultural community and its consumers from the intrusion of exotics pests and diseases and from unfair and deceptive trade

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practices. The Bureau supports and supplements all of the Department's regulatory and law enforcement programs by conducting inspections of highway shipments of agricultural, horticultural, aquacultural and livestock commodities. These regulations and programs ensure compliance with Federal and State Marketing Agreements and various laws, rules and regulations implemented to provide the consuming public a quality food product and/or prevent, control, and eradicate specific plant and animal pests and diseases which could economically devastate segments of Florida's agricultural industry. As Florida's second largest state industry, agriculture has an economic impact of \$100 billion annually.

In 1992 FDACS had over 200 law enforcement officers in three different divisions. At that time the Commissioner of Agriculture presented a plan for department restructuring to the Legislature which resulted in the enactment of Section 570.073, Florida Statutes, creating the Office of Agricultural Law Enforcement. The new entity consolidated all law enforcement functions, which resulted in a more efficient use of resources and law enforcement personnel within the Department. The Office of Agricultural Law Enforcement consists of two operational bureaus: The Bureau of Uniform Services and the Bureau of Investigative Services. In 2002, officers employed by the Office of Agricultural Law Enforcement received full law enforcement authority.

The missions and enforcement activities of the two entities are not duplicative. The mission of agricultural interdiction is agency specific to the Florida Department of Agriculture and Consumer Services.

EFFICIENCY OPPORTUNITIES

The Office of Agricultural Law Enforcement's Bureau of Uniform Services presently staffs 23 fixed interdiction locations with 210 sworn personnel. It is the opinion of the Department of Agriculture and Consumer Services that staffing fixed locations and requiring transporters of regulated commodities to submit for inspection is the most effective way to conduct commodity interdiction and inspection.

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It is believed that a law enforcement presence at these locations with the specific mission of enforcing agency specific laws and rules is essential. However, it is plausible that non-sworn personnel could be integrated at these locations and perform regulatory duties. Efficiencies could be experienced as a result of such an integration of non-sworn inspectors. Scheduling and staffing levels at interdiction stations is also a possible opportunity for efficiencies. An internal review is being conducted relating to these issues.

TEAM RECOMMENDATION

The team does not recommend consolidation of OALE and Florida Highway Patrol Commercial Vehicle Enforcement operations.

CO-LOCATION OF AGRICULTURAL INTERDICTION AND MOTOR CARRIER SIZE AND WEIGHT AT INTERSTATE LOCATIONS

The Department of Transportation's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities. Motor Carrier Size and Weight (MCSAW) is a component of the Department of Transportation's Office of Maintenance.

MCSAW's role in achieving the Department of Transportation's mission is to maintain fixed weight facilities strategically located throughout the state of Florida and to enforce weight, size, permit, fuel tax and registration laws as it pertains to commercial vehicles. There are 31 weight facilities which include 20 interstate Weigh-In-Motion sites and five Virtual-Weigh-In-Motion sites. The facilities managed by the MCSAW of interest for this discussion are those situated in close proximity to agricultural interdiction stations on Interstate 95 in Nassau County, Interstate 75 in Hamilton County, Interstate 10 in Suwannee County and Interstate 10 in Escambia County.

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Agricultural interdiction and MCSAW have in the past been co-located at certain locations on Interstates 10 in Suwannee County, 75 in Hamilton County and 95 in Nassau County. Due to the nature of the regulatory inspection process required for agricultural inspections, all trucks were required to stop and submit for inspection, and as such, were required to pull across the scale area as well. Having two separate inspection functions co-located created problems for both entities. Certain commodities, such as wood chips, rock and sand, pulp wood and timber products are exempt from agricultural inspection. Trucks carrying these products would not be held up at the agricultural inspection window, but due to the nature of the product, they are often found to be overweight. The scale operations would often cause backups allowing agricultural laden vehicles the ability to bypass without necessary agriculture regulatory inspections, due to station over-queuing.

The same held true for MCSAW operations. Regulatory agricultural inspections do not only encompass those vehicles operating in a commercial endeavor. These inspections extend into private vehicles with utility trailers in tow, private livestock haulers and even privately rented U-Haul type vehicles being used in personal functions. These additional vehicles, in conjunction with commercial haulers would again over-load the station, causing it to over-queue, which would result in vehicles backing dangerously out into the interstate. Inevitably, when this occurs, vehicles which are unique to the success of each agency's core mission are allowed to bypass, uninspected and thereby unregulated.

In each instance, MCSAW moved their operations approximately 3-6 miles away from the agricultural interdiction station and constructed new scale facilities which consist of two static scales for multi-lane operations and Weigh-in-Motion scales for ramp pre-sorting.

WEIGH-IN-MOTION

Weigh-in-Motion (WIM) scales are installed on weigh station ramps to weigh and sort vehicles. Vehicles that are not authorized to bypass the facility as a result of their

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participation in the PrePass program enter the weight facility. Vehicles move to the approach ramp where they are weighed by a sorter or WIM. The ramp WIM sorts the arriving trucks based on a weight threshold set by the weigh station personnel. Axle spacing, vehicle height, and vehicle classification also may be determined. Vehicles that do not exceed the threshold are signaled by a message sign to move to the bypass lane for return to the main highway. Remaining vehicles are directed to the static scale for weighing. Ramp sorting combined with a bypass lane can process more vehicles than can be supported by a static scale alone. By using WIM technology, less than half the vehicles that enter a weight station are directed to the static scale.

The WIM allows MCSAW the ability to only weigh those vehicles that are likely to be found over-weight and allows all others the ability to divert into the bypass lane and back onto the interstate. If a co-location plan was mandated, the WIM would become unusable. Again, due to the nature of agricultural inspections, it does not matter how much the product weighs, regulation is determined by what is being transported.

PREPASS PRECLEARANCE PROGRAM

To facilitate movement of commercial highway traffic, the Office of Agricultural Law Enforcement continues a public/private partnership with the Florida Department of Transportation and private enterprise to provide commercial carriers with the PrePass electronic identifier. This system allows pre-authorized vehicles to bypass interdiction stations, reducing station traffic, and allowing OALE officers to concentrate their efforts on specific carriers of agricultural, horticultural, aquacultural, and livestock commodities. Currently, electronic PrePass is located at all interstate interdiction stations. MCSAW also utilizes PrePass technology at their facilities.

PrePass is an automatic vehicle identification (AVI) system which allows participating transponder-equipped commercial vehicles to bypass designated agricultural interdiction facilities and/or weigh scale facilities. Cleared vehicles may proceed at highway speed, eliminating the need to stop, which means greater efficiency for shippers and improved safety for all highway users.

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The criteria utilized to determine if a transporter will be granted bypass authorization at the interdiction stations is based on the commodities transported. The criteria used to determine authorization to bypass weigh scale facilities is based on the carrier's safety record.

Approximately 362,175 commercial trucks are presently authorized to bypass weigh scale facilities and approximately 103,868 commercial trucks are presently authorized to bypass agricultural interdiction stations. The significantly different functions and enrollment criteria for these two programs make PrePass integration difficult. The screening criteria for each program enable commercial carriers to bypass at each facility independently. A single carrier may be able to bypass one and not the other depending on their weight, safety record, credentials or load type. The agricultural interdiction stations have a significantly higher pull-in rate for inspection due to load type and program restrictions.

Trucking industry representatives have expressed concern that a change in the current situation will increase operating costs to their constituents. These costs would be increased due to more trucks having to stop, increased wait times in queue, and vehicles having to come back up to highway speeds. All of this creates increased fuel costs and maintenance on vehicles.

There is sufficient room for co-location at the interstate Weigh-In-Motion facilities. A single bypass route is created if such a co-location occurred. This negative impact of co-location could be overcome. However, co-location at interstate locations is impractical due to the utilization of WIM technology and the difference in PrePass pre-clearance criteria and would not improve the flow of commercial traffic in Florida.

TEAM RECOMMENDATION

The team does not recommend co-location between OALE and MCSAW at interstate locations.

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CO-LOCATION OF AGRICULTURAL INTERDICTION AND MOTOR CARRIER SIZE AND WEIGHT AT NON-INTERSTATE LOCATIONS

There are currently three weigh stations that are located in close proximity to non-interstate agricultural interdiction stations. These three weigh stations are routinely staffed with non-sworn weight inspectors. The first is a static scale facility which is essentially co-located with an agricultural interdiction station on US 1, north of Hilliard, Florida. The second static scale facility is located on US 17, north of Yulee, Florida, approximately three miles from an agricultural interdiction station. Lastly, a static scale facility is located in Old Town, Florida, approximately three miles and across the Suwannee River from the agricultural interdiction station located in Fanning Springs, Florida, on US 27. Each of the three MCSAW facilities is newer and in better condition than the current agricultural interdiction stations.

The Florida Department of Transportation, Office of Motor Carrier Compliance contracted with Reynolds, Smith and Hill (RS&H) to complete a feasibility study in order to assess the needs of the weigh station on US 1 and to evaluate and enhance the efficiency of the weigh station. RS&H issued a report in September 2009. The study recognized that the current MCSAW station on US 1 was essentially co-located with the agricultural interdiction station. RS&H determined that this co-location was not the most efficient use of resources as it related to the mission of the MCSAW. The report recommended splitting the two entities apart to two separate locations and to install mainline WIMS to be used in conjunction with static scales. They found that this would provide the most efficient and operationally superior alternative given the extent of their study. They stated that the capacity improvements would not only allow for more efficient movement of trucks, but would also reduce the possibility of bypassing. By relocating the MCSAW facility further north and away from the agricultural interdiction station, they could accommodate existing and future growth conditions. With this recommendation, RS&H stated that it would be more feasible to construct an independently operated weigh station north of the existing weigh station. The recommendation provided by RS&H has been tabled due to a lack of funding.

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The Florida Department of Transportation's MCSAW has again contracted with RS&H to conduct a similar study into the possible co-location of the agricultural interdiction station in Fanning Springs with the MCSAW static scale in Old Town on US 27. It is believed that to be able to handle the increased inspections and personnel that a co-location would entail, the ramp would likely need to be lengthened, inspection areas increased, the building would likely need enlarging and capacity for additional computer systems would need to be built in. Co-location at this facility would require the installation of two Virtual Weigh-In-Motion (VWIM) systems and the staff to monitor them due to the two bypass routes it would open up for regulated vehicles to circumvent the agricultural inspection process. This feasibility study is underway at this time and preliminary results are expected within 1-2 months. This study is expected to identify cost associated with a possible co-location.

The third agricultural interdiction station that is located in close proximity to a MCSAW facility is on US 17 near Yulee. This facility could house both entities and inspections could be conducted in a way that would satisfy both missions. However, by moving the OALE inspection process to the MCSAW facility, a bypass route would be opened that would allow regulated vehicles to circumvent the agricultural inspection process. This location is routinely used by trucks seeking to bypass the MCSAW scales on Interstate 95 and US 17. To cover this, additional personnel would need to be hired to cover this bypass route or a VWIM system would need to be installed with personnel to monitor the computer and respond to bypasses. Further study needs to be done in order to evaluate cost associated with this potential co-location to include the possible move of Department of Transportation (DOT) personnel to the agricultural interdiction station location. One advantage to this possibility is the elimination of a bypass route that currently exists in relation to the weigh scale.

There are three additional MCSAW static, non-interstate facilities located in the general vicinity of agricultural interdiction stations. These three locations are not routinely staffed. FHP/CVE officers occasionally utilize these facilities to conduct spot checks on commercial carriers found to be traveling side roads in an attempt to circumvent other fixed static scale locations.

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EFFICIENCY OPPORTUNITIES

Possible co-location at the three aforementioned locations on US 27, US 1 and US 17 is plausible. Additional research needs to be conducted in order to establish costs not only associated with the move and/or co-location, but the costs associated with resolving issues associated with the co-location, i.e. bypass routes.

Mobile FHP/CVE units utilizing non-interstate agricultural interdiction stations to conduct mobile weight enforcement is plausible. This occasionally occurs now. This may eliminate the need to maintain DOT facilities that are only occasionally staffed at the non-interstate locations.

TEAM RECOMMENDATION

Co-location is plausible at a limited number of facilities. Further review is warranted to thoroughly evaluate this potential efficiency opportunity.