

Statement of Alan Hageman

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STATEMENT FOR THE RECORD TO
Highways and Transit Subcommittee of the
Committee on Transportation and Infrastructure

United States House of Representatives

The Honorable Peter DeFazio, Chairman
The Honorable John Duncan, Jr., Ranking Member
Hearing on Drug and Alcohol Testing of Commercial Motor Vehicle Drivers

November 1, 2007

Chairman DeFazio and distinguished members of the subcommittee, first, thank you for the honor of speaking before you this morning on the topic of commercial motor vehicle drug testing. For the record, my name is Alan Hageman and I am a Sergeant with the Oregon State Police assigned to the Patrol Services Division at our General Headquarters. I am here today to briefly summarize Oregon's findings in drug testing of our truck driving population and make a single recommendation which I believe will improve our performance in reducing the number of impaired commercial motor vehicle drivers on our highways.

In summary, in the fall of 1998, now retired Captain Chuck Hayes initiated the first trucker check (OTC-1) in Oregon at the Ashland Port of Entry which is on Interstate 5 northbound near our border with California. We have now conducted 13 trucker checks at our various ports of entry.

The overall goal of the trucker checks has been to enhance transportation safety through enforcement of state and federal laws specific to commercial vehicle operations. All of the trucker checks involve randomly selecting trucks for driver and equipment inspections with an emphasis on looking for driver qualifications, hours of service compliance, and equipment safety violations. Additionally, specially trained drug recognition evaluators conduct a cursory examination of the drivers for signs of fatigue and impairment. Each trucker check runs for 72 consecutive hours.

Captain Hayes devoted his career to enhancing transportation safety through reducing impaired driving, and the Oregon State Police continue to build on his vision. Captain Hayes employed different strategies ranging from traditional enforcement to introducing the latest training methods to legislative changes at the state level. In order to have a better understanding of the extent of drug usage in the trucking population, Captain Hayes added as an element to OCT-1 of asking all drivers to provide a voluntary and anonymous urine sample; compliance was very high. The analysis of the urine collected revealed a 9.4 percent of the samples were positive for some kind of drug (alcohol was not tested) with cannabinoid (marijuana) being the predominant drug followed by amphetamines and opiates.

A year later, Captain Hayes conducted OCT-2 on Interstate 84 eastbound about 40 miles east of Portland near the Washington border. Urine testing at OTC-2 revealed 15.2% of the samples were positive as a result of a spike in amphetamines. We do not have an explanation for this amphetamine spike.

OTC-2 was the last trucker check where we collected urine until OTC-12 on I-5 southbound near Portland last April. Captain Gerry Gregg recognized that the latest testing was over seven years old and he wanted to refresh previous studies. OCT-12 revealed a 9.65% positive rate which was strikingly similar to what we found in OCT-1, over eight years earlier. In September, we held OTC-13 in the same location as OTC-2 and saw only a slight downturn from previous trucker checks with 8.9% of samples showing positive.

The primary difference between the drugs detected from the last decade to the present is an increase in marijuana and opiates and a decrease in cocaine. Other than the OTC-2 amphetamine spike, this drug category has been relatively static. In any case, the overall rate of positive urine samples has not decreased significantly during the eight and one-half between OTC-1 and OTC-13.

One of the steps that the Oregon Legislature took in 1999 to address the drug issue was to create a statute (ORS 825.410) which was intended to exceed US Department of Transportation drug testing requirements found in the US Code,

Title 49, Part 40 but there are some weaknesses in the statutory language which keep this statute from achieving its intended results.

As I speak, the Oregon Department of Transportation is developing a legislative concept to modify this statute which it hopes to get introduced in our next general legislative assembly which will do two things: first, it will treat employment urine test refusals as a positive (currently, refusals are invisible). Second, Oregon DMV will disqualify commercial drivers for positive results. Presently, Washington and North Carolina are the only two states known to do this.

Oregon can seek to become very proactive in drug testing. However, the interstate nature of trucking severely limits the effectiveness of Oregon's efforts unless there is interstate uniformity. Therefore, I am urging you to consider establishing a nation-wide clearing house which will report all positive (refusals included) drug tests and require inquiry into this clearinghouse for driver pre-employment by any interstate trucking company.

Conclusion

Thank you again for the privilege of speaking before you today. I hope that what I have shared with you is of some value in improving the safety of our nation's highways. I will be honored to answer any of your questions.

Operation Trucker Check – 13

Cascade Locks

September 18-20, 2007

477 drivers were requested to provide urine samples. 9 drivers (1.9%) declined to participate. Following are the analysis results of the 468 urine samples obtained:

- 9 (1.92%) drivers tested positive for the presence of amphetamines.
- 2 (0.43%) tested positive for benzodiazepines.
- 1 (0.21%) tested positive for cocaine.
- 19 (4.06%) tested positive for the presence of cannabinoid (marijuana).
- 14 (2.99%) tested positive for opiates (e.g., oxycodone).
- 3 (0.64%) tested positive for propoxyphene (synthetic opiates).
- 5 (1.07%) were positive for more than one drug category.
- Overall, 42 (8.97%) of 468 drivers that provided urine tested positive in at least one drug category.

It should be noted that the samples were also tested for the presence of Barbiturates and Methadone, although none tested positives for these drugs.

Drug Usage Comparison

Drug Type	Ashland 10/1998	Cascade Locks 9/1999	Woodburn 4/2007	Cascade Locks 9/2007
Amphetamines	8	23	8	9
Barbiturates	0	1	0	0
Benzodiazepines	1	1	0	2
Cocaine	4	2	0	1
Cannabinoid	11	8	18	19
Methadone	0	0	2	0
Opiates	8	4	16	14
Propoxyphene	1	0	3	3
Total samples requested (trucker's contacted)	n/a	n/a	491	477
Number of refusals	n/a	n/a	4	9

Total samples provided	361	255	487	468
Total positive samples	34*	39*	41	42
Percentage of positive samples**	9.4%	15.2%	9.65%	8.97%

*Actual data not available. Assumption made that percentages were based on each positive sample counting as one, regardless if the sample tested positive for multiple drugs.

**Some samples tested positive for multiple drugs. A sample that tested positive for multiple drugs was only counted as one positive sample.

MEMORANDUM OREGON STATE POLICE

DATE: April 27, 2007

TO: Lieutenant Glenn Chastain
General Headquarters – Patrol Services Division

FROM: Alan A. Hageman, Sergeant
General Headquarters – Patrol Services Division

SUBJECT: **AFTER ACTION REPORT – OPERATION TRUCKER CHECK-12
WOODBURN PORT OF ENTRY APRIL 10-12, 2007**

REFER: To the State Police Motor Carrier Enforcement spreadsheet.
To the Washington State Patrol “Traffic Safety Emphasis” spreadsheet.
To the Urine Analysis spreadsheet and graphs.
To the Oregon State Police InfoFlash dated April 11, 2007.
To the Oregon State Police News Release dated April 18, 2007.

From 12:01 a.m. on Tuesday, April 10 through 11:59 p.m. on Thursday, April 12, 2007, the Oregon State Police, in cooperation with law enforcement partners and the Oregon Department of Transportation – Motor Carrier Transportation Division (MCTD) conducted the 12th Operation Trucker Check (OTC-12). OTC-12 was held at the Woodburn Port of Entry, I-5, milepost 274 southbound.

The goal of OTC-12 was enhancing transportation safety through thorough truck inspections and the detection of impaired drivers with four primary objectives:

1. The first objective of OTC-12 was to identify commercial vehicle driver and equipment safety violations and to place out-of-service drivers and vehicles discovered to be in violation of the North American Standard out-of-service criteria.
2. Another objective of OTC-12 was to discover alcohol or other substance impairment and driver fatigue.
3. A third objective is to discover any kind of criminal activity that may be occurring in conjunction with commercial motor vehicle operations.

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4. The fourth objective was to determine the extent of substance use in the commercial motor carrier driver population through the anonymous and voluntary collection of urine samples from CMV drivers and the comparisons of these results with earlier studies.

The first objective of identifying safety related commercial motor vehicle and driver violations included Level II and Level III safety inspections by Oregon State Police Troopers and the Gresham Police Department. MCTD personnel conducted Level I, II, and III safety inspections. Trucks were selected randomly for inspection based on a “next to cross” the scales. Following is a brief summary of our truck inspection efforts:

- 505 commercial motor vehicles were inspected.
- 54 vehicles (11%) were placed out-of-service for safety related violations of the North American Standard out-of-service criteria.
- 85 drivers (17%) were placed out-of-service for North American Standard out-of-service violations. Most of the violations were for exceeding their maximum driving hours or for record keeping deficiencies.



Senior Trooper Dan De Haven, The Dalles, conducting a Level II Safety Inspection



Senior Trooper Dede Hansell, Portland, obtaining a driver's documents.



A Drug Recognition Expert talks to a truck driver

Certified drug recognition experts (DRE) from the State Police, Gresham Police Department, Gladstone Police Department, Portland Police Bureau, the Clackamas County Sheriff's Office, and the Marion County Sheriff's Office contacted 491 drivers and conducted initial screening for alcohol or drug impairment and fatigue. Drivers who exhibited signs of impairment were given further field sobriety tests. Below are results from the DRE efforts.

- Three (3) drivers were found to be suffering from fatigue.
- Three (3) drivers were found to have been driving while under the influence of intoxicants – methamphetamine (suspected). All three drivers were arrested for DUII and placed out-of-service.

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- One (1) driver exhibited signs of impairment and was unable to pass standard field sobriety tests. Further examination established the driver was suffering from severe hyperglycemia. Medical aid was summoned. Investigation revealed a driver history of not adequately controlling blood glucose levels; he was placed out-of-service for his medical condition.

Two canine teams were on site between 6:00 a.m. until 2:00 a.m. each day to assist with the third objective of identifying criminal activity. No arrest warrants were served or suspended drivers cited/arrested. No criminal activity was detected other than the contraband seizures noted below:

- Two (2) methamphetamine possession criminal cases were made.
- One (1) personal amount of marijuana was seized.
- Seven (7) drivers were found to be unlawfully in possession of alcohol.



Trooper Tom Hunt, Springfield, and canine "Hemi" searching a bulk load



Senior Trooper Peter Arnautov, Capitol Mall, contacting a driver



Evidence Technicians Mary (L) Ward and Kristen Ramsey

The fourth objective was to determine the extent of undetected substance use among truck drivers. This was done by requesting voluntary and anonymous urine samples. This process was conducted at OTC-1 and OTC-2. In that the last testing was done in 1999, there was interest in revalidating the previous studies. State Police evidence technicians staffed OTC-12 during its operation. In summary, 491 drivers were requested to provide urine samples. 4 drivers (less than one percent) declined to participate. Following are the analysis results of the 487 urine samples obtained:

- 8 (1.64%) drivers tested positive for the presence of amphetamines.
- 18 (3.70%) tested positive for the presence of cannabinoid (marijuana).
- 2 (0.41%) tested positive for the presence of methadone.
- 16 (3.29%) tested positive for opiates (e.g., oxycodone).
- 3 (0.62%) tested positive for propoxyphene (synthetic opiates).
- 5 (1.03%) were positive for more than one drug category).

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- Overall, 41 (9.65%) 487 drivers provided urine which tested positive in at least one drug category.

Anonymous urine samples have been collected at three OTC operations since the initial operation in 1998. The first collection was taken during the Ashland/Klamath Falls OTC operation in October 1998. The second collection was taken during the Cascade Locks OTC operation in September of 1999. The third and most recent operation was held at the Woodburn POE in April 2007.

During the Ashland/Klamath Falls operation 361 samples were tested with a total drug usage of 9.4%. The Cascade Locks operation collected 255 samples with a total drug usage of 15.2%. The Woodburn operation collected 487 samples with a total drug usage of 9.65%.

Drug Usage comparison

Drug Type	Ashland/Klamath Falls 10/1998	Cascade Locks 9/1999	Woodburn 4/2007
Amphetamines	8	23	8
Barbiturates	0	1	0
Benzodiazepines	1	1	0
Cocaine	4	2	0
Cannabinoid	11	8	18
Methadone	0	0	2
Opiates	8	4	16
Propoxyphene	1	0	3
Percentage of total use	9.4%	15.2%	9.65%

The evidence technicians also assisted with evidence processing in DUII and controlled substance cases. This was the first trucker check participation for all of the evidence technicians and all of them performed very well and their organization, participation, motivation, and expertise was appreciated.

OTHER INFORMATION

Trucker checks generally produce anecdotal reports of by-pass truck traffic around the scales and an inordinate amount of trucks "waiting it out" in rest areas and truck stops prior to the trucker check location. During OTC-12, reports were received of heavy truck traffic on SR 99E which is east of and parallel to I-5 and Butteville Road, a county road just west of and parallel to I-5. During OTC-12, an officer in an unmarked car patrolled SR 99E and after stopping six trucks noticed a significant decrease in truck traffic on SR 99E.

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Washington State Patrol was advised in advance of OTC-12. WSP motor carrier officers and troopers conducted a traffic safety emphasis on SR 14 eastbound. They inspected 34 trucks of which they placed 11 out-of-service. WSP did not report anything remarkable during their emphasis nor did they see an apparent increase in truck traffic or parking in Clark County.

State Police public information officer, Lieutenant Gregg Hastings, posted an "InfoFlash" on the second morning of OTC-12. All three Portland news networks and the Statesman Journal (Salem) made news reports from OTC-12. On April 18th, Lieutenant Hastings posted an OTC-12 news release containing preliminary statistics. Media developed reports on this with news radio showing a particular interest in the results. Overall, OTC-12 generated strong media interest.

SUMMARY AND CONCLUSION:

Captain Chuck Hayes (retired), Training Division Director and Oregon Drug Evaluation and Classification Program Coordinator, initiated the first Oregon Trucker Check at the Ashland and Klamath Falls Ports of Entry in the fall of 1998. The trucker check template that we use is virtually unchanged since 1998. An analysis of the urine collected at all three trucker checks does not demonstrate a significant difference in the presence of controlled substances among the commercial motor carrier driver population. This suggests that the trucking industry, state and federal regulatory agencies, the insurance industry, law enforcement community, and other safety advocates can do more to improve our performance in this area. That nearly one in ten commercial motor vehicle drivers have controlled substances in their system while operating 80,000 pound vehicle combinations on our highways is not acceptable.

AAH/aah

cc: Captain Gregg – GHQ/PSD
Region Commanders
Lieutenant Hastings - PIO
Lieutenant MacManiman, LaGrande Area Command
Sergeant Essman – Washington State Patrol
Mr. Chuck Hayes – NHSTA
FMCSA
Gregg Dal Ponte – ODOT/MCTD
David McKane – ODOT/MCTD
Bonnie Pierovich – ODOT/MCTD
OTC-12 Participants (see schedule)

Attachment (5)

otc 12 after action 042607.mem

MEMORANDUM

OREGON STATE POLICE

DATE: October 30, 2007

TO: Gerry Gregg, Captain
Patrol Services Division

FROM: David MacKenzie, Sergeant
East Region Headquarters

SUBJECT: **AFTER ACTION REPORT**

REFER: **OPERATION TRUCKER CHECK 13**
Cascade Locks Port of Entry – September 18-20, 2007

SUMMARY:

The Operation Plan was implemented September 18-20, 2007 by Oregon State Police members from the Motor Carrier Enforcement Team, Patrol division, DRE program, K-9 program, and Evidence Technician program. Partnering agencies included ODOT, DPSST, Washington Co. Sheriff's Office, and Portland Police Bureau.

The goal of OTC13 was to enhance transportation safety by conducting thorough Level I, II, and III truck inspections and the detection of impaired operators of commercial motor vehicles.

The primary objectives of OTC13 were:

- identifying commercial motor vehicle driver and vehicle violations, with emphasis on out-of-service violations;
- detecting operator impairment by alcohol and/or substance abuse;
- detecting operator impairment by fatigue;
- to detect any criminal activity occurring in conjunction with commercial motor vehicle operations; and,
- to determine the extent of substance use in the commercial motor vehicle operator's community through the voluntary collection of urine samples of all operators contacted.

All inspections were based on a next-to-cross criteria to ensure a representative cross-section of the commercial trucking industry.

Results of the voluntary urinalysis showed that 477 drivers were requested to provide urine samples. Of those, nine drivers (1.9%) declined to participate.

Following are the analysis results of the 468 urine samples obtained:

- 9 (1.92%) drivers tested positive for the presence of amphetamines.
- 2 (0.43%) tested positive for benzodiazepines.
- 1 (0.21%) tested positive for cocaine.
- 19 (4.06%) tested positive for the presence of cannabinoid (marijuana).
- 14 (2.99%) tested positive for opiates (e.g., oxycodone).

- 3 (0.64%) tested positive for propoxyphene (synthetic opiates).
- 5 (1.07%) were positive for more than one drug category.
- Overall, 42 (8.97%) of 468 drivers that provided urine tested positive in at least one drug category.

It should be noted that the samples were also tested for the presence of Barbiturates and Methadone, although none tested positives for these drugs.

The chart listed below compares the results of three similar operations conducted by OSP with the current operation's findings.

Drug Usage Comparison

Drug Type	Ashland/ Klamath Falls 10/1998	Cascade Locks 9/1999	Woodburn 4/2007	Cascade Locks 9/2007
Amphetamines	8	23	8	9
Barbiturates	0	1	0	0
Benzodiazepines	1	1	0	2
Cocaine	4	2	0	1
Cannabinoid	11	8	18	19
Methadone	0	0	2	0
Opiates	8	4	16	14
Propoxyphene	1	0	3	3
Percentage of total use	9.4%	15.2%	9.65%	8.97%

The chart listed below displays the statistics gathered, per shift, over the duration of OTC13.

ACTIVITY	GRAVEYARD	DAY	SWING	TOTAL
Equipment Cite	0	0	1	1
Equipment Warn	36	150	88	274
Log Book Cite	1	2	12	15
Log Book Warn	63	87	90	240
Misc FMCSR Cite	1	0	2	3
Misc FMCSR Warn	54	52	18	124
Level 1 Inspection	14	35	37	86
Level 2 Inspection	98	163	125	386
Level 3 Inspection	28	1	11	40
Total Inspections	140	199	173	512
Vehicles Out of Service	15	19	21	55
Drivers Out of Service	30	32	37	99
Consent Search	17	95	69	181
UPCS – Meth	1	0	1	2
UPCS- Marijuana	0	0	1	1
Alcohol Seized	1	5	1	7

SFST's Conducted	0	0	3	3
Full DRE Eval.	0	2	4	6
Other Drug Seized	1	0	0	1
Driving While Suspended	0	0	1	1
Fatigued Driver	1	0	2	3
DUII – Alcohol	0	0	0	0
DUII – Drugs	0	0	0	0
DRE Contacts	93	183	137	413
DRE SFST's	0	0	2	2
DRE Evaluation	0	2	2	4
Drug Dog- Free Air Sniff	0	0	0	0
Drug Dog – Reasonable Susp.	0	0	1	1
Drug Dog – Probable Cause	0	0	0	0

Of the 512 inspections conducted, 55 (10.74%) resulted in vehicles being placed out of service and 99 (19.34%) resulted in drivers being placed out of service.