

Greg Fulton

Colorado Motor Carriers Association
October 30, 2023 Public Comment

Topic: LAG Report

The Colorado Motor Carriers Association represents over 600 companies that are involved or affiliated with trucking in Colorado. Many of our companies are involved in the pickup and delivery of products with some providing direct to consumer services today in regard to shipments of wine from wineries to consumers in Colorado.

On our part we were surprised to see Recommendations #34 and #35 appear in the report.

Our understanding was that there was no consensus on those recommendations and they would not appear in the final report. On our part we believed that this was appropriate because both recommendations involve actions that involve and affect common carriers, yet no motor carriers were invited to participate on the LAG nor was their input sought related to these matters.

Advancing recommendations where a key stakeholder was not engaged in the process nor asked for their thoughts, would not be wise nor fair in our eyes. Along these lines information was not shared with us that the issues identified in those recommendations even posed a significant problem or at least one where legislation was needed. Further, identifying processes and procedures for parties to adhere to without taking their ideas or perspectives into consideration makes little sense when those parties will be the ones required to comply with these changes in law or rule.

I would ask that neither Recommendation #34 (Common Carrier Permit for Wine Direct Shipping) or #35 (Give authority to the LED to address illegal out-of-state shipments of alcohol products) be included in the final report from the group. Our reasoning is very simple. A key player, common carriers, who will be responsible for implementing these actions was not at the table nor part of the discussion. Common carriers were not provided with any information as to the extent of a problem that could support these recommendations nor the opportunity to review that data to verify its accuracy. Further, common carriers were not provided with the opportunity to comment on these recommendations as to whether the proposed actions outlined would actually even address the perceived problem. For regulations and laws to be effective and successful it is critical that all affected parties be participants in the process of drafting recommendations. In this case that did not occur and based on this we ask that the LAG not proceed with #34 and #35 until there has been a more full discussion of these matters that includes common carrier representatives.

Please note that our association and industry is committed to the safe and legal transport/delivery of alcohol. On our part we are not opposed to further discussions on the issues identified in Recommendations #34 and #35. In light of the fact that those discussions did not occur prior to the inclusion of these recommendations in the report, we are not sure whether the proposed actions would address the concerns identified, nor whether the suggested actions could have unanticipated consequences and problems.

Based on this, we respectfully ask that the LAG NOT proceed with either Recommendation #34 or 35 at this time.

Thank you for your consideration.

Sincerely,
Gregory D Fulton
President
Colorado Motor Carriers Association