

**CONNECTICUT  
MOTOR CARRIER ADVISORY COUNCIL  
Department of Motor Vehicles  
60 State Street, 2<sup>nd</sup> Floor Multi Media Room  
Wethersfield, Connecticut  
Thursday, June 10, 2010  
Meeting Minutes**

**Attendees:** Motor Carrier Advisory Council Chairperson James Rio, Sharon Geanuracos, Lieutenant Donald Bridge, Jr., Dennis Walsh, Rosemary Rivers and Vanita Smith, Department of Motor Vehicles; Sergeant Greg Guerra, Department of Public Safety; Rick LaRose, Department of Revenue Services; Rich Van Allen, Department of Transportation; Tracy Babbidge, Department of Environmental Protection; Jeff Cimahosky, U.S. DOT Federal Motor Carrier Safety Administration; Mike Riley, Motor Transport Association of Connecticut, Inc.; Donna Legault, Connecticut School Transportation Association; Jean Cronin, Connecticut Bus Association; Joan Nichols, Connecticut Farm Bureau; and Joseph Miller, Curtin Livery

**I. Call to Order**

MCAC Chairperson Rio called the meeting to order at 1:05 PM.

**II. Approval of February 25, 2010 Minutes**

Copies of the minutes were distributed. Tracy Babbidge, Department of Environmental Protection Director of Air Planning and Standards, made the motion to accept the minutes as presented. Rich Van Allen, DOT Bureau of Engineering and Highway Operations, Manager of Bridge Operations, seconded the motion and the motion passed unanimously.

**III. Chairperson's Remarks**

Chairperson Rio noted he was unable to attend the February 25, 2010 MCAC meeting as he participated in a mandatory, off-site, training session for managers. He noted that although today's meeting will focus upon the impacts and implementation of legislation from the 2010 Session of the General Assembly affecting Connecticut's motor carrier industry, participants should also provide information on other issues impacting the industry.

Chairperson Rio reported that, with help from Mike Riley, Section 14-11c of the Connecticut General Statutes that addresses the Motor Carrier Advisory Council was amended such that, by Section 42 of Public Act No. 10-110: *An Act Making Revisions to Statutes Concerning the Department of Motor Vehicles*, one of the two regular MCAC meetings held each year shall be convened after - rather than prior to - the commencement of each regular session of the General Assembly. This change should allow for more open sharing of legislative proposals after the Governor's Budget is released. Chairperson Rio noted, as discussed at the February 25 meeting, that in consideration of the statutory change, the next MCAC meeting will take place at 1:00 PM on Thursday, February 24, 2011 – more than three weeks after the next Governor's two-year budget address on Wednesday, February 2.

Chairperson Rio addressed Roadcheck 2010, a three-day Commercial Vehicle Safety Alliance-sponsored North American enforcement effort whereby FMCSA, Department of Motor Vehicles and Department of Public Safety roadside enforcement personnel perform safety inspections on large commercial trucks and

buses and drivers. In Connecticut, resources are focused during the June 8 - June 10 Roadcheck 2010 timeframe upon the high-accident corridors in Hartford, Waterbury and New Haven, the Weigh and Inspection Facilities throughout the State and motor coaches with the casinos as destinations. Mr. Rio noted that on Monday, June 7 DMV Motor Carrier Safety Assistance Program (MCSAP) inspectors, in conjunction with the DOT, performed 50 taxi and livery vehicle inspections at Bradley International Airport. Additional joint taxi and livery inspections are planned in the upcoming months. He also noted that individual school bus registrations will be suspended for failing to return an Inspection Repair Report after a second notice is sent. Carriers can avoid the suspension and restoration fees by returning the Inspection Repair Report prior to the due date. They may also request a hearing to dispute the action.

#### **IV. Review of Legislative Proposals for the 2010 Regular Session of the General Assembly**

##### **State Agencies**

DMV Counsel Sharon Geanuracos distributed a summary of motor carrier/commercial driver license/public service-related changes addressed in Public Act No. 10-110: *An Act Making Revisions to Statutes Concerning the Department of Motor Vehicles*. Ms. Geanuracos noted several Sections of the Public Act, including: Section 2 that raises penalties to be consistent with federal law for an employer who operates or allows the operation of a commercial vehicle that is out-of-service; Section 3 that clarifies that any out-of-state violation by a commercial motor vehicle operator or CDL holder will be treated as though it occurred in Connecticut for purposes of disqualification; Section 34 that eliminates the "A" from the endorsements that are specified for the transportation of passengers; Section 44 that adds civil penalties for carriers that make false representations on any reports submitted to the DMV involving the use, maintenance or repair of a school bus or student transportation vehicle (STV); and Section 47 that adds a provision authorizing the DMV to assess civil penalties against any carrier for failing to comply with certain regulations relating to the safety of school buses and STVs. She noted that some DMV-proposed legislative changes, including 2009 Commercial Drivers License (CDL) Audit-related issues and diversionary programs, were not enacted.

Department of Environmental Protection Director of Air Planning and Standards Tracy Babbidge addressed Public Act No. 10-158: *An Act Concerning the Permit and Regulatory Authority of the Department of Environmental Protection and Establishing an Office of the Ombudsman within the Department of Economic and Community Development* concerning expedited permit processing. She also addressed Public Act No. 10-74: *An Act Requiring Biodiesel Blended Heating Oil and Lowering the Sulfur Content of Heating Oil Sold in the State* that amends the maximum sulfur content of number two home heating oil and number two off-road diesel fuel and establishes biodiesel blending requirements for such oil. Ms. Babbidge noted that percentages of required biodiesel blends increase through July 1, 2020 and that these provisions shall not take effect until New York, Massachusetts and Rhode Island each has adopted requirements that are substantially similar.

DOT Bureau of Engineering and Highway Operations, Manager of Bridge Operations Richard Van Allen reported that the permitting-related proposals - including fee increases, increased penalties for altering permits for nonconforming vehicles and increased penalties for operating commercial vehicles in violation of the permit conditions or failing to obtain a permit - were not enacted. Lieutenant Bridge noted that commercial motor vehicle inspector training classes now address regulations and penalties regarding permits for nonconforming vehicles as found in Section 14-270, including permit fraud detection issues.

Department of Public Safety Connecticut State Police Sergeant Gregory Guerra reported that other than the issues reported earlier at the meeting, there was no other DPS motor carrier industry-related legislation enacted.

DRS Revenue Services Tax Supervisor Rick LaRose addressed motor carrier industry-related legislation to exempt motor carriers that travel only in Connecticut and purchase all of their fuel in-state from having to file motor carrier tax returns. He reported that DRS Tax Enforcement Agents, working in conjunction with DMV enforcement personnel, continued operating the Federal Fuel Tax Enforcement Grant, detecting dozens of violations by non-Connecticut-based carriers of International Fuel Tax Agreement (IFTA) and Motor Carrier Road Tax licensing requirements. He briefed the attendees on the recently passed statute that will result in reducing the amount of sulfur allowed in heating oils and an integration of biodiesel blending into heating oils. He offered that while the statute has an effective date, it is contingent upon the neighboring states of New York, Massachusetts and Rhode Island adopting requirements that are substantially similar to Connecticut's. Mr. LaRose also addressed a 5.5¢ reduction - to 39.6¢ per gallon - in the motor vehicle fuels tax rate per gallon of diesel fuel on the sale or use of diesel fuel effective for the 12-month period beginning July 1, 2010. He noted that Announcement 2010(6) on the DRS website provides additional information regarding the diesel fuel rate reduction.

### **Motor Carrier Industry**

Motor Transport Association of Connecticut, Inc. President Michael Riley reported that no increases in motor carrier fees were enacted from the 2010 Session. He noted that many agency budgets were reduced by 5% for the fiscal year beginning July 1, 2010 and that he would be interested in hearing from State agencies regarding expected impacts resulting from the budget reductions. Mr. Riley reported that Public Act No. 10-182: *An Act Concerning the Removal of Snow and Ice from Motor Vehicles*, as signed June 8 by Governor Rell, requires, with an effective date of December 31, 2013, a \$75 fine for commercial vehicle operators who fail to remove accumulated ice or snow that poses a threat, with fines of \$500 - \$1,250 for instances where dislodged snow or ice causes personal injury or property damage. He also addressed Section 25 of Public Act No. 10-110: *An Act Making Revisions to Statutes Concerning the Department of Motor Vehicles* that, effective July 1, 2010, makes void and unenforceable certain provisions contained in a motor carrier transportation contract that protect an indemnitee from liability for its own acts of omission or negligence. He noted that Public Act No. 10-3: *An Act Concerning Deficit Mitigation for the Fiscal Year Ending June 30, 2010* increases fines for 15 motor vehicle violations and uses the increased motor vehicle fines to reduce the amount of funds transferred from the General Fund to the Special Transportation Fund to pay for the rollback of various Department of Environmental Protection fees, including fees for fishing and hunting licenses. Mr. Riley also addressed Public Act No. 10-109: *An Act Concerning the Use of Hand-Held Mobile Telephones and Mobile Electronic Devices by Motor Vehicle Operators* that provides fines for text messaging, increases fines for cell phone use and provides that the State shall remit to municipalities 25% of the amounts received for each summons issued by the municipality.

Connecticut Farm Bureau Government Relations Specialist Joan Nichols reported that no motor carrier-industry-related legislation impacting the agricultural industry was enacted.

Connecticut School Transportation Association representative Donna Legault addressed P.A. No. 10-83: *An Act Providing a Partial Refund of the Sales Tax Imposed on the Sale of School Buses Equipped by the Manufacturer with Seat Belts*. Seat belt-equipped buses will be an option for towns beginning in 2011. A 50% sales tax rebate will be offered to municipalities for new buses purchased with seat belts beginning in 2011. School bus operators will need to work through municipalities and their contracts to obtain the savings. The funding will be available through 2017. She noted increases for reinstatements of suspended licenses and registrations that will be put into a dedicated seat belt account administered by the DMV to fund the rebate, as found in found in Public Act No. 10-3: *An Act Concerning Deficit Mitigation for the Fiscal Year Ending June 30, 2010*. The legislature will review the seat belt program in the 2018 session and make recommendations regarding the continuation of the program. Ms. Legault also addressed Section 34 of Public Act No. 10-110: *An Act Making Revisions to Statutes Concerning the Department of*

*Motor Vehicles* that changes Subsection (c) of Section 14-36a by eliminating the “A” from the endorsements that are specified for the transportation of passengers and Section 49 regarding the collection of fingerprints by municipal police departments and the Division of State Police within the Department of Public Safety - provided persons requesting fingerprinting work or reside in the municipality where the department or division is located.

Connecticut Bus Association Executive Director Jean Cronin noted that she shares some of the earlier concerns expressed regarding Agency reductions, especially at the DMV and the DOT. She expressed her appreciation to the DMV Commercial Vehicle Safety Division for the orderly manner in which motor buses have been inspected under the Motor Coach Destination Safety Grant Program. Ms. Cronin addressed special equipment inspections performed by Connecticut DOT personnel, especially initial inspections approvals, and the need for updated regulations. She addressed the collection of fingerprints by municipal police departments, concerns regarding the removal of snow and ice from the tops of buses and, concerning biofuel mixtures, rising costs and the need for adequate, available supplies. She noted that legislation regarding a ban on open containers of alcoholic beverages in motor vehicles did not pass and that future seat belt requirements for motor buses may occur at the federal level.

## **V. Commercial Vehicle Operations/Intelligent Transportation Systems**

### **U.S. DOT Federal Motor Carrier Safety Administration (FMCSA)**

FMCSA Division Administrator Jeff Cimahosky noted that the following four grants were processed since the February 25, 2010 MCAC meeting: a \$500,000 CDL (100%) Grant, a \$185,000 New Entrants Grant, a \$100,000 Expanded CVISN Grant and the second payment on the \$1,500,000 Basic Motor Carrier Safety Assistance Program (MCSAP) Grant. He noted the following dates for the FMCSA Comprehensive Safety Analysis 2010 Initiative - a comprehensive review, analysis and restructuring of the FMCSA Compliance and Enforcement Program: April, 2010 – Motor carriers can preview their own data by seeing their roadside inspections/violations and crash events organized by Behavior Analysis and Safety Improvement Category (BASIC); end of June - the Operational Model Test will end; July - the four 50/50 Operational Model Test states will join the five 100% Op-Model Test states in implementing the program; in August - motor carriers will be able to see an assessment of their violations based on the new Carrier Safety Measurement System (CSMS); in the Fall - the CSMS will replace the current Safety Status Measurement System (SafeStat), FMCSA and States will prioritize enforcement using the CSMS, FMCSA will begin to issue Warning Letters to carriers with deficient BASICS and roadside inspectors will use the CSMS results to identify carriers for inspection; and in 2011 - enforcement staff - including federal and State inspection personnel - will be trained and new interventions will be implemented State-by-State. Several related issues were discussed including: the use of CSMS information by DMV personnel performing motor carrier reviews for State contract awards; the availability of information to the public, including insurance companies and shippers; accident fault factors; the number of units vs. the number of violations; and data obtained from MCSAP Inspection Reports and Accident Reports.

### **Motor Carrier Safety Assistance Program (MCSAP)**

DMV Commercial Vehicle Safety Division Lieutenant Donald Bridge, Jr. provided Roadcheck 2010 statistics for Connecticut, including inspections performed, out-of-service violations and the issuance of \$43,000 in tickets. Mike Riley noted that all vehicles are visually reviewed, with individual vehicles selected for inspection. Discussion took place concerning Section 7 of Public Act No. 10-110: *An Act Making Revisions to Statutes Concerning the Department of Motor Vehicles* that requires all operators and front seat passengers to wear seat belts regardless of the vehicle gross vehicle weight rating – a change from earlier requirements that did not apply to vehicles with gross vehicle weight ratings over 10,000 pounds. Lieutenant Bridge noted DMV and DPS efforts concerning the \$100,000 High Crash Corridor Grant addressing locations in New Haven, Hartford, Bridgeport and Milford/Fairfield, noting

that in addition to targeting unsafe commercial vehicles, non-commercial vehicle operators operating unsafely around commercial motor vehicles are also targeted. He also noted the Dyed Fuel Grant, performed in conjunction with DRS Tax Enforcement Agents, and the Motor Coach Destination Safety Grant Program. It was noted that the DMV has discontinued performing safety inspections requested by individual motor carriers, whereby DMV inspection personnel, on overtime paid for by carriers involved in the State contract awards process, would perform the inspections at the motor carrier location.

### **Connecticut Commercial Vehicle Information Systems and Networks (CVISN)/ Performance Registration Information Systems Management (PRISM) Program**

CVISN/PRISM Management Coordinator/DMV Planning Specialist Dennis Walsh noted that he was reporting for CVISN/PRISM Program/Division Manager Bob Sardo who is attending off-site DMV Leadership Institute training and distributed the Program Update for the period since the February 25, 2010 MCAC meeting. Mr. Walsh noted several items listed in the Update including: the April receipt of FMCSA approval for Connecticut's \$100,000 FY 2010 CVISN Safety Grant Program Application; April FMCSA notification that Connecticut may apply for up to an additional \$900,000 in FY 2010 funding, will be eligible - based upon the availability federal funds - to receive up to \$1,000,000 in each fiscal year for Expanded CVISN Deployment Projects, and is not subject to an aggregate limit on the total amount of CVISN funding that can be received; that Public Act 10-179: *An Act Making Adjustments to State Expenditures for the Fiscal Year Ending June 30, 2011* includes a \$255,407 CVISN line item; there are now more than 3,000 "master" accounts, 3,000 motor carrier users, and 265 law enforcement users registered in the Connecticut CVISN Commercial Vehicle Operations Credentialing System PORTAL; and information regarding the establishment of electronic banking for two pilot IRP carriers, pending approval from the Office of the State Treasurer. Rich Van Allen noted that the expected kickoff session for the Oversize/Overweight Permitting System Automated Bridge Analysis and Local Road Routing Projects did not take place as planned, although a Tuesday, June 15 meeting is scheduled with DOT and vendor personnel to discuss the two Projects. James Rio reported DMV Fiscal Services staff informed him that a remaining issue includes free Bank of America-provided electronic banking service vs. payment of a fee. Mike Riley noted that the highest priority of his Motor Transport Association members is the ability to pay for IRP and IFTA credentials electronically. Mr. Walsh reviewed five priority potential Projects for Expanded CVISN funding.

### **VII. Other Business**

Rosemary Rivers, Office Supervisor 2, DMV International Registration Plan (IRP)/Unified Carrier Registration (UCR) Unit, Registration Business Processing, noted that the IRP/UCR Unit has sent out more than 12,000 UCR notices and applications for calendar year 2010 to individuals and companies that operate a truck or bus in interstate or international commerce or make arrangements for the transportation of cargo and goods, including companies operating solely as brokers, freight forwarders or leasing companies. She noted that Connecticut-based entities should be encouraged to use the national UCR on-line system hosted by the Indiana Department of Revenue to perform UCR transactions, including on-line credit card or e-Check payments. She reported that all active entities must obtain their UCR registration for calendar year 2010 on or before July 15, 2010 in order to obtain IRP interstate registration credentials.

### **VIII. Adjourn**

There being no further business, Rich Van Allen made the motion to adjourn, Tracy Babbidge seconded the motion, the motion passed unanimously and the meeting was adjourned at 2:42 PM.

Respectfully Submitted,

James V. Rio, Chairperson  
Motor Carrier Advisory Council