

MOTOR CARRIER ADVISORY COUNCIL
Connecticut Department of Motor Vehicles
60 State Street, 2nd Floor Multi-Media Room
Wethersfield, Connecticut
Thursday, June 2, 2016
Meeting Minutes

Attendees: MCAC Chairperson James Rio, Lieutenant Christopher Smith, Vanita Smith, Lynn Zelek, Iliana Rodriguez, Bob Sardo, Cindy Zuerblis, Sharon Geanuracos, Michaela Rosenberger, Tiffany Hardwick, Joe Ciotti, George White, Department of Motor Vehicles; David Hiscox, Department of Transportation OS/OW; Sergeant John Jacobi, Connecticut State Police Traffic Services Unit; Chris Henry, Federal Motor Carrier Safety Administration; Rick LaRose, Department of Revenue Services; Paul Farrell, Department of Energy and Environmental Protection; Joe Sculley, Motor Transport Association of Connecticut; Chris Herb, Connecticut Energy Marketers Association; Joan Nichols, Connecticut Farm Bureau; Jean Cronin, Connecticut Bus Association/Connecticut School Transportation Association; Steven Shore, Shore Associates

I. Call to Order

Motor Carrier Advisory Council (MCAC) Chairperson James Rio called the meeting to order at 1:02 p.m. and began the meeting with introductions.

II. Approval of March 10, 2016 MCAC Meeting Minutes

Lieutenant Chris Smith from the Department of Motor Vehicles (DMV) made a motion to approve the minutes of the March 10, 2016 meeting. Joe Ciotti from DMV seconded the motion and the motion passed unanimously.

III. Chairperson's Remarks

Chairperson James Rio discussed the aspects of the major reorganization that took place at DMV last month that affect the MCAC. Chairperson Rio stated that his position changed to Chief Operating Officer. He is no longer directly over the Commercial Vehicle Safety Division (CVSD), but CVSD is still under him indirectly. Lieutenant Chris Smith is the Acting Division Manager over CVSD at this time. The person who becomes the permanent Division Manager over CVSD may become the new Chairperson for the MCAC. Additionally, Lynn Blackwell moved to a new Project Management Unit and George White took over the licensing units. The Emissions Division was merged into CVSD. Bob Sardo was moved to a different division in the agency, but still handles CVISN. Chairperson Rio noted that this transition should be seamless, especially because no one has left the agency.

Chairperson Rio discussed an initiative called the National Passenger Carrier Safety Initiative led by the Federal Motor Carrier Safety Administration (FMCSA) and the Commercial Vehicle Safety Alliance (CVSA) that was held in Connecticut from May 15 through May 28. This initiative included inspections, safety and enforcement efforts at the casinos and on the highways. Chairperson Rio stated that there were

thirty-nine (39) inspections performed, resulting in seven (7) out-of-service (OOS) vehicles. He also noted that there were very few violations observed among the motor coaches.

Chairperson Rio also reported that the 2016 Operation Road Check will run from June 7 through June 9. Joe Sculley from the Motor Transport Association of Connecticut (MTAC) stated that he will make sure that his members are aware. Chairperson Rio added that during Operation Road Check last year, there were 69,000 inspections performed nationwide. Since its inception in 1988, FMCSA reports that there were 333 lives saved as a result. Chairperson Rio reminded the MCAC that every 1,000 inspections result in .22 lives saved. He noted that Operation Road Check is selective enforcement and that most vehicles that are inspected are targeted vehicles that will most likely result in violations. Chris Henry from FMCSA commented that hazmat vehicles and tankers should expect a lot of inspections due to safety issues and hazards. He agreed that it is not a bad idea for carriers to keep copies of their recent inspection reports in the vehicles to potentially avoid multiple inspections within the same week.

IV. Review of the 2016 Legislative Session of the General Assembly

State Agencies

DMV – Attorney Sharon Geanuracos from DMV distributed a summary of the portions of Public Acts 16-55 and 16-126 that affect the motor carrier industry. Attorney Geanuracos stated that Public Act (PA) 16-55 was signed by the Governor yesterday. Part of this Act includes a new section (effective October 1, 2016) that establishes state penalties for violations of Federal Hazardous Materials Regulations (HMRs). The statute that was previously repealed only allowed for one fine and one disposition. The new section allows for tailored enforcement. There have not been any state penalties for violations of the HMRs since January 1, 2015. Chairperson Rio asked how this change affects the industry. Attorney Geanuracos responded that she believes this change will be better for the industry since it allows penalties to better match the severity of the violations (e.g. paperwork violations vs. hazmat issues). This section is enforceable by specially trained police officers and inspectors.

Additionally, PA 16-55 changes the requirement in section 14-275c(b) of the Connecticut General Statutes that student transportation vehicle operators over the age of seventy (70) have a physical exam every six (6) months to an annual exam unless the certified medical examiner requires the exam to be done more frequently. Lastly, section 17a-696 was changed to address anti-masking provisions contained in the Federal Regulations for commercial driver license (CDL) holders and commercial motor vehicle (CMV) operators. It was possible under the existing statute for a judge to grant the program to a CDL holder or CMV operator with an alcohol related offense. The revision removes the judge's ability to do so.

Furthermore, Attorney Geanuracos discussed PA 16-12, which provides enhanced penalties for child endangerment. This new section establishes a new offense for operating a school bus, student transportation vehicle or other vehicle designed for carrying children while under the influence of alcohol or with an elevated blood alcohol content. CDL holders and commercial motor vehicle (CMV) operators who receive this charge will not be allowed to participate in AEP. Attorney Geanuracos stated that any additional questions may be e-mailed to her.

DRS – Rick LaRose from the Department of Revenue Services (DRS) reported that there will be a substantial decrease in the diesel tax rate on July 1, 2016 to 41.7 cents per gallon. He is hopeful that this trend will continue.

Mr. LaRose also stated that there was a recently passed bill in regard to liquefied natural gas for IFTA purposes. This change allows DRS to mirror the federal regulations regarding diesel gallon equivalence and takes effect on July 1, 2017.

Additionally, DRS issued Special Notice 2016-2 regarding the conversion factors for motor vehicle fuels in gaseous forms which takes effect on July 1, 2016. This Special Notice provides special rules regarding petroleum and propane used exclusively in vehicles. Mr. LaRose expects this notice to be published on the website within the next couple of days if it has not already been published.

DESPP – Sergeant John Jacobi reported that the Department of Emergency Services and Public Protection (DESPP)/Connecticut State Police (CSP) opposed (from an enforcement perspective) the bill regarding the changes in the restrictions for escort vehicles, which would allow boats and modular homes to be transported without an escort. This bill was successfully stopped.

DOT – David Hiscox from the Department of Transportation (DOT) stated that there was a legislative change this year that provided an increase in oversize/overweight (OS/OW) permit fees. Mr. Hiscox also stated that DOT is working on some other changes due to the Federal FAST Act. States must be compliant with the FAST Act, but can be more restrictive if necessary. Joe Sculley from the Motor Transport Association of Connecticut (MTAC) mentioned that he has heard of tickets being issued in Connecticut based on the state's law regarding overhangs on the front and back of car transporters. Mr. Sculley stated that the FAST Act prevents some states from enforcing laws regarding overhangs because of dimension requirements contained in the FAST Act, and Connecticut is one of the states which has an overhang law which is preempted by the provision in the FAST Act. David Hiscox from DOT responded that this is an enforcement issue. Mr. Sculley added that he has discussed this issue with Lieutenant Bridge from DMV and that there was some education to law enforcement being done. Sergeant Jacobi from CSP clarified that this change was included as part of recent law enforcement training that has been completed and that CSP can work with the courts if these issues come up. Sergeant Jacobi instructed Mr. Sculley to call CSP or DMV CVSD depending on the agency issuing these tickets.

Attorney Geanuracos from DMV mentioned the pending litigation regarding preemption of tow truck operations. She stated that the towers are challenging DMV's authority to regulate recovery and that DMV disagrees with this interpretation. The FAST Act clarified that states do have this regulation authority; however, Attorney Geanuracos is not sure how the pending litigation will be affected. DMV complaints regarding tow overcharges have been put on hold pending the litigation and should resume once a judgment is received. Chairperson Rio clarified that this is in regard to nonconsensual tow rates. He added that there have been some tow bills that are very concerning and that the FAST Act is good for the consumer.

DEEP – Paul Farrell from the Department of Energy and Environmental Protection (DEEP) discussed HB5318 that was intended to limit idling for commercial buses and trucks, but stated that it did not make it

out of committee. Chairperson Rio commented that there were concerns expressed regarding enforcement and the definition of “truck” in relation to this bill.

Motor Carrier Industry

MTAC – Joe Sculley from MTAC discussed the legislative session from MTAC’s perspective. Mr. Sculley mentioned that he had concerns with the lockbox bill because it did not define “transportation revenue” or “transportation purpose” and would not have prevented future legislation from changing the definitions. Mr. Sculley stated that Special Transportation Fund funds are spent mostly on rail and transit, even though most of the revenue deposited in the Special Transportation fund is generated by cars and trucks. MTAC does not support increasing motor vehicle taxes and fees in order to spend that increased revenue on transit. Mr. Sculley thinks that the legislature should look into a highway trust fund that would only be spent on highways.

MTAC opposed the increase in OS/OW permit fees, but agreed with DESPP regarding the enforcement concerns with the modular home bill. MTAC would be happy to discuss that issue further with DESPP, as they would like to see service improved for Connecticut-based businesses before out-of-state businesses. MTAC did not necessarily oppose the idling bill, but would have liked to see provisions to protect drivers complying with hours-of-service (HOS) rules, weather conditions, food safety concerns, etc. Mr. Sculley stated that MTAC will most likely oppose this bill if it comes up again next year. Paul Farrell from DEEP stated that they can discuss this issue further with MTAC. Mr. Sculley also addressed concerns regarding the new CDL test.

CT Bus/COSTA – Jean Cronin from the Connecticut Bus Association (CT Bus) and the Connecticut School Transportation Association (COSTA) stated that CT Bus submitted testimony regarding the idling bill because they had concerns that there was no exemption for charter buses loading and unloading passengers. Additionally, Ms. Cronin stated that there were so many requests for exemptions to be added to this bill that it almost became ineffective. Ms. Cronin would be happy to discuss this issue further going forward.

Ms. Cronin also noted an issue with a DOT proposal discussing charter commuter route rights. She stated that companies that have been operating for decades had purchased route rights in the past and are in pending litigation with DOT regarding these route rights. CT Bus has concerns that DOT may have been trying to address this issue with legislation. She stated that she prefers that the courts decide this matter through the pending litigation as opposed to statutory changes.

In regard to COSTA, Ms. Cronin discussed the mandatory seat belt bill for all new school buses. She stated that lap belts are not safe and that three point harnesses are much safer. Ms. Cronin supports seat belts, but has concerns regarding cost, funding and fitting students on the buses, etc. Ms. Cronin stated that this issue came up after some tragic accidents in the past and there is current legislation that allows towns to use seat belts if they choose and establishes a fund for school bus seat belt use. She stated that there are technical issues with how this fund is set up and that no towns had accessed the fund in the past. The fund is used to cover sales tax costs, but municipalities are exempt from sales tax. If the companies purchased the buses instead of the towns, the companies could have used these funds to cover sales tax. However, the seat belt fund money was used for other purposes and under the new budget the State no longer pays towards school transportation.

Ms. Cronin also commented that she is working with Joe Ciotto from DMV regarding the CDL test changes. She stated that she knows this change is a federal mandate and that DMV has to comply; however, she is trying to assist the drivers, especially because the proficiency test is proving to be difficult for older drivers who are renewing their CDLs. Ms. Cronin stated that this is causing companies to lose some experienced drivers and that they may experience some shortages in drivers soon. She looks forward to working with DMV to streamline the process while complying with federal mandates.

COSTA has concerns regarding Connecticut's budget and the state employee layoffs. She understands that DMV and DOT should be spared for the most part so far, but is worried about retirements causing there to be a lack of inspectors. Ms. Cronin hopes that the Office of Policy and Management (OPM) allows DMV to refill these positions upon retirements. Chairperson Rio clarified that these positions are not frozen and the refills have been approved. Additionally, Ms. Cronin also mentioned that since the commercial window at DMV closed, her members had to pay people to sit at DMV due to the three (3) transaction limit. She inquired if there is a way to streamline the process for fleets to register vehicles. Chairperson Rio responded that because of the upcoming school bus influx, DMV is looking into that and will stay in touch regarding this issue.

Connecticut Farm Bureau – Joan Nichols from Connecticut Farm Bureau did not have any legislation to report on; however, she stated that the bulk milk tankers are moving forward to obtain permits to carry up to 100,000 pounds of milk. The Federal FAST Act was the enabling legislation for this. Chris Henry from FMCSA commented that the Federal Highway Administration should be included in the MCAC meetings.

CEMA – Chris Herb from Connecticut Energy Marketers Association (CEMA) stated that he also had concerns about the idling bill because it did not address propane/heating trucks. He would like that issue discussed if this bill comes back in the future. Additionally, Mr. Herb thanked Cindy Zuerblis and Joe Ciotto from DMV for the presentation to CDL schools on the CDL test changes. Mr. Herb added that there will be additional work going forward and he expects bumps, but that this was a great start and is appreciated.

Mr. Herb also reported that CEMA requested bonding money to pay gas station owners money owed from the Underground Storage Tank Fund. He stated that the gas station owners are owed \$150 million and that the tax continues to be assessed, but the fund no longer exists. Mr. Herb asked for the remainder of the funds to be bonded, but the request did not make it through. Mr. Herb also commented that this issue compromises Connecticut's borrowing power.

Chairperson Rio and Mr. Herb also noted that this past winter was the first in a while where no HOS waivers were requested or issued.

V. Intelligent Transportation Systems/Commercial Vehicle Operations (ITS/CVO)

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

Chris Henry reported that FMCSA's fiscal year runs from October 1 through September 30; however, its performance year runs from June 1 through May 31 (which has just completed). Two (2) FMCSA

investigators conducted 65 reviews that resulted in about \$375,000.00 in fines against drivers and entities. These were mainly high risk carriers. Both the enforcement rate and less than satisfactory ratings were above fifty percent (50%). Mr. Henry noted that most of these companies that had a lot of trouble were not MTAC, Connecticut school or motor coach companies.

In regard to the New Entrant Program, Mr. Henry reported that there are 840 companies currently in the program. This program is state run and all of the companies in the program must have a safety audit performed. So far, 224 new entrant audits have been done. There are over ninety (90) companies entering this program per month.

In regard to PRISM, Mr. Henry noted that there have been six (6) enforcement cases where state inspectors have found companies operating while under federal out-of-service (OOS) orders. Three (3) of these companies were Connecticut-based, two (2) were New York-based and one (1) was Rhode Island-based. When this is found, FMCSA contacts DMV, and as a result, DMV suspends the carrier's registration and physically removes the plates from the vehicle(s). FMCSA imposes a fine and DMV requires a restoration fee to restore the registration once the OOS order has been lifted.

Mr. Henry added that FMCSA appreciates the work that everyone in the MCAC does and that he considers each member a partner. Mr. Henry also highlighted some grant statistics. He noted that there are sixteen (16) jurisdictions under FMCSA's Eastern Service Center from Virginia to Maine, as well as the Virgin Islands, Washington D.C. and Puerto Rico. Out of those jurisdictions, New York has the largest grant program. Although Connecticut has one of the smaller populations, it has the fourth largest grant program in the region with \$12 million worth of obligations. FMCSA has eleven (11) grants out in Connecticut, ten (10) of which are for DMV and one (1) of which is for DOT. Mr. Henry also noted that there were several new grant applications filed this year. DMV applied for PRISM, CVISN and SaDIP (Safety Data Improvement Program). DOT and CSP have also applied for grants this year. Mr. Henry stated that he would like to congratulate Connecticut on having the fourth largest grant program and noted that Connecticut's program has been doubled from three (3) years ago.

Connecticut Motor Carrier Safety Assistance Program (MCSAP)

Chairperson Rio noted that Lieutenant Donald Bridge is not in attendance for this meeting due to a conference he is attending, but mentioned that he believes he covered some of the MCSAP information in the Chairperson's Remarks earlier in the meeting.

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

Bob Sardo from DMV distributed a summary regarding CVISN and PRISM. The summary included a recap of the March 10, 2016 report, although he did not review this information at the current meeting. Mr. Sardo stated that DOT successfully completed their OS/OW hosting transition which is cloud-based and much faster. They are continuing on working on upgrades to Super Load 5. Mr. Hiscox from DOT added that the real world benefit to carriers from the faster speed is having their permits processed much faster. Joe Sculley

from MTAC asked if they have gotten any closer to using online permitting. Mr. Hiscox responded that this is not part of the hosting upgrades and is part of a later phase.

Mr. Sardo is still waiting to hear about the CVISN and PRISM grant applications, wherein DMV applied for \$122,000 and \$1 million in funding. Additionally, DMV continues to move forward with the first step e-screening modernization procurement through DOT. A company called Connecticut Academy of Science and Engineering (CASE) has been hired to assist the agencies in understanding what software and infrastructure changes will be needed, and the steps that will need to be followed to modernize e-screening from a virtual and static weigh station perspective. CASE will come up with the steps to approach the modernization. There is a four (4) million dollar bond earmarked for CVISN for this modernization. The study by CASE will cost about \$200,000.

The Motor Carrier Services Portal modernization continues to move forward. The portal was demonstrated at a CVISN conference in Virginia in May. Carriers will be able to see a calendar for renewals, see announcements, etc. There may eventually be text and e-mail alerts sent to carriers. Mr. Sculley inquired what the latest updates were regarding the portal's ability to send out notifications. Mr. Sardo stated that when DMV moves forward with the new technology, the carriers will be forced to update their contact information to receive the alerts, as many of the current e-mails result in being undeliverable. The website was designed to support any type of device and a few additional languages. Additionally, CVO Portal Help Desk services have been migrated to DMV's IT Department. Mr. Sardo also reported that Connecticut passed a federal compliance review a few months ago and that Connecticut met the core compliance requirements. Connecticut is listed as the model for the rest of the country regarding this review.

VI. Other Business

Chairperson Rio provided suggested dates for the meetings for next year. He asked that any members who have issues with the suggested dates let him know. The tentative dates are Thursday, February 2, 2017 (about four (4) weeks after the start of the legislative session) and Thursday, June 29, 2017 (about three (3) weeks after the end of the legislative session).

Lastly, Chris Henry thanked Attorney Geanuracos for the changes to § 17a-696, which go along with the anti-masking provisions related to AEP. Mr. Henry is glad that these changes made it through the session this year.

VII. Adjourn

Chairperson Rio adjourned the meeting at 2:19 p.m.