

MOTOR CARRIER ADVISORY COUNCIL
Connecticut Department of Motor Vehicles
60 State Street, 2nd Floor Multi-Media Room
Wethersfield, Connecticut
Thursday, June 7, 2018
Meeting Minutes

Attendees: MCAC Chairperson Christopher Smith, Lieutenant Donald Bridge, Jim Rio, Sharon Geanuracos, Iliana Rodriguez, Joe Ciotto, Vanita Smith, Lynn Zelek, Tiffany Hardwick, DMV; Lakiesha Christopher, Paul Farrell, DEEP; Nathan Wilson, CT Department of Agriculture; Sergeant Cory Etters, Connecticut State Police; Chris Henry, Federal Motor Carrier Safety Administration; Joan Nichols, CT Farm Bureau; Chris Herb, CT Energy Marketers Association; Joe Scully, MTAC; Joe Miller, Taxicab Livery Council; Jean Cronin, COSTA/CT Bus Association

I. Call to Order

Motor Carrier Advisory Council (MCAC) Chairperson Christopher Smith called the meeting to order at 1:03 p.m. and began the meeting with introductions.

II. Approval of March 1, 2018 MCAC Meeting Minutes

Joe Ciotto from the Department of Motor Vehicles (DMV) made a motion to approve the minutes of the March 1, 2018 meeting. Chris Herb from CT Energy Marketers Association (CEMA) seconded the motion and the motion passed unanimously.

III. Chairperson's Remarks

Chairperson Christopher Smith stated that the legislative review would begin with Attorney Sharon Geanuracos from DMV.

IV. Review of the 2018 Legislative Session of the General Assembly

State Agencies

DMV – Attorney Sharon Geanuracos from DMV distributed a summary of legislation that outlines changes that would affect the motor carrier, school transportation and taxi/livery industries and highlighted some areas of interest in the handout. Attorney Geanuracos reported that the assigned public act number for DMV's bill is PA18-164. Section 12 of the Public Act requires school transportation carriers to check the DMV-published driver suspension/revocation list during the first and third week of every month, rather than "twice monthly" in order to ensure the carriers are checking the list on a more regular basis. Additionally, carriers must remove suspended or revoked

drivers immediately (instead of the past requirement to remove a driver within 48 hours). Public Act 18-164 also added a new requirement for DMV, the Department of Transportation (DOT) and the Department of Emergency Services and Public Protection (DESPP), within available appropriations, to perform a study regarding “superloads” and file a joint report to the Transportation Committee by January 1, 2019, with the goal of coordinating the requirements for “superloads” among the northeast states.

Jim Rio from DMV asked Jean Cronin if the Connecticut School Transportation Association’s (COSTA’s) members have seen the notice that DMV posted regarding the changed requirements. Ms. Cronin responded that many have seen DMV’s notice and that COSTA has notified them as well. Attorney Geanuracos added that DMV updates the site every day and Vanita Smith from DMV clarified that there is now one main list (in lieu of having extra historical lists). Ms. Cronin also discussed an issue where an employee of a large carrier was logging in to the list with her user ID from her former employer. The employee did not realize this would cause it to appear that her current employer was not checking the list. Ms. Cronin wanted to clarify that a new user ID is required that is specific to the carrier/current employer.

CSP – Sergeant Cory Eters from Connecticut State Police (CSP) did not have any legislative updates to provide at this time.

DEEP – Paul Farrell from the Department of Energy & Environmental Protection (DEEP) stated that he did not have any legislative updates to discuss; however, he did have updates regarding the Volkswagen settlement and the resulting mitigation plan with the trustee. Mr. Farrell stated that \$7.5 million out of the total \$55 million is available for applications during a two-month window. DEEP announced a webinar today to help people go through the application forms. DEEP submits the approved applications to the trustee who will then issue the funds to the successful applicants as reimbursements after project completion. Mr. Farrell clarified that the funds are for diesel mitigation programs and are very limited in scope. DEEP reserved up to 15% of the funds for electric vehicle infrastructure projects (i.e. charging infrastructure) and will be working to determine the best path forward for electric vehicle technology in Connecticut. Jean Cronin from COSTA/CT Bus Association asked if DEEP determines to whom to award the funds and Mr. Farrell confirmed and stated that DEEP will review applications using analytics such as emission reductions quantifier tools. DEEP will post the webinar online after 72 hours and will have an e-mail address available for questions. Joe Scully from the Motor Transport Association of Connecticut (MTAC) asked when the rest of the funds would be available and Mr. Farrell responded that he was not sure yet. DEEP has 10 years to distribute the funds. DEEP would like to see where the electric vehicle technology goes and utilize the funds in the best way possible. Ms. Cronin asked if propane school buses are covered and Mr. Farrell responded that they are.

Mr. Farrell also noted that there is a push in California to adopt new NOx emissions standards for heavy-duty diesel trucks and that Connecticut DEEP is looking to sign on to a national letter requesting the Federal EPA to adopt California's proposed standards nationally. He stated that Connecticut prefers a uniform national standard and that a number of OEMs and the organization MECA are in favor. He called this a joint government and industry move. Joe Scully from MTAC asked if California would need a waiver from the EPA to adopt this standard and Mr. Farrell responded that it would, but that standard EPA waiver law should be applied. Mr. Farrell also made a note regarding "gliders" which are newer-looking heavy-duty trucks with very old engines. Mr. Farrell estimated that there are in excess of 10,000 of these trucks on the roads and that these trucks emit much higher emissions than standard heavy-duty trucks. DEEP is currently in a fact finding stage regarding these trucks, especially to confirm how many are actually on the roads and their environmental impact in Connecticut.

CT Department of Agriculture – Nathan Wilson from the Connecticut Department of Agriculture had no legislative updates to provide.

Motor Carrier Industry

Connecticut Energy Marketers Association – Chris Herb from CEMA reported that he did not have any petroleum-related updates; however, he stated that there are concerns regarding federal attempts to change the CDL licensing age. Mr. Herb stated that there is a deep divide within the industry regarding this issue. There is a shortage of drivers, and therefore, some in the industry would like to see the age requirement reduced.

MTAC – Joe Scully reported that MTAC is happy with the "superload" study and, if allowed, it may have information to share with the agencies involved. Additionally, he stated that MTAC was close to having legislation passed that would have preempted the required standards for contracting with the State. MTAC feels that these contracting requirements are well intended but are questionable and have many problems. MTAC failed with this legislative attempt. MTAC also asked for clarification regarding what documentation is required to authorize an employee from a large company to come to DMV to register vehicles. Attorney Sharon Geanuracos from DMV responded that law governs Powers of Attorney and that one Power of Attorney (POA) cannot assign the authority to another person. Additionally, she stated that the company must designate/authorize the person who assigns POA for these transactions. Mr. Scully asked who within the company is able to assign a POA. Attorney Geanuracos responded that DMV does not make that determination and that it is up to the company to designate that individual. DMV does not expect the president to sign, but there needs to be some sort of chain of command.

Mr. Scully also stated that customers of large leasing companies are receiving roadside inspection reports during infractions (where they are supposed to fix the issue, sign off and send the inspection report back to DMV) and that the customers of the leasing companies do not always follow through,

which could result in an entire fleet being grounded by one customer. He would like this procedure changed so that carriers do not receive penalties for actions of individual customers. Lieutenant Donald Bridge from DMV clarified that the document Mr. Scully was holding in his hand was a motor carrier suspension and not an infraction issue and that Mr. Scully had combined two separate processes. Lieutenant Bridge clarified that the infraction process used to result in global registration suspensions, but that has been gone at least 3 years, if not longer. A motor carrier suspension notice is issued if a carrier fails to certify an inspection. This process is per vehicle (only the vehicle involved) and does not result in a global suspension. The registered owner of the vehicle receives the suspension notice. Mr. Scully stated that his clients informed him the global suspensions for infractions were still happening. Lieutenant Bridge stated that he believes that these carriers are mixing things from the past in with the current processes, but also noted that leasing companies are required to do their due diligence with their customers. Lieutenant Bridge is willing to have a conference call or sit down with Mr. Scully and MTAC members to go over this process.

Mr. Scully also noted that the Truck Driving Championship is coming up this weekend. Competitors must have been accident-free for the last year to participate. DMV, FMCSA and CSP are sending inspectors/officers to participate (judge) in the competition.

CT Bus Association/COSTA – Jean Cronin reported that the CT Bus Association is still working to update DOT regulations that date back to 1952. Some of the statutory language needs review, including a related definition, and the CT Bus Association is hoping that the regulations will be ready for the Legislature’s Regulation Review Committee by the 3rd quarter of the year.

Ms. Cronin also discussed the problem with the backlog in background checks. COSTA proposed a bill this year to try to streamline the process and allow school bus drivers to operate for a period while their background checks are in process, especially since school bus companies already perform background checks on their drivers. However, Ms. Cronin stated that DMV’s Commissioner is adamant that the background checks need to be completed first for safety reasons. She did report that legislation passed to allow electronic “live scan” fingerprinting. COSTA hopes this will expedite the process; however, there are currently not many “live scan” machines in use in the state yet. An applicant must have a nexus (live or work) within a town in order to utilize its “live scan” machine. A large hope of COSTA’s is to get the “live scan” machine at CSP headquarters connected to allow drivers to go there for fingerprinting. Ms. Cronin stated that she was informed that the AFIS will be updated within the next two (2) years. The struggle with background checks continues to be that more people become required obtain the checks; however, there are the same number of processing employees available to handle the increased number of applicants. Lastly, Ms. Cronin stated that another bill passed regarding third party background checks, but this is not an electronic process. There will need to be an RFP process involved; therefore, it is a long-term fix, not an immediate one.

Connecticut Farm Bureau – Joan Nichols from Connecticut Farm Bureau had no legislative updates to provide at this time.

Taxicab and Livery Council – Joe Miller from the Taxicab and Livery Council reported that his organization is trying to get movement regarding non-emergency medical providers. Prior to the TNC bill passing, drivers were allowed to drive Medicaid patients without an endorsement. The Taxicab and Livery Council asked committee members to review the requirements.

Mr. Miller also stated that some companies are reporting problems when applying for F endorsements. Applicants may drive for 90 days while their background checks are pending, but Mr. Miller stated that DMV does not provide applicants with a receipt when they submit the applications. Mr. Miller would like to know how an applicant can show that the application has been submitted to prevent issues if the applicant is stopped. Jim Rio from DMV stated that he will follow up with the DMV branch offices to find out if the applications can be date/time stamped.

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

According to Vanita Smith from DMV, DMV formed a workgroup (“design committee”) to review the new Commercial Vehicle Operations (CVO) Portal with a focus on streamlining the portal to provide ease of use for carriers and expanded functionality. Ms. Smith added that Joe Scully and MTAC offered that some of its members are available to view a demo and test the portal.

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

Chris Henry from the Federal Motor Carrier Safety Administration (FMCSA) reported that the FMCSA’s performance year ended May 30 and the Eastern Service Center met its goals. FMCSA performed 1,800 reviews (82 reviews in Connecticut out of a goal of 80). Connecticut has 7,000 active interstate motor carriers according to FMCSA’s list and several hundred thousand drivers. There are approximately 72,000 CDL holders in Connecticut. Mr. Henry reported that FMCSA issued more than 30 Notice of Claims on 32 Connecticut carriers and 7 drivers and a total of \$296,000 in fines for an average of \$7,500 per fine. The Notice of Claim letters provide 30 days for the carrier to fix the issue and provide proof. If this is completed, then FMCSA waives the fines. FMCSA issues the most Notice of Claim letters to new entrant carriers. Mr. Henry noted that some new entrant carriers are listing themselves as intrastate when they are actually interstate. He also stated that most carriers comply with the Notice of Claim letters. Mr. Henry also reported that there are currently 710 new entrants. Two (2) inspectors perform the new entrant reviews and there are only a few overdue reviews.

Mr. Henry provided a grant summary and thanked Connecticut and the industry for their work on these programs. He stated that Connecticut has a total grant obligation of \$15,776,519, of which

\$15,251,097 is for DMV, \$61,302 if for DOT and \$464,120 is for CSP. He stated that there was a 17% reduction in fatalities last year, for a total of \$83 million in economic savings. This year there has been a 15% reduction in fatalities, with \$40 million in economic savings. He stated that FMCSA issued the MCSAP Phase 2 grant money for 2018 as of yesterday and that DMV must submit the 2019 grant application by August 1. The MCSAP high priority, safety, ITD and CDL technical review panels are convening and will award the funds for this grant by September 30, 2018. Mr. Henry also provided two (2) handouts with regulatory guidance and stated that he is available to answer questions regarding these documents.

Connecticut Motor Carrier Safety Assistance Program (MCSAP)

Concerning MCSAP, Lieutenant Donald Bridge reported that Connecticut is in the middle of Road Check, which is a 72 hour (three (3) day) period, which ends as of 12:00 a.m. tonight (Thursday). So far, there have been 317 vehicles inspected during Road Check, out of which 84 resulted in a vehicle OOS and 18 resulted in a driver OOS. The number one violation for drivers was seat belts, followed by hours-of-service (HOS), medical cards and speeding. The number one vehicle violation was brakes, followed by load security, tires and lighting. There were 104 traffic enforcement stops. Since January 1, 2018, there have been over 7,500 inspections, of which there were over 1350 vehicle OOS orders and almost 600 driver OOS orders. So far this year, the most frequent driver violations included HOS, disqualified drivers and medical cards. The most frequent vehicle violations have been brakes, lighting, tires and load security. There were 2249 traffic enforcement stops resulting in over 4,300 infractions (over \$1.3 million in fines). During the first 2.5 days of Road Check, DMV and CSP issued fines in the total amount of \$79,000.

Lieutenant Bridge also provided a report for the month of May on Drivewyze, which is a program that pre-clears trucks for bypassing weigh stations using stats. Drivewyze bypassed almost 8500 trucks, which saved approximately \$78,000 (savings of 698 hours, 3,352 gallons of fuel and 34 tonnes of CO2). Lieutenant Bridge stated that at a recent meeting with CSP, the new “superload” provision was discussed and a future meeting to begin discussions between DOT, CSP and DMV will be scheduled soon. Attorney Geanuracos clarified that there is no lead agency specified for this initiative (the agencies are acting jointly) but that DOT probably plays the biggest role because it issues the permits.

Innovative Technology Deployment (ITD) Program

Vanita Smith from DMV distributed a summary for ITD and summarized that DMV submitted the Program Plan Top Level Design (PP TLD) 2018 draft document to FMCSA for review and comment. The PP TLD provides a blueprint of ITD-related projects. Additionally, Connecticut submitted the High Priority (HP) ITD grant application for FY2018 to request \$1.8 million for a virtual weigh station deployment pilot and \$173,000 for a motor carrier portal development

integration consultant. Ms. Smith also stated that DMV is currently working with its current IRP vendor to transition to its new vendor no later than December 2018 and that DMV is anticipating closeouts of the CVISN FY2015 and PRISM FY2016 grants. Chris Henry reminded DMV that there are remaining funds in the CVISN FY2015 grant that DMV needs to spend.

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

Lieutenant Bridge from DMV discussed the PRISM program that involves identifying carriers with federal out-of-service (OOS) orders and taking follow-up actions, including the removal of plates. IRP does this process day-to-day and Iliana Rodriguez follows up on regular (non-IRP) registrations. Many of these carriers are new entrants that failed to report. DMV and CSP remove plates for OOS carriers roadside. CSP received a license plate recognition (LPR) grant to assist with identifying these carriers. According to Sergeant Cory Etters, CSP ordered the new LPRs, which it will install upon receipt. Lieutenant Bridge also stated that DOT is working to tie its permitting system in to look for federal OOS orders as well.

VI. Other Business

DMV will provide the next meeting date according to Chairperson Smith.

VII. Adjourn

Chairperson Smith adjourned the meeting at 2:17 p.m.

VIII. ADDENDUM

The meeting dates for 2019 are February 7th and June 27th.

The meetings will be held at the Department of Motor Vehicles, 60 State Street, Wethersfield, in the Multi-Media Room on the second floor. We will begin promptly at 1:00 P.M.