

MOTOR CARRIER ADVISORY COUNCIL
Connecticut Department of Motor Vehicles
60 State Street, 2nd Floor Multi-Media Room
Wethersfield, Connecticut
Thursday, June 12, 2014
Meeting Minutes

Attendees: MCAC Chairperson James Rio, Lieutenant Donald Bridge, Joseph Ciotto, Iliana Rodriguez, Vanita Smith, Melissa Connery, Sharon Geanuracos, Lieutenant Christopher Smith, Cindy Zuerblis, Michael Bzdya, Kelly O'Connell, George White, Tiffany Hardwick, Department of Motor Vehicles; Rick LaRose, Department of Revenue Services; Ellen Pierce, Department of Energy and Environmental Protection; Ed Brickner, Federal Motor Carrier Safety Administration; Rich Van Allen, Department of Transportation; Joan Nichols, Henry Talmage, Connecticut Farm Bureau; Master Sergeant Rich Piaseczynski, Connecticut State Police; Steven Shore, Shore Associates; Charles Hoadley, Department of Administrative Services, BEST; Jean Cronin, Connecticut Bus Association/COSTA

I. Call to Order

MCAC Chairperson James Rio called the meeting to order at 1:05 p.m.

II. Approval of June 27, 2013 MCAC Meeting Minutes

Sharon Geanuracos from the Department of Motor Vehicles (DMV) made a motion to approve the minutes of the March 6, 2014 MCAC meeting and Cindy Zuerblis from DMV seconded the motion. The motion passed unanimously.

III. Chairperson's Remarks

Chairperson James Rio welcomed everyone in attendance and began with introductions. He then advised the Council that Ruth Craig from the Centralized Infractions Bureau is retiring and was not in attendance because she was out on vacation. Chairperson Rio also stated that he will miss working with Ms. Craig.

Chairperson Rio discussed the Federal Motor Carrier Safety Administration's (FMCSA) DataQ program, that a carrier or driver can use to question or dispute an inspection they received. All DataQ requests are directed to the inspecting agency and FMCSA is working to streamline and make DataQ a more responsive process. Chairperson Rio added that there is a staffing issue in Connecticut and that the DataQ system creates an additional workload. DataQ is meant to correct data (e.g. wrong carrier, wrong charge) and there were previously over 150 backlogged DataQ requests in Connecticut. DMV's Commercial Vehicle Safety Division (CVSD) was able to reduce the backlog to about 20 requests. Some of the requests for review are lengthy and complex, while others are very simple. CVSD's goal is to direct the requests to the supervisor of the applicable Inspector.

Chairperson Rio also reported that FMCSA is modifying the DataQ program for adjudicated inspections (those that plead not guilty and are dismissed, nolleed or reduced) to create a consistent process throughout

the states. DataQ will dictate that dismissed cases will be removed from inspection reports; however, the process will have to be initiated by the carrier or driver through a Request for Data Review. This program will require software upgrades and will begin August 23, 2014. Carriers and drivers will not be able to dispute inspections received prior to this date.

Chairperson Rio reintroduced Iliana Rodriguez for individuals who were not present at the last meeting. Ms. Rodriguez is working partially under a federal grant and partially on DMV's payroll. Part of her job duties require her to work on audits for the new entrant program. CVSD also received a grant to add one (1) new Inspector to the new entrant program, for a total of three (3) Inspectors. Chairperson Rio stated that with Ms. Rodriguez's help, CVSD reduced overdue audits from 135 to about 15.

Chairperson Rio stated that he was hoping that Mike Riley from the Motor Transport Association of Connecticut (MTAC) would be in attendance. He stated that Commissioner Currey recently had a meeting with one of the major motor carriers regarding the state contracting process. The carrier was concerned about the number of inspections that it had received and the effect of its out-of-service (OOS) inspections on their status as a state contractor. Chairperson Rio stated that one of the areas examined during the safety fitness review for contracting is the number of inspections performed, the number of OOS inspections and the percentage of OOS inspections. The number of inspections that can be considered for a contract review was increased to at least ten (10) in a legislative change in 2013. Chairperson Rio stated that if any carriers are looking for more information regarding this process, they can contact CVSD or view DMV's website. He will also consult with Mike Riley on reaching out to the industry to get the information out.

IV. Review of Legislative Proposals for the 2014 Regular Session of the General Assembly

State Agencies

DMV – Attorney Sharon Geanuracos distributed a summary of the portions of Public Act 14-130 that affect the motor carrier industry. She stated that the Public Act has been signed so that any provisions that are “effective upon passage” are current. Attorney Geanuracos proceeded to summarize the following:

Section 1 amends the requirement that taxi cabs cannot operate if they are older than ten (10) model years which created difficulty for the two (2) year registration of nine (9) year old taxis. This provision will allow nine (9) year old cabs to be registered and operate until the end of their registration period, but they will not be able to renew.

Section 2 adds a definition of “Public passenger endorsement” to section 14-1 to make every statute that references this term uniform.

Section 9 expands the requirement for law enforcement to report arrests for felonies or certain misdemeanors to DMV within 48 hours of arrest of a person who holds an endorsement for student transportation to include a person with a passenger endorsement of any type. The section authorizes the immediate suspension of the passenger endorsement, accompanied by a hearing notice. Attorney Geanuracos stated that it was necessary to expand this requirement as more taxi and livery companies are driving school children. She also stated that the form for this report is available on DMV's website for law enforcement to access.

Section 10 will put Connecticut in compliance with federal regulations. Some of the changes are technical in nature. For example, this section changes the time period for holding a permit from “6 months” to “180 days.” In addition, Section 10 specifies a minimum time a CDL instruction permit must be held prior to taking a skills test.

Section 11 adds a disqualification offense for providing false information or certifications on a CDL or CDL instruction permit application, requires that a person who is suspected of fraud to schedule the CDL knowledge and driving skills tests within 30 days after notification of the suspected fraud and requires a one (1) year disqualification for a fraud conviction.

Section 12 removes language that assesses a partial fee (for any period exceeding four years) for a newly issued CDL. This Section removed the partial fee of \$17.50 a year and the fee will be \$70.00 for any new CDL.

Section 23 provides that any commercial insurance policy issued by an insurer will be deemed by DMV to be in the amounts required under federal regulations and state law for the type of vehicle(s) being insured. DMV will assume that the vehicles are insured for the proper amount.

Section 28 changes the requirement to remove or cover portable signs on STVs when they are not being used for student transportation purposes from mandatory to discretionary. Some signs are difficult to remove from STVs.

Attorney Geanuracos discussed the requirement that STVs list the company name and address on the vehicle in black lettering. This requirement is fine for most buses; however, some STVs could be painted black. Language was put into DMV’s legislative proposal to require lettering of a contrasting color; however, this section was removed from DMV’s proposal.

Chairperson Rio added that the next Law Enforcement Bulletin will include the change regarding reports for public passenger endorsements. Chairperson Rio stated that DMV currently does not always receive the reports from the police departments, and now that the requirement is expanding, the training staff of law enforcement agencies will need to be notified. Master Sergeant Rich Piaseczynski from Connecticut State Police stated that he was not aware of this requirement and will assist in providing the information to his training staff. Master Sergeant Piaseczynski also asked to be added to the Law Enforcement Bulletin distribution list.

DRS – Rick LaRose reported that the Department of Revenue Services (DRS) has two major pieces of legislation to report. First, the previous conversion factor for converting the gaseous form of motor fuel to liquid form was 82.62 cubic feet equal to one (1) liquid gallon. The conversion rate was changed this session to 126.67 cubic feet equal to one (1) liquid gallon to be consistent with federal law. This conversion rate will also apply to compressed natural gas.

Mr. LaRose also reported that the effective tax rate for diesel fuel was adjusted to 54.5 cents per gallon which is described in Announcement 2014(5). In addition, DRS is working on an announcement regarding the conversion rate.

DESPP – The Department of Emergency Services and Public Protection (DESPP) has no legislative updates at this time.

DEEP – Ellen Pierce from the Department of Energy and Environmental Protection (DEEP) reported that in response to the Governor’s initiative to repeal obsolete regulations, section 22a-174-36a was repealed. The passenger car provision of the California Low Emissions Vehicle Program, 22a-174-36b remains, but the Heavy Duty Diesel Engine section was intended as a stop gap initiative for heavy duty vehicles. Ms. Pierce also stated that the federal government is coming up with its own emissions standards. Section 22a-174-36a had not been updated; therefore, it was repealed.

Chairperson Rio added that Wi-Fi is being added to the weigh stations to enable Weight & Safety Inspectors to test and report vehicles that have emissions violations. Lieutenant Bridge stated that the installation is two thirds of the way done and that the Wi-Fi is needed to transmit the reports to the reporting system.

DOT – The Department of Transportation (DOT) has no legislative updates to report. Chairperson Rio asked Rich Van Allen about the bridge construction on I-84 at exit 30 in Southington and Mr. Van Allen responded that a video of the project will be available to watch on-line. The bridge is scheduled to close at night on Friday, June 27, and is scheduled to open at 5:00 a.m. on Monday morning. Attorney Geanuracos asked Mr. Van Allen if the “household carriers” bill was a DOT bill and Mr. Van Allen responded that he did not believe it was. Jean Cronin clarified that the “household carriers” bill came from the industry.

DAS – The Department of Administrative Services (DAS) has no legislative updates to report.

Motor Carrier Industry

Connecticut Bus Association/COSTA – Jean Cronin from the Connecticut Bus Association/COSTA stated that they would like to thank DMV for the portable sign provision. In addition, Ms. Cronin reported that COSTA asked for a provision regarding type II school bus weights. Type II school buses were allowed to travel on the parkways if their Gross Vehicle Weight Ratings (GVWRs) were less than 9,600 pounds. Due to manufacturing changes, most type II school buses now go over that limit and were banned from the parkways as a result. A change in a DOT bill now allows type II school buses to travel on the parkways if their GVWRs are less than 10,000 pounds.

Ms. Cronin also reported that COSTA had a concern regarding the bill changing the required number of school bus Inspectors from eight (8) to as many as necessary. Ms. Cronin stated that she spoke to Commissioner Currey about this change because the industry is concerned about the number of retiring Inspectors.

A bill was passed in 2012 requiring DESPP to complete school bus background checks within eight (8) weeks. COSTA just wants to make sure that the department is complying with this law even with the influx of other background checks they now have to do as a result of the new laws for gun permits and ammunition.

In addition, COSTA reports that there will now be a study on chemical road treatments, including magnesium chloride, and corrosiveness, due to a DOT bill. Ms. Cronin stated that Mike Riley pushed for this study due to increased corrosion on the bottom of vehicles.

In regard to charter buses, Ms. Cronin discussed medical marijuana and the federal law regarding drug testing for drivers. Ms. Cronin asked if the federal law still applied to drivers who have a prescription for medical marijuana. Ed Brickner from FMCSA responded that drivers cannot continue to drive if they fail a drug test even if they have a prescription.

Ms. Cronin also discussed her concern about DOT having one (1) of its two (2) Inspectors retire and the other being out on leave, because a new charter bus needs two (2) inspections, one from DOT and one from DMV. Ms. Cronin feels that this process should be streamlined, and understands that DOT borrowed a few Inspectors from DMV; however, she stated that it is hard for the industry when they cannot get inspections timely. Lieutenant Bridge clarified that two (2) inspections are not required for brand new charter buses, just the initial DOT inspection. He also stated that the second inspection with DMV is required six (6) months after the first for the reciprocity sticker inspections and is not a duplicate inspection. Lieutenant Bridge also clarified that DOT hired a retire-rehire employee. He also stated that the reciprocity sticker inspection needs to be done every six (6) months and that the DMV inspection that is performed six (6) months later is done so because the first is expired. Ms. Cronin also stated that there is concern about tolls coming to Connecticut, and COSTA/Connecticut Bus would like to be involved in toll discussions.

Chairperson Rio commented that the school bus Inspector staffing statute was outdated and dates back to 1967. He did not think it was good to be held to the number of Inspectors needed. The Inspectors used to be assigned by county; however, that does not work well because the number of inspections needed per county could vary. DMV has anticipated upcoming retirements and assigned two new Inspectors and two Inspectors on temporary assignment to school buses. Chairperson Rio stated that DMV will be down 9 Inspectors division-wide by August 1, 2014. However, Chairperson Rio stated that Ms. Cronin should not worry in regard to school buses, as there will be two (2) Inspectors leaving and two (2) Inspectors replacing them.

Farm Bureau – Henry Talmage stated that the Connecticut Farm Bureau received similar feedback from its members regarding chemical road treatments. In addition, the Farm Bureau weighed in on the “vulnerable users” bill in regard to pedestrians, horses and tractors on public roads. There is a concern in regard to mixing people with agriculture as equipment is getting larger and the risk of accidents.

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

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

Ed Brickner from FMCSA stated that he has nothing to report regarding ITS/CVO at this time, as Chris Henry and Karl Boehm typically report on behalf of FMCSA.

Connecticut Motor Carrier Safety Assistance Program (MCSAP)

Lieutenant Donald Bridge from DMV reported in regard to the annual Roadcheck program that occurred last week from June 3 through June 5, 2014 that 571 trucks were inspected in Connecticut resulting in 105 vehicle out-of-service (OOS) inspections. There were 56 driver OOS inspections, 164 drivers with seatbelt violations and 41 distracted driving violations. Roadcheck 2104 resulted in more than \$150,000 in fines. Lieutenant Bridge also stated that FMCSA Inspector, Ed Brickner, located a gun during an inspection at the Union scale and that the driver was arrested for the illegal transportation of a firearm.

Lieutenant Bridge stated that Roadcheck 2014 was a good combined effort and that inspections nationwide during the operation potentially saved more than 200 lives. Jean Cronin asked if buses were inspected during Roadcheck and Lieutenant Bridge responded that some buses were inspected at the casinos. Lieutenant Bridge stated that buses are difficult to inspect due to the prohibition from stopping them roadside without probable cause. Lieutenant Bridge also stated that he is hoping Congress lessens the restriction and starts with random driver checks, as it is better to perform bus inspections in controlled areas. Chairperson Rio added that Roadcheck 2014 received a lot of publicity this year and that the press seemed genuinely interested.

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

George White from DMV distributed a summary titled "CVISN PP TLD" and reported that there was a lot of activity with CVISN and PRISM. Mr. White also stated that he had been working Chris Henry and Karl Boehm for CVISN and PRISM initiatives. In addition, he reported the approval of the program plan for top level design. Mr. White also stated that he worked to amend the 2012 grant to put more money into CVIEW modernization. The first priority for CVIEW is the aging system; therefore, DMV is working with a new company, Iteris, to replace Cambridge for the CVIEW application. Mr. White also reported that the contract for Connecticut's Real Time Insurance Verification System (RTIV) is currently being reviewed at the AG's Office.

VI. Other Business

Chairperson Rio discussed the scheduling of next year's meetings. The 2015 session begins on January 7, 2014 and ends on Wednesday, June 3, 2015. The next meetings will be on Thursday, February 5, 2015 and Thursday, July 2, 2015.

Cindy Zuerblis from DMV stated that Lynn Blackwell asked her to remind Mike Riley to make sure CDL holders are completing their self-certifications. Ed Brickner from FMCSA announced that a Notice of Proposed Rulemaking was released on February 12, 2014 regarding drugs and alcohol which will probably affect CDLIS. There will be an indicator if drivers are eligible to drive after a positive drug test. Mr. Brickner also provided a reminder that as of May 1, 2014, all medical certificates must be completed by a certified medical examiner. Jean Cronin asked if there are a lot of doctors who are certified in Connecticut. Mr. Brickner stated that he believes that there are plenty of certified doctors around the state. Joe Ciotto responded that he believes that there are already about 420 certified doctors and about 400 or more in progress. FMCSA has a map and a zip code search for certified doctors available on its website.

VII. Adjourn

Jean Cronin from the Connecticut Bus Association/COSTA made a motion to adjourn the meeting and Joe Ciotto from DMV seconded the motion. The motion passed and the meeting adjourned at 2:01 p.m.