

**MOTOR CARRIER ADVISORY COUNCIL**  
**Connecticut Department of Motor Vehicles**  
**60 State Street, 2<sup>nd</sup> Floor Multi-Media Room**  
**Wethersfield, Connecticut**  
**Thursday, June 29, 2017**  
**Meeting Minutes**

**Attendees:** MCAC Chairperson Christopher Smith, Commissioner Mike Bzdyra, Lieutenant Donald Bridge, Sergeant Matt Davis, Millie Torres-Ferguson, Sharon Geanuracos, Joe Ciotto, Vanita Smith, Lynn Zelek, Iliana Rodriguez, Kelly O'Connell, Tiffany Hardwick, DMV; Chris Henry, Federal Motor Carrier Safety Administration; Rick Pirolli, Department of Energy and Environmental Protection; Sergeant Patrick Sweeney, Connecticut State Police, TSU; Joe Scully, Motor Transport Association of Connecticut; Jean Cronin, CT Bus/COSTA; Joan Nichols, CT Farm Bureau; Steven Shore, Shore Associates; Chris Herb, CT Energy Marketers 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 February 2, 2017 MCAC Meeting Minutes**

Jean Cronin from CT Bus/COSTA made a motion to approve the minutes of the February 2, 2017 meeting. Sharon Geanuracos from DMV seconded the motion and the motion passed unanimously.

**III. Chairperson's Remarks**

Chairperson Christopher Smith remarked that this meeting is in follow-up to the end of the legislative session and stated that the legislative review will begin with Attorney Sharon Geanuracos from DMV.

**IV. Review of Legislative Proposals for the 2017 Regular Session of the General Assembly**

**State Agencies**

DMV – Attorney Sharon Geanuracos from DMV distributed a summary of legislation that outlines changes that affect the motor carrier, school transportation and taxi/livery industries and highlighted some areas of interest in the handout. Attorney Geanuracos reported that DMV's Public Act 17-79 was signed by the Governor yesterday. She then highlighted section 8 of the Act which, as the result of a federal audit, eases the disqualification penalty for Commercial Driver License (CDL) and Commercial Learner Permit (CLP) holders when they commit a serious traffic violation in their personal vehicles to conform to federal law. Additionally, section 15 prohibits CDL and CLP holders from participating in a new diversion program that was created last year under Connecticut General Statutes section (C.G.S. §) 54-56p. Sections 17 through 20 make changes to the towing and abandoned motor vehicle statutes; however, Attorney Geanuracos noted that discussions took place with the towing industry throughout the session and the towers are aware of these changes.

Attorney Geanuracos also discussed Public Act 17-68, which was part of an education bill and adds a requirement called “check the checkers.” DMV will be required to conduct audits to ensure that carriers are checking for withdrawn, revoked or suspended operators employed by them. She stated that DMV is still discussing how this will be done, but will keep the MCAC members updated. Jean Cronin stated that the list is already available online for carriers to perform the required checks. Attorney Geanuracos responded that Ms. Cronin is correct, but that the new requirement is for DMV to confirm these checks are being performed. Public Act 17-140 creates a regulatory framework under the jurisdiction of the Department of Transportation (DOT) for TNC operations. Section 12 of this Act permits persons who have been hired to drive a taxi or livery vehicle, and have applied and are waiting for an F endorsement from DMV, to drive temporarily (for no more than 90 days) as long as the employer has reviewed the person’s driving history and conducted a third party background check. The procedure at DMV will not change, but industry members should be aware of this change.

Lastly, Attorney Geanuracos discussed Public Acts 17-148 and 17-175. Public Act 17-148 allows a person who qualifies for a farm registration and who is a veteran to obtain a registration reflecting the person’s veteran status. This will require DMV to create a unique plate. Public Act 17-175 discusses the requirements for inspection of fire apparatus (which is already done federally). This public act puts the existing requirements into state statute and makes sure the requirements are clearly outlined. Attorney Geanuracos then noted that Rick Pirolli from the Department of Energy and Environmental Protection (DEEP) will discuss the legislative changes that were required as part of the Volkswagen settlement.

DRS – The Department of Revenue Services (DRS) was not in attendance; however, Chris Herb from CT Energy Marketers Association (CEMA) reported that the diesel fuel tax rate did not change this year.

DESPP – Sergeant Patrick Sweeney from the Department of Emergency Services and Public Protection (DESPP)/Connecticut State Police (CSP) had no legislative updates to provide.

DEEP – Rick Pirolli from DEEP stated that legislative changes were made in Public Act 17-79 as part of the Volkswagen settlement to allow the State to have access to \$55 million in settlement funds. Mr. Pirolli stated that he wanted to thank Sharon and Millie from DMV for getting this done. The State had to ensure that involved Volkswagen vehicles that remain on Connecticut roads will not violate the I&M program requirements. The public act gives the Commissioner discretionary power to not enforce violations against the “defeat device” for these vehicles.

DMV – Prior to moving on to the Motor Carrier Industry’s legislative updates, Chairperson Smith asked Sergeant Matt Davis from DMV’s Commercial Vehicle Safety Division (CVSD) to speak about school bus issues. Sergeant Davis stated that there is a total of approximately 10,800 yellow school buses that DMV needs to inspect each year and that there are approximately 824 buses left to inspect this year. However, Sergeant Davis stated that not all of the companies have been returning the inspection reports to DMV after receiving violations (as required). There are instructions for turning the form in (as well as the required form) on the DMV website. Additionally, C.G.S. § 14-281c requires the report of serious accidents involving school buses to DMV within twenty-four (24) hours from the time of the crash. The accident needs to be reported to DMV so that DMV can begin its investigation/inspection process. Sergeant Davis

asked the MCAC members to help him get the word out. He stated that the responsibility for reporting the accident is of the investigating officer; however, many of the bus companies are usually on top of also reporting the accident to DMV.

Rick Pirolli from DEEP asked what DMV is inspecting on school buses and Sergeant Davis responded that the vehicle itself is inspected for items such as structure, brakes, first aid kits, etc. Sergeant Davis stated that the inspections are performed by nine (9) DMV inspectors and are extensive, time consuming and mainly focused on safety-related items. Mr. Pirolli asked Sergeant Davis to clarify if emissions are included in the school bus inspections. Sergeant Davis responded that emissions are not specifically inspected; however, sometimes the engine itself may be inspected or emissions may be tested while the bus is idling for safety-related inspections. Sergeant Davis provided an example of a bus that had its engine and emissions inspected during idling because children were being reported as getting sick.

Jean Cronin from COSTA/CT Bus asked if sending in the violation reports is a new requirement. Sergeant Davis responded that this requirement is not new, but that it is not getting done enough. Ms. Cronin stated that a shortage in school bus drivers has caused office administrators with CDLs to begin driving the buses, which may cause backups in paperwork. Chairperson Smith added that some companies hire third party contractors to do their paperwork and the third party contractors do not always get the paperwork in to the correct place. Chairperson Smith asked Kelly O'Connell from DMV if the school bus registration renewal notices started going out and Ms. O'Connell stated that the notices just started going out. Chairperson Smith added that the notices include inspection notifications and if the renewal is sent in to DMV by the company before the inspection is performed, the renewal may be caused to sit in "lockbox" and not be processed. Chairperson Smith stated that if a renewal comes in to DMV prior to an inspection, it will be set aside until the inspection is done and, at that time, will be resubmitted into "lockbox" for processing. Ms. Cronin added that budget issues may delay registrations for new buses that are purchased and could create an extra influx of new school bus registrations in August.

### **Motor Carrier Industry**

MTAC – Joe Scully from the Motor Transport Association of Connecticut (MTAC) mentioned that tolls are off the table for this year. MTAC testified in support of the bill to prevent the state from spending funds to study a mileage tax, which passed the Transportation Committee. The state then withdrew from participation in the multi-state mileage tax study. MTAC also testified, in support of the DOT bill for account codes to move towards a more automated issuance system. In regard to the budget, Mr. Scully stated that he heard that there will be a push for a ten dollar (\$10) fee on vehicle registrations to fund state parks. MTAC will be arguing that commercial vehicles should be exempt from this fee since they do not use state parks.

Mr. Scully stated that there was a backlog of testing drivers and that one training school reported to him that there have been improvements (which he is grateful for), but that there is still work being done by the training schools to improve the backlog. For example, Mr. Scully stated that one school paid over \$100,000 in overtime costs to the State for testing. Mr. Scully thinks that structural changes can and should be made to prevent costs and the backlog from returning. Commissioner Bzdyra extended a thank you to Joe Ciotto from DMV for his work to improve the backlog, especially with limited resources. Commissioner Bzdyra stated that DMV is still looking for medium to long-term solutions to continue to make improvements in this process. Mr. Ciotto added that many times the backlog is contributed to by the schools for reasons such as

failures, drivers who are not ready to test, no shows, etc. and that the issue is not just caused by DMV alone. Mr. Scully stated that he did not think that applicants who fail their tests should have to repeat portions that they already passed; however, Mr. Ciotto stated that CDL skills test banking is now allowed but not required under the FMCSA Final Rule.

CT Bus/COSTA – Jean Cronin from the Connecticut Bus Association (CT Bus) and the Connecticut School Transportation Association (COSTA) stated in regard to COSTA that they continue to have problems with background checks taking twelve (12) to fourteen (14) weeks. Ms. Cronin stated that the issue cannot all be blamed on DESPP, but that the legislature keeps increasing the number of people who need to obtain background checks for different reasons, but DESPP staff is not increased. She suggested live scan as a possible option. Ms. Cronin added that DMV has been great with this process. Additionally, with the school bus driver shortage, Ms. Cronin stated that it has been difficult to find candidates who would like to drive school buses, and that companies are losing candidates while the process is taking too long. COSTA is hoping that the budget will include a provision to increase the background check fees by an additional fifty dollars (\$50.00). DESPP tried to propose hiring a third party contractor to assist; however, COSTA is hoping for a long-term solution. Ms. Cronin also reported that the proficiency test is still an issue. She met with George White from DMV and is supposed to bring George some recommendations. Ms. Cronin stated that companies are losing some older drivers due to issues with the proficiency test since it is complicated and there is a lot of information to remember.

In regard to CT Bus and the motor bus industry, Ms. Cronin reported that CT Bus continues to work with DOT on updates to the motor bus regulations, which date back to 1952. Ms. Cronin asked Attorney Geanuracos if DMV is still requesting insurance policy documentation at the time of registration. Attorney Geanuracos responded that DMV is required to take insurance certificates at the time of registration and will not register a vehicle unless proof of insurance is shown; however, she clarified that the assumption is that the certificate is for the proper amount and meets the federal coverage limits. DMV does not confirm coverage limits for passenger vehicles either. Ms. Cronin also commented that DMV used to have a commercial window and since commercial vehicles have different requirements, she believes it would be helpful to keep the transactions separated and bring this window back. Commissioner Bzdyra stated that DMV will look into that suggestion and added that Wethersfield does have a business window, but not the other offices. Staff is designated in certain units such as Fiscal Services to assist with influxes such as school bus registrations. Lieutenant Donald Bridge reported that he spoke to Lieutenant Colonel Battle from DESPP regarding live scan and that they have this on the radar for their new system. Additionally, DOT has been discussing the motor bus regulations with DMV inspectors.

Connecticut Energy Marketers Association – Chris Herb from CEMA reported that since this past winter was warm, there was no need for any hours of service (HOS) waivers; however, Mr. Herb thanked DMV for the quick response each time an HOS waiver is necessary. CEMA testified against the proposal for a sixteen cents (\$0.16) per gallon tax on the carbon content of diesel and eleven cents (\$0.11) per gallon tax on gasoline; however, he expects this proposal to come back again in the coming years. Mr. Herb also reported that the State is past due on the comprehensive energy strategy, and that the focus is on the transportation sector more than the heating industry. CEMA would like to approach DOT for legislation regarding a study on weight tolerances in the State. Connecticut's weight tolerance numbers are low at this time, and CEMA

would this issue looked into. CEMA believes that increasing weight limits would allow for more efficient trips and that reduced mileage and trips could reduce emissions.

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

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

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

Chris Henry from FMCSA mentioned that in the piece that CBS did on school bus operators recently, there were only two (2) states that were mentioned in a positive light (Delaware and Connecticut). Mr. Henry reported that FMCSA is moving its office to Hartford at some point and that he had good news in regard to the 2016 crash numbers (fatalities involving commercial motor vehicles (CMVs)) due to the efforts of all of the MCAC members. Connecticut had a 17.5% reduction in fatal CMV accidents as of May 25, 2017, which Mr. Henry noted is outstanding. Mr. Henry reported that for the performance year of June 1, 2016 through May 31, 2017, the two (2) FMCSA investigators in Connecticut performed eighty-three (83) compliance reviews on high risk carriers, MAP-21 complaints and cargo tanks. Out of the thirteen (13) states, D.C., Puerto Rico and the Virgin Islands included under the Eastern Service Center, there were 1900 compliance reviews done. Out of forty-three (43) enforcement cases in Connecticut, forty-one (41) were for Connecticut companies, one (1) was for a Connecticut driver and one was for a Massachusetts company. These enforcement cases had fines in an average amount of \$9,000. Mr. Henry stated that one of the biggest problems with high risk carriers are Amazon haulers and the FMCSA Special Agents are having trouble obtaining paperwork from these carriers. FMCSA is planning on doing educational outreach to some of these companies that Amazon hires through brokers at the rate of twenty-seven dollars (\$27.00) a day. For this rate, the reputable companies are not participating.

In regard to grant funding, Mr. Henry reported that the State of Connecticut is doing a great job and has applied for amendments which are currently going through the approval process at headquarters. Since the FMCSA budget passed, grant funds have been freed up and Connecticut received the rest of the \$2.4 for the MCSAP grant. Connecticut also applied for the high-priority MCSAP and CVISN/ITD grants, which are with the acting FMCSA administrator for approval. Connecticut applied for the CDL grant and a technical review panel has convened. Mr. Henry noted to Mr. Scully from MTAC that none of his members applied. Mr. Scully responded that he notified MTAC's members of the grant opportunity. Mr. Henry also distributed a handout that summarizes the open grants in Connecticut and mentioned that the handout is broken down by the different grants. Anyone with questions regarding this handout may contact him; however, he highlighted that out of the \$15,722,789.00 total grant obligation to the State of Connecticut, DMV has the bulk of that obligation (\$14,959,531.00). DOT has \$271,382.96 available to spend, but Mr. Henry noted that these funds are being spent on a pass through grant to UCONN. Additionally, CSP has submitted its Title VI documentation, so it can now invoice FMCSA for the \$464,120.00 available. Mr. Henry noted that out of the 16 jurisdictions in the Eastern Service Center that receive grant funding from FMCSA, New York has the most grant money and then Connecticut has the second largest grant program in the northeast.

Mr. Henry reported that the MCSAP Basic New Entrant Program had over 1,200 new entrants when he started five (5) years ago and over 300 of those new entrants were overdue. He was happy to state that currently there are officially five (5) overdue new entrants, but that the actual number is closer to two (2) overdue new entrants at this time. Additionally, Mr. Henry stated that there was recently a PRISM/ITD workshop held in D.C. and that Connecticut was the best represented state at the workshop with five (5) representatives there from DMV, DOT and CSP. He noted that PRISM allows OOS orders to cause DMV to automatically suspend registrations and go out and pull plates if needed. Mr. Henry also stated that Connecticut's CVISN program is one of the top in the country and has been for years. Outreach was done for the industry in regard to the new computer program for over-size/over-weight (OS/OW). Additionally, Mr. Henry has been working with the livery division, which provides information to the motor carrier division that may be referred to NHTSA or Federal Highway when necessary.

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

In regard to MCSAP, Lieutenant Donald Bridge reported that for the last year (since July 1), there were more than 18,000 vehicles stopped and inspected, which resulted in more than 4,000 out-of-service (OOS) orders (approximately 33%) and over 1,300 driver OOS orders (approximately 8%). Lieutenant Bridge noted that the top cause of driver OOS orders is for HOS, second is for driver disqualification and third is for medical disqualification. Lieutenant Bridge noted that the number of drivers who are not properly licensed has grown since many drivers are failing to submit their required medical certifications and are downgraded as a result. In regard to OOS vehicles, the number one reason is for brakes, second is load securement and third is for lighting. Lieutenant Bridge stated that a lot of drivers are still texting and not wearing their safety belts.

Drivewyze is continuing to be used at the scales to facilitate the number of bypasses. This program has saved the industry almost 3,000.00 gallons of fuel and over \$62,000.00 in time and hours. Drivewyze is clearing about 87% of users for bypass and there is a pull-in rate of just over 12%. There was a 217% growth in the number of carriers involved with Drivewyze throughout the year. Just in the month of June 2017 (which is not complete at this time), there were almost 28,000 bypasses reported by Drivewyze. Lieutenant Bridge has a handout of the Drivewyze numbers which can be provided upon request.

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

Since Bob Sardo from DMV was not in attendance, Chris Henry reviewed CVISN/PRISM during the FMCSA portions of the agenda (as noted above). However, Lieutenant Bridge also stated that PRISM is facilitating DMV's ability to follow through on OOS plate removals and new entrant audits. He also mentioned that Iliana Rodriguez from DMV CVSD does a great job tracking these carriers down, which are not usually any of the member companies of MCAC members. Lieutenant Bridge also added that the 17.5% reduction in fatal accidents is what DMV strives for and that each fatal crash costs society approximately \$10 million.

#### **VI. Other Business**

Mr. Steven Shore from Shore Associates asked if he could receive an update on electronic logging devices (ELDs) for HOS and if ELDs are still on track for December. Chris Henry from FMCSA stated that ELDs are still on track for December and that the Independent Trucking Association is unhappy with this. Mr. Henry stated that enforcement may be delayed after the rule becomes effective. Additionally, a brief discussion occurred regarding autonomous vehicles and upcoming studies related to these vehicles. There was a recent summit held by the University of Connecticut, and projections for completely autonomous vehicles seem to be in the thirty (30) to forty (40) year range.

## **VII. Adjourn**

Chairperson Smith adjourned the meeting at 2:16 p.m.