

MOTOR CARRIER ADVISORY COUNCIL
Connecticut Department of Motor Vehicles
60 State Street, 2nd Floor Multi-Media Room
Wethersfield, Connecticut
Thursday, March 10, 2016
Meeting Minutes

Attendees: MCAC Chairperson James Rio, Deputy Commissioner Mike Bzdyra, Lieutenant Donald Bridge, Lieutenant Garfield Green, Lynn Blackwell, Joe Ciotto, Bob Sardo, Michaela Rosenberger, Tiffany Hardwick, Kelly O'Connell, George White, Vanita Smith, Department of Motor Vehicles; Karl Boehm, Chris Henry, Federal Motor Carrier Safety Administration; Ric Pirolli, Department of Energy and Environmental Protection; John Krewalk, Department of Transportation; Marc Papandrea, Department of Revenue Services; Sergeant Patrick Sweeney, Connecticut State Police; Rob Michalik, Department of Economic and Community Development; Joe Miller, Taxicab and Livery Council of Connecticut; Joe Sculley, Motor Transport Association of Connecticut; Steven Shore, Shore Associates

I. Call to Order

Motor Carrier Advisory Council (MCAC) Chairperson James Rio called the meeting to order at 1:00 p.m.

II. Approval of July 2, 2015 MCAC Meeting Minutes

Marc Papandrea from the Department of Revenue Services (DRS) made a motion to approve the minutes of the July 2, 2015 meeting with a correction to the tax rate on diesel fuel listed on the bottom of page three (3). The minutes currently state that the new rate is 50.03 cents per gallon; however, the correct rate is 50.30 cents per gallon. Joe Ciotto from the Department of Motor Vehicles (DMV) seconded the motion. The motion passed unanimously.

III. Chairperson's Remarks

Chairperson James Rio welcomed everyone in attendance and began with introductions. He stated that the MCAC will report later during this meeting regarding pending legislative proposals. Chairperson Rio then provided a reminder that DMV has published the school bus out-of-service (OOS) report on its website every year for the past four (4) to five (5) years. This report is helpful to both the industry and the general public. The report includes companies with more than twenty (20) registered vehicles and is posted on the website after August 31 each year following the completion of the annual inspection cycle.

Last year, DMV's Commercial Vehicle Safety Division (CVSD), the Connecticut State Police (CSP) and the local partners had a 15% overall increase statewide in the number of inspections performed. There were 22,910 commercial motor vehicle (CMV) inspections done overall despite the challenges of keeping positions funded to maintain personnel. According to studies performed by the Federal Motor Carrier Safety Administration (FMCSA), every set of 1,000 inspections saves .22 lives and prevents 3.81 injuries per year.

Chairperson Rio introduced Joe Sculley who replaced Mike Riley at the Motor Transport Association of Connecticut (MTAC). Chairperson Rio stated that Mr. Sculley has already had discussions with DMV regarding some of its policies. Chairperson Rio stated that after a review of federal regulations, a policy change has been recommended to take away the requirement for the federal annual inspection to be done within thirty (30) days of registering a CMV in Connecticut for the first time as long as the federal annual inspection is valid and has been completed within the year. Additionally, the Inspector Qualification Forms no longer have to be signed within the last thirty (30) days as long as a valid form is submitted.

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

State Agencies

DMV – Attorney Michaela Rosenberger from DMV distributed a summary of DMV’s legislative proposals for the 2016 session that affect the motor carrier industry and stated that DMV’s omnibus proposal is numbered HB5412. Chairperson Rio commented that Attorney Sharon Geanuracos is at a conference and that Attorney Rosenberger is here in her place. DMV’s proposals include a new section to establish state penalties for violations of the Federal Hazardous Materials Regulations (HMRs). This proposed section has penalties that are commensurate with the violations committed and specifies that enforcement is to be carried out by law enforcement officers who are trained by FMCSA to detect HMR violations.

Additionally, DMV’s proposal changes the requirement of a student transportation vehicle operator over age seventy (70) to have a physical exam every six months. The requirement would be changed to an annual exam, unless a certified medical examiner requires the exam to be done more frequently.

Lastly, DMV’s legislative proposal changes C.G.S. § 17-696, which currently allows judges to make exceptions to the ineligibility provisions for diversionary programs. This program may be being used currently to allow commercial driver license (CDL) and commercial learner’s permit (CLP) holders to use the Alcohol Education Program (AEP) after being charged with DUI, when they would otherwise be ineligible. This proposed change would remove the judge’s ability to order the program when the offender is charged with DUI, manslaughter 2nd or assault 2nd, and was operating a CMV or held a CDL or CLP at the time of the offense.

DRS – Marc Papandrea from DRS did not have any legislative proposals to report at this time. However, he noted that the diesel fuel tax rate will be going down based on the wholesale price of diesel fuel from April 1 to March 31. Mr. Papandrea cannot provide a number at this time. Additionally, Mr. Papandrea reported that DRS has worked with MTAC to educate carriers on the recordkeeping requirements under IFTA which will change effective January 1, 2017 in accordance with a change to IFTA. These changes will include a requirement that failure by a carrier to keep accurate records will result in either a 20% reduction to the reported miles per gallon (MPG) factor or an imposition of a flat 4.0 MPG for all periods subject to audit. In the past DRS had some leeway if proper records were not kept.

CSP – CSP did not have any legislative proposals to report at this time.

DEEP – Ric Pirolli from the Department of Energy and Environmental Protection (DEEP) discussed one (1) pending bill affecting the motor carrier industry (HB5318), which is concerning commercial buses and trucks idling for more than three (3) minutes. This bill also lists some exemptions to the maximum idling time and gives law enforcement ticketing authority. Mr. Pirolli mentioned that the definition of “trucks” in the current proposal is broad as written. Once the bill makes it out of committee, DEEP will be suggesting an amendment to focus more on CMVs as opposed to passenger pickup trucks. He mentioned that some concerns that people have regarding previous similar bills are in regard to profiling and unreasonable searches. Mr. Pirolli clarified that there is language in the bill to prevent these things from happening.

DOT – The Department of Transportation (DOT) has no pending legislation to report at this time.

Motor Carrier Industry

MTAC – Joe Sculley discussed MTAC’s position on some of the legislative proposals affecting the motor carrier industry. Mr. Sculley started by stating that MTAC does not oppose DMV’s proposal to prevent CDL/CLP holders from using diversionary programs. He also mentioned that he testified about the idling bill. MTAC does not oppose this bill, but requests that a provision be added regarding compliance with hours-of-service (HOS) and drivers being in comfortable temperatures at rest stops. Mr. Sculley asked Mr. Pirolli if there really is a need to limit this bill to CMVs. Mr. Pirolli responded that one of the concerns is the toxins from diesel emissions.

Mr. Sculley also discussed the lockbox bill that would protect the funds deposited into the Special Transportation Fund. MTAC supports the concept of this bill, but is concerned about execution and that the language may not be strong enough. MTAC is concerned that money will be raised and then sent elsewhere once future budget cuts are discussed. MTAC received a legal opinion that this proposal does not prevent future legislators from passing legislation to divert the funds. One example of this is that this year SB453 could allow municipalities to obtain 50% of the revenues from traffic fines. The transportation lockbox would not stop this.

Taxicab/Livery – Joe Miller from the Taxicab and Livery Council of Connecticut reported that the taxi and livery companies are still concerned with Uber. They believe that Uber is operating outside of Connecticut laws. Mr. Miller stated that he attempted to introduce legislation, but that the Chairman is not entertaining any Uber legislation this year. Mr. Miller stated that he has been speaking with the Insurance Commission regarding insurance concerns related to Uber. Chairperson Rio commented that there is a proposed bill that discusses insurance coverage. Mr. Miller stated that this bill is the Taxicab and Livery Council of Connecticut’s proposed language, but he has heard that this bill will not make it out of committee.

DECD (STATE AGENCY) – Chairperson Rio apologized for missing the Department of Economic and Community Development (DECD) during the State Agency legislative discussion. Rob Michalik from DECD stated that there are no legislative proposals regarding the motor carrier industry for him to report on at this time; however, he did mention a Governor’s Bill (HB5045) that revises the Small Business Express Program that helps fund businesses with less than one hundred (100) people.

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

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

FMCSA reported that there are two federal fiscal year grant applications due soon. The CDL grant is due April 5, 2016, and the safety data improvement grant is due April 21, 2016.

Connecticut Motor Carrier Safety Assistance Program (MCSAP)

Lieutenant Donald Bridge from DMV reported that the overall number of inspections performed has been increased statewide. The main purpose of inspections is for the reduction of accidents and the main focus of enforcement is regarding driver behavior (e.g. speeding, following too close, distracted driving, etc.) since it is the leading cause of accidents. All inspectors are certified (there are approximately 150 inspectors) and have the discretion to issue tickets for any violations including violations of federal rules and regulations.

Steven Shore from Shore Associates asked if “discretion” refers to the federal regulations. Lieutenant Bridge responded that the discretion refers to federal and state violations. Mr. Shore then asked if a fine is duplicated if a violation is discovered and cited through Connecticut’s judicial process and the violation is also included in a federal audit. Lieutenant Bridge responded “no.” Mr. Shore provided a general example of an HOS violation that was discovered at both the state and federal level. Karl Boehm from FMCSA stated that when a federal inspection is done on a carrier, the carrier receives the violation. When the infraction is issued through the judicial system, it is issued to the driver. Mr. Boehm stressed that safety responsibilities belong to both the carrier and the driver. He also stated there is usually no duplication. There is some disagreement regarding this topic.

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. A brief summary of last year’s report was included. Updates for this current year include the completion of the transition of the CVO portal from the prior vendor (Cambridge Systematics) to DMV’s IT department. DMV has assumed full responsibility for providing CVISN Help Desk Support and is continuing to make enhancements to the system. Preliminary counts of users are being monitored. Mr. Sardo clarified that the portal guides users to the necessary websites. George White from DMV added that DMV’s IT Help Desk will have more coverage to keep up with CVO portal calls.

Additionally, Mr. Sardo reported that Connecticut was selected by FMCSA for their first of two onsite Core CVISN Compliance Reviews in January 2016. Overall, the Connecticut was successful and passed the compliance review. In regard to funding, Mr. Sardo stated that DMV applied for \$1 million of FY2016 CVISN funding. This will partially cover subscription fees and the ongoing IFTA program. DMV also applied for \$122,950 of PRISM funding that will primarily cover equipment costs.

Future plans include a major upgrade/modernization of the Motor Carrier Service Portal. Mr. Sardo will communicate with the stakeholders during this upgrade. DMV will also work with DOT to pursue e-screening modernization procurement to build virtual weigh stations and for a DOT OS/OW transition to a hosted solution which should help the speed of the application.

Mr. Sardo stated that carriers are welcome to call him directly if they have any problems with the portal. Joe Sculley from MTAC stated that he would like to see the availability of automated over-size/over-weight (OS/OW) permitting on pre-set routes. He also stated that he does not understand why there is a bill to increase OS/OW permit fees. Chairperson Rio stated that it was his understanding that this bill is a Governor's bill. John Krewalk from the Department of Transportation (DOT) stated that it is DOT's goal to work toward automatic permitting; however, the current problem is antiquated servers. Mr. Krewalk added that DOT has started user testing. DOT will eventually upgrade its system to Super Load 5. It may take time to integrate with other systems, but this upgrade could be done by the end of the year. The time frame will depend on how much customization needs to be done. For example, Connecticut uses account codes that are not used by other states. Mr. Krewalk stated that DOT will engage its stakeholders, including MTAC, in discussions regarding this upgrade.

Steven Shore from Shore Associates asked if there have been improvements made to DMV's servers. Mr. Sardo responded that CVIEW is now hosted by ITERIS instead of the Department of Administrative Services (DAS) BEST. Additionally, IFTA used to be on BEST servers, but now it is hosted in Kentucky by Explore. The CVO portal is on web servers at BEST. Mr. Shore then asked if the CIVLS program is hosted on a cloud-based server. Mr. White stated that CIVLS is hosted at BEST and clarified that the on-line "waiting rooms" are based on volumes. Chairperson Rio clarified that discussion regarding the CIVLS program is outside the scope of the MCAC.

VI. Other Business

Lynn Blackwell and Joe Ciotto from DMV delivered a PowerPoint presentation that is part of DMV's outreach to the industry regarding an update to FMCSA's CDL Final Rule. This topic was discussed at the last MCAC meeting. Ms. Blackwell clarified that August 2016 is the correct compliance date, as opposed to August 2017 as stated in the minutes from the last meeting. The presentation covered the following topics:

Prerequisites of a CLP: CLP prerequisites include the medical certificate, self-certification and identification. There will be a Real ID CDL and a "non-domiciled" CDL. The non-domiciled CDL will be issued to CDL holders who cannot present certain required documents for a Real ID credential. The non-domiciled CDL will not be valid for school bus or hazmat endorsements.

CLP Renewal/Valid For: The CLP will be valid for 180 days and will be allowed to be renewed once without the necessity for retesting.

New Knowledge Test: The new knowledge test will begin May 3, 2016. There will be an increased number of questions and a score of 80% will be required to pass the test.

New Restrictions: The only endorsements allowed for CLPs will be P, S and N. There are new restrictions added as well (P and X). A chart was included in the presentation that contained additional information on CDL restrictions. The new restrictions will not apply to CDLs issued prior to July 8, 2015. These individuals will be “grandfathered.”

The New Skills Test: Mr. Ciotto noted that a letter was sent on August 25, 2015 regarding test requirements for the new skills test which included required maneuvers and test site requirements. The new test will take thirty (30) to forty-five (45) minutes longer than the current test. This new test will begin on May 3, 2016.

DMV Status: DMV published the new CDL manual. The knowledge test questions have been programmed and staff has been visiting site locations to ensure that they meet the requirements. Mr. Ciotto added that staff training is being completed. DMV trained and certified eighty-five (85) examiners and is working on completing training for the skills test by March 16, 2016. There will be a make-up class on April 20, 2016 for employees who missed the prior training date.

Joe Sculley from MTAC asked Ms. Blackwell and Mr. Ciotto if they could share the PowerPoint presentation. Ms. Blackwell and Mr. Ciotto responded that they could. Mr. Sculley thanked them and stated that he would help get the word out to the MTAC members. Mr. Ciotto commented that this process will take time for everyone to get used to and asked for patience, especially in regard to the increased test time lengths. Lastly, Ms. Blackwell and Mr. Ciotto distributed a Notice of Proposed Rulemaking regarding minimum training requirements for entry-level CMV operators.

Lastly, Chairperson Rio reminded the MCAC that the next meeting is June 2, 2016 at 1:00 p.m.

VII. Adjourn

Chairperson Rio adjourned the meeting at 2:10 p.m.