

MOTOR CARRIER ADVISORY COUNCIL
Connecticut Department of Motor Vehicles
60 State Street, 2nd Floor Multi-Media Room
Wethersfield, Connecticut
Thursday, February 28, 2013
Meeting Minutes

Attendees: MCAC Chairperson James Rio, Sharon Geanuracos, Michael Bzdyra, Lieutenant Donald Bridge, Lynn Blackwell, Cindy Zuerblis, George White, Vanita Smith and Tiffany Therrien, Department of Motor Vehicles; Anne Gobin and Ellen Pierce, Department of Energy and Environmental Protection, Air Bureau; Rich Van Allen, Department of Transportation, Bridge Operations; Karl Boehm and Chris Henry, Federal Motor Carrier Safety Administration; Steven E. Shore, Shore Associates; Scott A. Smith, Connecticut State Police, TSU; John Krewalk, Department of Transportation; John Butts, Connecticut Construction Industries Association; Michael Riley, Motor Transport Association of Connecticut; Jean Cronin, Connecticut Bus/COSTA; Marc Papandrea, Department of Revenue Services; Joan Nichols, Connecticut Farm Bureau; Ruth Craig, Judicial, Centralized Infractions Bureau

I. Called to Order

MCAC Chairperson James Rio called the meeting to order at 1:00 p.m.

II. Approval of Minutes

Rich Van Allen of the Department of Transportation (DOT) made a motion to accept the minutes of the May 31, 2012 MCAC meeting minutes with a revision to the number of DOT Self Issuance permits noted on page six (6), which number he will provide at a later date. Cindy Zuerblis of the Department of Motor Vehicles (DMV) seconded the motion and the motion passed. The Department of Energy and Environmental Protection (DEEP) representatives abstained from voting as they were not present at the May 31, 2012 meeting.

III. Chairperson's Remarks

Chairperson James Rio welcomed all in attendance and also welcomed and introduced the new CT State Director Chris Henry from the Federal Motor Carrier Safety Administration (FMCSA).

Chairperson Rio discussed the recent storms in the region and the State's Emergency Operations Center as it affects motor carriers and the Fuel Task Force, most specifically related to Storm Sandy and the October snow storm in 2011. Chairperson Rio thanked close partners who provide valuable information during the storms including the Motor Transport Association and Connecticut Energy Marketers Association. He mentioned reaching out to the Connecticut Energy Marketers Association to involve them in future MCAC meetings. Chairperson Rio discussed the importance of the communication of emergency declarations and what they mean as well as DOT size and weight issues. In addition, Chairperson Rio discussed the difficulties with getting fuel into the State as the terminals were hit hard by the storms. The FMCSA provided guidance with many of the storm-related concerns and the Department

of Defense was also involved with storm assistance by providing fuel from its stock piles. Chairperson Rio thanked Tracy Babbidge and Ellen Pierce from DEEP for their cooperation as well. Chairperson Rio also stated that there is a large impact on commercial vehicles from the closing of highways during storms.

Chairperson Rio reported that the DMV Commercial Vehicle Safety Division is very active and has increased its staffing to sixty (60) sworn inspectors. He reported that not all DMV inspectors are involved in commercial vehicle safety, as DMV inspectors also serve other functions such as dealer and repairer investigations. Chairperson Rio also reported that the DMV increased its MCSAP inspections from 2011 to 2012 by seven percent (7%) and that there was a statewide increase of MCSAP inspections of four percent (4%).

IV. Review of Legislative Proposals for the 2013 Regular Session of the General Assembly

State Agencies –

DMV – Sharon Geanuracos, Agency Legal Director, distributed a hand-out of a summary of the sections of the DMV RAISED BILL 6495 AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE STATUTES that apply to motor carriers. Attorney Geanuracos mentioned that the DMV is trying to keep its legislative changes to a minimum due to its computer system transition. She stated that almost all changes that need to be made are as a result of audits or to comply with federal law. Attorney Geanuracos discussed the following portions of Raised Bill 6495:

Sections 46, 47. Attorney Geanuracos reported that commercial driver's license holders and permit holders would be added to sections 54-56e(c) and 54-56g(h) of the Connecticut General Statutes as individuals who would be prevented from enrolling in the pretrial accelerated rehabilitation program for a motor vehicle crime or offense or in the pretrial alcohol education program for the offense of operating under the influence. Attorney Geanuracos stated that these revisions have been submitted year after year and that the DMV is aggressively pursuing these provisions as failure to do so jeopardizes the state's funding.

Section 5, Section 40. Attorney Geanuracos reported that the use of a hand-held mobile telephone or other electronic device would be added as a separate offense, along with texting, in sections 14-1 and 14-296aa of the Connecticut General Statutes. She also mentioned that this offense goes into the assessment of disqualification periods for CDL holders. Michael Riley from the Motor Transport Association of Connecticut asked if "other electronic device" is defined and Attorney Geanuracos responded that it is defined in section 14-296aa.

Attorney Geanuracos stated that the other changes noted on the hand-out are self-explanatory and technical. She also mentioned that her phone number is listed on the hand-out and to feel free to call with any questions.

Mr. Riley made mention of the presence of snow and ice on trucks as a violation (effective January 1, 2014) and allowing individuals to mail in their fines. Mr. Riley asked if having a snow and ice violation

would affect the individual records of that driver under CSA regulations. Attorney Geanuracos stated that she is not aware of a snow and ice violation being a serious traffic violation under CSA regulations. Karl Boehm of the Federal Motor Carrier Safety Administration responded that this violation would not affect a driver's CSA score and would fall under local laws.

DRS – Marc Papandrea from the Department of Revenue Services (DRS) reported that they have no legislative proposals relating to motor carriers at this time; however, the new diesel tax rate in June will be 8.1 percent (8.1%).

JUDICIAL – The Judicial Branch reports a legislative proposal relating to snow on commercial motor vehicle roofs becoming an infraction.

DESPP – The Department of Emergency Services and Public Protection (DESPP) has no legislative proposals related to motor carriers to report at this time.

DEEP – The Department of Energy and Environmental Protection (DEEP) has no legislative proposals specific to motor carriers to report at this time. DEEP's proposals are specific to the Governor's energy strategy for cleaner energy and more reliable fuels.

DOT – The Department of Transportation (DOT) has no legislative proposals related to motor carriers to report at this time.

Motor Carrier Industry -

MTAC – Michael Riley distributed a hand-out summarizing the Motor Transport Association of Connecticut's (MTAC) legislative proposals and discussed the following:

AN ACT CONCERNING OWNER OPERATORS OF COMMERCIAL MOTOR VEHICLES. Mr. Riley discussed that one of MTAC's legislative proposals concerns characterizing certain owner operators as independent contractors and not as employees.

AN ACT ELIMINATING THE RESTRICTIONS ON THE ISSUANCE OF OVER DIMENSION PERMITS AT CERTAIN TIMES. Mr. Riley reported that there is a meeting on Monday to discuss allowing over dimension permits to operate for longer periods of time.

AN ACT REQUIRING THE INCREASE IN THE AVAILABILITY OF SAFE AND SECURE PARKING SPACES FOR TRUCK DRIVERS. Mr. Riley reported that this proposal would require DMV and DOT to provide and require safe parking places for vehicles. He stated that it is estimated that 1,500 tractors are wandering looking for parking every night and that there is a large number of accidents relating to illegal and unsafe parking.

AN ACT REQUIRING ALL FEES AND FINES ISSUED UNDER TITLE 14 OF THE CONNECTICUT GENERAL STATUTES BE DEPOSITED INTO THE SPECIAL TRANSPORTATION FUND AND USED ONLY FOR TRANSPORTATION PURPOSES. Mr. Riley would like Special Transportation

Fund revenue protected from being distributed for purposes other than transportation. Mr. Riley stated that the Special Transportation Fund is running out of money.

AN ACT CONCERNING FREEZING THE DIESEL FUEL TAX AT 49 CENTS PER GALLON and AN ACT ELIMINATING THE INCREASE IN THE GROSS EARNINGS TAX ON PETROLEUM PRODUCTS TO 8%. Mr. Riley reported that the MTAC is proposing a freeze of the diesel tax and an elimination of the increase of the gross earnings tax on petroleum products, which would become effective July 1, 2013.

AN ACT ESTABLISHING A MANDATORY FINE IN ADDITION TO RESTITUTION FOR CONVICTION OF WORKERS' COMPENSATION FRAUD. Mr. Riley reported that in the past upon the conviction of worker's compensation fraud an individual's benefits would stop; however, they would get to keep the benefits they received. In 1991, the law was changed to add the restitution portion upon conviction. This proposal would add a fine in addition to the restitution.

AN ACT BANNING THE USE OF HARMFUL AND CORROSIVE LIQUID ROAD TREATMENT. The MTAC also proposes a ban on the use of harmful and corrosive liquid road treatment. Mr. Riley mentioned that these types of treatments are wreaking havoc and affecting the safety of trucks and personal vehicles. He also reported that this proposal is still pending.

Connecticut Farm Bureau – Joan Nichols reported that the Connecticut Farm Bureau is doing research on the weight law for trucks. She stated that the Connecticut Department of Agriculture has been performing surveys and interviews and is about to release a summary and report in regards to its findings. The Department of Agriculture is looking at the possibility of comparing our weight laws to our neighboring states to determine production costs and the competitive or economic disadvantages to our neighboring states.

COSTA/Connecticut Bus – Jean Cronin of COSTA and Connecticut Bus reported that there are no problems lately with background checks. Ms. Cronin has concerns with the increased number of background checks due to an increase in the number of gun permit applications. Cindy Zuerblis from the Department of Motor Vehicles commented that DMV is not having any problems at this time with background checks.

Ms. Cronin reported in regards to the bus industry that one of the larger bus companies was investigated for violations of the three minute rule with the idling laws. She stated that some drivers have been complaining that they are cold and that a bill has been raised that would let drivers idle at temperatures more than 32 degrees Fahrenheit.

Ms. Cronin discussed charter buses and bus safety. She stated that she was happy when Massachusetts shut down Fung Wah for a short time due to safety violations and she urged Connecticut to continue inspections at the casinos. Ms. Cronin expressed how important safety ratings are, but that she does not believe that the public understands that a score of 90-100 is a bad score and she would like to see the score system reversed or a bolded notification that explains the scoring system.

Michael Riley reported that he found a company that makes roof rakes for buses. He believes this will be a practical and affordable solution when the law for clearing off snow and ice from commercial vehicles becomes effective on January 1, 2014.

V. Intelligent Transportation Systems/Commercial Vehicle Operations (ITS/CVO)/U.S. DOT Federal Motor Carrier Safety Administration (FMCSA) -

Karl Boehm from the Federal Motor Carrier Safety Administration (FMCSA) reported that FMCSA will not be impacted from sequestration and that none of the funding relating to motor carrier programs is at risk. Mr. Boehm stated that the 2013 and 2014 grant funding is secure. He did mention that there may, however, be payment processing issues and slower payments because of the lack of personnel due to mandatory furloughs. Mr. Boehm also stated that they are in the process of closing nine (9) grants related to CVISN.

Connecticut Motor Carrier Safety Assistance Program (MCSAP) -

Lieutenant Donald Bridge mentioned how pleased he was with the four percent (4%) increase in overall MCSAP inspections in the State. He discussed the positive relationship of an increase in inspections leading to a reduction in the number of crashes.

Lieutenant Bridge reported in regards to CSA that all certified personnel will be trained in the relationship between roadside inspections and CSA. The goal is to have the Inspectors understand the impacts of violations on motor carriers and the importance of the accuracy of data. Their annual training is coming up this March. Lieutenant Bridge reported that most of the data challenged was from out of state carriers. Lieutenant Bridge mentioned that the MAP-21 changes have been implemented and many of those changes were farm-based exemptions.

Lieutenant Bridge made a correction to earlier statements regarding Fung Wah and stated that the company was not totally shut down. He reported that Fung Wah's 2004 and older buses were voluntarily removed.

In addition, Lieutenant Bridge also mentioned that there is a new bus app for smart phones. That is the SaferBus Mobile App (<http://www.fmcsa.dot.gov/safey-security/saferbus/saferbus.aspx>) that individuals can use to pull up information about passenger carriers on their smart phones.

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

George White from the Department of Motor Vehicles reported that the 2008, 2009, and 2010 grants were closed. A DRS IFTA payment process was established, as well as a DOT inquiry tool online system.

There is also an e-mail broadcast functionality for people registered in the CVIEW system. Mr. White also discussed the 2012 grants including the NORPASS dues payment.

VI. Other Business

DMV Division Chief Lynn Blackwell of the Department of Motor Vehicles discussed emerging CDL requirements and mentioned that medical certificates need to be submitted every two years and not just at renewal. Division Chief Blackwell stated that the information would be on the internet with CIVLS. In the future there would be a national registry of certified medical providers who need to have training to issue medical certificates. Division Chief Blackwell stated that we need a way to automate how we capture drivers who have to self-certify and that we are waiting for the modernized system to be completed.

Division Chief Blackwell also mentioned that the DMV is hoping to use a grant that is not being utilized and that DMV plans to work with a vendor to automate how medical records are captured and sent to CIVLS. CDL holders will need to use a medical provider who is certified and will need to use this system. She anticipates a national registry and to be able to comply with federal regulations.

Chris Henry from the FMCSA discussed “what’s hot today” in motor carrier safety including interstate trucks and buses. He made mention of the I-95 project which took several unsafe motor coaches off of the road. Mr. Henry noted that twenty-three (23) unsafe motor coaches were taken off the road in a one day sweep. He stated that there is a comprehensive re-work of the motor coach safety program and the FMCSA is looking to hire someone to specialize in this program. Mr. Henry distributed a press release to the group regarding a New Britain transportation company and thanked the DMV as well as other agencies with their help in the investigative efforts. Mr. Henry also mentioned that the FMCSA is working to create twelve (12) teams of highly trained employees who can be deployed for ninety (90) day periods to specific problem carriers if needed.

Michael Riley from MTAC expressed concerns with the accuracy of safety ratings. Karl Boehm FMCSA mentioned that the CSA closed some of the gaps in the scoring system; however, Chris Henry stated that he would bring Mr. Riley’s concerns back with him. Mr. Henry also mentioned that anyone can call him with questions or concerns.

Vanita Smith asked that everyone who brought hand-outs send them to her electronically to assist in incorporating them into the meeting minutes.

Chairperson James Rio mentioned that the next MCAC meeting is scheduled for June 27, 2013.

VII. Adjourn

Cindy Zuerblis from the DMV made a motion to adjourn the meeting and Michael Riley from MTAC seconded the motion. The motion passed unanimously and the meeting adjourned at 2:14 p.m.