

**MOTOR CARRIER ADVISORY COUNCIL**  
**Connecticut Department of Motor Vehicles**  
**60 State Street, 2<sup>nd</sup> Floor Multi-Media Room**  
**Wethersfield, Connecticut**  
**Thursday, February 5, 2015**  
**Meeting Minutes**

**Attendees:** MCAC Chairperson James Rio, Commissioner Andres Ayala, Jr., Mildred Torres-Ferguson, Lieutenant Donald Bridge, Lieutenant Garfield Green, Lieutenant Christopher Smith, Sharon Geanuracos, Joe Ciotto, George White, Bob Sardo, Vanita Smith, Tiffany Hardwick, Department of Motor Vehicles; Charles Hoadley, Department of Administrative Services, BEST; Ellen Pierce, Department of Energy and Environmental Protection; John Krewalk, Department of Transportation; Sergeant John Netkovick, Connecticut State Police, TSU; Laura Bryll, Law Office of Public Defenders; Chris Henry, Federal Motor Carrier Safety Administration; Peter Soulsby, Attorney; Chris Herb, CEMA; Joan Nichols, Connecticut Farm Bureau; Frank Szeps, Eversource; Mike Riley, 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 1:07 p.m.

**II. Approval of June 12, 2014 MCAC Meeting Minutes**

Ellen Pierce from the Department of Energy and Environmental Protection (DEEP) made a motion to approve the minutes of the June 12, 2014 MCAC meeting and Sharon Geanuracos 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. Chairperson Rio also welcomed and introduced DMV's Commissioner, Andres Ayala, Jr. and Executive Assistant to the Commissioner, Millie Torres-Ferguson. Commissioner Andres Ayala, Jr. also welcomed everyone in attendance and spoke regarding the importance of interagency communication and communication with the industry. Chairperson Rio commented that the MCAC was established by the legislature to enhance communication and it seems to be working very well. Chairperson Rio also summarized that the MCAC was established under C.G.S. § 14-11c as a forum to make recommendations, eliminate duplication, review the feasibility of programs, etc. MCAC has collaborated on positive legislative changes and obtained the grant funding to support important motor carrier programs.

Following the welcome and introductions, Chairperson Rio discussed the recent storms that impacted the state. He commented that the relationships developed in the MCAC are critical during storms to get things done quickly and efficiently. Chairperson Rio stated that the correspondence that the Motor Transport Association of Connecticut (MTAC) provides to its members adds a lot to the storm preparation and that he appreciates the reinforcement from the industry representatives. Questions arose during the recent storms,

especially from Chris Herb from the Connecticut Energy Marketers Association (CEMA), concerning travel bans. Chairperson Rio responded that, absent specific exceptions outlined in the travel ban order, many questions can be answered with a common sense approach. He expressed the importance of staying off the roads to try to keep travel bans as short as possible. Chairperson Rio stated that work can always be done to improve storm response and that further discussions can occur regarding spelling out exceptions during travel bans as other states have done. Mr. Herb is looking for more clarity regarding health and safety concerns during travel bans, especially regarding “no heat” calls. Chairperson Rio also stated that Mike Riley from MTAC sent out a voluntary tandem truck ban internally, which was a good gesture that was coordinated with the Department of Transportation (DOT). Mr. Riley commented that travel bans can cause problems with backing up freight; however, safety is important too. Chairperson Rio reported that, at this time, the Governor’s declaration is still in effect from the blizzard. Unless the Governor rescinds the declaration, it will remain in effect for thirty (30) days with some exceptions. Chairperson Rio stated that he has given input to the State EOC regarding declarations and Mr. Herb commented that Chairperson Rio’s input helps to provide flexibility.

In addition, Chairperson Rio distributed a summary of the DMV Commercial Vehicle Safety Division’s year end statistics, which provide comparisons of 2013 and 2014. Chairperson Rio summarized the numbers for the areas of interests for the MCAC including MCSAP (Motor Carrier Safety Assistance Program), HDDE (Heavy Duty Diesel Emissions), CMV Reportable Accidents, New Entrant Safety Audits and the School Transportation Unit. He also noted that the weigh station report for the past six (6) months is available to view on the DMV and the Department of Emergency Services and Public Protection (DESPP) websites. Chairperson Rio also stated that DMV’s unit for New Entrant Safety Audits was increased with added staff with the help of grant funding received.

#### **IV. Review of Legislative Proposals for the 2015 Regular Session of the General Assembly**

##### **State Agencies**

DMV – Attorney Sharon Geanuracos from DMV distributed a summary of DMV’s legislative proposals for the 2015 session that affect the motor carrier industry and stated that DMV’s omnibus proposal has not been assigned a number yet. Attorney Geanuracos also stated that these changes are fairly routine and technical. Some of the proposals are simply clarifications of existing provisions.

Attorney Geanuracos noted that the proposed changes in regard to C.G.S. § 14-44c, 14-44e and 14-44g are due to changes in federal legislation regarding the self-certification of CDL holders and the requirement for medical certifications from FMCSA-approved medical examiners. Attorney Geanuracos also discussed changes to C.G.S. § 14-47, which would eliminate the registration of a tractor restricted for use with a heavy duty trailer in order to streamline the process and eliminate the need to have two plates on a single vehicle. Mike Riley from MTAC expressed his approval of this proposal.

Lastly, Attorney Geanuracos noted that anyone with questions could contact her at the telephone number or e-mail address listed on the bottom of the summary.

DESPP – DESPP did not have any pending legislative proposals to discuss at the time of the meeting.

DOT – John Krewalk from DOT stated that Rich Van Allen usually reports for DOT; however, Mr. Krewalk’s area (IT) is working on the new CVIEW application.

DAS/BEST – The Department of Administrative Services, Bureau of Enterprise Systems and Technology (DAS BEST) did not have any pending legislative proposals to discuss at the time of the meeting. Charles Hoadley stated that DAS BEST’s purpose in the MCAC is mainly for infrastructure support.

DEEP – Ellen Pierce from DEEP stated that she could not find any relevant legislative proposals; however, she noted that DEEP became partners in the EPA’s SmartWay program which focuses on reducing emissions, fuel efficiency, better energy practices, saving money for customers, etc. In addition, DEEP is looking forward to working with DOT on implementation of their new transportation plan.

### **Motor Carrier Industry**

MTAC – Mike Riley from MTAC distributed a summary of the MTAC legislative proposals for the 2015 session and discussed the following:

In regard to bills being considered by the Transportation Committee, MTAC is seeking legislation to require DOT, DMV and DEEP to study the use of State Parks and truck inspection and weigh stations for truck refuge areas during winter storms. MTAC is hoping for trucks to be able to use these facilities and for the facilities to be marked with signs. Lieutenant Bridge commented that the scales are always open and welcome for truck refuge during winter storm. Mr. Riley proceeded to discuss caustic road treatments and a proposal to permit trucks operating in Connecticut to carry up to 100,000 pounds. He stated that some carriers are interested in this, while others are not. If the federal government approves, MTAC is looking for the approval to carry larger weights. Additionally, MTAC is always an advocate to protect the Special Transportation Fund. In regard to bills being considered by the Labor Committee, Mr. Riley discussed unemployment eligibility and the effect on employers if an employee is terminated due to a DUI in a passenger motor vehicle.

Mr. Riley followed by discussing a proposal in the Judiciary Committee to eliminate the disqualification from access to an alcohol education program (AEP) for CDL holders who are convicted of DUI in a passenger motor vehicle. He stated that he will be meeting with Sharon Geanuracos on this issue. Attorney Sharon Geanuracos from DMV commented that 49 CFR 384.226 prohibits this. Attorney Geanuracos stated that Connecticut was cited in federal audits and that DMV was warned by the Federal Motor Carrier Safety Administration (FMCSA) that the elimination of this disqualification provision will risk federal highway funding and could result in the decertification of Connecticut’s CDL program. Chris Henry from FMCSA stated that Sharon is correct and confirmed that masking is in violation of federal regulations. Mr. Henry stated that non-compliance will result in loss of four percent (4%) of federal funds for the first year (about twenty (20) million dollars) and eight percent (8%) of federal funds for each subsequent year (about forty (40) million dollars a year). Mr. Henry stated that any law passed that allows masking to occur will result in FMCSA immediately moving to cite the state for substantial non-compliance with the federal regulation.

Mike Riley stated that MTAC does not wish to put Connecticut in non-compliance or to risk funds, but would still like to discuss this issue further. Chris Henry stated that this issue comes up often and that the law is very clear. He stated that it can be discussed; however, his office has spent a lot of time explaining FMCSA's position on the issue and that once lost, the funds are not recoverable. Attorney Peter Soulsby, who represents many of these CDL holders, stated that DUIs in passenger vehicles causing CDL holders to be ineligible for AEP causes a backlog of cases. His position is that 49 CFR 384.226 speaks specifically to the masking of convictions and he believes that Connecticut's AEP is a pre-trial program, not the masking of an actual conviction. Mr. Henry repeated FMCSA's position and that FMCSA interprets this as masking. Attorney Geanuracos suggested that Attorney Soulsby review the audits. She stated that DMV has made similar statements in the past and that FMCSA's legal department rejected those arguments. Attorney Geanuracos understands the arguments made by MTAC and Attorney Soulsby, but noted that they have been made previously. Chairperson Rio concluded that this may be a better conversation for Congress rather than at the state legislative level; however, it can be discussed further after this meeting.

In regard to bills being considered by the Finance Committee, MTAC is seeking a cap on the diesel fuel tax at fifty cents (\$0.50), similar to the cap on the gas tax. Again, MTAC supports any legislation that protects the Special Transportation Fund.

Farm Bureau – The Connecticut Farm Bureau did not have any pending legislative proposals to report at the time.

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

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

Chris Henry from FMCSA reported that the federal government has grant obligations to the Connecticut DMV for roughly eight (8) million dollars in regard to motor carrier programs including CDL, CVISN and PRISM. Mr. Henry commented that recently DMV is taking advantage of the opportunity to apply for more of these grants. In addition, Mr. Henry reported that the new acting administrator for FMCSA is T.F. Scott Darling, III. Mr. Darling became acting administrator when Anne Ferro stepped down to work for AAMVA (American Association of Motor Vehicle Administrators). Mr. Henry proceeded to list some of FMCSA's top priorities for 2015, which include CSA Phase III, a Proposed Rule regarding electronic logging, inspection modernization and a Notice of Proposed Rule Making regarding safety fitness determination. In addition, Mr. Henry reported that the Uniform Registration System goes into effect this fall.

Chairperson Rio asked Mr. Henry if the safety fitness rating proposed rule is in its infancy. Mr. Henry responded that he has read an advance notice that he cannot discuss; however, this rule may allow for a safety fitness rating based on the records in FMCSA's system. Instead of a rating of "satisfactory" or "unsatisfactory", the ratings may change to "fit" or "unfit". Mr. Henry also reported that FMCSA rescinded the thirty-four (34) hour restart rule, and has returned to the 2011 rule. FMCSA has one (1) year to study this issue and come up with a recommendation. He also reported that the Highway Trust Fund is only funded through the end of March 2015. Grants owed to the state may come in increments until it is refunded.

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

Lieutenant Bridge from DMV reported that during the past six (6) months, there were approximately 10,000 inspections statewide. Of those inspections, over 500 were motor coaches. Safety belt violations accounted for between 700 and 800 violations and speeding resulted in almost 300 violations. Lieutenant Bridge commented that the roll back of the thirty-four (34) hour reset comes into play, as well as the thirty (30) minute rest break. He mentioned that many drivers do not understand the rules, especially regarding local requirements and when logs are required. Lieutenant Bridge expressed that the drivers need better training from their carriers. Mr. Riley commented that MTAC's safety director tries to get messages to MTAC members; however, not all carriers call with questions. Lieutenant Bridge expressed concern that many of these drivers and carriers are not MTAC members and would appreciate any recommendations on the best ways to communicate and reach out to non-members. Lieutenant Bridge stated that many carriers are not receiving information until they are pulled over and informed of their violations. Attorney Peter Soulsby inquired if there are any statistics regarding violations with Connecticut drivers versus out-of-state drivers. Lieutenant Bridge responded that most violations involve out-of-state carriers and that the main issue with Connecticut drivers involves carrier confusion regarding log books. Lieutenant Bridge then repeated that he is open to any thoughts regarding reaching out past MTAC members for communication.

In regard to FMCSA's DataQ program, Lieutenant Bridge explained that the DataQ system is meant to provide data corrections for carriers if they receive a violation on an inspection report and wish to dispute the violation. Lieutenant Bridge reported that there are consistently about seventy (70) to ninety (90) pending DataQ requests. He also stated that most DataQ requests come from moving companies. Lieutenant Bridge also reported that adjudicated citations were added to DataQ on August 24, 2014. Adjudication citations can effect what is put on a carrier's profile through FMCSA. If a violation is adjudicated in the carrier's favor, the violation would come off the report. Any carrier submitting DataQ requests must submit supporting documentation. Lieutenant Bridge commented that many DataQ requests are regarding cited violations that were corrected. These carriers request removal of the violations due to the correction. Lieutenant Bridge stated that those DataQ requests are declined and that the system is meant to correct errors made by inspectors. He reported that there were eleven (11) crash events that resulted in DataQ requests for correction. Additionally, out of 261 inspection events requesting reviews, there were 93 inspections with incorrect violations.

### **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 stated that 2014 was a good year for CVISN and PRISM. Mr. Sardo reported that the Department of Revenue Services (DRS) IFTA application was replaced, the new application has been built and is based in Kentucky. In addition, the DRS MCTax application has been replaced. Mr. Sardo also stated that the Motor Carrier Services Portal is being modernized and rebuilt. He stated that this site provides "one-stop shopping" for motor carriers and can be accessed through the same web link, with only a website redirect that users may not notice. Mr. Sardo also

reported that the State's CVIEW Portal has been built with Iteris as the vendor. He clarified that this is a replacement of the portal and a new website.

In regard to funding, Mr. Sardo reported that DMV received one (1) million dollars in CVISN funding from FMCSA in FY2014. About half of those funds were used for IFTA modernization, while about \$400,000.00 is earmarked for DOT's over-size/over-weight (OS/OW) solution. DMV obtained \$100,000.00 in PRISM funding in FY2014, which was used mostly for hardware. Chairperson Rio added that this money also supports DMV's partners, especially Connecticut State Police, for the purchase of items such as cruiser printers and laptops. Mr. Sardo commented that DMV may be the lead agency, but that the funds go towards the interests of the stakeholders. Additionally, DMV applied for one (1) million dollars in grant funding for CVISN for FY2015 (to be used for items including e-screening procurement, an integration consultant and a help desk consultant). Lastly, Mr. Sardo reported that DMV applied for \$151,450.00 for FY2015 PRISM funding for IRP support, NexGen support and hardware.

Mr. Sardo also discussed DMV's CVISN plans for the years of 2015 and beyond, which includes modernization of the Motor Carrier Service Portal (the CVIEW website). He clarified that this is not the website through the vendor, Iteris. This Portal is being rebuilt completely and will contain opportunity for communication of important information through bulletins. Mr. Sardo is working through details to enable DMV to send out a "CVIEW Quarterly" bulletin by e-mail. Additionally, DMV would like to require all carriers who use the Portal to answer security questions when entering the Portal to authenticate the users electronically. Other goals for 2015 and beyond include e-screening modernization procurement and to transition to the hosted solution for DOT OS/OW. Anyone with questions may call or e-mail Mr. Sardo.

## **VI. Other Business**

Chairperson Rio stated that the next meeting is scheduled for July 2, 2015 in order to discuss the results of the 2015 legislative session and its effects on the motor carrier industry.

## **VII. Adjourn**

Joe Ciotto from DMV made a motion to adjourn the meeting and Sergeant John Netkovick from the Connecticut State Police (CSP), TSU seconded the motion. The motion passed and the meeting adjourned at 2:12 p.m.