

MOTOR CARRIER ADVISORY COUNCIL
Connecticut Department of Motor Vehicles
60 State Street, 2nd Floor Multi-Media Room
Wethersfield, Connecticut
Thursday, March 6, 2014
Meeting Minutes

Attendees: MCAC Chairperson James Rio, Deputy Commissioner Victor Diaz, Lieutenant Donald Bridge, Sharon Geanuracos, Sergeant Ron Barnard, Iliana Rodriguez, Robert Sardo, Joe Ciotto, Vanita Smith and Tiffany Hardwick, Department of Motor Vehicles; Ellen Pierce, Department of Energy and Environmental Protection; Joan Nichols, Connecticut Farm Bureau; Rich Van Allen, Department of Transportation; Michael Riley, Motor Transport Association of Connecticut; Marc Papandrea, Department of Revenue Services; Ruth Craig, Judicial, Centralized Infractions Bureau; Steven Shore, Shore Associates; Master Sergeant Donna Tadiello, Connecticut State Police, Traffic Services Unit; Karl Boehm and Chris Henry, Federal Motor Carrier Safety Administration

I. Call to Order

MCAC Chairperson James Rio called the meeting to order at 1:06 p.m.

II. Approval of June 27, 2013 MCAC Meeting Minutes

Marc Papandrea from the Department of Revenue Services (DRS) made a motion to approve the minutes of the June 27, 2013 MCAC meeting and Sharon Geanuracos from the Department of Motor Vehicles (DMV) seconded the motion. The motion passed.

III. Chairperson's Remarks

Chairperson James Rio welcomed everyone in attendance and began by acknowledging and welcoming Deputy Commissioner Victor Diaz. Chairperson Rio introduced Iliana Rodriguez who has returned to DMV's Commercial Vehicle Safety Division (CVSD) from another unit. Ms. Rodriguez will take over much of the responsibility for the coordination and scheduling for the new entrant program, which requires new interstate carriers to have a safety audit within twelve (12) months. Many carriers will speak to Ms. Rodriguez directly and Chairperson Rio also noted that she is bilingual. Additionally, Chairperson Rio introduced the commanding officer of the Connecticut State Police Traffic Services Unit, Master Sergeant Donna Tadiello.

Chairperson Rio provided a follow-up to the Motor Carrier Review for State Contract Awards, which increased the number of inspections required to ten (10) before a safety fitness review can consider those inspections. This change occurred with PA 13-271. . DMV performed 141 reviews for the Department of Administrative Services (DAS) and/or the Department of Transportation (DOT) for carriers applying for contracts between July 1, 2013 and December 31, 2013. Out of the above 141 reviews, 131 carriers met the minimum requirements and 10 did not. There was a ninety-three percent (93%) pass rate of carriers recommended to the requesting agencies, which is an increase from about eighty-eight percent (88%).

Chairperson Rio reported that 131 carriers would have been rated the same under the previous system. Eight (8) carriers that would not have been recommended previously were recommended under the new system and two (2) carriers that would have met the requirements previously did not under this system. Altogether, Chairperson Rio stated that this system has shown a slight improvement in the number of carriers meeting minimum requirements after safety fitness reviews for state contract awards.

Chairperson Rio also discussed the busy winter season and reported that DMV Commissioner, Melody Currey, issued a total of five (5) hours-of-service (HOS) waivers for the transportation of gas, diesel, propane, heating oil, liquid magnesium chloride and salt. Some of the above waivers were extended and the waivers covered thirty-six (36) days of the winter. Chairperson Rio also noted that Governor Malloy signed an emergency declaration for thirty (30) days for salt, which is still in effect until March 15, 2014. The waivers that Commissioner Currey signed are no longer in effect. In addition, the FMCSA issued regional declarations for propane, heating oil and salt or other ice and snow melting supplies. FMCSA's declarations covered forty-one (41) days and there was good coordination with the motor carrier and fuel industries.

Chairperson Rio then reviewed a line chart that was included with the agenda regarding the number of reportable commercial motor vehicle crashes versus the number of safety inspections, which is more complete with up-to-date statistics than the chart distributed at the last meeting. Chairperson Rio explained that typically there is an inverse relationship between the number of inspections performed and the number of reportable crashes, but that the past year did not exactly follow this pattern. The number of inspections decreased only slightly, while the number of crashes increased a larger number. Chairperson Rio stated that there are a number of factors involved with this anomaly.

Chairperson Rio described a chart that was distributed reflecting a comparison of specific out-of-service (OOS) rates between 2012 and 2013 for Student Transportation Vehicles (STVs). He reported that there were about 1,000 more inspections during 2013; however, the OOS rate went down 8.2 percent (8.2%). Chairperson Rio stated that this rate decrease could be due to the industry showing improvement after receiving education from DMV Inspectors.

Chairperson Rio stated that MCAC meetings are scheduled after the legislative session has begun and after the session has ended. The current meeting is being held to review legislative proposals affecting the motor carrier industry.

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 H.B. 5290 that affect the industry. Attorney Geanuracos stated that she would review the highlights of the bill and would not be discussing every provision.

Attorney Geanuracos directed attention to page two (2), sections eight (8) and nine (9), which would bring Connecticut into compliance with federal motor carrier safety regulations that become effective in 2015 and go along with the Final Rule on commercial learner permits and training.

Attorney Geanuracos expressed that many of the remaining sections are technical, including a revision to the requirement that STVs paint the business name and number on the vehicle in black lettering, since STVs are not required to be painted a particular color. Attorney Geanuracos stated that her phone number is included and attendees can call her with any questions. She also indicated that the actual proposed language is included in the summary.

Before proceeding to the remaining state agencies present, Chairperson Rio asked the attendees to provide introductions, as this step was overlooked at the start of the meeting.

DRS – Marc Papandrea from DRS discussed H.B. 5466, pertaining to the taxation of motor fuels in gaseous form. DRS is consulting with the Commissioner of the Department of Energy and Environmental Protection (DEEP) on this proposal. This proposal would use the IRS conversion rate for natural gas, allowing for more product to equate to a gallon. Mr. Papandrea believes that natural gas may be a part of the future as a motor fuel.

Mr. Papandrea also reported that beginning January of next year, DRS would be using a new system for IFTA that will require mandatory electronic filing. Mr. Papandrea may contact Mr. Riley to arrange workshops for MTAC members. DRS is also hoping to obtain CVISN funds for IFTA.

Mr. Papandrea also stated that the diesel fuel rate between April 1, 2014 and March 31, 2015 will not increase and may actually decrease slightly.

DEEP – Ellen Pierce from DEEP has no legislative proposals affecting the motor carrier industry to report at this time; however, DEEP's goal is to implement the Governor's comprehensive energy strategy. There are grants available for electric vehicle charging stations and municipalities are encouraged to apply for these grants. Ms. Pierce described an MOU signed by the Governor to put 3.3 million electric vehicles on the road by 2025. DEEP has a website regarding electric vehicles, which can be found at www.ct.gov/deep/evconnecticut.

JUDICIAL – The Judicial Branch, Centralized Infractions Bureau (CIB), is monitoring the submitted legislative proposals.

DESPP – The Department of Emergency Services and Public Protection (DESPP) had no legislative updates to report at this time; however, Master Sergeant Tadiello noted the MOU for the joint staffing of weigh stations in the minutes of the prior meeting. Chairperson Rio stated that there were amendments to the MOU regarding backfilling if a trooper is out for an extended period of time, which changed the time frame from two (2) weeks to one (1) week.

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

Motor Carrier Industry

MTAC – Michael Riley from the Motor Transport Association of Connecticut (MTAC) discussed MTAC's raised bill regarding an unemployment compensation issue. Mr. Riley stated that there is a Supreme Court

case that states that a driver is not entitled to unemployment benefits if the driver loses his/her CDL resulting from a DUI in a passenger vehicle. This bill could result in the disqualification of the applicable driver from collecting benefits. Currently, the Labor Department treats this scenario as a layoff and as an assessment increase for the employer. Mr. Riley also stated that MTAC testified yesterday in support of a proposed resolution to amend the Constitution to limit the use of the Special Transportation Fund to transportation-related funding only.

In addition, Mr. Riley stated that the number of petroleum stations available for fill-ups at the New Haven Terminal was reduced, which is creating long lines and a lot of time spent inching up towards the fill pipes. Mr. Riley mentioned that MTAC would be petitioning for HOS relief, since the time spent in line is using available hours.

Chairperson Rio asked Mr. Riley about his roof rake business. Mr. Riley stated that he sold 200 roof rakes and would like to sell six remaining rakes by summer. It was discussed that DMV Inspectors issued commercial vehicle drivers infractions for eighteen (18) snow and ice violations commencing after a one-month education period.

CONNECTICUT FARM BUREAU – The Connecticut Farm Bureau has no legislative proposals to discuss at this time.

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

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

Chris Henry began with the Federal Motor Carrier Safety Administration's (FMCSA's) updates including the review of one (1) of two (2) distributed documents and stated that Karl Boehm will discuss the Unified Registration System (URS). Mr. Henry proceeded to discuss "Get Road Smart," which is a national television and radio campaign that will attempt to educate the general public to help reduce commercial motor vehicle crashes. Mr. Henry stated that the FMCSA and states are saturated with investigations and that the FMCSA has been in the performance oriented business since 1995. Data from accidents and roadside inspections will be used to determine where to focus resources.

Karl Boehm reviewed the provided URS timeline and reported that URS combines for-hire motor carrier registrations with private registrations under one DOT number. URS has already partially taken effect and the penalty provisions have been in effect since November 1, 2013 regarding carriers operating with inactive registrations. Mr. Boehm stated that the carriers will be notified sixty (60) days in advance to complete their biennial update and if they do not update, their US DOT number will be inactivated on the sixty-fourth (64th) day. In addition, this system will have an effect on PRISM states and IRP. At this time, carriers that file with an IRP agency are exempt from the biennial update; however, the exemption will no longer be in effect in 2015. Mr. Boehm also reported that beginning in 2015, all filing for biennial updates would have to be completed electronically.

Mr. Riley asked if URS involves confirming insurance. Mr. Boehm responded that confirming insurance is part of the program and stated that carriers will have to file insurance and a BOC-3 form with FMCSA,

which process agents will have to use to register. Mr. Henry commented that registration is free now; however, as of October or November 2015, there will be a three hundred dollar (\$300.00) fee.

Mr. Henry also reported that FMCSA is implementing steps and working with DMV for the new entrant program to prevent habitual offenders from avoiding safety audits. Many carriers are changing back and forth between interstate and intrastate. If a carrier is avoiding safety audits, FMCSA will issue an OOS order(s) and request a registration suspension(s). Mr. Boehm provided an example of the above habits and stated that the FMCSA is attempting to use PRISM to catch this pattern and correct it.

Mr. Henry stated that the FMCSA is looking for reauthorization for MAP-21, which runs out at the end of this year. He also mentioned that the Federal Highway Aid Fund is projected to run out by August and that the FMCSA is looking for ways to replenish this fund. Connecticut receives about 450 million dollars a year from the Federal Highway Aid Fund.

Connecticut Motor Carrier Safety Assistance Program (MCSAP)

Lieutenant Donald Bridge from DMV reviewed the "Motor Carrier Safety Assistance Program and related area statistics" document that was distributed. Lieutenant Bridge reported that DMV is in its 30th year of MCSAP and is focusing on high crash areas, reducing accidents and decreasing accident rates. The inspection levels in 2013 were just over 20,000, which resulted in about 5,000 vehicles and about 2,000 drivers being declared OOS. There were about 70,000 total violations, which averaged to 3.30 violations per inspection.

Lieutenant Bridge reported that there were over 7,000 Level 3 driver credential inspections. He stated that the statistics indicate drivers to be causing the majority of accidents, mainly due to behavior, including speeding and following too close. DMV has received grants for safety belt use, distracted driving, and the high crash corridors. About ten percent (10%) of drivers are not wearing their safety belts. Connecticut requires all front seat riders to wear safety belts, while the Federal Rule requires only drivers to wear safety belts. Lieutenant Bridge clarified that the provided statistics relate to only those "high risk" carriers or unsafe driving behaviors that are selected for inspection and not the entire motor carrier industry.

Lieutenant Bridge stated that the OOS rate is thirty-nine percent (39%) and indicates that DMV is inspecting the right vehicles. Mr. Riley commented that this is a good program regarding the percentage of vehicles chosen for inspection and problems found. Lieutenant Bridge also stated that Steven Shore sent an e-mail regarding a Connecticut statute that prohibits carriers from operating with a federal OOS order and responded that these carriers cannot operate intrastate.

Lieutenant Bridge reported that 678 Connecticut motor carriers were issued OOS orders by the FMCSA and that currently many of those carriers are out-of-business. The provided breakdown of OOS orders (which includes reasons for OOS orders) indicates that there are 107 active DOT numbers with OOS orders and that the large majority of OOS DOT numbers are inactive. Out of the 107 active DOT numbers, 3 are intrastate and 104 are interstate. These carriers cannot operate, and if they are stopped, they may be towed. If the vehicle bears a Connecticut registration, the plate(s) will be removed.

Mr. Shore asked how soon DMV cancels a registration from the time a federal OOS order is issued and DMV is notified. Lieutenant Bridge responded that there is no predicted time and that IRP checks at every renewal. He also stated that IRP receives weekly notifications and if the carrier is an IRP carrier, the action is taken immediately. If the carrier is intrastate, the process can take longer. Lieutenant Bridge clarified that a carrier issued an OOS order cannot operate regardless of its registration status. Robert Sardo from DMV commented that the policy is to manually confirm OOS orders regarding IRP carriers, but that DMV is hoping to automate the process to become more efficient.

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

Robert Sardo distributed a document containing a CVISN update. Mr. Sardo reported that CVIEW has been operational since 2004 and is accessible from the CT CVO Web Portal (the web link is provided in the document). He noted that an ID and password are required to access this portal, but that the portal allows for self-registration. Mr. Sardo also stated that the portal has been occasionally failing, which can be problematic for carriers. Therefore, DMV is pursuing a CVIEW modernization and has been benchmarking other states. The estimated costs for modernization are between \$300,000 and \$500,000, which are not strictly related to development.

In regard to IFTA, Mr. Sardo reported that the New York Remote processing Center (NY-RPC) would be ceasing operations at the end of this year. A consortium of states is under development with Kentucky in the lead. The company Explore Data has been awarded the contract for the new remote processing center, which will have the same capabilities as the NY-RPC. Mr. Sardo indicated that the cost should be lower and this should be operational by mid-fall 2014. Mr. Sardo also stated that in order for Connecticut to make changes to its systems, FMCSA requires DMV to update its Project Plan/Top Level Design.

In regard to grant status, Mr. Sardo mentioned that the FY 2012 CVISN Grant was amended to use funds for the CVIEW modernization effort. In addition, a 2014 PRISM Grant request was submitted to purchase hardware for e-screening equipment such as License Plate Readers. Lastly, a 2014 CVISN grant is due at the end of March, which DMV anticipates using for IFTA modernization.

VI. Other Business

Chairperson Rio stated that the next MCAC meeting would be held on June 12, 2014 at 1:00 p.m.

VII. Adjourn

Marc Papandrea from DRS made a motion to adjourn the meeting and Sharon Geanuracos from DMV seconded the motion. The motion passed unanimously and the meeting adjourned at 1:55 p.m.