

STATE OF CONNECTICUT

**PERFORMANCE AUDIT
OVERWEIGHT/OVERSIZE
COMMERCIAL VEHICLES**

June 21, 2003

AUDITORS OF PUBLIC ACCOUNTS
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EXECUTIVE SUMMARY

In accordance with the provisions of Section 2-90 of the Connecticut General Statutes and with *Government Auditing Standards* issued by the Comptroller General of the United States, we have conducted a performance audit of the permit process and enforcement of overweight and oversize commercial vehicles. Due to concerns over traffic safety and damage to roadways and bridges, commercial vehicles that operate overweight and/or oversize have been a concern for some time. Public Act 98-248, codified, in part, as Section 14-270c of the General Statutes, was enacted during the February 1998 Regular Session of the General Assembly, to require that certain weigh stations be open for specific periods of time.



The conditions noted during the audit, along with our recommendations, are summarized below. Our findings are discussed in detail in the “Results of Review” section of this report.

Compliance - Section 14-270c of the General Statutes



Section 14-270c of the General Statutes presents specific staffing requirements at the Greenwich, Danbury and Union weigh stations. Each week, the Greenwich station must be staffed for eight work shifts, the Danbury station must be staffed for three work shifts, and the Union station must be staffed for between five and eight work shifts.

We reviewed the above shift requirements for the three weigh stations over a twelve week period. We noted that the minimum staffing requirements had not been met at the Danbury station four times and at the Greenwich station twice. At each of the stations, one of the exceptions was due to the placement of Department of Public Safety staff on “Presidential Detail.” One other exception at each station was due to a holiday during the week.

It should be noted that subsection (e) of Section 14-270c allows the Commissioner of Public Safety to reassign personnel if necessary to ensure public safety.

When planned shifts at the commercial vehicle weigh stations are cancelled, additional shifts should be scheduled to ensure that minimum staffing requirements are met. (See Item 1.)

**Weigh Stations -
Hours of
Operation**

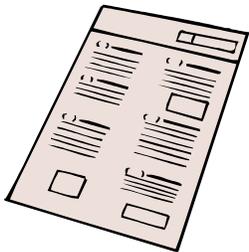


As described above, Section 14-270c of the General Statutes requires certain weigh stations to be staffed for a minimum number of shifts. Operations at the individual weigh stations are often suspended due to circumstances such as bad weather and heavy traffic. The Statute does not address the issue of temporary closures as regards “minimal weigh station operations.”

Our review of activity reports disclosed that the number of commercial vehicles weighed during “open” shifts varies significantly. At times, general explanations are entered on production reports to explain a significant drop in the number of vehicles inspected. However, there are no records to determine the times or duration of closures.

The use of a log or other device to document the times that weigh stations are actually operating should be instituted. As regards minimum staffing requirements, consideration should also be given to “compensate” for shifts in which activity is minimal by adding additional shifts. (See Item 2.)

**Data Collection –
Weigh Station
Activity**



The Departments of Public Safety and Motor Vehicles report on the number of commercial vehicles weighed each shift at the individual weigh stations. Also reported, are the number of vehicles found in violation, as well as the fines issued, in total.

Our review disclosed that there is not a consistent system in place to report the above data. The Department of Motor Vehicles uses a summary sheet which presents the number of vehicles that are weighed on the “weigh in motion” (WIM) and fixed scales, as well as the number of infractions and fines issued. The Department of Public Safety uses a summary worksheet for the Greenwich and Danbury weigh stations, which presents the number of vehicles weighed on the WIM scale in Greenwich and the “fixed” scale in Danbury. Also presented are the number of infractions issued and the fines associated with those infractions, in total. For the Union station, the Department of Public Safety utilizes a manually completed daily activity report. This report has fields to capture the number of vehicles weighed on the WIM and fixed scales, as well as infraction and fine totals.

Our review of reports prepared by the Department of Public Safety disclosed that data was often missing or “approximated.” The Greenwich station has a WIM and fixed scale; however, the report used only has one field to capture such information. It was noted that the number of vehicles

weighed was often presented as an “even hundred” amount, which would indicate that the totals were either approximated or rounded. The daily activity reports used at the Union station by the Department of Public Safety had been set up to present the number of vehicles that are weighed on the WIM and fixed scales. However, we noted that Department personnel routinely only present one or the other. No record of man hours committed to each shift or troopers on duty, was present on the Department’s activity reports at the Union station.

The Departments of Motor Vehicles and Public Safety should use a uniform report and reporting system for commercial vehicle inspections and infractions. More care needs to be taken to ensure that reports are completely filled out using exact and not estimated information. (See Item 3.)

Calculation of Fines



Our review and recalculation of a sample of 393 overweight infractions disclosed that 31, or 7.9 percent, were calculated in error. The average error for the 31 infractions was \$232, or 30 percent of the \$772 average infraction.

More care needs to be taken to calculate infractions issued for overweight vehicles under Section 14-267a, subsection (f)(2), of the General Statutes. (See Item 4.)

Reduction of Fines – In Violation of Section 14-267a, Subsection (f)(5), of the General Statutes.



According to Section 14-267a, subsection (f)(5), of the General Statutes, no more than 25 percent of any fine imposed under the Section may be reduced unless the court determines that there are mitigating circumstances related to an infraction, and specifically states such circumstances for the record.

Our review of 20 infraction/fines that were reduced significantly more than 25 percent, disclosed that “mitigating circumstances” were not presented within any of the case files.

Judges and/or Magistrates, adjudicating cases brought under Section 14-267a of the General Statutes, should document the mitigating circumstances present when a reduction to a fine exceeds 25 percent. (See Item 5.)

**Permit Fees –
Issued for a “Base
Permit” under
Section 14-270 of
the General
Statutes**



Per Section 14-270, subsection (d), of the General Statutes, a “per move” permit may be issued by the Department of Transportation for a total fee of \$26 (\$23 permit fee; \$3 transmittal fee.) Under Connecticut Regulation 14-270-14, the permit is valid for three days for one continuous move between the points designated. While an applicant may propose a route to be taken, it is the responsibility of the Department of Transportation, Motor Transport Services Unit, to make final routing itineraries.

Our observations disclosed that most permit applications and moves are not exceptionally complicated. Motor Transport Services Unit staff are aware of bridge height and weight restrictions and roadway conditions, and will route planned moves accordingly. However, occasionally there are permit requests for extraordinarily large and/or heavy moves. Depending on the source and destination points, a significant amount of time and effort is expended to develop a satisfactory route. This may include engineering services to ensure that bridges and roadways on the route are strong enough to carry heavy loads. There may also be requirements to “shore up” certain roadways and bridges, when it is determined that the structural integrity of such will be in jeopardy. For these extraordinary moves, the total permit fee remains at \$26.

The General Assembly should consider amending Section 14-270, subsection (d), of the General Statutes, to include an additional charge for permits that require significant review and/or engineering services to approve. A fee amounting to the costs incurred by the Department of Transportation to review and approve the permit would appear equitable. (See Item 6.)

**Permit Fees –
Issued for an
“Annual Permit”
under Section
14-270 of the
General Statutes**



Per Section 14-270, subsection (d)(3), of the General Statutes, an operator may obtain an annual permit fee for an overweight and/or oversize vehicle, rather than paying a \$26 fee for each move. The operator is charged an annual fee of seven dollars per thousand pounds or fraction thereof for each vehicle.

Our review disclosed that the calculated “per permit/move fee” for annual permit holders varied considerably. Of the 497 annual permits issued for the 2001-2002 fiscal year, we calculated that 76 had per permit/move fees of less than \$5.00 each. For one operator, the ultimate per permit fee amounted to only 51 cents each. The operators must still obtain approval from the Motor Transport Services Unit for each move. The Unit remains responsible for reviewing each request and routing the vehicles properly.

The General Assembly should consider amending Section 14-270, subsection (d)(3), of the General Statutes, to either place a limit on the number of individual move permits that may be issued for annual permit holders, or include a charge for each individual permit so issued. This would create a fee structure that is more equitable to the individual operators and would further correlate to the costs incurred by the Motor Transport Services Unit to review and approve each individual move request. (See Item 7.)

**Effectiveness -
Fixed versus
Portable Scales**



The Departments of Public Safety and Motor Vehicles enforce size and weight laws by operating the five fixed weigh stations located within the State and through the use of portable scales. The equipment and facility designs at the five weigh stations vary to a considerable degree. As explained above, the Departments report on the number of commercial vehicles weighed each shift at the individual weigh stations, the numbers of vehicles found in violation, and fines issued, in total.

Our review of enforcement data was not conclusive due to deficiencies with the reporting processes used by the two Departments. We noted that statistics among months often varied to a significant degree, and as such, strictly relying on “average” amounts over a quarterly basis is questionable. However, it does appear evident that infractions and the amount of fines issued related to such infractions, calculated on a “per manhour basis,” is relative to the level of equipment and facility designs at the fixed stations. Further, it was evident that significantly overweight vehicles are more apt to be discovered by a portable scale operation rather than at a fixed scale station.

To enhance efficiency, consideration should be given to making improvements at certain weigh stations, including an expanded use of “Weigh In Motion” (WIM) devices. In the absence of such improvements, consideration should be given to discontinuing operations at certain stations, most notably the Waterford facility, and to reallocating personnel to portable scale efforts. (See Item 8.)

**Additional Fines
– Habitual
Offenders**



Per Section 14-267a, subsection (f)(3), of the General Statutes, the Commissioner of the Department of Motor Vehicles may impose a \$2,000 civil penalty on the operator of a motor vehicle that has received three or more convictions within a calendar year for being in excess of fifteen percent overweight. This penalty is in addition to the fines and surcharges associated with the individual violations.

The Department of Motor Vehicles does not have a process in place to identify habitual offenders and to therefore collect additional fines that may be imposed under the above section.

The Department should establish procedures to collect information on habitual overweight commercial vehicle operators so that civil penalties may be imposed and collected, in accordance with Section 14-267a, subsection (f)(3), of the General Statutes. (See Item 9.)

Audit Objectives, Scope, and Methodology

The Auditors of Public Accounts, in accordance with Section 2-90 of the Connecticut General Statutes, are responsible for examining the performance of State entities to determine their effectiveness in achieving expressed legislative purposes.

We conducted this performance audit related to overweight/oversize commercial vehicles in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States. This audit encompassed program and efficiency issues, which are types of performance audits. Our objective was to determine if commercial vehicle weight and size laws are adequately and efficiently enforced. More specifically, we wanted to evaluate the following criteria:

- ❖ Given the resources available, are enforcement efforts over overweight/oversize commercial vehicles satisfactory?
- ❖ Are the weigh station operating schedule requirements, specifically mandated by Section 14-270c of the General Statutes, being met?
- ❖ Are fines and other measures, directed toward habitual offenders, serving as satisfactory deterrents?
- ❖ Can the State units responsible for enforcing overweight limits be organized more efficiently?
- ❖ Are there duplicative processes that could be eliminated?
- ❖ Are permits and fines properly calculated, collected and deposited?

A significant percentage of our audit work was performed at the Department of Transportation, Department of Public Safety, and Department of Motor Vehicles. We performed site visits at the above agencies as well as to the fixed weigh stations to observe and review operations

Our review at the Department of Transportation consisted of a review of the permit process and fee schedule for overweight/oversize vehicles, as well as a recalculation of the fees collected for issued permits. At the Department of Motor Vehicles and Department of Public Safety, we performed a review of staff and shift schedules for compliance with minimum staffing requirements, reviewed the fine structure in place and re-calculated a sample of infractions issued. We also performed an analysis of activity and reviewed data collection practices. Further, we reviewed the progress made at the Department of Motor Vehicles to identify and pursue additional fines from habitual offenders. At the Judicial Department we reviewed the disposition of fines issued, to determine if reduced fines were done so properly.

We did not rely on computer generated data to any material degree and did not, therefore, assess the reliability of such. We obtained certain information from certain databases and considered the reasonableness of such data where possible.

BACKGROUND

The State of Connecticut has a highly developed highway infrastructure system that is shared by automobile and commercial vehicle traffic. Due to concerns over traffic safety, and damage to roadways and bridges, specific weight and size limits for commercial vehicles have been established, as follows:

- ❖ Section 14-267a, subsection (b), of the General Statutes prescribes weight restrictions for vehicles and trailers; subsection (f)(2) of the Section prescribes fines for vehicles that do not comply with the weight limits.
- ❖ Section 14-262 of the General Statutes imposes vehicle width and length limits, and provides that vehicles in violation of those limits are subject to a \$500 fine, as prescribed by subsection (d) of the Section.
- ❖ Section 14-264 of the General Statutes presents a specific vehicle height limit, and provides that vehicles in violation of the limit are subject to a \$1,500 fine.

Specific enforcement efforts were mandated with the enactment of Public Act 98-248 of the February 1998 Regular Session of the General Assembly. Sections of the Act, codified within Section 14-270c of the General Statutes (**Exhibit A**), address operating schedules of the fixed commercial vehicle weigh stations and require minimal portable scale efforts, as described below.

The State is required to submit an “Annual Size and Weight Enforcement Plan” each Federal fiscal year (October 1st through September 30th) in accordance with Title 23, of the Code of Federal Regulations, Part 657. The Commissioner of the Department of Transportation was appointed by the Governor to serve as the State’s official designee, as regards the submission of certification statements of compliance with respect to vehicle size and weight enforcement. This plan presents the following information, by Section:

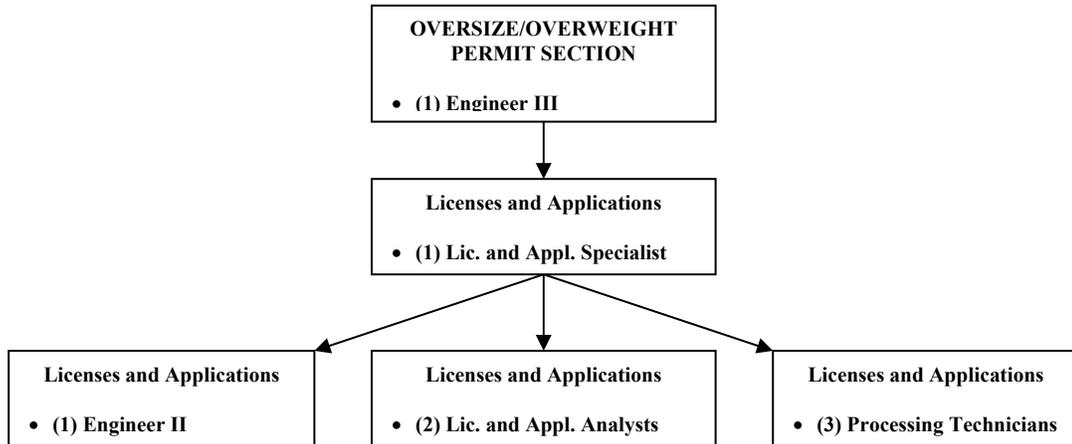
- I. Purpose
- II. Policy
- III. Authority
- IV. Equipment
- V. Facilities
- VI. Resources
- VII. Personnel
- VIII. Plan of Operations
- IX. Goals

If the Federal Department of Transportation is satisfied with the plan, it is formally approved and serves as the guide for the Statewide approach to commercial vehicle weight and size enforcement. At the conclusion of each Federal fiscal year the Department of Transportation submits an “Annual Certification” which, among other things, certifies that laws governing commercial vehicle size and weight were enforced during the year, presents the number of vehicles weighed, and summarizes the number of citations issued. The status of goals presented in the original plan is also presented.

Department Staff Committed to Commercial Vehicle Weight and Size Program:

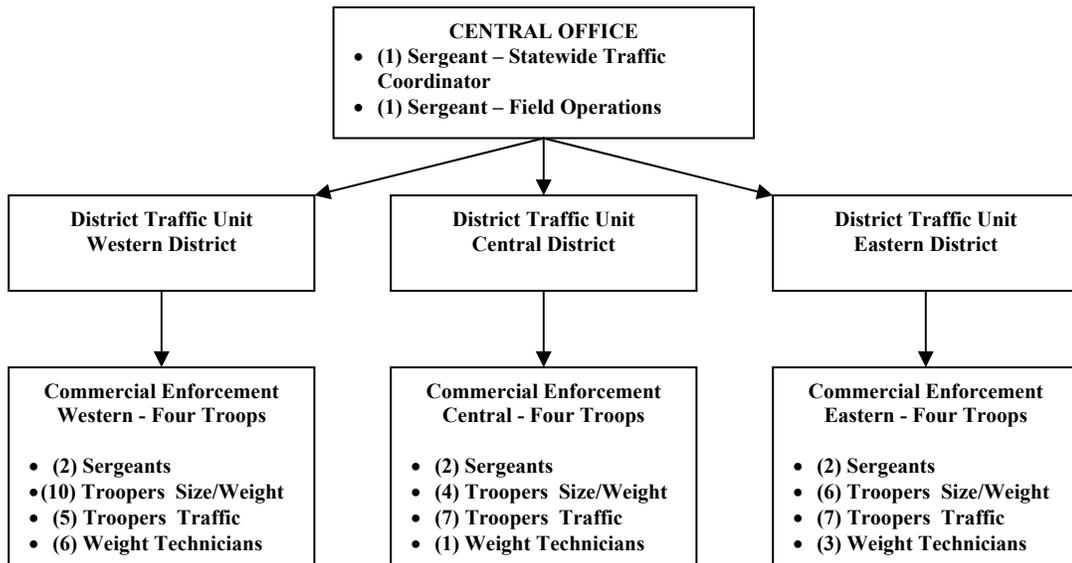
Department of Transportation:

The reporting of cumulative data to the Federal Department of Transportation, and the issuing of permits and routing of oversize/overweight vehicle moves is the responsibility of the Department of Transportation. Such activity is administered in an Oversize/Overweight Permit Section, which is within the Bureau of Engineering and Highway Operations, as follows:



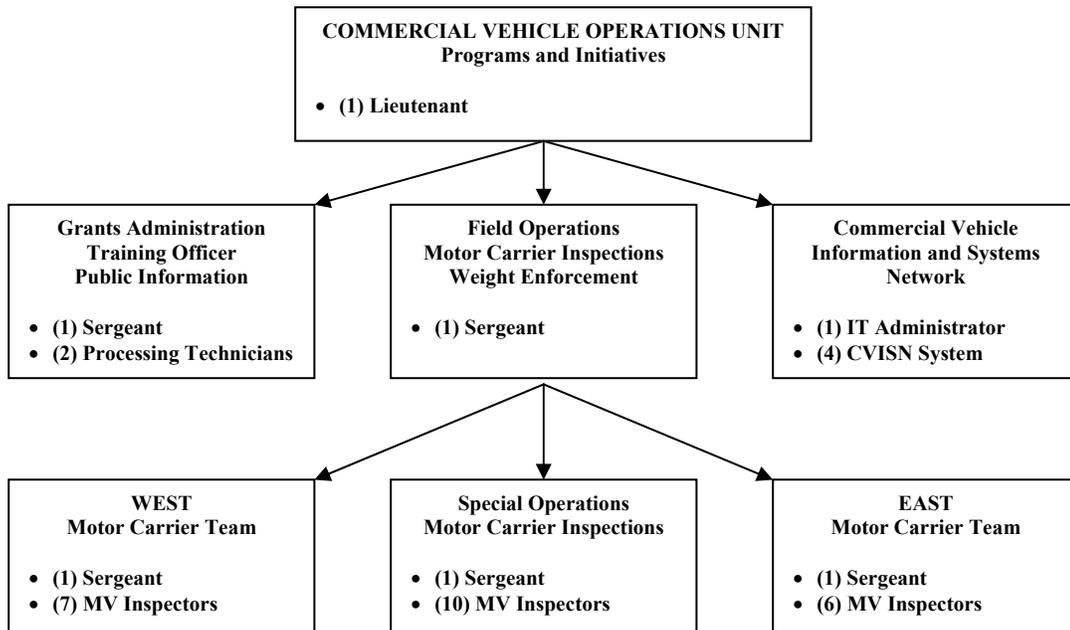
Department of Public Safety:

The enforcement of commercial vehicle weight and size limits is the responsibility of the Department of Public Safety and Department of Motor Vehicles. Enforcement is generally accomplished through the operation of fixed commercial vehicle weigh stations and the use of portable scales, as described below. Department of Public Safety staff are organized as follows:



Department of Motor Vehicles:

Enforcement activities at the Department of Motor Vehicles are administered in the “Commercial Vehicle Operations Unit” within the Bureau of Safety and Enforcement. The principal duties of the Unit are to perform safety inspections. Size and weight inspections are one facet of that responsibility. There are approximately 36 staff within the Unit, as follows:



Permits for Overweight/Oversize Vehicles:

Section 14-270 of the General Statutes allows the Department of Transportation to issue permits for vehicles that do not meet the weight and size restrictions presented within the above Sections. After reviewing an operator’s request, the Department may grant a permit on either a “per move” or annual basis.

Whether a vehicle load is “Divisible” or “Indivisible” is critical. In general terms, loads that are divisible will not be issued permits, as a load may easily be altered to meet size and weight limits. However, there are certain exceptions to this principle related to the type of commodity being moved. Per the Department’s “Divisible Load Permit Policy”, permits may be issued for specific “bulk materials and raw products.” These items such as sand, gravel, asphalt, raw milk, ash, salt and logs, may not be bundled, bagged and/or palletized. A complete list of allowable commodities is presented in **Exhibit B**.

Divisible Load “any load consisting of a product, material or equipment which can be reduced in height, weight, length and/or width to the specified statutory limit.” [Regulation 14-270-1(b)]
Indivisible Load “a vehicle or load which cannot be dismantled, disassembled, or loaded as to meet the specified statutory limit for height, weight, length and/or width of the subject vehicle.” [Regulation 14-270-1(h)]

The “per move” permit fee, which includes a \$3.00 transmittal fee, totals \$26.00. Annual permit fee holders are charged at the rate of \$7.00 per thousand pounds or fraction thereof for each vehicle. The annual fee may be issued in any monthly increment for up to one year, provided the owner shall pay a fee of one-tenth of the annual fee for such vehicle for each month or fraction thereof.

We comment on the permit fee structure, in the “Results of Review” section of this report.

Enforcement:

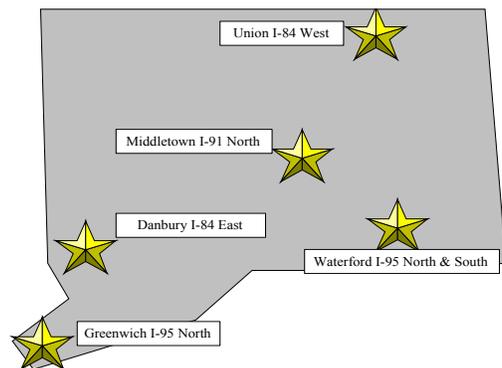
As presented above, the Department of Public Safety (State Police) and Department of Motor Vehicles share in the inspection of commercial vehicles and the issuance of infractions for weight and size violations. The Department of Public Safety is viewed as having more of an “enforcement” approach, while the Department of Motor Vehicles is viewed as having more of a “compliance” purpose. The Department of Motor Vehicles considers the weight and size of a commercial vehicle to be one facet within its safety inspection. The Department is more apt to follow-up on safety problems disclosed as a part of their safety inspections, with the motor carriers in violation.

Enforcement is accomplished through the operation of the “Fixed Commercial Vehicle Weigh Stations” and the use of portable scales.

As regards the portable scales, they may be used 1) to set-up a weighing operation at designated areas throughout the State that are safe and conducive for such efforts, or 2) to weigh a vehicle at the request of any law enforcement agency. The Department of Motor Vehicles Inspectors themselves use the scales, while the Department of Public Safety has civilian weight technicians. Often the scales are used to weigh vehicles that are suspected of purposely bypassing a fixed weigh station. Section 14-270c of the General Statutes requires that the scales be in operation for ten shifts in each seven-day period from Sunday through Saturday.

Currently there are five fixed weigh stations. Three of the stations have the following minimal operating schedules as required by Section 14-270c of the General Statutes:

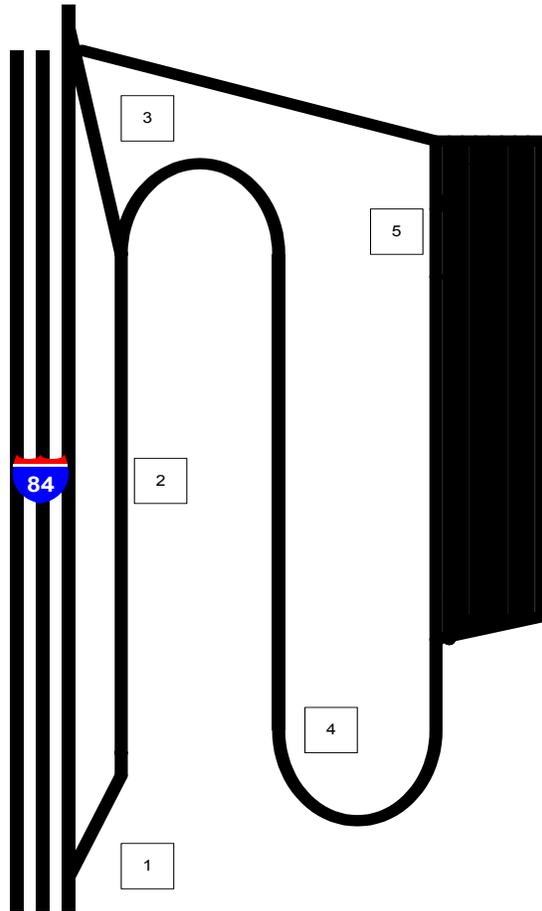
- ❖ **Greenwich** - *Eight work shifts in each seven-day period from Sunday through Saturday.*
- ❖ **Danbury** – *Three work shifts in each seven-day period from Sunday through Saturday.*
- ❖ **Union** – *Between five and eight work shifts in each seven-day period from Sunday through Saturday.*



We comment on exceptions we noted to the above requirements and our concern over stations that are deemed “open” but not always operating, in the “Results of Review” section of this report.



The conditions/effectiveness of the stations vary considerably. The Union station is the most “state-of-the art” facility while the Waterford stations (north and southbound) are barely operable. The Union and Greenwich stations have “Weigh In Motion” (WIM) devices, which may be used to increase the efficiency of operations. These WIM’s identify the weight of a vehicle at a slow rate of speed as they pull into the weigh station. The vehicles that do not appear to be overweight are allowed to return to the highway without stopping if the operator has instructed the system to do so. This allows efforts to be targeted towards violators to a greater degree. A general description of basic operations at the Union station follows:



1. As commercial vehicles travelling Interstate 84 Westbound approach the Union station, they are instructed to stop at the weigh station if it is open and in operation.



2. The vehicles pass through the Weigh In Motion (WIM) device at a low rate of speed.



3. If the vehicle is deemed to be in compliance based on the WIM sensors it is normally allowed to return to the highway. An operator at the fixed scale building is in view of the vehicles and may bypass the system to either direct all vehicles to return to the highway or to pull onto the fixed scale.



4. Vehicles directed to the fixed scale are officially weighed at this point. The drivers are routinely asked for vehicle/registration/license information and their driver log.



5. Vehicles in violation are directed to a large lot. This area is also used to perform safety inspections. On the left is a covered “pit” which allows inspectors to walk underneath vehicles as they perform such inspections.



The conditions and available equipment at the five weigh stations vary considerably. As such, the level of production at each facility varies significantly as well. We comment on station conditions, manpower requirements and the effects of such on the level of enforcement, in the “Results of Review” section of this report.

It should be noted that new technology (Commercial Vehicle Information Systems and Networks [CVISN]) is in the process of being implemented. This new system will serve as a clearinghouse for a number of databases including vehicle registration, insurance, tax, prior violations and permits. The principal purpose of this technology is to identify “high risk” carriers and to allow safe and legal vehicles to proceed unimpeded. Motor carriers must obtain a transponder to participate. This will be accomplished at the Union station, as follows:

- ❖ Approximately one mile from the weigh station, an Overhead Advance Vehicle Identifier (AVI) will identify a vehicle (via its transponder) as it crosses a high-speed WIM; the information is forwarded to the weigh station via fiber optic cable.

- ❖ The weigh station will query the CVISN system and observe the weight information.
- ❖ A signal will be sent to a transmitter approximately one-half mile from the weigh station. This signal (read by the vehicles transponder) will direct the driver to stop at the station if the system or weight reading indicate that there is some form of violation; the vehicle will be instructed to bypass the station if it is deemed to be “legal.”

Fines for width, height and length violations are imposed at a fixed rate of \$500 for width and length violations (Section 14-262 of the General Statutes) and \$1,500 for height violations (Section 14-264 of the General Statutes.) Fines for weight violations are structured in a way that imposes more severe penalties on the more significant violators, as follows:

- ❖ Section 14-267a, subsection (f)(2) (**Exhibit C**), presents the base fines assessed against overweight vehicles.
 - ❖ Vehicles up to 5 percent overweight - \$3.00 per hundred pounds of the amount overweight
 - ❖ Vehicles over 5 and up to 10 percent - \$5.00 per hundred pounds of the amount overweight
 - ❖ Vehicles over 10 and up to 15 percent - \$6.00 per hundred pounds of the amount overweight
 - ❖ Vehicles over 15 and up to 20 percent - \$7.00 per hundred pounds of the amount overweight
 - ❖ Vehicles over 20 and up to 25 percent - \$10.00 per hundred pounds of the amount overweight
 - ❖ Vehicles over 25 and up to 30 percent - \$12.00 per hundred pounds of the amount overweight
 - ❖ Vehicles over 30 percent overweight - \$15.00 per hundred pounds of the amount overweight
- ❖ A 50 percent “infrastructure fine” is imposed, as specified within Section 13b-70.
- ❖ A 12.5 percent charge to fund police training, imposed under Section 51-56a, subsection (c), is added to the base fine as well.
- ❖ An additional \$20 surcharge, per Section 54-143a of the General Statutes, is also imposed.

Minimum base fines are imposed under Section 14-267a, subsection (f)(2)

All fractional dollar amounts are rounded up to the next whole dollar.

As an example, the fine for a vehicle with a 80,000 pound gross vehicle weight limit which is weighed in at 88,500 pounds would be \$849.00, as calculated to the right.

<i>Base fine (14-267a) ... (85 x \$6 [10.6% over])</i>	<i>\$ 510.00</i>
<i>Infrastructure fine (13b-70) ... (\$510.00 x .50)</i>	<i>255.00</i>
<i>Police Training (51-56a) ... (\$510.00 x 12.5%)</i>	<i>64.00</i>
<i>Court Surcharge (54-143a) ...</i>	<i><u>20.00</u></i>
<i>TOTAL AMOUNT DUE</i>	<i><u>\$849.00</u></i>

Base fines for vehicles that are operating under an overweight permit that exceed the weight specified in such permit, are calculated at the rate of \$15.00 per hundred pounds overweight or fraction thereof.

Per Department of Motor Vehicles records, 2,423 infractions for overweight/oversize violations were issued during the period of October 1, 2001, through September 30, 2002. The fines related to those infractions totaled \$1,483,255. The Department tracks the ultimate collection of fines in total, and determined that approximately 50 percent of the fines were collected. Staff familiar with collections believe that the collection rate for the period is consistent with past years.

Per Department of Public Safety records, 3,445 infractions for overweight/oversize violations were issued during the period of October 1, 2001, through September 30, 2002. The fines related to those infractions totaled \$2,260,876. The Department does not track the ultimate collection of such fines. However, staff have been informed by the Judicial Department's Centralized Infractions Bureau that approximately 60 percent of such fines are ultimately collected.

Section 14-267a, subsection (f)(5), of the General Statutes (**Exhibit C**), provides that no more than 25 percent of any overweight fine may be reduced unless the court determines that there are mitigating circumstances and specifically states such circumstances for the record.

Our concerns over the calculation of fines and the adjudication of certain fines are presented in the "Results of Review" section of this report.

The reporting of enforcement efforts is not uniform. While similar information is reported concerning the number of vehicles weighed, infractions issued and fines imposed, we noted that the Departments of Public Safety and Motor Vehicles presented it in different form. We also noted some inconsistencies that are presented in the "Results of Review" section of this report.

NOTEWORTHY ACCOMPLISHMENTS

As regards the Commercial Vehicle Information Systems and Networks (CVISN) program, our observations during a site visit at the Union weigh station disclosed that much of the hardware necessary to operate the system had been installed and tested. We noted that the high speed Weigh In Motion (WIM) devices had been set into the roadway and that transmitter equipment had been mounted. We were informed that the system was set to begin operating in September 2002; however, a mechanical failure has postponed the start date until the beginning of 2003. The Greenwich site is in the design phase; a start date in Spring 2003 is planned.

RESULTS OF REVIEW

Our examination of the permit process and enforcement of overweight and oversize commercial vehicles disclosed matters of concern requiring disclosure and attention. We presented individual recommendations to the Department of Transportation, Department of Public Safety, Department of Motor Vehicles and/or the Judicial Department, depending on the relevance of each recommendation to the individual agencies, and requested a response. Those responses are incorporated within this section of the report.

Item No. 1 - Compliance - Section 14-270c of the General Statutes:

Background: Due to concerns over traffic safety, and damage to roadways and bridges, specific weight and size limits for commercial vehicles have been established. The General Assembly enacted minimum enforcement efforts as described below.

Criteria: Section 14-270c, subsections (a)(1) through (a)(3), of the General Statutes present specific staffing requirements at the Greenwich, Danbury and Union weigh stations. Each week, the Greenwich station must be staffed for eight work shifts, the Danbury station must be staffed for three work shifts, and the Union station must be staffed for between five and eight work shifts. The premise behind such enforcement efforts is that potential violators will be less apt to operate illegally.

Condition: We reviewed the shift requirements mandated by Section 14-270c of the General Statutes for the three weigh stations over a twelve week period. We noted that the minimum staffing requirements had not been met at the Danbury station four times and at the Greenwich station twice.

Effect: Mandated shift requirements at the weigh stations were not always complied with. This could ultimately lead to an environment whereby violators are more apt to operate. As such, the risk of infrastructure damage increases as do safety concerns.

Cause: At each of the stations, one of the exceptions was due to the placement of Department of Public Safety staff on "Presidential Detail." One other exception at each station was due to a holiday during the week.

It should be noted that subsection (e) of Section 14-270c allows the Commissioner of Public Safety to reassign personnel if necessary to ensure public safety.

Recommendation: When planned shifts at the commercial vehicle weigh stations are cancelled, additional shifts should be scheduled to ensure that minimum staffing requirements are met. (See Recommendation 1.)

Agency Responses: **Department of Public Safety:**
“While Connecticut General Statute 14-270c does specify staffing requirements at Official Weighing Stations, the law states in subsection (e) that “Nothing in this section shall prohibit the Commissioner of Public Safety from reassigning personnel in the Traffic Unit as he deems necessary in order to ensure public safety.” This section seems to imply the legislature did not intend to micro manage the day-to-day operations of the Traffic Units but to provide a framework in which they were to work.

The Connecticut State Police is meeting the intent of this law. Traffic Unit personnel are scheduled to work the required shifts at the scales and do not leave these sites unless absolutely necessary. The occasions that troopers are reassigned to other details is primarily because of their specialized knowledge, the staffing impact on patrol troops if they had to be assigned to the detail, budgetary considerations, truck accident investigations and to meet subpoena obligations. These troopers cannot be replaced at the same time because other certified troopers are not available.

To meet the full letter of law, shifts would have to be reassigned or extended which would incur overtime costs. We could also run into officer safety issues concerning the number of work hours the troopers are assigned in a workday. Presidential details can take 10-12 hours. Requiring a trooper to put in an additional 8-hour shift at the scale will bring his workday to approximately 20 hours. This is a violation of Department policy, becomes an officer safety issue and causes a ripple effect on scheduling to cover the next shift and next day operations.”

Department of Motor Vehicles:
“The Department of Motor Vehicles has complied with the statute. Mandated hours of operation at Union have been met or exceeded. The DMV makes every effort to replace or reassign shifts when scheduled shifts have not been met for whatever reason.”

Item No. 2 - Weigh Stations - Hours of Operation:

Background: While weigh stations are considered “open” during specific shifts throughout a scheduled period, there are often times during those shifts when commercial vehicles will not be directed to stop at the stations. This may be due to traffic, weather and/or staffing concerns.

Criteria: Section 14-270c, subsections (a)(1) through (a)(3), of the General Statutes present specific staffing requirements at the Greenwich, Danbury and Union weigh stations. Each week, the Greenwich station must be staffed for eight work shifts, the Danbury station must be staffed for three work shifts, and the Union station must be staffed for between five and eight work shifts.

The Department of Public Safety and Department of Motor Vehicles develop schedules to ensure that the above staffing/shift requirements are met.

Condition: Our review of activity reports disclosed that the number of commercial vehicles weighed during “open” shifts varies significantly. At times, general explanations are entered on production reports to explain a significant drop in the number of vehicles inspected. However, there are no records to determine the times or duration of closures.

Effect: Mandated shifts are not “open” for operation the entire time that they are deemed to be. We question whether the spirit of Section 14-270c is being satisfied.

Cause: There are no logs or other records to document the times that “open” weigh stations are actually operating or temporality closed.

Recommendation: The use of a log or other device to document the times that weigh stations are actually operating should be instituted. As regards minimum staffing requirements, consideration should also be given to “compensate” for shifts in which activity is minimal by adding additional shifts. (See Recommendation 2.)

Agency Responses: **Department of Public Safety:**
“A policy of maintaining a log for the times that a particular weigh station is open can be instituted. We currently maintain daily activity records for each trooper. These day sheets include time spent at the scale and time spent at other assignments. If one

trooper is working at a scale, the scale is considered open even if he is tied up with an inspection.

It is important to remember that each facility is different and the troopers assigned to the scales have specialized training in commercial vehicle enforcement and inspection. Due to this specialized knowledge, they are called upon to help in certain situations. Staffing of scales can vary depending on commitments for that day i.e. court subpoenas, accident investigation assignments, requests for assistance to local police departments, training needs etc. As documented in this report a reduction in staff will result in varied numbers for vehicles weighed at the scale.

In order to meet the strict letter of the law concerning minimum staffing levels, the number of troopers assigned to commercial vehicle enforcement will need to be increased. To compensate for closed shifts, replacement shifts will need to be assigned and the troopers assigned will have to be compensated at an overtime rate.”

Department of Motor Vehicles:

“The system software currently being used should be modified to capture and produce reports with WIM and static scale statistics which will accurately depict the level of scale operation for any time period. The DMV will propose to DOT that they consider modifying current or developing enhanced system software to allow for a more automated reporting system. In the interim the DMV will review the current reporting system to ensure necessary data is being collected.”

Item No. 3 - Data Collection – Weigh Station Activity:

Background: The Department of Public Safety and Department of Motor Vehicles staff the fixed weigh stations located within the State.

Criteria: The collection and compilation of weigh station statistics regarding the number of vehicles weighed and infractions issued is a good tool to monitor enforcement efforts. The Departments of Public Safety and Motor Vehicles report on the number of commercial vehicles weighed each shift at the individual weigh stations. Also reported, are the number of vehicles found in violation, as well as the fines issued, in total.

Condition: Our review disclosed that there is not a consistent system in place to report the above data. The Department of Motor Vehicles uses a summary sheet which presents the number of vehicles that are weighed on the “weigh in motion” and fixed scales, as well as the number of infractions and fines issued. The Department of Public Safety uses a summary worksheet for the Greenwich and Danbury weigh stations, which presents the number of vehicles weighed on the “weigh in motion” scale in Greenwich and the “fixed” scale in Danbury. Also presented are the number of infractions issued and the fines associated with those infractions, in total. For the Union station, the Department of Public Safety utilizes a manually completed daily activity report. This report has fields to capture the number of vehicles weighed on the weigh in motion and fixed scales, as well as infraction and fine totals.

Our review of Department of Public Safety reports disclosed that data was often missing or “approximated.” The Greenwich station has a weigh in motion and fixed scale; however, the report used only has one field to capture such information. It was noted that the number of vehicles weighed was often presented as an “even hundred” amount, which would indicate that the totals were either approximated or rounded. The daily activity reports used at the Union station by the Department of Public Safety had been set up to present the number of vehicles that are weighed on the weigh in motion and fixed scales. However, we noted that Department personnel routinely only present one or the other. It was also noted that “troopers assigned,” or some other record to calculate man hours committed to each shift, was not present on the Department’s activity reports at the Union station.

Effect: It is difficult to evaluate enforcement efforts without having accurate, uniform and comparable information or reporting methods.

Cause: The Department of Public Safety and Department of Motor Vehicles have not worked collectively to establish a uniform reporting system for weigh station activities.

Recommendation: The Departments of Motor Vehicles and Public Safety should use a uniform report and reporting system for commercial vehicle inspections and infractions. More care needs to be taken to ensure that reports are completely filled out using “actual” and complete information. (See Recommendation 3.)

Agency Responses:

Department of Public Safety:

“While both Public Safety and Motor Vehicles staff the fixed scales we do collect and compile different data. This is primarily due to the fact that we have different reporting requirements. The Department of Public Safety is the enforcement arm for the Department of Transportation’s Statewide Size and Weight Plan. For this plan, specific data has to be collected and submitted to the Department of Transportation for its annual report to the Federal Highway Administration. The Department of Motor Vehicles has a different reporting requirement to the Federal Government. Its reports are submitted to the Federal Highway Administration as part of their MCSAP grant requirements.

We believe that there is always a better way to do business. We have a core group of DPS and DMV supervisors who meet quarterly. The feasibility of creating a reporting system that includes both our reporting requirements was brought up at a recent meeting. However, no commitment was made at the time, as it will have to be determined how all users of such information will be satisfied by a report that is approximately the same in length/detail as the current report.

The suggestion that the Department of Public Safety establish a uniform reporting system for scale operations can be instituted immediately. Using the current daily activity sheets and ensuring they are completely filled out should satisfy this suggestion.”

Department of Motor Vehicles:

“One issue that has contributed to the lack of a uniform reporting system is the ultimate user of the data; in DMV’s case the Federal Motor Carrier Safety Administration (MCSAP) and in Public Safety’s case the Department of Transportation and the Federal Highway Administration. For instance, the MCSAP is focussed on driver and vehicle inspections and emphasis is given to that type of data, however, size and weight enforcement data is also collected as part of the inspection process. In the case of the DPS, the focus of the data is on size and weight and compliance with that program to protect and preserve the highway infrastructure. Each agency collects different data destined for different purposes and users.

The DMV and DPS will work to develop one uniform reporting mechanism that will collect the necessary data elements to satisfy both ultimate users and ensure a consistent and accurate method of statistical reporting. Care must be taken in developing such a report considering each agency has different reporting requirements. Agreement and consensus must be reached with the

DOT and the DPS regarding the specifics of what data is needed and must be collected.”

Item No. 4 – Calculation of Fines:

Background: Infractions for overweight/oversize commercial vehicles are issued by Department of Public Safety and Department of Motor Vehicles enforcement staff.

Criteria: Fines for width, height and length violations are imposed at a fixed rate of \$500 for width and length violations (Section 14-262 of the General Statutes) and \$1,500 for height violations (Section 14-264 of the General Statutes.) Fines for weight violations are structured in a way that imposes more severe penalties on the more significant violators. Per Section 14-267a, subsection (f)(2), base fines are calculated by applying a rate for each hundred pounds overweight, or portion thereof. This rate increases with the severity of the infraction, from \$3.00 per hundred pounds overweight for vehicles that are up to five percent overweight, to \$15.00 per hundred pounds overweight for vehicles that are over 30 percent overweight. Surcharges are calculated and added to the base fines as well.

Condition: Our review and recalculation of a sample of 393 infractions disclosed that 31, or 7.9 percent, were calculated incorrectly. The average error was \$232, or 30 percent of the \$772 average infraction. Of the 31 errors, three exceeded \$1,000, and ten were between \$100 and \$999. We did not consider rounding errors and/or those errors less than \$10 in the above totals.

Effect: Commercial vehicle operators that are issued infractions for being overweight are often either overcharged or undercharged.

Cause: The computation of base fines and the addition of surcharges requires a number of calculations which are susceptible to error.

Recommendation: More care needs to be taken to calculate infractions issued for overweight vehicles under Section 14-267a of the General Statutes. (See Recommendation 4.)

Agency Responses: **Department of Public Safety:**
“DPS truck squad supervisors were asked to review the summonses in question. The review found that errors were made by percentages being rounded up or down. In addition there were basic math errors of which the majority were in favor of the accused. Traffic unit sergeants showed these deficiencies to their

troopers and the troopers were counseled. In the future, supervisors will do random audits of the summonses issued by their personnel to ensure uniformity and minimize math errors.

We did find that some of the calculation errors were not errors on our part but that the auditor did not understand the procedure to calculate fines for permitted loads. Permitted load overweight fines are calculated in a different manner from normal overweight calculations. Permitted fines are calculated from the permitted weight and not the allowed weight for the truck. These tickets were the high fines that were discovered.”

Department of Motor Vehicles:

“A review of the errors identified in calculating fines were found generally to be simple math errors or errors in rounding. Field operations Sergeants have been made aware of the issue. Random spot checks of infractions and weight calculation addendum will be instituted and the issue will be placed on the training curriculum and agenda for regular annual in service and annual certification training. A sample spreadsheet program will be developed to assist in the computation of fines.”

Auditors’ Concluding Comments:

As concerns the Department of Public Safety response, a misunderstanding concerning the rate of fines for permitted loads did occur during our initial review. After being made aware of the fines calculated in that manner, we recalculated the tested infractions, and did not include them in the totals presented in the “Condition” section.

Item No. 5 - Reduction of Fines – In Violation of Section 14-267a, subsection (f)(5), of the General Statutes:

Background: As with any infraction issued, operators cited for overweight/oversize commercial vehicle violations may plead “not guilty” to a charge and have his/her case brought forward within the Judicial system. For overweight/oversize infractions, the Centralized Infractions Bureau refers such cases to the applicable geographical courts for adjudication.

Criteria: According to subsection (f)(5) of Connecticut General Statutes 14-267a, no more than 25 percent of any fine imposed under the Section may be reduced unless the court determines that there are mitigating circumstances related to an infraction, and specifically states such circumstances for the record.

Condition: Our review of 20 infraction/fines that were reduced more than 25 percent, disclosed that “mitigating circumstances” were not presented within any of the case files.

It is estimated that only 50 and 60 percent of fines issued by the Departments of Motor Vehicles and Public Safety, respectively, are ultimately collected.

Effect: Infractions are routinely being reduced by more than 25 percent without documented justification, as required.

Cause: It appears that court personnel are not aware of the requirement that fines reduced by more than 25 percent have documented “mitigating circumstances” within the court record.

Recommendation: Judges and/or Magistrates, adjudicating cases brought under Section 14-267a of the General Statutes, should document the mitigating circumstances present when a reduction to a fine exceeds 25 percent. (See Recommendation 5.)

Agency Response: **Judicial Department:**
“We have reviewed this area and concur that improvements are appropriate. Please note that correspondence has been distributed to Judges, Senior Judges, Judge Trial Referees and Motor Vehicle Magistrates reminding them generally of the requirements set forth by Connecticut General Statute Section 14-267a and more specifically the need for documentation of mitigating circumstances.”

Item No. 6 - Permit Fees – Issued for a “Base Permit” under Section 14-270 of the General Statutes:

Background: Commercial vehicle operators that desire to transport goods exceeding weight and/or size restrictions may obtain a permit from the Department of Transportation to do so.

Criteria: Per Section 14-270, subsection (d), of the General Statutes, a “per move” permit may be issued by the Department of Transportation for a total fee of \$26 (\$23 permit fee; \$3 transmittal fee.) Under Connecticut Regulation 14-270-14, the permit is valid for three days for one continuous move between the points designated. While an applicant may propose a route to be taken, it is the responsibility of the Department of Transportation, Motor Transport Services Unit, to make final routing itineraries.

Condition: Our observations disclosed that most permit applications and moves are not exceptionally complicated. Motor Transport Services Unit staff are aware of bridge height and weight restrictions and roadway conditions, and will route planned moves accordingly. However, occasionally there are permit requests for extraordinarily large and/or heavy moves. Depending on the source and destination points, a significant amount of time and effort is expended to develop a satisfactory route. This may include engineering services to ensure that bridges and roadways on the route are strong enough to carry heavy loads. There may also be requirements to “shore up” certain roadways and bridges, when it is determined that the structural integrity of such will be in jeopardy. For these extraordinary moves, the total permit fee remains at \$26.

Effect: The fee structure in place does not appear equitable. The Motor Transport Services Unit expends significant time and effort to approve extraordinary large and/or heavy moves. The value of such time and effort significantly exceeds \$26.

Cause: A cause for this condition was not determined. Fees charged are specifically prescribed by statute.

Recommendation: The General Assembly should consider amending Section 14-270, subsection (d), of the General Statutes, to include an additional charge for permits that require significant review and/or engineering services to approve. A fee amounting to the costs incurred by the Department of Transportation to review and approve the permit would appear equitable. (See Recommendation 6.)

Agency Response: **Department of Transportation:**
“The Department of Transportation has submitted legislation for this year’s legislative session (FY03/04) that would amend Section 14-270(d) of the Connecticut General Statutes. The proposed legislation would assess the following engineering fees in an attempt to recoup costs to review and approve the permits.

(d) (1) THE OWNER OR LESSEE OF ANY VEHICLE SHALL PAY A FEE OF THIRTY-FIVE DOLLARS FOR EACH PERMIT ISSUED UNDER THIS SECTION OR A FEE DESCRIBED IN SUBDIVISION (2) OF THIS SUBSECTION FOR SUCH VEHICLE. EXCEPT FOR A SINGLE UNIT VEHICLE THAT IS OPERATING UNDER AN ACCOUNT CODE, A FIFTY DOLLAR ENGINEERING FEE WILL BE ASSESSED TO ANY SINGLE UNIT VEHICLE THAT EXCEEDS ANY OF THE

FOLLOWING GROSS WEIGHT LIMITS: ONE HUNDRED AND TEN THOUSAND POUNDS ON FOUR AXLES, ONE HUNDRED FOURTEEN THOUSAND FIVE HUNDRED POUNDS ON FIVE AXLES AND ONE HUNDRED FIFTEEN THOUSAND POUNDS ON SIX AXLES AND ANY VEHICLE COMBINATION WEIGHING LESS THAN TWO HUNDRED THOUSAND POUNDS WHEN ROUTING REQUIRES SUCH VEHICLE TO TRAVERSE A STRUCTURE WITH A NON-POSTED LIMIT. A TWO HUNDRED DOLLAR ENGINEERING FEE SHALL BE ASSESSED TO ANY VEHICLE COMBINATION WEIGHING TWO HUNDRED THOUSAND POUNDS OR MORE AND A FIVE HUNDRED DOLLAR ENGINEERING FEE SHALL BE ASSESSED TO ANY VEHICLE COMBINATION WEIGHING FIVE HUNDRED THOUSAND POUNDS OR MORE. VEHICLES REQUIRED TO PAY AN ENGINEERING FEE ARE AUTHORIZED TO USE APPROVED ROUTING FOR A SIX-MONTH PERIOD, SO LONG AS THE VEHICLE CONFIGURATION AND/OR ROUTING IS NOT CHANGED.”

Item No. 7 - Permit Fees – Issued for an “Annual Permit” under Section 14-270 of the General Statutes:

Background: Commercial vehicle operators that desire to transport goods that exceed weight and/or size restrictions may obtain a permit from the Department of Transportation to do so.

Criteria: Per Section 14-270, subsection (d)(3), of the General Statutes, an operator may obtain an annual permit fee for an overweight and/or oversize vehicle, rather than paying a \$26 fee for each move. The operator is charged an annual fee of seven dollars per thousand pounds or fraction thereof for each vehicle. The permit holder must continue to contact the Department of Transportation to obtain routing directives for each individual move.

Condition: Our review disclosed that the calculated “per permit/move fees” for annual permit holders varied considerably. Of the 497 annual permits issued for the 2001-2002 fiscal year, 76 had calculated per permit/move fees of less than \$5.00 each. For one operator, the ultimate per permit fee amounted to only 51 cents each. The operators must still obtain approval from the Motor Transport Services Unit for each move. The Unit remains responsible for reviewing each request and routing the vehicles accordingly.

Effect: The fee structure in place does not appear equitable. For operators that obtain a significant number of individual permits from an annual permit, the calculated fee per move is significantly lower than the related costs incurred by the Motor Transport Services Unit.

Cause: A cause for this condition was not determined. Fees charged are specifically prescribed by statute.

Recommendation: The General Assembly should consider amending Section 14-270, subsection (d)(3), of the General Statutes, to either place a limit on the number of individual move permits that may be issued for annual permit holders, or include a charge for each individual permit so issued. This would create a fee structure that is more equitable to the individual operators and would further correlate to the costs incurred by the Motor Transport Services Unit to review and approve each individual move request. (See Recommendation 7.)

Agency Response: **Department of Transportation:**
“The legislation submitted by the Department of Transportation for this year’s legislative session (FY03/04) also includes language to amend Section 14-270(d)(3) of the Connecticut General Statutes. The proposed legislation increases the fee from \$7.00 per one thousand pounds to \$9.00 per one thousand pounds. The proposed language also increases the monthly fee from 1/10 of the annual fee per month to \$100 per month. However, the proposed language does not fix the inequity problem cited by the audit. The proposed language was written before the audit and the increase was based solely on the rate of inflation from 1992.

The inequity problem is with account codes. Currently, the annual fee for an account code is based on a vehicle’s gross weight at \$7.00 per one thousand pounds. When we divided the total revenue that was collected for account codes by the number of permits that were issued to them, the cost per trip was less than \$10.00 per permit. Electronic payments could be one method to eliminate this inequity. The Department is currently developing a new Oversize/Overweight (OS/OW) Vehicle Permitting System with electronic payment capabilities. This system was the third contract award of the State’s Commercial Vehicle Information System and Network (CVISN) implementation project. Once CVISN is fully operational, commercial vehicle owners and operators would be able to purchase permits and other credentials electronically. The Department anticipates the OS/OW component to be fully operational by September 2004.

The change proposed to Section 14-270(d)(3) is as follows:

(2)THE COMMISSIONER MAY ISSUE A PERMIT FOR ANY VEHICLE TRANSPORTING (A) A DIVISIBLE LOAD, (B) AN OVERWEIGHT OR OVERSIZED-OVERWEIGHT INDIVISIBLE LOAD, OR (C) AN OVERSIZED INDIVISIBLE LOAD. THE OWNER OR LESSEE SHALL PAY AN ANNUAL FEE OF NINE DOLLARS PER THOUSAND POUNDS OR FRACTION THEREOF FOR EACH SUCH VEHICLE. A DIVISIBLE LOAD PERMIT MAY BE ISSUED IN ANY INCREMENT UP TO ONE YEAR, PROVIDED THE OWNER OR LESSEE SHALL PAY A MONTHLY FEE OF ONE HUNDRED DOLLARS PER MONTH FOR SUCH VEHICLE OR VEHICLE COMBINATION. THE ANNUAL PERMIT FEE FOR ANY VEHICLE TRANSPORTING AN OVERSIZED INDIVISIBLE LOAD SHALL NOT BE LESS THAN SIX HUNDRED AND FIFTY DOLLARS. SAID FEES ARE NOT PRORATED, TRANSFERABLE OR REFUNDABLE.”

Item No. 8 – Effectiveness - Fixed versus Portable Scales:

Background: The Departments of Public Safety and Motor Vehicles weigh commercial vehicles at either the fixed-scale weigh stations or through the use of portable scale units.

Criteria: Section 14-267a, subsection (b), of the General Statutes prescribes weight restrictions for vehicles and trailers; subsection (f)(2) of the Section prescribes fines for vehicles that do not comply with the weight limits. Section 14-262 of the General Statutes imposes vehicle width and length limits, and provides that vehicles in violation of those limits are subject to a \$500 fine. Section 14-264 of the General Statutes presents a specific vehicle height limit, and provides that vehicles in violation of the limit are subject to a \$1,500 fine.

The Departments of Public Safety and Motor Vehicles enforce size and weight laws by operating five fixed weigh stations located within the State and through the use of portable scales. The equipment and facility designs at the five weigh stations vary to a considerable degree. The Departments report on the number of commercial vehicles weighed each shift at the individual weigh stations, the number of vehicles found in violation, and the amount of fines issued, in total.

Condition:

Our review of enforcement data was not conclusive due to deficiencies with the reporting processes used by the two Departments. We also noted that statistics between months often varied to a significant degree, and as such, strictly relying on “average” amounts over a quarterly basis is questionable. However, it does appear evident that infractions and the amount of fines issued related to such infractions, calculated on a “per manhour basis,” is relative to the level of equipment and facility designs at the fixed stations. Further, it was quite evident that vehicles that significantly exceed weight limits are more apt to be discovered by a portable scale operation rather than at a fixed scale station.

From the limited data we could analyze, our audit tests disclosed the following averages of charges and fines per man hour:

- The Department of Motor Vehicles is the agency principally responsible for the Union station. At the Union station, staff issued .074 infractions and \$25.10 in fines per man hour. At the Greenwich station, staff issued .040 infractions and \$18.77 in infractions per man hour.
- The Department of Public Safety is the agency principally responsible for the Greenwich and Danbury stations. At the Greenwich station, staff issued .164 infractions and \$64.26 in fines per man hour. At the Danbury station, staff issued .086 infractions and \$37.67 in fines per man hour.
- The Department of Public Safety had summary data for portable scale operations. For such operations, staff issued .125 infractions and \$162.12 in fines per man hour.

Our review of the design and condition of the Waterford stations, as well as discussions with Department of Motor Vehicles and Department of Public Safety personnel, disclosed that the stations are antiquated.

Effect:

From the limited data available, it would appear that enforcement efforts at the older less-equipped weigh stations are inefficient. The more severe commercial vehicle weight violators are more apt to be identified by a portable scale operation.

As enforcement decreases the risk of noncompliance increases. This results in a higher risk that highway damage increases and/ or safety concerns increase.

Cause:

A cause for this condition was not determined other than the fact that the older weigh stations were not fitted/equipped efficiently.

Recommendation: To enhance efficiency, consideration should be given to making improvements at certain weigh stations, including an expanded use of “Weigh In Motion” (WIM) devices. In the absence of such improvements, consideration should be given to discontinuing operations at certain stations, most notably the Waterford facility, and to reallocating personnel to portable scale efforts. (See Recommendation 8.)

Agency Responses: **Department of Public Safety:**
“We agree that to enhance efficiency, considerations should be given to expand the use of “Weigh in Motion” WIM scales. In fact, under ideal conditions, every interstate point of entry (I-84, I-91, I-95) should have a fixed scale facility with a WIM. Currently, only I-84 has fixed facilities at both the New York and Massachusetts borders. Scales at all points of entry, would ensure that commercial vehicles entering Connecticut would be exposed to inspections and guarantee the commercial vehicles are safe for our roads.

We strongly disagree that the Waterford scale should be closed without a replacement facility being built and in place to service South Eastern Connecticut.

In eastern Connecticut, the volume of trucks passing through the Union Scale is greater than Waterford and the quality of trucks in Union is much better. We have found that the commercial vehicles coming through the Waterford scale are in worse shape than Union. When comparing the activity of troopers working at the Union and Waterford scales, the Waterford operations tend to issue more summonses with higher potential fines than Union. Many of the trucks in Waterford are regional and local service commercial vehicles and not long haul interstate truckers. A large number of these vehicles are sea-land containers on pole trailers coming out of the Port of New York and Port Elizabeth New Jersey. These containers and trailers tend to be parked for long periods of time resulting in equipment that is in poor condition. We have also found that many of the regional drivers do not have the proper documentation to operate commercial vehicles. In addition, products coming out of the Port of New London have been found to be overweight. The need for a weighing facility in this area cannot be underestimated.

A report was completed and submitted to the Legislature on December 28, 1998 as required by Public Act 98-248. The subject

of this report was on status of weigh stations in the state with a recommendation for an alternate weigh station site in South Eastern Connecticut. The report recommended that a replacement scale facility be considered on I-95 in the North Stonington area. There were two possible sites identified and the approximate cost for a new facility, at that time, was approximately \$4,000,000.”

Department of Motor Vehicles:

“A viable and productive alternative called “Virtual Weigh Stations” should be given great consideration. The DMV fully supports this concept and initiative. Virtual weigh stations, in several other states, have proven effective, productive and extremely efficient. Although not discussed in detail during the audit process we feel this should not be omitted. Virtual weigh stations use WIM technology in remote, secondary or locations not physically able to support a “scale house or fixed site.” High speed WIMS are installed and wirelessly transmit weight data to mobile enforcement that can monitor traffic off site a distance away. Overweight violators can be identified downstream and taken to areas where portable scales can be used for official weight enforcement. Virtual weigh station deployment costs are a fraction of fixed sites and multiple locations can be deployed for the cost of one fixed site. Existing data indicates they are highly productive and effective. High speed WIM in conjunction with Mainline Automated Clearance is being expanded to Greenwich and possibly Danbury. Design limitations at Middletown and Waterford do not allow for the expansion of this technology.

In the absence of a suitable Waterford facility, DOT should consider the construction of a new facility in the area. In the interim the DMV will continue portable scale operations in this area.”

Auditors’ Concluding Comments:

As concerns the Department of Public Safety response, the Waterford facilities are in poor condition and not conducive to efficient operations. The argument presented, concerning the poor quality of vehicles passing through the Waterford area may be valid. Due to the lack of adequate weigh station activity records, described in detail within Item 3, we can not confirm nor deny the claim. Regardless, improvements or a new station are necessary, especially if that area does have a higher proportion of non-complying commercial vehicles.

Item No. 9 – Additional Fines – Habitual Offenders:

- Background:* Due to concerns over operators that severely exceed weight limits and are repeat offenders, the General Assembly has taken steps to discourage such activity by establishing a supplementary fine for a repeat conviction.
- Criteria:* Per Section 14-267a, subsection (f)(3), of the General Statutes, the Commissioner of the Department of Motor Vehicles is to receive information on commercial vehicle operators that are convicted of overweight violations in excess of fifteen percent of established limits. Upon a third or subsequent conviction in a calendar year, the Commissioner may schedule a hearing to review the record of the motor vehicle registrant. At the hearing, information and evidence is to be presented regarding the frequency of the registrant's operations, the size of the registrant's fleet, and the culpability, if any, of the shipper. After the hearing, a civil penalty in the amount of \$2,000 may be imposed on the owner or lessee of such motor vehicle.
- Condition:* The Department of Motor Vehicles does not have a process in place to identify habitual offenders and to therefore collect additional fines that may be imposed under the above Section.
- Effect:* Potential revenues have been lost, since the Department does not have a method to identify situations in which additional fines are due.
- Cause:* The Department is attempting to create a program to operate off the current core information system, to identify repeat offenders that are subject to the additional penalties that may be imposed. However, the system is not operational.
- Recommendation:* The Department should establish procedures to collect information on habitual overweight commercial vehicle operators so that civil penalties may be imposed and collected, in accordance with Section 14-267a, subsection (f)(3), of the General Statutes. (See Recommendation 9.)
- Agency Response:* **Department of Motor Vehicles:**
“Regarding the Implementation of Public Act 02-70, Section 64, which amends the Connecticut General Statute 14-267a, permits the Commissioner of Motor Vehicles to take administrative action

relative to vehicles overweight in excess of fifteen percent of the gross vehicle weight limits.

Conviction information transmitted to the Department of Motor Vehicles by the Judicial Information System now contains appropriate information to specifically identify those over weight violations that meet the criteria of the new statutory language. However, the Department does not have information system resources available to initiate an automated function at this time. Until such time that resources become available the DMV will exercise its option not to impose administrative sanctions. A recent review has indicated that only one carrier has accumulated 3 such violations in a one-year period.

Roadside enforcement on known and habitual over weight violators will continue. The DMV can provide additional enforcement, based on Judicial Information System data, through audits or compliance reviews at the violators' principal place of business. These audits are comprehensive in nature and examine the carriers complete safety posture in addition to overweight violations.

We will attempt to initiate a manual system should the projection for implementation of an automated system be untimely or cost prohibited.”

RECOMMENDATIONS

1. **When planned shifts at the commercial vehicle weigh stations are cancelled, additional shifts should be scheduled to ensure that minimum staffing requirements are met.**

Comment:

Section 14-270c of the General Statutes presents specific staffing requirements at the Greenwich, Danbury and Union weigh stations. We reviewed the shift requirements mandated for the three weigh stations over a twelve week period, and noted that the minimum staffing requirements had not been met at the Danbury station four times and at the Greenwich station twice.

2. **The use of a log or other device to document the times that weigh stations are actually operating should be instituted. As regards minimum staffing requirements, consideration should also be given to “compensate” for shifts in which activity is minimal by adding additional shifts.**

Comment:

Section 14-270c of the General Statutes presents specific staffing requirements at the Greenwich, Danbury and Union weigh stations. Our review of activity reports disclosed that the numbers of commercial vehicles weighed during “open” shifts varies significantly. At times, general explanations are entered on production reports to explain a significant drop in the number of vehicles inspected. However, there are no records to determine the times or duration of closures. We question whether the spirit of Section 14-270c is being satisfied.

3. **The Departments of Motor Vehicles and Public Safety should use a uniform report and reporting system for commercial vehicle inspections and infractions. More care needs to be taken to ensure that reports are completely filled out using exact and not estimated information.**

Comment:

The collection and compilation of weigh station statistics regarding the number of vehicles weighed and infractions issued is a good tool to monitor enforcement efforts. The Departments of Public Safety and Motor Vehicles report on the number of commercial vehicles weighed each shift at the individual weigh stations. Also reported, are the numbers of vehicles found in violation, as well as the fines issued, in total. Our review disclosed that there is not a consistent system in place to report the above data.

4. **More care needs to be taken to calculate infractions issued for overweight vehicles under Section 14-267a, subsection (f)(2), of the General Statutes.**

Comment:

Our review and recalculation of a sample of 393 infractions disclosed that 31, or 7.9 percent, were calculated incorrectly. The average error was \$232, or 30 percent of the \$772 average infraction. Of the 31 errors, three exceeded \$1,000, and ten were between \$100 and \$999.

5. **Judges and/or Magistrates, adjudicating cases brought under Section 14-267a of the General Statutes, should document the mitigating circumstances present when a reduction to a fine exceeds 25 percent.**

Comment:

According to Section 14-267a, Subsection (f)(5), of the General Statutes, no more than 25 percent of any fine imposed under the Section may be reduced unless the court determines that there are mitigating circumstances related to an infraction, and specifically states such circumstances for the record. Our review disclosed that “mitigating circumstances” are not routinely presented within case files.

It is estimated that only 50 and 60 percent of fines issued by the Departments of Motor Vehicles and Public Safety, respectively, are ultimately collected.

6. **The General Assembly should consider amending Section 14-270, subsection (d), of the General Statutes, to include an additional charge for permits that require significant review and/or engineering services to approve. A fee amounting to the costs incurred by the Department of Transportation to review and approve the permit would appear equitable.**

Comment:

Occasionally there are permit requests for extraordinarily large and/or heavy moves. Depending on the source and destination points, a significant amount of time and effort is expended to develop a satisfactory route. For these extraordinary moves, there is no adjustment to the standard permit fee of \$26.

7. **The General Assembly should consider amending Section 14-270, subsection (d)(3), of the General Statutes, to either place a limit on the number of individual move permits that may be issued for annual permit holders, or include a charge for each individual permit so issued. This would create a fee structure that is more equitable to the individual operators and would further correlate to the costs incurred by the Motor Transport Services Unit to review and approve each individual move request.**

Comment:

Per Section 14-270, subsection (d)(3), of the General Statutes, an operator may obtain an annual permit fee for an overweight and/or oversize vehicle, rather than paying a \$26 fee for each move. The operator is charged an annual fee of seven dollars per thousand pounds or fraction thereof for each vehicle, and must continue to contact the Department of Transportation to obtain routing directives for each individual move. Calculated “per permit/move fees” for annual permit holders varied considerably. Of the 497 annual permits issued for the 2001-2002 fiscal year, 76 had calculated per permit/move fees of less than \$5.00 each. For one operator, the ultimate per permit fee amounted to only 51 cents for each trip.

8. **To enhance efficiency, consideration should be given to making improvements at certain weigh stations, including an expanded use of “Weigh In Motion” (WIM) devices. In the absence of such improvements, consideration should be given to discontinuing operations at certain stations, most notably the Waterford facility, and to reallocating personnel to portable scale efforts.**

Comment:

The Departments of Public Safety and Motor Vehicles enforce size and weight laws by operating five fixed weigh stations located within the State and through the use of portable scales. The equipment and facility designs at the five weigh stations vary to a considerable degree. The results of our review indicate that infractions and the amount of fines issued related to such infractions is relative to the level of equipment and facility designs at the fixed stations. Further, data suggested that vehicles that significantly exceed weight limits are more apt to be discovered by a portable scale operation rather than at a fixed scale station.

9. **The Department should establish procedures to collect information on habitual overweight commercial vehicle operators so that civil penalties may be imposed and collected, in accordance with Section 14-267a, subsection (f)(3), of the General Statutes.**

Comment:

The Department of Motor Vehicles does not have a process in place to identify habitual offenders and to therefore collect additional fines that may be imposed under Section 14-267a, subsection (f)(3), of the General Statutes.

CONCLUSION

In conclusion, we wish to express our appreciation for the cooperation and courtesies extended to our representatives by the officials and staff of the Department of Transportation, Department of Public Safety, Department of Motor Vehicles and the Judicial Department.

John A. Rasimas
Principal Auditor

Approved:

Kevin P. Johnston
Auditor of Public Accounts

Robert G. Jaekle
Auditor of Public Accounts

EXHIBIT A

Section 14-270c of the General Statutes

Sec. 14-270c. Official weighing areas. Staffing requirements. (a) The Commissioners of Public Safety and Motor Vehicles shall staff the official weighing areas as follows:

(1) Greenwich: Eight work shifts in each seven-day period from Sunday through Saturday. No such shifts shall be worked consecutively, except that two shifts may be worked consecutively on not more than three days;

(2) Danbury: Three work shifts in each seven-day period from Sunday through Saturday. The Commissioner of Public Safety shall, whenever possible, coordinate coverage between this official weighing area and the official weighing area in Greenwich in order to ensure concurrent coverage;

(3) Union: Between five and eight work shifts in each seven-day period from Sunday through Saturday. The Commissioner of Motor Vehicles shall coordinate the hours of operation of this official weighing area; and

(4) Portable scale locations: Ten shifts in each seven-day period from Sunday through Saturday which shall be staggered throughout the four geographical areas established by the Commissioner of Public Safety with concentration in areas that have fewer hours of operation for the permanent weighing areas.

(b) The Commissioners of Public Safety and Motor Vehicles shall adjust the work shifts required in subsection (a) of this section on a daily basis in order to effectuate an unpredictable schedule.

(c) The Commissioner of Public Safety may assign any remaining personnel in the traffic unit to the permanent weighing areas in Waterford and Middletown or to the portable scale operations.

(d) The Commissioner of Public Safety shall assign personnel from the traffic unit to work between nine and twelve shifts in each seven-day period from Sunday through Saturday to patrol and enforce laws relative to the safe movement of all vehicles on the highways of the state.

(e) Nothing in this section shall prohibit the Commissioner of Public Safety from reassigning personnel in the traffic unit as he deems necessary in order to ensure public safety.

(P.A. 98-248, S. 1.)

EXHIBIT B

DIVISIBLE LOAD TYPE RESTRICTIONS

THE DEPARTMENT OF TRANSPORTATION HAS RENEWED THE DIVISIBLE LOAD PERMIT POLICY. THE OVERSIZE/OVERWEIGHT PERMIT UNIT WILL CONTINUE TO ISSUE DIVISIBLE LOAD PERMITS BETWEEN THE MONTHS OF MAY 1, 2002 AND APRIL 30, 2003. THE AXLE WEIGHT AND GROSS WEIGHT LIMITS THAT WERE ALLOWED LAST YEAR SHALL REMAIN IN EFFECT.

DIVISIBLE LOAD PERMITS ARE LIMITED TO THE FOLLOWING **BULK MATERIALS AND RAW PRODUCTS**. BUNDLED, BAGGED AND/OR PALLETIZED MATERIALS OR PRODUCTS DO NOT QUALIFY FOR DIVISIBLE LOAD PERMITS.

SOILS

SAND
TOPSOIL
LOAM
CONTAMINATED SOIL

STONE

RIP-RAP
AGGREGATE
RECYCLED AGGREGATE
ROCK
STONE DUST
GRAVEL

BITUMINOUS

ASPHALT
BITUMINOUS RUBBLE
ROAD MILLING
RECYCLED ASPHALT

PROCESSED PRODUCTS

RAW MILK
FEED/GRAIN
MULCH
LIQUID CONCRETE
ASH
CRUSHED GLASS
LIQUID ASPHALT/BITUMINOUS
LIQUID CALCIUM CHLORIDE
PROCESS RESIDUE
AUTO-FLUFF

SALT
MYCELIUM
LIME

UNPROCESSED PRODUCTS

*DEMOLITION/CONSTRUCTION MATERIAL
6 month test period

FOREST PRODUCTS

LOGS

REQUESTS FOR ADDITIONAL BULK MATERIALS AND/OR RAW PRODUCTS WILL BE CONSIDERED. PLEASE SEND ALL REQUESTS TO:

**DEPARTMENT OF TRANSPORTATION
OVERSIZE/OVERWEIGHT PERMIT UNIT
ROOM 1119
P.O. BOX 317546
NEWINGTON, CT 06131-7546**

EXHIBIT C

Section 14-267a, Subsections (f)(2) and (f)(5), of the General Statutes

Sec. 14-267a. Weight restrictions for vehicles, trailers or other objects. Highway weighing procedure. Penalties for overweight violations. Fines for failure to comply. Regulations.

(f)(2) Any person who violates any provision of this section shall be subject to the following penalties: (A) For an overweight violation of not more than five per cent of the gross weight or axle weight limits in subsection (b) of this section, a fine of three dollars per hundred pounds or fraction thereof of such excess weight; (B) for an overweight violation of more than five per cent and not more than ten per cent of either such weight limit, a fine of five dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of fifty dollars; (C) for an overweight violation of more than ten per cent but not more than fifteen per cent of either such weight limit, a fine of six dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of one hundred dollars; (D) for an overweight violation of more than fifteen per cent but not more than twenty per cent of either such weight limit, a fine of seven dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of two hundred dollars; (E) for an overweight violation of more than twenty per cent but not more than twenty-five per cent of either such weight limit, a fine of ten dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of three hundred dollars; (F) for an overweight violation of more than twenty-five per cent but not more than thirty per cent of either such overweight limit, a fine of twelve dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of five hundred dollars; and (G) for an overweight violation of more than thirty per cent of either such overweight limit, a fine of fifteen dollars per one hundred pounds or fraction thereof of such excess weight or a minimum fine of one thousand dollars.

(f)(5) No more than twenty-five per cent of any fine imposed pursuant to this subsection may be remitted unless the court determines that there are mitigating circumstances and specifically states such circumstances for the record.