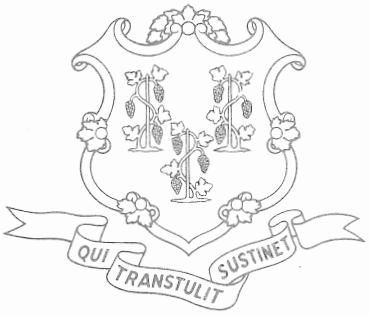
Truck Regulation and Enforcement

Connecticut

General Assembly



LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

June 1982

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

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TRUCK REGULATION AND ENFORCEMENT IN CONNECTICUT: A PROGRAM REVIEW

LEGISLATIVE PROGRAM REVIEW AND
INVESTIGATIONS COMMITTEE

JUNE 1982

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LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

Truck Regulation and Enforcement in Connecticut: A Program Review

SUMMARY

In Connecticut, as in every state, a complex structure involving vehicle registration, economic regulation, various highway use taxes, size and weight restrictions, permit privileges and safety programs has evolved to regulate trucking operations. Four state agencies--the Departments of Motor Vehicles, Public Utility Control, Revenue Services and Transportation--administer Connecticut's various truck laws and regulations while primary enforcement responsibility rests with the Division of State Police within the Department of Public Safety. In March 1981, at the request of the Senate cochairman of the legislature's Transportation Committee, the Legislative Program Review and Investigations Committee (LPR&IC) voted to review the administration and enforcement of the state's major non-economic regulatory programs affecting trucks and their use of Connecticut highways.

The effectiveness of Connecticut's truck weight enforcement program was of special concern during the committee review because federal highway aid funds can be reduced if a state's enforcement activities are found to be inadequate. In addition, since excessive truck weight accelerates highway deterioration and overlimit vehicles can endanger the motoring public, the state has a strong interest in assuring that trucks comply with weight and size restrictions. Likewise, enforcement of weight laws as well as other truck-related regulations can produce substantial revenues in terms of fines and fees collected from violators.

The number of agencies involved in truck regulation, the wide variety of regulatory activities and the complexity of issues encompassed by each truck-related program forced LPR&IC to concentrate on two main areas--ways to better coordinate the many agencies and programs, and ways to improve the enforcement of all truck-related laws. The findings and recommendations contained in this report address issues that the committee felt were critical to more efficient and effective administration and enforcement of state weight and size restrictions, vehicle registration requirements and truck-related highway use taxes and fees.

Overall, the LPR&IC found that better coordination among the state agencies administering truck-related programs was vitally

needed to ease the burden that multiple and diverse requirements and agencies place on trucking operations. Furthermore, the committee study revealed that agency cross-referral mechanisms and internal procedures for follow-up on detected truck violations were inadequate. Committee members proposed a number of methods for improving administrative procedures and strengthening coordination among the five agencies responsible for operating and enforcing major truck regulatory programs.

The effectiveness of the state's truck weight enforcement program was found to be seriously impeded by staff shortages and equipment problems. Increases in truck squad personnel levels and funding for additional weighing facilities were recommended by the LPR&IC. The committee also found that technical and substantive changes in the state's complex weight law were required to facilitate enforcement efforts and to improve the courts' ability to adjudicate truck weight cases.

RECOMMENDATIONS

Improving Coordination of Administration and Enforcement

1. To clarify the Department of Transportation (DOT) lead agency role in coordinating trucking policy and regulation, the following statutory language now contained in C.G.S. Section 14-267a(k) should be moved to C.G.S. Section 13b-4 and incorporated as a specific duty of the DOT commissioner: "The Department of Transportation shall coordinate development of state policy and regulations concerning the trucking industry."

2. The Connecticut Department of Transportation, as lead agency, should initiate efforts to formalize coordination among the state agencies responsible for trucking programs. The agencies that have impact on trucking regulations should appoint liaisons to meet at the call of the Department of Transportation to establish procedures for the resolution of truck regulation issues that overlap the jurisdiction of the Departments of Motor Vehicles (DMV), Public Utility Control (DPUC), Public Safety (DPS) and Revenue Services (DRS).

3. The following items should be an action agenda for the interagency coordinating committee:

   a) the review and "tightening up" of DMV temporary registration provisions;

   b) the development of DRS audit guidelines regarding tax decal violators; and

c) the forwarding of information necessary to impose special penalties for repeated weight law violations to DMV.

4. Regulations for the Department of Transportation overlimit vehicle permit program should be formally adopted as soon as practicable.

5. Primary truck law enforcement responsibility should be continued within the Division of State Police.

6. The state police truck squads should be organized in a manner that promotes coordination of staff, equipment and recordkeeping. Furthermore, an individual from the Division of State Police who is familiar with all aspects of truck law enforcement should be designated as the Connecticut Department of Transportation contact person. State police representatives should also be involved in the interagency coordination efforts recommended earlier.

7. The Department of Public Utility Control program for regulating motor carriers (contained in C.G.S. Chapter 285) requires an indepth review and should be added to the 1985 sunset schedule.

Personnel Needed for Effective Enforcement

8. Funding should be provided in the Department of Public Safety budget for a third state police truck squad consisting of three sworn personnel and two to three civilian positions.

9. Arrangements should be made by the Departments of Motor Vehicles and Public Safety to insure that the two motor vehicle inspectors are returned and remain assigned to truck squad duty until state police personnel are available to replace them.

10. A new enforcement technician position should be created within DPS to replace the current civilian position of DOT maintainer now assigned to the state police truck squads.

11. The Division of State Police, within its existing police training program and budget, should develop a special training component for new employees assigned to the truck squad so that prior to their placement in the field they have an opportunity to learn specific information about the weight, safety and tax laws they will be enforcing. A written manual also should be developed and maintained.

12. Local enforcement personnel should be provided with a copy of the truck law enforcement manual recommended above.

Equipment Needed for Effective Enforcement

13. Construction of the two permanent scale facilities, one in Middletown (I-91) and one in Danbury (I-84), proposed by DOT should be expedited so they will be completed within the next two years. If there is no way to expedite the projects using federal matching funds, the state should find an alternative funding mechanism to insure project completion by 1984. Consideration should be given to the use of self-liquidating bonds so that revenues generated from truck law violation fines can be used to pay off the costs of building these permanent scale facilities.

14. The Department of Public Safety should develop a policy concerning the use of regional, private and municipal scales by the state truck squads and other members of the state police force.

15. The Department of Transportation should develop and maintain a list of all scale facilities in the state.

16. DOT and state police officials should investigate the purchase of alternative portable scales that are used by other northeastern states and appear to be unaffected by cold weather.

17. DOT should investigate what repairs or redesign would be needed to permit the use of existing scale pits, especially those in strategic locations. The advantages and disadvantages of scale pit usage in general should be explored.

18. DOT, which has the necessary resources and expertise, should continue performing construction-related activities for state-owned permanent weighing facilities. The department should also retain responsibility for maintenance of state-owned permanent scales.

19. The Department of Public Safety budget should include funding specifically for routine maintenance of its truck squads' weighing equipment and for the squads' small equipment needs.

20. At least on an experimental basis, the state police truck squads should set up portable scales on bypass routes adjacent to permanent scale facilities and operate both simultaneously.

21. Truck squad operations should be scheduled for a greater variety of locations and hours, including nights and weekends, again on an experimental basis.

Clarifying and Revising Weight and Size Laws

22. The intent of current state weight and size laws should be clarified through technical corrections, consolidation of existing statutory sections and adoption of legal definitions of certain terms such as "wheelbase" and "tandem axle."

23. Connecticut's dual vehicle gross weight standards should be retained and the 1990 phase-in of the federal bridge formula for all vehicles should be deleted from state law (C.G.S. Section 14-267a(b)(9)).

24. State axle weight limits for vehicles with a gross weight of 73,000 pounds or under should be continued. However, to avoid any possible federal sanctions, the federal single and tandem axle weight limits should be adopted in state statute and enforced whenever the federal bridge formula is applied.

25. Connecticut General Statutes Section 14-269 should be amended to allow four-axle construction vehicles to have a gross weight of 73,000 pounds provided the weight on any single axle does not exceed 22,400 pounds.

26. A penalty provision for failure to use a vehicle lift axle should be adopted and both the vehicle operator and owner should be subject to fines for such violations.

27. The General Assembly should consider adopting stronger penalties for chronic weight law violations.

CHAPTER I

INTRODUCTION

Programs to regulate trucks and the trucking industry have been established for a number of reasons. Many truck-related regulations are intended to promote highway safety. Others have been established to protect the motoring public and highway structures against the adverse effects of very large or heavy vehicles. Some restrictions on trucks are primarily methods for assessing and collecting special highway use fees. Federal and state economic regulation of for-hire trucking operations was initiated to control "destructive competition" within the industry and to protect the public's interest in truck transportation services.

In March 1981, the Legislative Program Review and Investigations Committee (LPR&IC) voted to conduct a review of Connecticut's major regulatory programs involving the trucking industry's use of state highways. The study was initiated at the request of Senator Thom Serrani, cochairman of the legislature's Transportation Committee, who had raised questions about the effectiveness of efforts to enforce compliance with state truck weight and size laws, motor carrier road tax provisions and an identification stamp requirement for trucks subject to economic regulation.

The effectiveness of Connecticut's weight enforcement program is of special concern because federal highway funds can be reduced if the U.S. Department of Transportation (U.S. DOT) finds that a state's enforcement activities are inadequate. Since excessive truck weights accelerate highway deterioration, state and federal governments have a strong interest in assuring compliance with weight limits to preserve highway structures and to protect the public's multi-billion dollar investment in roads and bridges. The increasing costs to repair and maintain highways combined with the fact that over 60 percent of Connecticut's highways and bridges are in less than good condition makes it even more essential that the state effectively enforce truck weight restrictions.

Enforcement of weight laws and other truck-related regulations also can produce significant revenues in terms of fines and fees collected from violators. Strict enforcement improves the chances that violators will be detected and thus provides an incentive for vehicle owners to comply with highway use restrictions and revenue program requirements. Another ingredient necessary to promote compliance with truck-related regulations is efficient and effective program administration. Agency follow-up

on detected violations is particularly important for assuring payment of highway user fees. In addition to generating revenues, effective administration and enforcement can improve highway safety. By assuring that trucks are meeting state requirements concerning weight, size, equipment and operating procedures, the potential for traffic accidents and other safety hazards can be diminished.

Focus of Review

During the review process, the Legislative Program Review and Investigations Committee focused on the effectiveness of the state's weight enforcement program. Personnel and equipment available for truck weight enforcement, the costs and benefits of increasing enforcement activities, court action on detected violations, and alternatives for detecting and adjudicating overweight violations were closely examined. Policies and procedures for issuing permits to trucks which cannot meet size and weight restrictions were also analyzed.

The Division of State Police within the Department of Public Safety (DPS), in addition to having primary responsibility for weight law enforcement, checks for violations of several other important truck regulations. The committee reviewed state police truck squad efforts to enforce registration, equipment, motor carrier road tax decal and identification stamp requirements. The scope of the study also included enforcement and administrative activities related to the truck regulatory responsibilities of the four other state agencies. They are: the Department of Motor Vehicles (DMV) which registers all Connecticut motor vehicles including trucks; the Department of Revenue Services (DRS) which collects road use taxes imposed on the trucking industry; the Department of Public Utility Control (DPUC) which issues identification stamps to regulated motor carriers; and the Department of Transportation (DOT), which administers a permit program for overlimit trucks, certifies the state's weight enforcement program to the federal government and oversees development of policies concerning the trucking industry.

The number of agencies involved in truck regulation, the wide variety of regulatory activities and the complexity of the issues encompassed by each program forced LPR&IC to concentrate on two main areas: 1) ways to better coordinate the many laws, regulations and programs concerning trucks; and 2) ways to improve enforcement of all laws, but weight laws in particular. Time constraints and research limitations also prevented the committee from addressing every enforcement problem or administrative deficiency identified over the course of the study.

Chapter II of this report provides background information on trucks, the trucking industry and highways in order to facilitate an understanding of the topics addressed by the LPR&IC review. A brief overview of federal and state roles in highway use regulation and a more detailed discussion of weight regulation and enforcement issues are also included. Technical information on the impact of weight on highways and an explanation of the relationship of highway conditions, highway financing and weight limits are presented in Appendix III.

An overview of the state weight and size limits and the administrative and enforcement activities of the five state agencies included in the scope of the review are contained in Chapter III. Committee findings and recommendations concerning issues critical to more efficient and effective administration and enforcement of the state's major truck regulatory programs are presented in Chapter IV of this report.

Methodology

A variety of sources and research methods were used to gather data for this program review. Numerous federal and state agency and private association reports, studies and position papers concerning almost every aspect of truck regulation and enforcement were reviewed. Laws affecting trucks, which are contained in four chapters of the Connecticut General Statutes, were analyzed; legislative histories of all programs included in the scope of the review were researched to determine statutory intent. Agency documents, records, manuals and budgetary materials provided information on actual program operations and results.

Federal truck weight laws and regulations and those of other states were also examined. A telephone survey of truck weight enforcement program staff in seven Northeastern states was conducted to develop comparative data on enforcement organizations, personnel, equipment and procedures. Officials of the Federal Highway Administration (FHWA) were also contacted for further clarification of federal requirements and comment on Connecticut's weight enforcement efforts.

LPR&IC staff observed state police truck squad enforcement operations on three separate occasions. Two court proceedings involving truck weight violations were also observed and the committee staff met with state prosecutors to discuss adjudication of the truck law cases. Judicial department statistics on truck weight cases were analyzed to determine adjudication results.

Officials from the Departments of Motor Vehicles, Transportation, Revenue Services, Public Utility Control and Public Safety, and the staff directly responsible for operating or enforcing the agencies' programs were interviewed by the committee staff. Interviews were also held with representatives of the different segments of the trucking industry. State agency personnel and industry representatives presented testimony concerning truck regulation and enforcement at a public hearing conducted by the Legislative Program Review and Investigations Committee on September 23, 1981.

To elicit information from truck owners, questionnaires were sent to members of two trucking organizations: the Motor Transport Association of Connecticut (MTAC) and the Connecticut Construction Industries Association (CCIA); these associations respectively represent about 800 and 100 firms that use trucks in Connecticut. Nearly three-quarters of the members of MTAC, an affiliate of the American Trucking Associations, are for-hire motor carriers but membership also includes private carriers and some specialized trucking firms like construction companies and refuse haulers. The Connecticut Construction Industries Association members are primarily companies engaged in highway construction, sewer, utility and water main installation, and other types of heavy, "vertical" construction.

LPR&IC surveys were mailed to 130 MTAC members and 44 CCIA members.[1] Another survey was distributed to 100 truck drivers at a toll station on the Connecticut Turnpike to obtain input from owner-operators and independent truckers. Due to small sample sizes and a low response rate--22 MTAC members, 15 CCIA members and 20 truck drivers returned usuable surveys--questionnaire results were not statistically significant. However, the surveys did provide some insight into trucking operations in Connecticut. (See LPR&IC Trucking Questionnaires, Appendix II.)

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[1] The MTAC sample was randomly selected from the association's membership list using a random number chart. Thirty surveys were sent to randomly selected CCIA members and another 14 to members recommended by association staff (because they were among the larger, heavy construction companies in the state or conducted specialized trucking operations).

CHAPTER II

OVERVIEW OF TRUCKS, HIGHWAYS AND RELATED REGULATORY ISSUES

A wide variety of trucks are used for an even wider variety of commercial purposes. Tradesmen, farmers, for-hire freight carriers, construction companies, manufacturers, even government agencies use all types of vehicles to carry supplies, equipment and commodities within cities, between states or across the country. Trucking is a diverse, complex industry and the laws developed to regulate the industry and the vehicles it uses are also complex.

This chapter provides background information on trucks, the trucking industry and the highway system. Federal and state roles in highway use regulation are also briefly discussed. Weight regulation and enforcement issues, the focus of the committee review, are presented in more detail. An overview of Connecticut's regulatory programs which have a major impact on trucks and trucking operations is contained in the next chapter.

Trucks and the Trucking Industry

Over 31.5 million trucks were registered in the United States in 1979, about 21 percent of the total number of registered motor vehicles. Trucks accounted for a similar proportion (22.3 percent) of that year's annual highway travel which totaled 1.4 trillion vehicle miles. Growth in the number of trucks used in the U.S. has been dramatic, with registrations increasing from about 1.1 million in 1920 to 11.3 million in 1960 to almost 25 million in 1975. Major uses of trucks registered in Connecticut, New England and the U.S. are shown in Table II-1. More than half of these trucks are used for personal rather than commercial purposes.

Categories of trucks. In general, trucks are defined as motor vehicles used primarily to carry property. Included within this broad definition are two basic categories: single unit (one chassis) or straight trucks; and combination vehicles. The latter group includes truck-trailers, tractor-trailers and tractor-semitrailers. Tractors, sometimes called truck-tractors, are the power units which draw full trailers or semitrailers. Semitrailers are those with rear wheels only and are designed to rest on the tractor while full trailers have wheels at both ends.

Straight trucks and combinations are available in a variety of body types ranging from pickups, panel trucks and vans, the most common, to dump trucks, platform and stake body trucks,

Table II-1. Major Use of Trucks, 1977. (numbers in thousands)

	Personal	Agric.	Construction	Mfg.	Whole & Retail	Util.	Services	For Hire	Other[1]	Total
Connecticut	106.8	12.0	15.8	5.9	20.1	4.2	25.9	6.3	6.8	203.8
New England	477.6	50.7	78.8	17.8	86.0	19.0	91.7	25.4	31.4	878.4
Total United States	14,260.6	4,248.8	1,764.9	368.5	2,007.9	481.2	1,641.3	653.8	786.1	26,213.1

[1] "Other" includes mining, forestry, lumbering, other, not-in-use and not reported.

Source: U.S. Bureau of the Census, 1977 Census of Transportation, Truck Inventory and Use Survey as reprinted in The Motor Vehicle Manufacturers Association of the United States, Inc., Information Handbook, 1980 ed., p. 11.

tractor-tank trailer combinations, automobile transporters and highly specialized vehicles like missile carriers. Commercial vehicles frequently are built to specification, that is, the purchaser will order a truck with whatever features are needed to meet certain transportation needs. For example, extra axles or heavy duty parts may be requested on a dump truck if the owner expects to haul extremely heavy loads. Therefore, trucks of the same body type can be equipped in a number of different ways, depending upon anticipated use.

Trucks are also classified by axle type or by gross vehicle weight (GVW). As applied to trucks, gross weight is the weight of the vehicle together with the weight of its entire contents. Almost all states use axle type or gross weight categories for commercial vehicle registration and tax purposes. The most recent available data indicate that about 95 percent of the 26.2 million trucks registered in the U.S. in 1977 were single unit, two axle vehicles. Combination vehicles comprised only 3.2 percent of the total and nearly two-thirds of these (529,461) were the five or more axle type. The most common combination vehicle, known in trucking jargon as an "eighteen wheeler," is a five axle tractor-semitrailer which is used primarily to haul freight long distances.

In terms of weight, over three-quarters of the trucks in use in the U.S. in 1977 (77.3 percent) were single unit vehicles in the under 10,000 pounds gross vehicle weight or light category; 15.3 percent were medium weight (10,000 to 26,000 pounds GVW) single unit trucks. About 7 percent of the estimated 28.8 million trucks in use in 1977 can be included in the heavy or over 26,000 pounds gross weight category.

Structure of the trucking industry. The trucking industry is comprised of two major groups--private and for-hire. The majority of trucks used in the United States (96 percent) are privately operated by individuals or businesses. The remainder are for-hire trucks used by companies that transport freight owned by another party for compensation. Motor carriers, companies that derive 50 percent or more of their consolidated revenues from trucking operations, can additionally be classified according to their regulatory status.

While all trucks must comply with applicable federal and state safety and taxation requirements in order to operate legally on public highways, for-hire motor carriers are also subject to economic regulation. Private carriers, firms which transport their own goods and supplies in their own trucks, such as shippers, manufacturers and merchants, are not subject to economic regulation since trucking is incidental to their primary business activity. The Interstate Commerce Commission (ICC) regulates the rates, routes, schedules and other economic aspects of for-hire trucking companies involved in interstate commerce. Intrastate and local for-hire carriers are similarly regulated by state, and sometimes local, public service authorities.

In addition to jurisdiction served (interstate, intrastate or local), for-hire carriers are classified by type--common, contract or exempt. Common carriers offer their services to the general public while contract carriers, as the name implies, provide freight transportation services under special and individual contracts. Interstate and intrastate common and contract carriers must obtain operating rights, which specify areas to be served and commodities to be carried among other things, from the appropriate regulatory agency prior to offering transportation services.

In contrast to these regulated carriers, for-hire trucking operations that carry certain commodities--primarily agricultural products, livestock and forest products--or operate in certain areas are exempt from economic regulation. The latter type of exempt operations, often known as local cartage, are restricted to commercial zones (usually urban areas) defined by the ICC or the state regulatory agency. Exempt carriers do not have to

obtain operating rights but, like private carriers, are subject to safety and applicable taxation regulations.

Owner-operators and independent truckers are a significant portion of the exempt commodities carrier group. The two terms are used interchangeably although there is a distinction. Neither the owner-operator nor independent trucker holds operating rights. An owner-operator owns and drives one vehicle and may haul exempt commodities primarily or may operate under lease to a regulated carrier. An independent trucker may own and operate one truck or may own several, employ other drivers to operate them and may drive one as well, but in any case, hauls exempt commodities primarily. Truckers who lease their vehicle(s) to a regulated carrier on a long term basis and who operate under the lessor's complete control are not considered independents.

As of January 1, 1980, 16,874 common carriers and about 2,800 contract carriers operating in the United States were subject to regulation by the Interstate Commerce Commission. It is estimated that 42,033 exempt carriers were engaged in interstate operations in 1979. Comparable figures for all intrastate regulated and exempt carriers are not available. The exact number of independent truckers is not known, but some estimates range from 200,000 to 250,000. Other evidence from the American Trucking Associations indicates that there are about 100,000 vehicles owned by independent truckers and owner-operators. Of these, about 60 percent are leased to regulated carriers and 40 percent are exempt haulers or independents.

Highways

The public investment in highway transportation is enormous. Approximately $546 billion has been spent on construction and maintenance of the nation's highways, roads and streets from 1921 to 1980. Currently, highway miles in the U.S. total about 3.8 million, with most under the control of state and local government. As of 1980, the breakdown of national highway miles was as follows:

	Miles	Percent
Primary state highways.....	409,834	10.7%
Secondary state highways.....	272,707	7.1%
County, town and township roads..	2,249,446	59.0%
Municipal streets.....	631,229	16.5%
State park, forest, toll, and other roads.....	27,920	0.7%
National park, forest, reservation and other federal roads...	215,747	5.6%
TOTAL MILEAGE.....	3,806,883	

Historically, road construction and maintenance has been a local responsibility. State government did not become involved significantly until the early part of this century when state highway departments were created to administer grants-in-aid to counties, cities and towns for road improvement. The classification system of primary (main roads connecting major population centers) and secondary (roads providing "feeder" service to the main roads) evolved with state participation in highway aid.

Federal funds were provided for highway construction as early as 1806, but federal-aid highway policy was not firmly established until 1916. The Federal-Aid Road Act of 1916 authorized the first major federal-state highway construction program which provided matching funds to states on a formula basis for the improvement of local roads used in mail delivery. As the federal government's interest in an integrated national highway system grew, more federal-state cooperative highway programs were authorized. Under the 1921 Federal Highway Act, primary (interstate) and secondary (intercounty) roads became the initial federal-aid system. In 1944, roads in urban areas became eligible for federal matching funds and an interstate system of the more important U.S. highways was first established.

The federal government inaugurated the greatest long-range highway program and largest peacetime public works project in 1956. Massive funding was provided specifically for the interstate system as well as the existing "ABC" (primary, secondary and urban) federal-aid highway system. Mileage of the federal-aid system is shown by functional highway type in Table II-2. Only 810,000 national highway miles or about 20 percent of the total are included within the federal-aid system. It is estimated, however, that the federal-aid system carries 75 percent of the nation's traffic.

Table II-2. Mileage of the Federal-Aid Highway System.

Highway Categories	Number of Miles
Interstate (urban and rural)	42,000
Non-interstate:	
Primary (urban and rural)	256,000
Secondary (urban and rural)	399,000
Urban	113,000
TOTAL	810,000

Source: U.S. Government Accounting Office, Excessive Truck Weights: An Expensive Burden We Can No Longer Bear, CED-79-94 (July 16, 1979), p. 1.

State and local governments are responsible for constructing and maintaining highways within their respective jurisdictions, regardless of the funding source. While most of the national highway mileage (79 percent) is under local control, state governments have jurisdiction over nearly two-thirds of the federal-aid system with local units responsible for only 35 percent. In Connecticut, 80 percent of the state's 19,380 miles of public roadways are developed and maintained by towns and cities. Classifications and mileage of the state jurisdictional highway system are shown in Table II-3.

Table II-3. Mileage of the Connecticut Jurisdictional Highway System.

	Number of Miles
State Highways	
Expressway	
Interstate	291
Other	292
Non-Expressway	3,314
Total State	3,897
Local Roads	
Improved	14,668
Unimproved	816
Total Local	15,484
TOTAL	19,381

Source: Connecticut Department of Transportation, Engineering Data and Inventory Section, Highway Inventory as of December 31, 1980.

Only 5,307 miles, less than one-third of Connecticut's total roadways, are classified as federal-aid highways. Over half (2,785 miles) are federal-aid urban systems, 24.5 percent (1,302) are primary roads and, 17.5 percent (929) are secondary roads. The remaining 5.5 percent (291) are U.S. interstate highway miles.

Regulation of Highway Use

Overall, federal and state restrictions on highway use are intended to promote public safety, preserve highway facilities and ensure convenient, efficient travel for all users. Safety is the overriding concern of most highway use regulations particularly those involving driver competency and vehicle performance. Other restrictions, most notably vehicle weight limits, also serve to protect bridges and pavement from excessive wear or damage.

In addition, some requirements that vehicles must meet in order to legally operate on public highways are related to highway revenue programs. Registration, for example, is a highway user fee as well as a method for identifying and controlling vehicles. The factors involved in establishing highway use regulations, therefore, include cost responsibility issues as well as safety and highway design considerations. The impact of highway use policies on interstate travel and on other modes of transportation are other important regulatory considerations.

In general, states establish the restrictions on use of highways and bridges within their borders and essentially have complete control over driver qualifications, required vehicle equipment, vehicle operating characteristics (such as minimum braking distance) and operating procedures (such as maximum speed). The primary federal role concerning public highways has been to provide states with funding for highway construction and, more recently, for repair, rehabilitation and restoration--maintenance--of highways.

One exclusively federal function is economic regulation of for-hire interstate motor carriers which is handled by the ICC. There are also a variety of federal highway safety regulations, administered by the U.S. Department of Transportation, that apply to all interstate motor carriers. As noted previously, state governments have jurisdiction over economic and safety regulation of intrastate motor carrier operations.

Weight and size regulation. Limits on vehicle gross weight and axle weight as well as restrictions on maximum length, height and width have been established in all states. The federal government enacted national width and weight limits in 1956, but the federal limits apply only to the interstate highways of the federal-aid system. Furthermore, states were granted "grandfather rights" to their existing size and weight restrictions. Under the grandfather provision, states can retain their 1956

limits indefinitely. However, if revisions are made, the federal weight and width maximums--currently 80,000 pounds gross weight, 20,000 pounds per single axle, 34,000 pounds for tandem axles and 96 inches width--or lower limits must be adopted at least for interstate highways.

Weight and size regulation has been the subject of extensive study by government agencies and the trucking industry. Despite research into nearly every aspect of this issue--damage, safety, energy use, and economic costs and benefits--debate continues over what maximum weights and dimensions should be allowed on public highways.

Increases in allowable weight and size are sought by the trucking industry because bigger vehicles mean more payload per trip and lower operating costs through fewer trips. Interstate trucking companies are also interested in uniformity of weight and dimension restrictions to: 1) permit standardization of equipment; and 2) eliminate the disadvantages of being forced to operate under different laws (e.g., reduced gross weight, etc.) when state lines are crossed. As noted above, gross and axle weight, length, width and height laws are established by each state and there is considerable variation, especially in the areas of maximum weight.

In responding to industry interests, governments must be concerned with the safety impact of increased weight or size limits. Some studies indicate that if strict performance standards (e.g., minimum braking distance) are established and enforced, heavy trucks are not necessarily more dangerous than other vehicles. Other research warns that the frequency and severity of truck accidents would increase with higher weight limits. Proposals to change legal vehicle dimensions also must take traffic safety into account. Clearances, land widths, radii of curves, grades, intersections, access and exit provisions, and other highway features are planned to accommodate vehicles of certain dimensions and a specific traffic volume and mix. Introducing longer, heavier or wider trucks, therefore, may have an adverse effect on adjacent traffic and traffic flow. For example, the trailers of long combination vehicles may "creep" ("off track") into opposing traffic lanes when negotiating curves, very heavy trucks may need to significantly reduce speed when going up steep grades and wider vehicles could take up more than one lane of older, secondary roads.

Governments are also responsible for protecting the public's investment in highways. It is agreed that excessive weight damages highways and bridges; however, research to date is inconclusive as to what weight and size limits would strike a

balance between the benefits of more efficient truck transportation and the costs of maintaining, building or reconstructing the highway system to handle bigger, heavier trucks. The impact of vehicle weight on highway structures is explained, from a technical viewpoint, in Appendix III of this report. The relationship between vehicle weight and highway deterioration and the need to consider highway conditions and highway financing issues when establishing weight and size restrictions are also discussed in that appendix.

Weight and size enforcement. To assure compliance with weight and size restrictions, states use a variety of enforcement approaches. The types of activities employed depend upon such factors as the size of the state, the number of highway miles to be covered by enforcement personnel and the amount of traffic, particularly heavy truck traffic. Since no single enforcement program is suitable for every state, the federal government has not mandated adoption of a specific program. However, federal law requires states to maintain an effective enforcement process to obtain compliance with size and weight requirements on all federal-aid highways within their borders. According to federal regulations:

> Federal Highway Administration (FHWA) policy is that each State enforce vehicle size and weight laws to assure that violations are discouraged and that vehicles traversing the highway system do not exceed the limits specified by law. These size and weight limits are based upon design specifications and safety considerations, and enforcement shall be developed and maintained both to prevent premature deterioration of the highway pavement and structures and to provide a safe driving environment. (23 CFR Sec. 657.5)

Since 1975, states must certify to the U.S. DOT each year that size and weight limits are being enforced on federal-aid highways. States also must inform the federal government of any changes in their vehicle size or weight restrictions and submit statistical data on enforcement activities to supplement the certification letter. The Secretary of the U.S. Department of Transportation, under legislation enacted in 1978, is authorized to reduce a state's share of federal-aid highway funds by 10 percent if enforcement efforts are determined to be inadequate. Since 1980, states have been required to submit an annual plan for effective weight and size enforcement, including a detailed description of procedures, resources and facilities, to the

Federal Highway Administration. These plans, which are reviewed and approved by FHWA, serve as a basis for evaluating the adequacy of state weight enforcement programs.

The federal government has developed a number of indicators to judge the effectiveness of a state's weight and size enforcement efforts. Among the elements reviewed by FHWA are: the state's facilities and equipment; personnel resources; practices; and legislative-judicial actions related to weight and size enforcement. As noted above, a single model that can address every state's needs cannot be prescribed, but certain elements are common to effective state weight and size enforcement programs. These elements, according to FHWA reviews as well as Transportation Research Board and U.S. General Accounting Office (GAO) studies include:

- sufficient staffing and equipment to permit statewide enforcement activities with a great variety of enforcement schedules, sites and operations;
- a single organization assigned specifically to weight and size enforcement with adequate enforcement powers (e.g., authority to direct vehicles to the nearest scale site);
- statutory provisions for mandatory fines which are graduated based on the amount of excess weight and are high enough to offset profits from routine overweight operations; and
- statutory provisions for non-monetary penalties for violations such as mandatory offloading (of cargo in excess of legal limits).

In 1977, 14 states including Connecticut were cited by the Federal Highway Administration for having weak enforcement efforts. Some or all of the elements outlined above were lacking in the weight enforcement programs operated by these states. FHWA felt that a lack of commitment to weight and size enforcement was evidenced by the fact that in each of the 14 cited states, 10 percent or less of the total vehicles registered were being weighed. In addition, all 14 states relied almost exclusively on portable weighing operations yet had few portable scales available for use by enforcement personnel. Absence of permanent weighing facilities and insufficient portable equipment were considered to be another indication of weak enforcement. Other deficiencies included low staffing levels and limited scheduling of weighing operations.

After being notified that future federal-aid project approval would be jeopardized unless improvements were made, Connecticut and the 13 other states met with FHWA officials. Through an informal hearing process, each state was able to develop a corrective action plan acceptable to the federal government. The states also provided assurances of good faith efforts to implement improvements. As a result, no state lost project approval, the penalty in effect prior to the 10 percent federal highway aid reduction sanction.

CHAPTER III

TRUCK REGULATION AND ENFORCEMENT IN CONNECTICUT

In every state, a complex structure involving vehicle registration, economic regulation, various highway use taxes, size and weight restrictions, permit privileges, and safety programs has evolved to regulate trucking operations. As a recent federal study noted, "...these requirements are not administered by a single department. In nearly every state, the responsibility falls into four separate departments: the highway department, motor vehicle administration, the revenue department and the public utility or service commission. As such, they tend to be operated independently of each other, often precipitating unintentional complexity and duplication."[2]

Four Connecticut agencies--the Department of Motor Vehicles, the Department of Public Utility Control, the Department of Revenue Services and the Department of Transportation--administer and enforce programs which have a major impact on trucks and trucking operations. Each agency and its truck-related activities is described in this chapter. The role of the Division of State Police in the Department of Public Safety, which has overall responsibility for truck law enforcement, is also described. Finally, the state's size and weight limits, perhaps the most important regulatory "program" in terms of industry impact, public safety and highway preservation, are explained.

The Department of Motor Vehicles--Vehicle Registration

The Department of Motor Vehicles is responsibile for administering and enforcing state laws concerning motor vehicles and motor vehicle operators. The department's primary functions are registering vehicles and licensing drivers. The registration function, since it involves safety, revenue and enforcement issues related to trucking, was included in the scope of the Legislative Program Review and Investigations Committee's review.

Registration. A commercial motor vehicle is required to register with the Connecticut Department of Motor Vehicles if: 1) it is garaged most frequently in this state; 2) it most frequently leaves from and returns to one or more points in

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[2] The United States Department of Transportation and the Interstate Commerce Commission, Options for Uniform State Regulation, Working Paper No. 1 (November 1981), p. 24.

this state; or 3) it receives and discharges cargo or passengers within this state (unless this activity is part of an interstate journey). To register, the vehicle owner must file an application and present proof of ownership to the department. Unlike other vehicles, commercial motor vehicles are not required to present a no-fault insurance card when registering. Any vehicle being registered in Connecticut for the first time (other than a new vehicle) or a vehicle over 11 years old must be inspected by the department prior to registration.

The number of commercial vehicles registered in Connecticut is shown by axle type and by gross weight category in Tables III-1 and III-2. The Department of Motor Vehicles data shown in these tables, unlike comparable national statistics (presented in Chapter II) do not include personal use trucks, farm vehicles or certain limited use construction vehicles. However, like the rest of the country, most trucks registered in Connecticut are light, two-axle single unit vehicles. A relatively small number are capable of operating at the state's maximum permitted vehicle gross weight of 80,000 pounds.

Registration must be renewed annually, although the department is phasing-in biennial registration for passenger vehicles. Commercial vehicles will still renew in April each year. If a vehicle owner has failed to pay any applicable municipal personal property taxes on a vehicle, registration renewal will be denied.

By law, registration fees for nearly all commercial vehicles are computed by the DMV on the basis of vehicle gross weight. A minimum commercial registration fee is set at $22. In Connecticut, fees for combination vehicles are based on the tractor's gross weight which is defined, for registration purposes, as the sum of the tractor's weight and the weight of the heaviest semitrailer used with it, together with its payload. The registration fee for semitrailers is $20 per year, regardless of weight. About 285 semitrailers were registered in Connecticut during 1981.

Commercial vehicle registration fees are determined according to the following statutory schedule:

Gross Vehicle Weight	Registration Fee Schedule
Up to 20,000 lbs.	$ .65 for each 100 lbs. or fraction
20,001 to 30,000	.80 " " " " " "
30,001 to 73,000	1.00 " " " " " "
73,001 and over	1.10 " " " " " "

Table III-1. Commercial Vehicles Registered in Connecticut by Axle Type, April 1981.

Axle Type	Number	Percent
2 Axle	78,732	76%
3 Axle	4,981	5%
4 Axle	1,193	1%
5 or more Axle	127	-
Axle type uncertain	19,237	18%
TOTAL	104,270	100%

Source: Connecticut Department of Motor Vehicles.

Table III-2. Commercial Vehicles Registered in Connecticut by Gross Vehicle Weight (GVW), 1980.

Gross Weight Category	Number	Percent
Light (under 10,000 lbs. GVW)	36,983	49%
Medium (10,000-25,999 lbs. GVW)	22,592	30%
Heavy (26,000 lbs. and over GVW)	16,185	21%
TOTAL	75,760*	100%

* Total number less than total commercial vehicles registered since vehicles for which gross weight information is missing are not included.

Source: LPR&IC staff analysis of the Connecticut Department of Motor Vehicles data (as of January 1, 1981).

Thus, the registration fee for a truck or tractor which has a gross weight of 80,000 pounds (the maximum permitted in Connecticut) would be $880. This schedule applies to virtually all commercial vehicles. Another schedule is used for the less common vehicles equipped with non-pneumatic rubber tires. The law also provides for a number of special registration categories, many of which apply to construction industry vehicles.

The department is prohibited from registering any vehicle which exceeds the state's vehicle weight restrictions and can refuse to register any vehicle which has unsafe equipment or equipment not in compliance with state law. Penalties for operating vehicles with defective equipment vary but most minor equipment violations are infractions involving fines of $15 to $35.

In issuing registrations, DMV checks to insure that vehicle gross weight is in accordance with the number of axles; proper distribution of the weight per axle is the vehicle owner's responsibility. It is possible for vehicles to be registered for more weight than they can legally carry. After January 1, 1990, however, DMV must begin computing registered gross vehicle weight according to a formula (the Federal Bridge Formula) that takes into account the distribution of weight per axle. The state's weight limits and penalties for operating overweight vehicles are described in detail in a later section of this chapter.

Commercial and passenger vehicles that have not been registered previously in this state may apply for a temporary registration. Temporary commercial registrations are issued for not more than ten days and cost $14 for vehicles with a capacity under three tons and $26 for those with over three tons capacity. There is no limit on the number of times a vehicle can be registered temporarily and inspections are not required. During the period July 1981 through January 1982, DMV issued 17,991 temporary commercial registrations.

Businesses that use their trucks on a seasonal or temporary basis, such as construction companies, often take advantage of temporary registration provisions. For example, a heavy 73,000 pound GVW truck may be operated only two or three months a year; the annual registration fee would be $730 while temporary registration costs for 90 days would be under $250. According to DMV, information on temporary registrations like permanent ones is sent to cities and towns for property tax purposes. Some municipalities assess taxes on a prorated basis for temporary registered vehicles.

Because motor vehicles in Connecticut are subject to municipal personal property taxes and state registration fees are relatively high, there is an incentive to register Connecticut-based vehicles in more favorable states. Failure to register in Connecticut is an infraction and state police enforce registration provisions along with other motor vehicle requirements concerning equipment, weight, size and operating procedures.

The Department of Motor Vehicles also has a registration enforcement unit which started in 1975 with one person and has since expanded to three staff positions. The principal function of this unit is to insure that vehicles required to register do so. Most staff time is spent checking the paperwork of vehicles on the road, investigating truck and car leasing firms and following up on complaints and tips from citizens.

During FY 1980-81 the department's registration enforcement unit investigated registration violations involving 2,072 vehicles. While most (about 63 percent) were passenger cars, the total included commercial trucks and trailers. Using a low average registration fee for each truck weight category and the set fee for cars, the department projected the following registration revenues from the investigated vehicles:

Vehicle Type	# Detected		Registration Fee/Vehicle		Registration Revenue (est.)
Heavy Trucks	139	@	$350	=	$ 48,650
Medium Trucks	88	@	$150	=	13,200
Light Trucks	180	@	$ 75	=	13,500
Trailers	221	@	$ 20	=	4,420
Pass. Cars	1,303	@	$ 20	=	26,060
Miscellaneous	141	@	$ 10	=	1,410
				TOTAL	$107,240

According to these estimates, nearly twice as much registration fee revenue could be generated from heavy turcks as from passenger cars despite the fact that almost ten times as many cars as heavy trucks were investigated. Efforts to enforce commercial truck registration provisions not only produce new registration fees but may generate sales tax revenue for the state. Furthermore, vehicles found to be in violation and subsequently required to register in Connecticut are subject to municipal personal property taxes. It is difficult to estimate such potential property tax revenues since they depend on the tax rate

of the town in which the vehicle is registered and the value of the vehicle, but they can be significant. For example, an American Trucking Associations' analysis indicates that the owner of a typical five axle tractor-semitrailer registered in Hartford, a city with high tax rates, would have been assessed over $2,300 in property taxes for that vehicle in 1981.

In addition to its own registration enforcement unit activities, the Department of Motor Vehicles, in the past, has provided staff to assist in state police commercial vehicle enforcement efforts. Until August 1981, two motor vehicle inspectors were assigned on a full time basis to the state police truck squads. The DMV inspectors (who are sworn personnel with limited police powers) checked for registration and equipment violations and could write summonses for motor vehicle violations. According to the department, personnel shortages necessitated reassignment of these inspectors to examination and vehicle inspection functions at DMV offices.

Department of Public Utility Control--Identification Stamps

Since the passage of the U.S. Motor Carrier Act in 1935, interstate for-hire trucking has been subject to economic and safety regulation by the federal government.[3] The Interstate Commerce Commission regulates rates, routes, schedules and other economic aspects of interstate common and contract carriers. Until the creation of the U.S. Department of Transportation, the ICC was also responsible for trucking-related highway safety regulation. Since 1967, the U.S. DOT has been responsible for all aspects of highway transportation safety including interstate trucking provisions.

A number of states regulated for-hire trucking prior to federal involvement, and most continue to regulate intrastate commercial motor carriers for economic, safety or both purposes. In Connecticut, intrastate for-hire motor carriers are subject to economic regulation by the Department of Public Utility Control. DPUC also registers both ICC-regulated and exempt interstate motor carriers and issues annual identification stamps to all (both interstate and intrastate) common and contract carriers.

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[3] As noted earlier, for-hire motor carriers, a category that includes common carriers (those who offer trucking services to the general public) and contract carriers (those who provide trucking services under special and individual contracts) are subject to federal and state economic and safety regulation. Private carriers (firms which transport their own goods and/or supplies in their own vehicles), since they do not provide trucking services for-hire, are subject only to safety regulation.

Since most of the department's truck-related activities involve regulation of rates, routes, schedules and other economic aspects of the industry, they were considered outside the scope of this LPR&IC review. Although the committee did not evaluate DPUC regulatory operations, enforcement of the identification (ID) stamp requirement was examined. The identification stamp program and major aspects of the department's certificate and permit functions are described below.

Certificates and permits. Prior to operating in Connecticut, intrastate common carriers must apply for and receive from DPUC, a "certificate of public convenience and necessity." The fee for the certificate, which remains in effect until revoked or suspended, is $50. The department must consider the following items when granting a certificate: existing motor transportation facilities and the effect upon them; public need for the service; suitability of the applicant; financial responsibility of the applicant; ability of the applicant to perform the service; and the condition of and effect on highways and safety of the public using the highways. DPUC must also consider recommendations of the Connecticut Department of Transportation concerning the effect upon transportation facilities or highways and the safety of the public using the highways, when determining whether to grant a motor common carrier certificate.

Intrastate contract carriers also must obtain operating authority from the Department of Public Utility Control prior to providing services in Connecticut. The fee for a contract carrier permit, set by the DPUC, is $50 and the permit remains in effect until suspended or revoked. Any carrier with five or more contracts is considered to be, and is regulated as, a common carrier. No carrier can hold both a certificate and a permit unless the department finds this to be consistent with the public interest.

To obtain a permit, an applicant must be financially responsible, and willing and able to perform the service and conform with the applicable statutory provisions and regulations. Furthermore, the contract carrier's proposed operation must be consistent with the public interest. In determining this, DPUC must consider the transportation commissioner's recommendations regarding maintenance of an adequate transportation system designed to meet the needs of the public.

Interstate motor carriers, whether ICC regulated or exempt, must obtain a "permit of registration" from the Department of Public Utility Control in order to legally operate in Connecticut.

The interstate carrier registration fee is $25 unless a previously filed interstate application is still in effect. In the latter case, the fee would be $10. Data concerning the number and types of motor carrier certificates and permits are included in Table III-3.

Table III-3. Regulated Motor Carriers in Connecticut (FY 1979-80 and FY 1980-81).

		Types of Carriers			
		No. Ct. Common	No. Ct. Contract	No. Interstate Operating in Ct.	Total
Certificates and permits outstanding June 30, 1980		512	51	7,006	7,569
Certificates and permits issued during:	FY 1979-80	0	4	930	934
	FY 1980-81	2	4	1,054	1,060
Certificates and permits revoked during:	FY 1979-80	2	3	94	99
	FY 1980-81	13	6	433	452
Certificates and permits outstanding June 30, 1981		501	49	7,627	8,177
New applications received during:	FY 1979-80	45	7	2,249*	2,301
	FY 1980-81	46	10	4,194**	4,250

* Of Interstate Applications received, 930 were for new authority, 13 for sale and transfer and 1,306 for addition to authority previously issued.

** Of Interstate Applications received, 1,054 were for new authority, 7 for sale and transfer and 3,133 for addition to authority previously issued.

Source: The Connecticut Department of Public Utility Control.

Identification stamps. All intrastate and interstate common and contract carriers must obtain identification stamps as issued by the Connecticut Department of Public Utility Control for all vehicles operated in the state. The stamps are intended to identify vehicles as being operated in accordance with requirements of the department or, in the case of interstate carriers, the Interstate Commerce Commission. DPUC staff consider it particularly important to assure that motor carriers are complying with the agency's vehicle liability insurance regulations. The ID stamps are a way for the department to control and check individual vehicles operated by regulated carriers.

Each year, on or before February 1, carriers must apply for the number of stamps sufficient to cover each of their vehicles in operation in the state during the year. A list identifying each vehicle must be included with the application for ID stamps. The list must be kept current and carriers are required to notify the department within 15 days of any change, if vehicles are discontinued or if new vehicles are acquired.

A fee of $5 for each stamp applied for and an additional $5 fee for each stamp issued is collected by the department. Federal regulations prohibit states from charging an issuance fee in excess of $5 but do not preclude imposition of a reasonable additional charge "...if such additional fee shall be subject to exclusive use by the State commission and used by it solely for defraying the cost of the regulation of carriers by highway operating within the borders of such State and the enforcement of laws pertaining thereto." (49 CFR Sec. 1023.33.) DPUC also issues temporary identification stamps, which are good for no more than 10 days, at $10 each, plus whatever transmittal charge is applicable.

The identification stamp must be placed on the back of a "uniform identification cab card" which can be obtained from DPUC or the National Association of Regulatory Utility Commissioners. Cab cards, which DPUC provides for 30 cents each, must be obtained annually under the same schedule and procedures as ID stamps. The cab card, with the Connecticut identification stamp, must be carried in the vehicle at all times. The penalty for violation of any DPUC provision concerning motor carriers, including the ID stamp requirement, is a fine of up to $500. However, the state police, in accordance with their division's policy manual, use a $25 fine when citing ID stamp violations.

Revenues from DPUC identification stamps for the last two fiscal years were:

	FY 1970-80		FY 1980-81	
	No. Issued	Revenue	No. Issued	Revenue
Identification stamps:	215,308	$2,151,330	220,610	$2,206,100
Temporary stamps:	825	8,250	940	9,400

Based on the FY 1980-81 figures, over $1.1 million (220,610 stamps issued x $5 issuance fee) was available to DPUC for defraying its regulatory and enforcement costs, although ID stamp revenues, like other state agency fees, were deposited in the General Fund.

From about 1972 to 1976, the department had its own enforcement division responsible for handling all complaints concerning all transporters under its jurisdiction (e.g., motor carriers, taxis, buses, etc.). Enforcement staff included six examiners, five of whom worked in the field. The field examiners periodically joined in state police truck weighing operations to check identification stamps and other DPUC motor carrier requirements such as insurance and bills of lading. Under the department's 1976 reorganization, two examiners were assigned to the enforcement section in the state tax department (now the Department of Revenue Services); remaining DPUC examiners were reassigned to in-office administrative functions related to motor carrier regulation. Since that reorganization, the Department of Revenue Services' Special Investigations Section (SIS) has assumed responsibility for field enforcement of the ID stamp requirement.

As part of their truck law enforcement activities, the state police truck squads check for DPUC identification stamps. According to DPUC staff, troopers sometimes issue citations to motor carriers who are not required to obtain stamps (i.e., private motor carriers). In the past, DPUC staff spent time in the field with the troopers and could provide some training concerning the sometimes complicated identification stamp requirements; this type of field training has not occurred in recent years.

The Department of Revenue Services--Motor Carrier Road Tax

One of the many state taxes administered and enforced by the Department of Revenue Services is the motor carrier road tax. Although similar to the state's per gallon sales tax on motor fuel, the road tax is a separate program intended to ensure that heavier motor vehicles either: 1) purchase fuel in Connecticut (and therfore pay the 11 cent per gallon fuel tax included in the purchase price); or 2) pay an amount equal to the state gas tax on fuel used in Connecticut but not purchased here.

Vehicles subject to Connecticut's motor carrier road tax include all trucks and tractors with a light weight over 7,500 pounds or a registered gross vehicle weight of over 18,000 pounds as well as all passenger vehicles with nine or more seats (i.e., buses). The amount of tax paid by these vehicles, determined according to a statutory formula, is based on reported fuel use and purchases.

As of November 1980, reporting requirements for fuel tax purposes were in effect in 38 states. Fuel taxes included in the purchase price (and "paid at the pump") have been used by states to generate highway revenues since the 1920's. Reported fuel use taxes, such as Connecticut's road tax, are a more recent development. Since fuel tax rates differ significantly among neighboring states, vehicle operators may avoid fuel taxes in some by filling up in bordering states and driving through the states with higher taxes.

To prevent such revenue loss, some states began requiring cash payment of fuel taxes (or fuel purchase receipts) at entry points to cover mileage traveled. Problems with port-of-entry enforcement prompted many states to shift to reporting requirements and desk audits for ensuring fuel tax compliance.

In Connecticut, all taxpayers subject to the motor carrier road tax must file returns with the Department of Revenue Services and pay their motor carrier tax amount on a quarterly basis. The number of returns received by DRS each quarter averages 13,000. Annual revenues from the motor carrier road tax totaled about $4.1 million in calendar year 1980; it is estimated that the approximately 16,000 taxpayers subject to the road tax paid about $7 million in state fuel tax "at the pumps" that year. The amount of tax remitted by each taxpayer varies greatly as shown by the breakdown of one quarter's motor carrier road tax returns in Table III-4.

To identify out-of-state vehicles subject to the Connecticut motor carrier road tax, the department requires that these taxpayers obtain a registration card and tax decal for each vehicle operated in the state. The current DRS registration and tax decal fee for trucks is $10 while buses pay $5.

DRS tax decals must be obtained for and displayed on all subject vehicles not registered with the Connecticut Department of Motor Vehicles. The penalty for operating on state roads without a decal is $99. DRS registration can be revoked (i.e, the decal is called back) for violations of any provision of the motor carrier road tax. DRS issued 317,000 decals in 1980.

Table III-4. Connecticut Motor Carrier Road Tax Statistics, June 1981.[1]

Remittance Range*	No. of Taxpayers	Remittance Total
$ - 0 -	09821**	$ .00
0.01 - 10.00	02493	12,253.31
10.01 - 50.00	02570	62,113.69
50.01 - 100.00	00788	55,519.93
100.01 - 250.00	00663	105,765.78
250.01 - 500.00	00325	113,599.45
500.01 - 1,000.00	00175	123,361.23
1,000.01 - 2,000.00	00096	134,227.97
2,000.01 - 5,000.00	00050	159,218.50
5,000.01 - 10,000.00	00023	159,058.98
10,000.01 - AND OVER	00008	118,226.13

* Largest remittance amount for June 1981 - $25,273.60

**Breakdown of No. remittance motor carrier taxpayers for June 1981:

Taxpayers who have not filed a return	1,260
Taxpayers who purchased more fuel in Connecticut than they used in Connecticut	2,182
Taxpayers who used a previous credit to pay tax	501
Taxpayers who filed returns showing no tax due	5,878

[1] Remittance statistics for the 2nd quarter motor carrier road tax returns for June 1981; figures represent the activity for April, May, and June 1981.

Source: Connecticut Department of Revenue Services.

During the 1981 regular session, legislation was enacted to increase (retroactively) the DRS registration fee from $5 to $40. In response to this substantial fee increase, the trucking industry brought suit against the state. Similar increases in other

states also had prompted litigation and had been found unreasonable by the courts. To avoid further legal problems in Connecticut, the General Assembly later in the 1981 session reduced the $40 fee to the present amount of $10 for trucks and $5 for buses.

Since the $40 fee had been in effect for several months, a number of taxpayers had paid this amount and received decals. When the fee was changed to $10, the department was required to refund the difference in fees to these taxpayers; new decals also had to be designed and issued to all 1981 taxpayers. While legislative revisions were occurring, enforcement of the DRS registration and decal requirements was suspended. Enforcement efforts resumed in September 1981, the department's deadline for all vehicles to obtain the new $10 decals. Detection of tax decal violations results in revenues from the fines, added DRS registration fees, and most importantly, possibly substantial new motor carrier road tax payments.

The state police truck squads check for DRS road tax decals as part of their law enforcement activities. DRS also enforces the motor carrier road tax. The department's special enforcement agents (who are sworn personnel with full police powers) work in the field to insure compliance with the motor carrier road tax. Periodically, DRS enforcement staff work directly with the state police truck squads. However, since the five Special Investigations Section agents are responsible for all state revenue statutes (such as cigarettes, sales and liquor taxes) department resources for field enforcement of the road tax are limited.

DRS resources for desk audits of motor carrier road tax returns, another enforcement method, are also limited. The road tax, in terms of revenues, is minor compared to cigarette, liquor or corporation tax programs so department audit staff, like SIS personnel, tend to concentrate on the larger programs. However, 203 motor carrier road tax returns were audited during FY 1980-81 and about $137,000 in underpayments was identified.

Given present staffing levels, particularly for road tax field enforcement, the chances that violators will be detected are relatively small. Many administrative and enforcement officials also feel that the penalty for noncompliance, a $90 fine plus a $9 court fee, is too low to be an incentive to obtain a decal and thus be subject to what could be a substantial fuel tax. This penalty was recently increased from $33 and if raised further, alleged violators would have the right to a jury trial. Increased fines, therefore, could increase case processing costs and require more court resources.

The results of an intensive tax decal enforcement effort conducted in October 1981 do indicate noncompliance problems. As least 10 truck squad and other state police personnel, 3 motor vehicle inspectors and 6 DRS agents cited more than 2,500 vehicles for tax decal violations over the month long period. This special enforcement effort was initiated for several reasons: to ensure that the newest category of taxpayers was complying (7,500 pound light weight vehicles became subject to the road tax in the spring of 1981); and to prompt taxpayers who might try to avoid the registration fee increase to get new decals.

While the revenues from decal penalties may offset field enforcement efforts (e.g., it is estimated $215,900 in fines and over $2,000 in new decal fees were generated in October 1981 alone), the cost-effectiveness of the motor carrier tax has been questioned. Some policymakers feel that amount of fuel used, which is the basis of all fuel taxes including the road tax, is an inadequate measure of highway cost responsibility and suggest replacing it with a form of weight distance (e.g., ton-mile) tax. Others point out that as vehicles are becoming more fuel efficient, gasoline and diesel tax revenues may decline.

The burdensome road tax paperwork requirements, for taxpayers and for the state, are another negative aspect. DRS estimates that administering the road tax--registering, processing, auditing, collecting and performing associated data processing services--cost about $560,000 during FY 1980-81. Taxpayer costs associated with recording mileage and fuel purchases (in Connecticut and everywhere else) and filing quarterly cannot be estimated. However, such paperwork appears to be a problem especially for companies that operate trucks in many states with fuel tax reporting requirements. One large, interstate motor carrier commented that he would prefer to pay an annual amount greater than his actual road tax just to avoid the time and expense of the paperwork involved.

Many states and the federal government are exploring alternatives to fuel tax reporting requirements. One option presented in a recent federal study of uniform state motor vehicle regulations is federal administration and collection of a national use tax with revenues then apportioned to the states. Another option suggested in the federal study is for states, on a regional basis, to establish reciprocal arrangements concerning fuel use reporting and payment. Connecticut and the other New England states have been pursuing this alternative through a regional compact mechanism.

However, as the 1981 federal uniformity study shows, states faced with budget shortfalls, escalating operating costs and deteriorating highways are seeking ways to increase revenues. Most states are being forced

> ...to raise existing highway user charges and add new ones. In 1981, twenty-one states changed their fuel tax laws. Many states are revising their registration fee schedules. Several northeastern states have raised their motor carrier fees, one has canceled long-standing reciprocity agreements, and another is imposing a highway user fee for the first time.[4]

Furthermore, most states, reluctant to impose new or increased taxes and fees on resident vehicle owners, focus on higher charges to out-of-state operators. (Connecticut's attempt to increase the DRS tax decal to $40 is an example.) Such actions usually produce "retaliatory taxes" in neighboring states. Overall, uniformity options and alternatives to fuel use reporting taxes are unlikely to gain acceptance unless states will benefit in terms of increased revenues.

The Department of Transportation--Size and Weight Permits

The Connecticut Department of Transportation has responsibility for the design, construction and maintenance of the state's highway system. DOT receives and administers federal funds for transportation programs and is responsible for certifying to the U.S. Department of Transportation that Connecticut is enforcing its vehicle size and weight restrictions. Proper enforcement of such laws is a federal funding condition; Connecticut currently receives about $300 million in federal highway-related aid.

In 1979, under P.A. 188, the Connecticut Department of Transportation was given responsibility for adopting regulations concerning implementation of the state's weight law. The department also was specifically required, under C.G.S. Sections 14-270a and 14-270b, to purchase portable scales sufficient "... to implement a concentrated program of truck weight enforcement to comply with federal requirements... and to implement a consistent program of

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[4] U.S. DOT and ICC, Options for Uniform State Regulations, Working Paper No. 1 (November 1981), p. 23.

truck weight enforcement on the Danbury portion of Route I-84." Since 1980, DOT has been responsible, by law, for coordinating development of state policy and regulations concerning the trucking industry (C.G.S. Sec. 14-267a(k)).

More recently, the General Assembly directed the department to conduct a study to determine "what user charges would ensure an efficient distribution of the highway financing burden among the various classes of persons using the state system of highway and roads" (P.A. 81-366). The DOT cost allocation study was presented to the legislature's Transportation Committee by February 15, 1982, as mandated.

Permits. DOT is most directly involved in the regulation of trucking through the administration of its size and weight permit program. Vehicles which exceed the state's size and weight laws can operate on the state's highways only if they have been issued a permit by the department's Motor Transport Services Section. Transportation of hazardous materials, not included in the scope of this review, is also regulated by the transport services section.

This DOT section was given additional responsibility for safety functions (e.g., inspection of motor carrier compliance with hazardous materials transportation standards, etc.) that were recently transferred to state transportation agencies from the federal government. Motor transport services staff also prepare the state's weight enforcement plan which is annually submitted to the U.S. Department of Transportation and work on special projects (e.g., designs for new scale facilities, etc.) related to weight and size enforcement.

All states have size and weight permit programs and in 42 states, they are administered by the transportation or highway department. As a recent study pointed out:

> The primary objectives of permit operations are to control shipments of overlimit and not readily dismantled cargo so that (a) the structural integrity of the highway system may be protected and (b) such shipments do not create traffic safety hazards or undue delays for motorists. Although objectives may be the same, states vary substantially in their practices for permit operations.[5]

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[5] Transportation Research Board, Motor Vehicle Size and Weight Regulations, Enforcement and Permit Operations, National Cooperative Research Program Synthesis of Highway Practice No. 68 (Washington D.C.: National Academy of Sciences, 1980), p. 22.

Most states, however, grant permits for limited times and only for nonreducible loads for which the highway is the most practicable mode of transportation.

Some states allow exceptions to this policy if the transported cargo is of significant economic importance. For example, in Virginia, coal haulers are issued long-term, overweight load permits even though coal is a divisible cargo. Other states, including Connecticut, have established statutory exemption categories for trucks which cannot meet weight or size limits due to vehicle design limitations or because of economic considerations. Many highway officials feel that special permit policies for such vehicles are preferable to legal exceptions since permits can stipulate on an individual basis where and when heavy or large vehicles can travel; they also offer a more flexible method of controlling specialized trucking operations.

The majority of state permit agencies designate routes and times for travel and require accessory vehicles or devices (e.g., flags, signs, lights, etc.) to accompany certain overlimit trucks. Most grant two types of permits: single trip, usually valid for three to five days; and multiple trip, valid for two weeks in some states or up to one year in others. All state permit agencies accept and most issue permits by mail or in person. Many, like Connecticut, also use telecommunication or facsimile equipment (e.g., "Telex" machines, etc.) to improve administrative efficiency. Permit fees, if charged, vary greatly and are calculated in a number of ways (e.g., flat rate, by gross weight or per mile traveled, etc.).

With few exceptions, permits in Connecticut are issued on a per trip basis for three-day periods and only for nonreducible loads. Applications can be made by telephone, by letter, or in person. All applications must provide the following information: date; origin; destination; routes to be traveled; overall height, length and width; gross weight; number of axles; description of load; and the registration number of each vehicle.

The basic fee for each permit is $15, although DOT charged no fee until April 1, 1980. An additional $2 is charged when permits are sent via facsimile equipment (e.g., "Telex", etc.). The statutes also provide that owners of vehicles registered in Connecticut can instead pay an annual permit fee equal to 30 percent of a vehicle's DMV registration charge. DOT has found that in some cases the annual fee for unlimited permits is substantially less than the administrative costs involved and is seeking legislative changes (i.e., to allow a minimum annual charge or

the 30 percent fee, whichever is greater) to correct this problem. Data on the number and types of permits issued and the revenues received by DOT are presented in Table III-5.

Table III-5. Connecticut Department of Transportation Size and Weight Permit Statistics.

Quarter	Total No. Permits Issued	Total Fees Received	Annual[1] Permit Fee	Base[2] Fee	Wire[3] Fee
April - June 1980*	9,043	$106,746	$39,987	$60,075	$6,684
July - Sept. 1980	10,182	$ 97,687	$ 3,779	$79,770	$9,738
Oct. - Dec. 1980	9,220	$ 86,603	$ 1,025	$71,535	$9,068
Jan. - March 1981	7,066	$ 73,478	$ 647	$60,585	$7,846
April - June 1981	9,816	$146,481	$52,499	$78,495	$9,462
July - Sept. 1981	9,266	$ 83,866	$ 1,836	$68,010	$8,820

* Statistics from April 14 through June 30, 1980.

[1] Annual Fee = 30 percent of registration fee for vehicle.

[2] Base Fee = $15 base fee for each permit issued.

[3] Wire Fee = $2 charge for each permit issued via telecopier.

Source: Connecticut Department of Transportation, Motor Transport Services Section.

The department's Motor Transport Services Section, currently staffed by four engineers and four clerical personnel, has handled about 40,000 permits per year since the statutory fee went into effect. Applications have dropped off recently, perhaps because of the recession. The section chief notes that permit requests increase dramatically when weight enforcement efforts intensify. For example, after the state police truck squads were formed in 1978, requests rose from about 26,000 to almost 50,000. About 90 percent of all permit requests are routine and can be handled by the motor transport services clerks. The section's engineers focus on requests to move extremely heavy, large or hazardous cargoes since structural capacity and other technical or safety matters must be addressed in issuing these permits.

Almost all permit requests (99.5 percent) come from companies rather than individual owners and most applicants (72.5 percent) are based in Connecticut. About seven out of ten permits issued are for trips that begin and end within Connecticut and almost half (48 percent) of the permitted moves involve construction equipment. Construction materials (13 percent), mobile homes (14 percent) and large machinery (15 percent, with 11 percent just for mobile cranes) are the other major types of cargos for which overlimit permits are issued. The transport services section does not keep records on permit refusals, but it is estimated that less than 1 percent of the applications received are denied. The actual refusal rate is probably higher since most requests and permit decisions are made over the phone; it is unlikely that a formal application would be filed if the requestor is told of ineligibility by phone.

A 1980 report by the Transportation Research Board (TRB), previously cited in this chapter outlines the elements of model state permit operations. Connecticut's program contains nearly all of those elements. If the board's recommendations to improve state permit procedures and promote uniformity of permit requirements (to facilitate interstate commerce) are adopted as national policy, few changes in the Connecticut transportation department program would be necessary.

In its report, the TRB, a part of the U.S. National Academy of Sciences, also found a correlation between weight and size enforcement and the success of permit operations--with stricter enforcement of limits, the number of permits issued increases. Vehicle owners may attempt to avoid the bother of obtaining permits unless there is a high risk of being cited for an overweight or oversize shipment. To allow necessary overlimit shipments but still maintain control for highway preservation and public safety purposes, TRB found that close working

arrangements among permit-issuing units, enforcement agencies, bridge and highway design staff and highway maintenance offices were critical. Coordination among DOT permit, design and maintenance offices occurs to some degree and the Motor Transport Services Section has developed a working relationship with the state police truck squads.

As described above, the Connecticut Department of Transportation has major responsibility for overseeing and insuring proper enforcement of the state's size and weight laws. In addition, the department provides the state police truck squads with personnel who assist with weighing operations. The five civilian personnel currently assigned to the state police truck squad are maintainer positions funded by DOT. The DOT maintainers' functions and duties are described in greater detail in the following section on the Division of State Police and its truck law enforcement program.

The Division of State Police--Enforcement

The Division of State Police within the Department of Public Safety, as part of its general law enforcement role and authority, enforces a number of laws concerning the trucking industry, including those currently being examined by LPR&IC. The role of the state police truck squad in enforcing the motor carrier road tax, DPUC identification stamp requirements, and motor vehicle registration and equipment laws has been noted in the preceding agency descriptions. Special emphasis is placed on the enforcement of Connecticut vehicle size and, in particular, weight laws for several reasons. As discussed earlier, proper state enforcement of size and weight laws is a condition of federal highway aid funding. In addition, assuring compliance with size and weight restrictions is necessary to protect the public from safety hazards and to prevent damage to the state highway system.

While enforcement of vehicle size and weight laws is an interagency effort involving the Departments of Transportation and Motor Vehicles and the state police, the latter has primary responsibility for the state's weight enforcement program.

State police truck squads. The first state police squad assigned specifically to truck law enforcement was established in 1975 and consisted of a sergeant and three troopers. By 1978, truck weight enforcement had become a multi-agency effort with a unit comprised of state police officers, motor vehicle inspectors and DOT maintainers. At present, two truck squads staffed by ten sworn and civilian personnel have primary

Table III-6. State Police Truck Squads Selected Annual Enforcement Statistics, Calendar Years 1978-1981.

	1981	1980	1979	1978
Total vehicles checked	112,904	137,977	202,010	43,311**
Total violations (commercial vehicles)	N/A	15,590	13,151	8,029
Size & Weight Violations[1]				
Overwidth	76	64	128	63
Overheight	-	170	17	5
Overlength	1,001	1,642	1,576	1,046
Overweight	2,397	2,407 (15.4%)	4,784 (36.4%)	3,753 (46.7%)
Axle	552	856	1,067	675
Gross	1,845	1,551	3,717	3,078
Number Vehicles Offloaded	108	46	72	17*
Overweight fines (potential)	$948,930	$760,788	$1,370,318	$1,274,865
Other Violations[1]				
Fail to register in Ct.	281	200 (1.3%)	84 (0.6%)	66 (0.8%)
PUC ID stamp	2,580	2,048 (13.1%)	960 (7.3%)	471 (5.9%)
DRS decal	2,732	3,116 (20.0%)	1,803 (13.7%)	1,326 (16.5%)
Defective equipment	3,736	3,795 (24.3%	1,804 (13.7%)	383 (4.7%)

[1] Percentages shown after types of violations are percents of total violations; percentages not shown for 1981 due to lack of total violations data.

* Only includes statistics concerning regular truck squad (East and West) staff; violations cited by extra personnel assigned to special October 81 enforcement effort not included.

** Statistics for 7-1-78 through 12-31-78 only.

N/A = Data not available.

Source: State Police Commercial Vehicle Unit Annual Summons Statistics for 1979-1980; Connecticut Department of Transportation, Motor Transport Services Bureau compilation of 1981 East and West State Police Truck Squad statistics.

responsibility for enforcing state weight limits and other commercial vehicle requirements. Truck squad annual enforcement statistics for 1978 through 1981 are shown in Table III-6.

The development of this multi-agency enforcement approach was intended to be a temporary arrangement for augmenting enforcement staff in response to a federal warning concerning Connecticut's weak weight enforcement program. Although it was initially planned to establish truck squads staffed solely by state police personnel, state budgetary constraints have continued the need for interagency staffing. Several recent events related to enforcement staffing have prompted concern that the U.S. Department of Transportation may again warn Connecticut or even impose sanctions on the state for having an inadequate weight enforcement program.

Since May 1981, truck squad operations have been adversely affected by a grievance filed by the DOT maintainers which resulted in a strict limitation on the functions they can perform. As noted in a previous section, the Department of Motor Vehicles removed the two motor vehicle inspectors from their truck squad assignment in August 1981. Loss of the inspector positions along with the DOT maintainer grievance has severely limited the state police truck squad's ability to implement Connecticut's weight program as certified to the federal government. In addition, as of June 26, 1981, the state police weight enforcement program, like other division operations was "decentralized" into three units, one for each geographic enforcement area (East, West and Central). However, only the truck weight units assigned to the Eastern and Western regions are staffed.

Connecticut weight enforcement program. The seven sworn personnel (four troopers, one state police sergeant and two motor vehicle inspectors) and five civilian DOT maintainers who operate the state's weight enforcement program use a variety of facilities, equipment and procedures. Before citations concerning violations of statutory weight limits can be issued, scales are used to determine a vehicle's actual gross weight and/or axle weight. Connecticut's truck squads use three types of scales: permanent (fixed), semiportable, and portable scales.

Among the specific powers granted to the personnel designated to enforce state size and weight limits is the authority to require drivers to stop and submit to weighing by portable or stationary scales. Enforcement officials can also require that a vehicle be driven to any weighing facility or safety inspection site for enforcement purposes. After weighing a vehicle and determining that it exceeds the state's weight limits, the state

police and other enforcement officers can order the "illegal" portion of the load to be removed or "offloaded." Overweight vehicles, as well as vehicles with unsafe equipment, can also be prohibited from further travel ("deadlined") until the violation is corrected.

In accordance with state police division policy, no truck is allowed to resume travel if its gross weight exceeds 90,000 pounds or the weight on any of its axles exceeds state limits by 25 percent or more. Before such a vehicle can proceed, its weight must be reduced to legal limits by offloading, by redistributing cargo or a permit must be obtained from the state transportation department. Offloading and deadlining are generally thought to be among the most effective enforcement techniques since travel delays can be more costly for truckers than an overweight fine. However, enforcement staff must be available to supervise any offloading procedures and deadlined vehicles. Personnel shortages have limited the ability of Connecticut truck squads to employ these procedures.

A typical truck squad enforcement operation consists of the following activities:

a) direct all commercial vehicles into a temporary or permanent weigh station by placing signs on the road requiring them to stop at the scale site;

b) visually screen vehicles to determine which will be weighed and which can be "sent through" (e.g., empty platform trucks and automobile carriers);

c) weigh and measure vehicles;

d) check registration papers, verifying compliance with registered weight;

e) as time and personnel permit, check vehicles for other paperwork violations (e.g., failure to register in Connecticut, the motor carrier fuel tax decal, the DPUC ID stamp, etc.) and for safety violations;

f) if truck is in compliance with laws, send back onto the highway; or

g) if truck is in violation of any laws, issue summons and determine whether any immediate corrective actions are needed.

To counter the fact that trucks can easily bypass most Connecticut weight check locations, surrounding roads are often patrolled by truck squad state troopers during enforcement operations. Trucks attempting to avoid a weigh station are then directed to the scales. The fines for failure to stop at a scale and for failure to proceed to a scale are $50 and $100 respectively.

The state's plan for weighing activities (submitted to the U.S. Department of Transportation each year) includes nighttime and weekend weighings as well as daytime operations. To maintain an element of surprise, the truck squads vary the hours and days worked per week. On a modified rotating basis, the squads begin work at 5 a.m., 12 noon and 12 midnight, with a majority of days starting at 5 a.m. Although the squads have worked a few weekends, most operations occur Monday through Friday. The almost exclusively weekday schedule is due to the fact that there is considerably less truck traffic on holidays or weekends, and working on a Saturday or Sunday would mean that one of the days during the week would remain uncovered.

The day-to-day enforcement operations vary between squads and depend on what equipment is being used. A permanent scale facility is available to each squad in the regions that are currently staffed. The West scale is located in Stratford on Route 1 with access to both directions of Route I-95. Two fixed platform scales in Waterford, directly across from each other on the southbound and northbound lanes of I-95, are used by the East truck squad. These permanent scales, which are capable of weighing a maximum of 60 tons, are used for large volume truck weighing. Since the trucks can drive right over a permanent scale, as many as 60-70 trucks can be weighed in an hour.

Two additional permanent weighing facilities (which will be partially federally funded) have been proposed and recently received initial approval. Now in the design phase, the new facilities will be constructed at the Danbury rest area (which is located at the New York state line on the eastbound side of I-84) and the Middletown rest area (which is located on I-95 northbound). Once these facilities are completed, fixed scales will be strategically located near most major ports of entry and major truck routes. Completion of the Danbury scale will permit mass weighing operations on this portion of I-84, a major truck route between the Midwest and New England. The Middletown scale on I-91 northbound will permit more weighings in the central region of the state, where enforcement activities now are limited.

Each squad also has a set of portable scales and truck enforcement personnel share a set of semiportable scales. Semiportable and portable scales are used to cover locations lacking access to permanent scale facilities. In addition, these scales are used to go to areas where there are concentrations of potential overweight vehicles, for example, near construction sites.

The truck squads use four sets of semiportable scales, each of which requires a trailer to move it to weighing sites. These scales can be used in several combinations depending on the types of vehicles weighed; two can weigh two-to-three-axle trucks while at least three are required to weigh five-axle trucks. Under ideal conditions, these scales, which weigh gross vehicle weight and axle weight simultaneously, can weigh approximately 60 trucks per hour.

To insure accuracy, the semiportable scales must be used on a level surface, clear of snow, ice and sand. Therefore, the scales are rarely used in winter months. In addition, mechanical failures prevented use of two of the state's semiportable scales from January through October 1981.

Sets of portable wheel weigher scales are used by both truck squads enforce truck weight limits throughout the state. These scales are carried in vans, making them easily transportable to any inspection location. The portable scales, under proper conditions, can accurately weigh gross vehicle weight as well as individual axle weights. Each truck squad has a set of portable scales capable of weighing a five-axle vehicle.

The optimum number of trucks that can be weighed in an hour with the portable scales is about four, with two people (generally DOT maintainers) positioning the scales. Although the portable scales are easy to transport, the weighing procedure is relatively complex and individualized; these factors limit the potential number of trucks that can be weighed during a shift. Weighing operations tend to be selective when portable scales are used. Furthermore, these scales are the most weather-sensitive of all the scales used by the truck squads and, like the semiportable scales, a level area clear of snow, ice and sand is required for accurate weighing.

A growing concern of the truck squads is the age of the equipment used. The semiportable and portable scales (which were purchased in 1978 and 1975, respectively) need increasing maintenance and more frequent repair. The DOT maintainers can handle most maintenance needs and repairs, but their time is limited. Agency

policies concerning funding for equipment maintenance are not clear. Therefore, the squads have had problems arranging for repairs and replacement parts.

The Department of Consumer Protection (DCP) is mandated to test state scales for accuracy once a year (C.G.S. Sec. 43-3). In practice, DCP attempts to certify the truck weighing scales every six months. Due to their own equipment problems, DCP has experienced some difficulties in certifying scales. DCP certification and calibration of scales is important for assuring accuracy of the truck squads' overweight charges, particularly when cases go to court.

The accuracy of squad weighing operations is also dependent upon the procedures used. Enforcement personnel need to be aware of the limitations that weather and site conditions impose on equipment accuracy. Truck configuration and load characteristics must also be taken into consideration for certain weighing operations. At present, truck squad personnel, through experience, are well acquainted with the factors involved in proper weighing operations. The DOT permit office manual is used by the squads to aid in weight law interpretation, but written guidelines on the technical aspects of weight enforcement are not available for reference or training purposes.

Connecticut Size and Weight Laws

Every state and the federal government has established limits on the dimensions and weight of vehicles using public highways. Laws restricting size and weight are complex and reflect the difficulties in setting standards to cover all types of trucks and trucking operations. Interpretation and application of length, height, width and weight laws are further complicated by statutory exception categories, provisions for overlimit permits and the technical terms often contained in these laws.

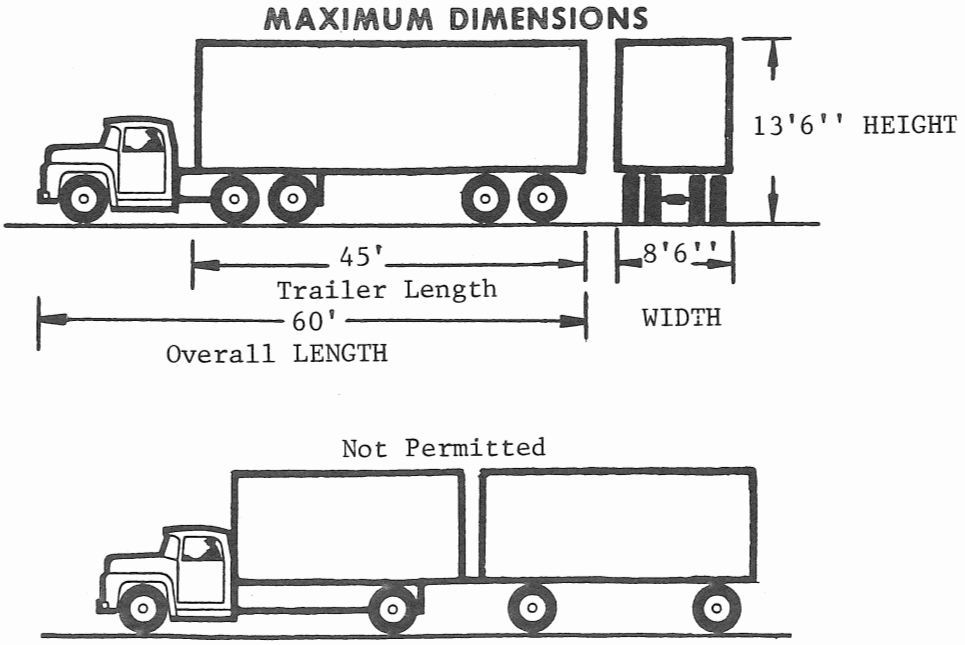
Despite progress toward size and weight law uniformity, limits still vary significantly from state to state. A brief summary of all state height, width, length and weight limits is presented in Appendix IV of this report. Connecticut size and weight laws are described and compared to other state laws below.

Connecticut size limits. Maximum width, at 102 inches, is greater in Connecticut than in all but three other states; 96 inches is the standard everywhere else. At present, Connecticut's limits on height (13 feet 6 inches) and length (60 feet) are the same as most other states. When Connecticut's maximum vehicle length was increased from 55 to 60 feet (effective October 1,

1981), substantial length uniformity within the Northeast region was achieved. The law which increased vehicle length also clarified Connecticut's ban on twin trailers and similar vehicle combinations. Nearly all states in the Northeast prohibit such combinations, although some states permit them on designated highways (e.g., certain major truck routes like the New York Thruway and the Massachusetts Turnpike).

A vehicle which exceeds state width, height or length limits must obtain a permit from the Connecticut Department of Transportation in order to legally operate on state highways. A violation of a state size law is an infraction involving a $25 fine. Maximum vehicle dimensions allowed in Connecticut are shown in Figure III-1. Vehicles must also comply with any posted size limits that may be established by DOT for certain segments of the state highway system (e.g., at narrow or low bridges).

Figure III-1. Maximum Vehicle Dimensions Allowed in Connecticut.



Connecticut weight limits. Like most states, Connecticut limits vehicle gross weight as well as single and tandem axle weights. Connecticut is one of about two dozen states that also limits vehicle tire weight (to no more than 600 pounds per inch width of pneumatic tire when the vehicle is loaded). Tire weight limit is seldom enforced but, in effect, there are three types of weight restrictions in Connecticut--gross weight, axle weight and tire weight.

Present Connecticut law specifies maximum gross weights for all trucks. (In addition to statutory limits, vehicles must comply with any special posted weight limits, e.g., at older bridges, etc.) There are essentially two systems for specifying maximum gross weight depending on whether or not the vehicle weight exceeds 73,000 pounds. For vehicles up to 73,000 pounds, the law specifies a maximum allowable gross weight that depends upon whether the vehicle has two, three or four or more axles. For vehicles which are over 73,000 pounds and up to 80,000 pounds, the maximum gross weight is determined through application of a formula that takes into account the number of axles and the distance between the first and last axles, i.e., the wheelbase. Connecticut adopted this gross weight formula (Federal Bridge Gross Weight Formula B), in accordance with federal requirements, when the state's absolute maximum gross weight was increased from 73,000 pounds to 80,000 pounds in 1980. Nearly all (42) states have adopted the federal 80,000 pound maximum and bridge formula gross weight limits at least for interstate highways within their jurisdiction.

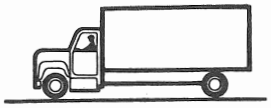
Specific statutory gross weight limits that apply to vehicles up to 73,000 pounds gross weight are shown in Figure III-2. Vehicles with a gross weight over 73,000 and up to and including 80,000 pounds must meet the requirements of the federal bridge formula, which are shown in Figure III-3. The federal formula, because of its wheelbase requirements, is a more stringent restriction on vehicle gross weight. In several cases, vehicles under 73,000 pounds GVW are permitted higher gross weights under state standards than would be allowed under the formula. However, vehicles under 73,000 pounds gross weight may opt to comply with the formula if it is to their advantage.

As of January 1, 1990, all vehicles in Connecticut will be subject to the bridge formula method for determining gross weight. The intent of Connecticut's current dual system is to permit a phase-in period--a time for truck owners to modify or acquire vehicles that can meet weight limits based on wheelbase length. In the meantime, the stricter bridge formula requirements are mandatory for the heaviest vehicles traveling on Connecticut roads and bridges.

Figure III-2. Maximum Vehicle Gross Weights and Axle Weights Permitted in Connecticut: Specific Statutory Limits.

MAXIMUM AXLE WEIGHTS: The weight on any single axle is not to exceed 22,400 pounds or in the case of axles spaced less than six feet apart, 18,000 pounds in all cases (except for certain types of two-axled vehicles noted below).

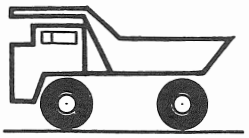
TWO-AXLED VEHICLES



A. Maximum GVW 36,000 lbs. with axle weights limited to 18,000 lbs.

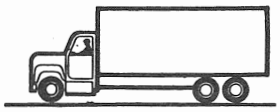
B. Maximum GVW 26,000 lbs. solid tires only, no axle weight restrictions

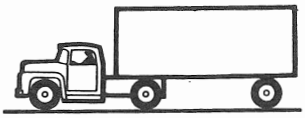
C. Maximum GVW 32,000 lbs. pneumatic tires, no axle weight restrictions



D. Four-tired construction vehicles only: Maximum GVW 40,000 lbs. (no axle weight restrictions)

THREE-AXLED VEHICLES AND COMBINATIONS





Single Units

A. Maximum GVW 53,800 lbs.

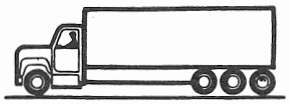
B. Maximum GVW 60,000 lbs. provided wheelbase requirements of federal formula are met

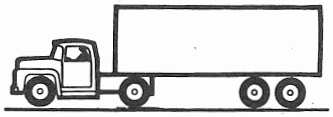
Combinations

A. Maximum GVW 58,400 lbs.

B. Maximum GVW 60,000 lbs. provided wheelbase requirements of federal formula are met

FOUR-AXLED VEHICLES AND COMBINATIONS





Single Units

A. Maximum GVW 67,400 lbs. wheelbase less than 28'

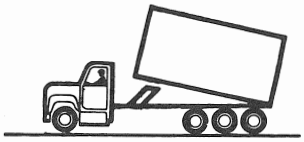
B. Maximum GVW 73,000 lbs. wheelbase 28' or more

Combinations

A. Maximum GVW 67,400 wheelbase less than 28'

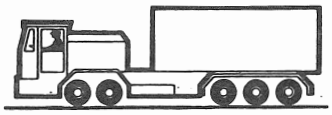
B. Maximum GVW 73,000 lbs. wheelbase 28' or more

C. Maximum GVW 80,000 lbs. provided wheelbase requirements of federal formula are met



C. Four-axled construction vehicles only: Maximum GVW 73,000 lbs. with no wheelbase requirement

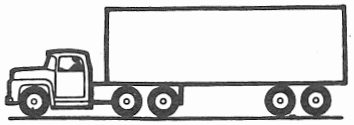
FIVE-OR-MORE-AXLED VEHICLES AND COMBINATIONS



Single Units

A. Maximum GVW 73,000 lbs with wheelbase of 28' or more

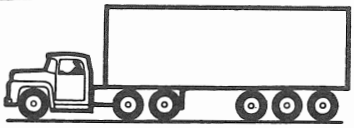
B. Maximum GVW 80,000 lbs. provided wheelbase requirements of federal formula are met



Five-axled Combinations

A. Maximum GVW 73,000 lbs. with wheelbase of 28' or more

B. Maximum GVW 80,000 lbs. provided wheelbase requirements of federal formula are met



More-than-five-axled Combinations

A. Maximum GVW 80,000 lbs. provided wheelbase requirements of federal formula are met

Figure III-3. Maximum Vehicle Gross Weights Based on the Federal Bridge Formula (Bridge Table B) Permitted in Connecticut.

BASED ON WEIGHT FORMULA $W=500\left[(LN/N-1)+12N+36\right]$

W = maximum weight in pounds carried on any group of two or more axles computed to nearest 500 pounds.

L = distance in feet between the extremes of any group of two or more consecutive axles.

N = number of axles in group under consideration.

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles					
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	36,000	...	...	...	...	...
5	36,000	...	...	...	...	...
6	36,000	...	...	...	...	...
7	36,000	...	...	...	...	...
8	36,000	42,000	...	...	...	...
9	39,000	42,500	...	...	...	...
10	40,000	43,500	...	...	...	...
11	...	44,000	...	...	...	...
12	...	45,000	50,000	...	...	...
13	...	45,500	50,500	...	...	...
14	...	46,500	51,500	...	...	...
15	...	47,000	52,000	...	...	...
16	...	48,000	52,500	58,000	...	...
17	...	48,500	53,500	58,500	...	...
18	...	49,500	54,000	59,000	...	...
19	...	50,000	54,500	60,000	...	...
20	...	51,000	55,500	60,500	66,000	...
21	...	51,500	56,000	61,000	66,500	...
22	...	52,500	56,500	61,500	67,000	...
23	...	53,000	57,500	62,500	68,000	...
24	...	54,000	58,000	63,000	68,500	74,000
25	...	54,500	58,500	64,500	69,000	74,500
26	...	55,500	59,500	65,000	69,500	75,000
27	...	56,000	60,000	65,000	70,000	75,500
28	...	57,000	60,500	65,500	71,000	76,500
29	...	57,500	61,500	66,000	71,500	77,000
30	...	58,500	62,000	66,500	72,000	77,500
31	...	59,000	62,500	67,500	72,500	78,000
32	...	60,000	63,500	68,000	73,000	78,500
33	...	...	64,000	68,500	74,000	79,000
34	...	...	64,500	69,000	74,500	80,000
35	...	...	65,500	70,000	75,000	...
36	...	...	66,000	70,500	75,500	...
37	...	...	66,500	71,000	76,000	...
38	...	...	67,500	72,000	77,000	...
39	...	...	68,000	72,500	77,500	...
40	...	...	68,500	73,000	78,000	...
41	...	...	69,500	73,500	78,500	...
42	...	...	70,000	74,000	79,000	...
43	...	...	70,500	75,000	80,000	...
44	...	...	71,500	75,500	...	...
45	...	...	72,000	76,000	...	...
46	...	...	72,500	76,500	...	...
47	...	...	73,500	77,500	...	...
48	...	...	74,000	78,000	...	...
49	...	...	74,500	78,500	...	...
50	...	...	75,500	79,000	...	...
51	...	...	76,000	80,000	...	...
52	...	...	76,500	...	...	...
53	...	...	77,500	...	...	...
54	...	...	78,000	...	...	...
55	...	...	78,500	...	...	...
56	...	...	79,500	...	...	...
57	...	...	80,000	...	...	...

Vehicles are also considered overweight in Connecticut if they exceed their registered gross weight--the weight recorded by the Department of Motor Vehicles on the vehicle registration form. In general, owners register at the maximum weight allowed for their vehicles, but they may register at a lower amount. As noted in an earlier section, DMV is prohibited from registering a vehicle for a gross weight in excess of its legal limit. Since registration fees are calculated on the basis of gross vehicle weight it can be advantageous for an owner, who knows that loads carried will always be well below rated capacity, to register at a lower than maximum permitted weight.

Connecticut law provides several weight law exemption categories, the most important of which concerns four-axle construction vehicles. According to C.G.S. Sec. 14-269, four-axle vehicles engaged in construction activities can have a GVW up to 73,000 pounds without meeting any wheelbase requirement. Under the state gross weight limits, a four-axle vehicle is allowed to weigh up to 67,400 pounds or up to 73,000 pounds if the distance between the first and last axles is at least 28 feet and state axle weight limits are not exceeded.

All states and the federal government also set limits on axle weights as a means of regulating weight distribution as well as total vehicle weight. Most states and the federal government set limits for single axles and for tandem axles. Technically, and in some legal definitions, tandem axles are those less than six (or eight) feet apart that are connected by a mechanism to equalize load. Connecticut's axle weight limits, among the highest in the nation, are 22,400 pounds for single axles and 18,000 pounds for axles spaced less than six feet apart. Thus, Connecticut's tandem axle limit is 36,000 pounds.

Connecticut did not adopt federal axle weight limits--20,000 pounds for single axles, 34,000 for tandem axles--when the 80,000 pound federal maximum and bridge formula gross weight standards were adopted. Although states are permitted to retain higher weights under a grandfather provision, it appears that federal law requires those adopting the federal gross weight limits to use the federal axle weight limits as well. Whether Connecticut can continue using its higher axle weight limits when the bridge formula standards are enforced is an issue being debated by state DOT officials and the federal government. In order to meet federal mandates, it may be necessary to begin enforcing the lower federal axle weight limits with the bridge formula requirements at least on interstate highways in Connecticut.

A statutory enforcement tolerance of two percent is permitted under Connecticut gross and axle weight laws except for vehicles with a GVW of 80,000 pounds or more. This tolerance was established primarily to take into account possible inaccuracies of weighing equipment. Practical weight limits, therefore are slightly higher, than the amounts shown in Figure III-2. For example, state maximum axle weight including the two percent tolerance is 22,848 pounds for single axles and 36,720 for tandem axles. While only 18 states had established statutory enforcement tolerances as of 1980, possible scale inaccuracies are taken into account during enforcement activities in a number of states.

As discussed previously, the state Department of Transportation is empowered to issue special permits to vehicles which exceed the states weight or size limits. By law, violation of permit conditions voids the permit, making the vehicle subject to the oversize penalties described earlier or to regular weight violation penalties.

Truck weight violations--violations of registered gross weight, statutory gross weight limits, bridge formula gross weight limits or axle weight limits--are handled by the Superior Court. Fines for overweight violations, established by statute, vary, although a minimum fine of $50 is imposed for each weight law violation. In addition, vehicles which have an actual gross weight of 73,000 pounds or less are fined at the rate of $3 per each 100 pounds in excess of their legal limit; vehicles with an actual gross weight greater than 73,000 pounds pay the additional fine at higher rate of $5 per each 100 pounds overweight.

The state weight law also provides for special penalties for repeated, serious weight violations. A bond of at least $1,000 must be posted with the Department of Motor Vehicles upon conviction of being overweight by 20 percent; a second such conviction results in forfeiture of this bond. Upon a third 20 percent overweight conviction, DMV is required to revoke the vehicle's registration (or suspend an out-of-state vehicle's reciprocal rights to operate in Connecticut) for 30 days and may refuse to reissue it for a longer period.

According to recent court reports, most overweight cases are disposed of through bond forfeiture or other payment of fines. Violators who plead guilty simply pay their fines or in the case of nonresident violators forfeit a bond posted at the time of arrest. Of the 1,635 overweight cases handled during the July-December 1980 period, 86 percent were disposed of through fine payment; in the January-June 1981 six month period, 89 percent of the total overweight cases were so disposed. Based on

the data presented in Table III-8, nolles[6] comprised 29 percent of the cases involving court decisions in each six month period. Only about 1 percent were found not guilty in each period.

Table III-8. Disposition of Connecticut Overweight Vehicle Cases, July 1980-June 1981.

	Bond Forfeiture	Guilty	Not Guilty	Nolle	Total Disposed
July - Dec. 1980	861	542	10	222	1,635
Jan. - June 1981	963	395	6	160	1,524

Source: Connecticut Judicial Department.

Revenues received by the courts from overweight cases were $222,091 and $223,279 respectively for the 1980 and 1981 six month periods. Minimum, potential overweight fines as estimated by the state police totaled $760,788 for the 1980 twelve month period and $552,944 for the first six months of 1981. While it appears that potential fines are higher than actual overweight fine amounts collected by the court, direct comparisons are not possible. Furthermore, state police estimates assume that each vehicle cited by weight enforcement personnel would be required to pay a fine (i.e., plead or be found guilty). It is possible, considering the complexity of state weight laws, that errors ("bad pinches") are made by enforcement officers.

According to the prosecutors, agreements are often made to reduce overweight fines in exchange for guilty pleas thus saving court time. It is also possible that bonds posted by out-of-state violators (and later forfeited) may be lower than called for by statute. Both factors may contribute to actual court revenues being less than anticipated fines.

[6] When a prosecutor decides not to proceed with an action due to a lack of material evidence, a nolle may be entered on a person's record. Unlike a dismissal where the record of the charge is immediately erased, a nolle remains on a person's record for at least 13 months.

In general, prosecutors and judges both give overweight cases low priority because they are viewed as "victimless crimes." Loopholes in the law, along with the technical nature of the law and weighing process, also create problems with interpreting and understanding legal intent. Misunderstandings concerning exemption and permit policies are evident as well. These difficulties and attitudes seem to contribute to the giving of lower fines or nolles in overweight cases.

CHAPTER IV

FINDINGS AND RECOMMENDATIONS

Findings and recommendations contained in this chapter concern four issues critical to more efficient and effective administration and enforcement of the major state truck-related laws and programs. In the first section, methods for improving administrative procedures and strengthening coordination among the five agencies responsible for operating and enforcing these major truck programs are presented. The second and third sections outline the Legislative Program Review and Investigations Committee's recommendations concerning personnel and equipment needed to enforce state weight and other truck laws more effectively.

In the final section of this chapter, a number of technical and substantive changes to the state's weight law are proposed. The committee's recommendations for clarifying statutory intent should resolve a number of enforcement problems and improve the courts' ability to adjudicate truck weight cases. The recommended statutory revisions are also an attempt to balance the purposes of highway regulation and the concerns of the trucking industry.

Improving Coordination of Administration and Enforcement

Connecticut's major regulatory activities affecting trucks, like those in all other states, are operated as separate programs by different administrative agencies. There has been some informal coordination among the four state agencies that directly administer truck-related programs. The Department of Transportation has worked with the Department of Motor Vehicles concerning truck registration procedures. If questions arise concerning proper registered weight, DMV staff or vehicle owners can contact DOT personnel for technical assistance. In its permit manual, DOT makes reference to other agency requirements which must be met to legally operate in Connecticut. The Department of Public Utility Control also informs the carriers it regulates of tax decal, permit and other state truck-related programs. A formal link between DPUC and the Department of Revenue Service was established when responsibility for ID stamp field enforcement was transferred to the DRS Special Investigations Section.

In general, however, LPR&IC found that interagency coordination of administrative functions rarely occurs and the staff of the four departments that handle truck-related programs seldom contact each other. Despite their related purposes, no mechanism exists for reviewing the impact of one department's procedures

and policies on the internal operations of the other agencies that administer truck regulations and revenue requirements. The effect of multiple requirements and independently operated programs on truck owners, particularly those engaged in interstate operations, has not been adequately addressed by any agency included in the scope of the committee review.

The only aspect of truck regulation that has been consolidated is field enforcement. Primary responsibility for enforcement of weight, size, registration, equipment, tax decal and ID stamp requirements rests with the state police truck squads. However, the committee found that coordination of state police activities and enforcement follow-up by the four agencies responsible for administering truck-related programs needs strengthening.

The citations written by the state police or the various agency enforcement personnel are handled by the courts, which then collect fines or otherwise dispose of trucking law violation cases. Additional actions can be taken by administering agencies in response to various truck law violations. Procedures to follow-up on detected truck law violations are in place in at least two agencies, the Department of Motor Vehicles and the Department of Revenue Services.

Copies of summonses written by the state police concerning violations of matters administered by the Department of Motor Vehicles are forwarded to that department for follow-up. By law, court records concerning disposition of truck and other motor vehicle violations are sent to DMV to be included in department files. Charges of failure to register in Connecticut, including those involving trucks, are referred to the department's registration enforcement unit. Follow-up on convictions of failure to register in Connecticut can result not only in revenue to the state from new registration fees but also in increased property tax revenues to towns.

Revocation or suspension of registration and suspension of rights to operate in Connecticut (for out-of-state vehicles) are penalties DMV can impose for a number of motor vehicle violations, including a third conviction for a 20 percent overweight charge as well as failure to appear in court or to pay court imposed fines. The Department of Revenue Services also can request DMV to suspend the operating rights of trucks that fail to comply with road tax requirements. Computer print-outs of trucks whose registration or operating rights are suspended are prepared weekly by DMV and have been used by the state police in their truck squad enforcement efforts.

However, Department of Motor Vehicles personnel knew of no case where registration or operating rights had been suspended due to a third conviction of a 20 percent overweight charge. It was further noted that the department does not receive, from the courts or the state police, the information (i.e., percent overweight) necessary to impose this penalty. The program review committee also found that the Department of Revenue Services rarely requests the Department of Motor Vehicles to take action against motor carrier road tax violators. DMV personnel noted that the only recent request from DRS is one currently being processed.

The Legislative Program Review and Investigations Committee found weaknesses in DRS, as well as DMV, enforcement follow-up mechanisms. While the penalty for failure to obtain a tax decal is a $99 fine, follow-up on tax decal violations can produce additional motor carrier road tax revenues. Both the state police and the sworn personnel of the Special Investigations Section of DRS issue citations for tax violations. Copies of the citations written by SIS agents are referred to the appropriate sections of the department to insure that violators file tax returns and pay motor carrier road taxes. Truck squad personnel, at the request of DRS, also have been forwarding copies of tax decal citations to the department and a formal state police memo instructing all troopers to do this was issued earlier this year. However, due to its organization and recordkeeping system the Department of Revenue Services was unable to report follow-up results on these forwarded tax decal violations (i.e., how many truck owners obtained tax decals, how many paid motor carrier road taxes, etc.).

In addition, while records on repeated tax decal violations as well as on the court disposition of all tax decal cases are kept by the DRS Special Investigations Section for the citations its agents write, SIS personnel noted that their department's audit personnel have not made use of these records.

Better coordination among the four agencies administering truck-related programs is vitally needed to ease the burden that multiple and diverse requirements and agencies place on interstate and intrastate trucks in Connecticut. Improved cross-referral and a formal communication system would enhance administration and enforcement by all agencies. It appears that much of the interagency coordination that has occurred to date has been initiated by the Connecticut Department of Transportation. This may be due to the fact that the department is mandated to coordinate development of state policy and regulations concerning the trucking industry.

Statutes give the Department of Transportation authority to adopt regulations concerning implementation of the state weight law, require the department to adopt certain safety regulations for trucks and direct DOT to coordinate development of state policy and regulations for the trucking industry. The transportation commissioner has broad statutory authority concerning the granting of permits to exceed state vehicle limits. These and other statutory mandates imply that DOT is the state's lead agency for trucking regulation. This lead agency role, however, is weakened by a lack of authority over and direct involvement in most trucking regulatory programs.

The Department of Transportation has the experience, expertise, interest and, at least implied statutory authority, to take a leadership role in coordinating trucking policy and regulation. It is the belief of the program review committee that this role should be formally established and reflected in the agency's organizational structure. The statutes granting this authority (as well as the commissioner's authority regarding overlimit and hazardous materials permits) appear in the chapter on vehicle highway use. If these broad powers and duties were specifically mentioned as part of the agency mandate outlined in Chapter 242 of the Connecticut General Statutes (the State Transportation Act), the DOT lead agency role in trucking regulation and policy would be statutorily strengthened. To clarify the Department of Transportation lead agency role in coordinating trucking policy and regulation, the Legislative Program Review and Investigations Committee recommends that the following statutory language now contained in C.G.S. Section 14-267a(k) be moved to C.G.S. Section 13b-4 and incorporated as a specific duty of the DOT commissioner: "The Department of Transportation shall coordinate development of state policy and regulations concerning the trucking industry." The committee believes that this technical change will both clarify the department's trucking policy coordination role and focus agency attention on this important function. To date, trucking regulation, particularly weight law enforcement, has not been a DOT priority.

Overall, the program review committee found that none of the state agencies with major trucking regulation responsibilities have adequately addressed coordination and follow-up issues. The Legislative Program Review and Investigations Committee believes the Connecticut Department of Transportation as lead agency, should initiate efforts to formalize coordination among the state agencies responsible for trucking programs. LPR&IC further recommends that the agencies which have impact on trucking regulation appoint liaisons to meet at the call of the Department of Transportation to establish procedures for the resolution of truck regulation issues that overlap the jurisdiction of the

Department of Motor Vehicles, the Department of Public Safety, the Department of Revenue Services and the Department of Public Utility Control.

Interagency meetings should be scheduled periodically to discuss each agency's activities, review any legal or administrative modifications of trucking-related programs and examine existing regulations for consistency and possible consolidation. Special efforts should also be made to establish cross-refferal mechanisms, particularly concerning detected violations. Immediate steps should be taken to insure that information needed to impose penalties for repeated overweight convictions (i.e., the posting of a $1,000 bond, bond forfeiture and registration revocation for repeated convictions of 20 percent overweight) is provided to the Department of Motor Vehicles.

The agencies should also review their internal procedures for following up on detected violations to see if improvements are needed. For example, the Department of Revenue Services should determine if its audit selection criteria and audit collection procedures concerning tax decal violations are adequate. Finally, the impact of each agency's requirements on initial compliance should be studied and loopholes, unintended exemptions or unclear definitions should be addressed. Department of Motor Vehicles provisions for temporary commercial registration plates, for example, should be tightened to prevent abuse and facilitate enforcement. To emphasize its concerns in these areas the Legislative Program Review and Investigations Committee recommends that the following items be an action agenda for the interagency coordinating committee:

1) the review and "tightening up" of DMV temporary registration provisions;

2) the development of DRS audit guidelines regarding tax decal violators; and

3) the forwarding of information necessary to impose the special penalties for repeated weight law violations to DMV.

In addition to the administrative areas listed above that need improvement, the LPR&IC review identified a deficiency in the DOT permit program that has since been addressed by the department. The Motor Transport Services Section administers the state's overlimit vehicle permit program in accordance with policy guidelines. Regulations had not been promulgated apparently because the agency's legal advisor felt that a permit program, which deals with exceptions to law, was not subject to the

provisions of the state's Uniform Administrative Procedure Act. While current operations appear reasonable and effective, the statutory authority concerning permits is broad. The program review committee believes that regulations are necessary to better define this authority and provide a sound base for consistent permit decisions. Early in its review, the committee found that the section's policy guidelines, written in the form of regulations, could be formally adopted with little additional effort; the transportation department is now in the process of promulgating the guidelines as formal regulations. The Legislative Program Review and Investigations Committee recommends formal adoption of permit regulations as soon as practicable and supports the Department of Transportation's efforts in this area.

Better coordination of administrative functions should improve the state Department of Transportation's ability to assess enforcement efforts. Since DOT is responsible for certifying that the state's enforcement efforts comply with federal requirements, the agency needs to have a more formal relationship with other agencies responsible for administering and enforcing truck laws. For example, the Motor Transport Services Section was not aware of DMV plans to remove its inspectors from the state police truck squads until the reassignment occurred. Removal of the motor vehicle inspectors breached the commitment DOT made to the federal government concerning staffing levels for weight enforcement and weakened the state's truck law enforcement effort. Under the committee's recommendations, matters such as reassignment of enforcement personnel could be discussed in interagency meetings before any final action is taken, thus avoiding unintended adverse consequences.

While the committee supports improved interagency coordination and strengthening of DOT's lead agency role for trucking regulation, continuation of primary enforcement responsibility within the state police division is strongly recommended. Unlike other aspects of trucking regulation, field enforcement activities are consolidated within the state police truck squads. Many states have established specialized truck enforcement units, often within their state police or highway patrol agency. Whether these units concentrate solely on weight and size laws or have broader enforcement mandates like Connecticut's truck squads is difficult to determine. However, a single organization (with adequate staffing and authority) devoted to truck law enforcement is characteristic of effective state programs.

Regional assignment of the state truck squads resulting from the decentralization of state police operations that occurred early in 1981 has compounded personnel and equipment shortage

problems. Decentralization has also inhibited the Department of Transportation's ability to oversee statewide truck weight enforcement efforts in order to make reports required by the federal government. Since truck weight law compliance is a statewide goal and enforcement resources are limited, the Legislative Program Review and Investigations Committee recommends that the squads be organized in a manner which promotes coordination of staff, equipment and recordkeeping. Furthermore, an individual from the Division of State Police who is familiar with all aspects of truck law enforcement should be designated as the Connecticut Department of Transportation contact person. State police representatives should also be involved in the interagency coordination efforts recommended earlier.

When the program review committee initiated its study of trucking regulatory programs, one objective was to identify unnecessary or duplicative requirements and functions that could be consolidated. Streamlined administrative functions would benefit all regulatees, especially interstate truckers, as well as improve operating and enforcement efficiency and effectiveness. One problem with consolidating administrative functions in a single state agency, however, is the diversity of trucking requirements.

The regulatory programs included in the committee review have different purposes, require a wide range of administrative procedures, personnel or expertise and apply to separate (but sometimes overlapping) segments of the trucking industry. Even if functions could be combined, it would be necessary to identify and then transfer to a single agency the resources the various departments now use to administer their trucking programs. None of the agencies reviewed during the LPR&IC study were able to report actual administrative costs associated with their truck-related activities. Some were unable to provide even an estimate of the staff resources required to operate their truck-related programs. Until the personnel and operating costs of each agency program are identified, the cost-effectiveness of consolidation cannot be determined.

As a starting point to simplified administration, some intake and issuance functions might be consolidated, perhaps in the Department of Motor Vehicles. For example, with additional resources (staff shortages are already a problem within this agency), DMV might be able to combine certain tax decal and identification stamp functions with its commercial vehicle registration process. Consolidation of intake and issuance function is another topic for the previously recommended interagency committee to explore.

In terms of eliminating programs or regulations, committee action was again limited by time constraints and insufficient information. However, the Legislative Program Review and Investigations Committee found that the Department of Public Utility Control program for regulating motor carriers (contained in C.G.S. Chapter 285) requires an indepth review and recommends that it be added to the 1985 sunset schedule. Several states are considering deregulation of interstate trucking and Florida eliminated economic regulation of instate carriers through its sunset procedure in 1980. Research on the impact of Florida's deregulation decision indicates neither trucking services nor the public interest have been adversely affected. Sunset review of Connecticut's program may not result in elimination, but it can at least identify areas needing improvement.

Personnel Needed for Effective Enforcement

In 1981, Connecticut submitted a plan to the federal government that indicated the state weight enforcement program would be staffed with three, six-person squads. At present, only two squads, at less than full complement, are operating. The third truck law enforcement squad has never been established. Five state police officers and five DOT maintainers have primary responsibility for enforcing weight, size and other commercial vehicle requirements throughout Connecticut. While all state troopers have the authority to enforce truck laws, for a variety of reasons they rarely do. This means that the number of personnel assigned to the truck squad constitutes the state's weight enforcement effort.

It is difficult to identify an ideal number of positions for weight law enforcement. It is clear that, from the federal government's view, Connecticut's efforts in the past have not produced an acceptable level of enforcement. (The state was warned about weak weight enforcement in 1978.) According to a 1978 GAO survey, the personnel assigned to truck enforcement in other states ranges from 6 to 195. However, the structure and staffing used for weight enforcement depends on the type of weight law, the role of the state's law enforcement agency, the size of the state and the type of equipment used.

An LPR&IC survey of the other New England states, New York and New Jersey, found a variety of enforcement organizations and personnel. However, most other northeastern states, like Connecticut, place responsibility for weight law and other commercial vehicle law enforcement within a special unit of their state police or highway patrol agency. A few also employ civilian personnel and several noted that enforcement personnel from other

agencies (e.g., motor vehicles, tax, etc.) join weighing operations from time to time. The number of full time weight enforcement staff ranged from 6 inspectors in Vermont to 71 state police officers in New York. (Results of the LPR&IC telephone survey are summarized in Appendix V.)

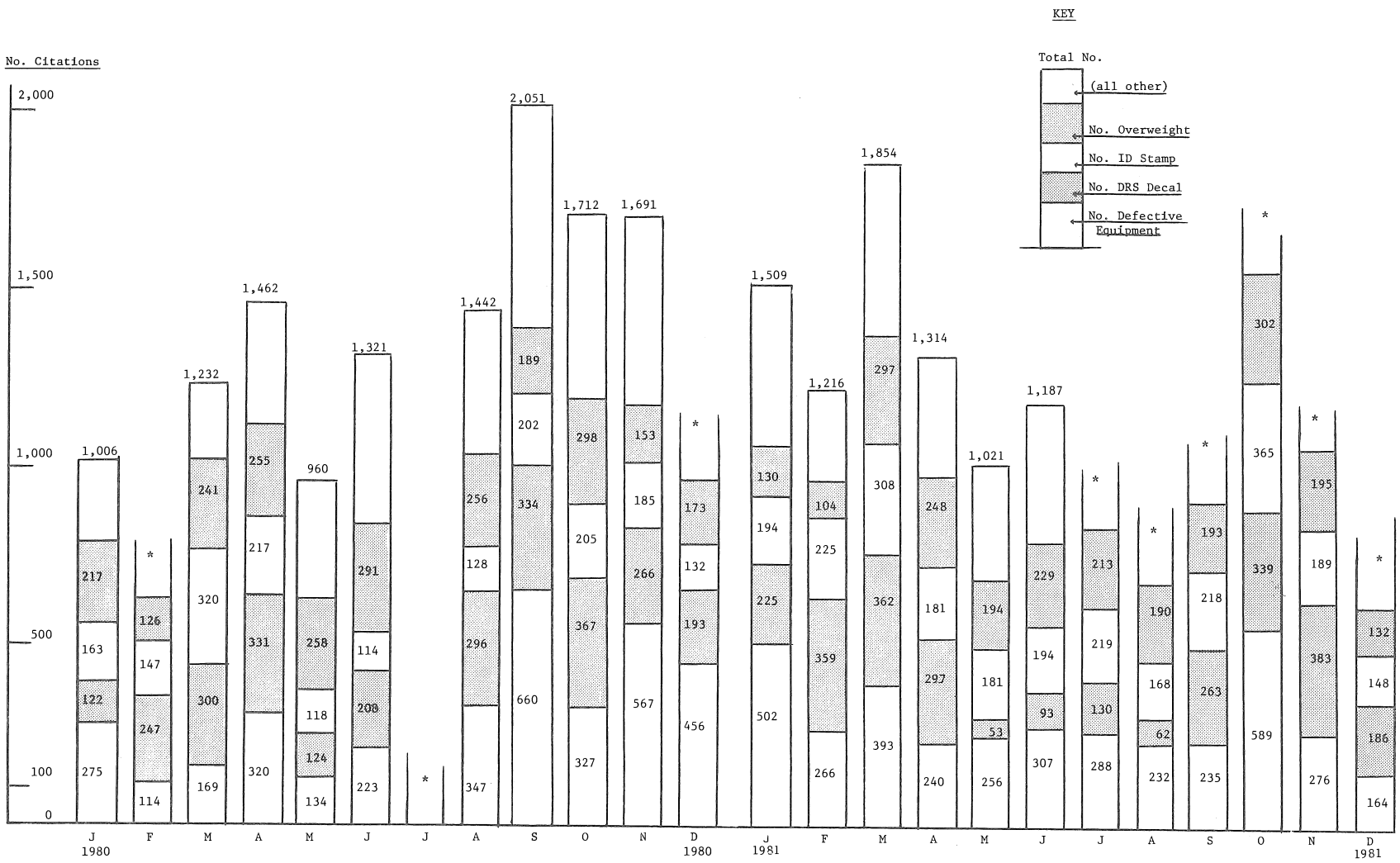
Two additional states--Virginia, which is considered to have a model weight enforcement program, and Florida, which recently placed primary responsibility for weight enforcement within its highway department--were also contacted to develop comparative information on weight enforcement staffing. In Virginia, over 100 transportation department employees are directly engaged in weighing operations on a full-time basis. In addition, 35 state police officers are assigned to enforce weight laws at Virginia's 14 permanent scale facilities and at least 1 trooper works with each of the state's 9 mobile (portable scale) units.

The Florida Highway Patrol, under contract to the highway department, enforced weight laws until January 1981 when the department established its own weight enforcement bureau. About 80 civilian personnel operate permanent scales and collect the administrative penalties for violation of Florida weight laws. Approximately 60 sworn personnel, who are not highway patrol troopers, conduct portable weighing operations and enforce weight and safety laws.

Despite the differences in organization and types of personnel, all but two states examined in depth by LPR&IC assigned more staff to truck law enforcement than Connecticut. Only Vermont uses less full-time weight enforcement personnel (6) while New Hampshire has the same total number (10) but all are sworn personnel. Five state police officers assisted by 5 civilians have primary responsibility for enforcing weight limits and other commercial vehicle laws on all Connecticut highways.

Although Connecticut's truck squads make the best use they can of available equipment and staff, vacancies and the small number of sworn personnel assigned to the squads reduce the effectiveness of their enforcement operations. Problems due to low staffing levels increase when illnesses, court appearances, special assignments and vacations take current staff away from the weighing operation for one or more days at a time. The loss of the DMV inspectors has meant that on occasion the squads cannot operate because there are no sworn personnel available and only they are authorized to write summonses for trucking law violations.

Figure IV-1. Monthly State Police Truck Squad Enforcement Statistics, January 1980 through December 1981.



* Unable to total due to incomplete data

Source: LPR&IC staff analysis of state police truck squad worksheets.

The decentralization of the squads compounds the problem of the small number of assigned personnel because it makes it difficult for the squads to share resources (i.e., troopers, portable scales, etc.). It also reduces the likelihood that the central region will be covered. The committee's earlier recommendation that the Division of State Police better coordinate existing truck squads to ensure weight enforcement operations occur statewide and personnel are used more efficiently should address this problem. Furthermore, the Legislative Program Review and Investigations Committee believes that the deployment of 18 people--all the enforcement positions included in Connecticut's truck weight enforcement plan submitted to the federal government--is the minimum commitment that the state can make if its enforcement program is to be effective.

LPR&IC staff analysis of state police enforcement statistics and interviews with squad personnel indicate that major fluctuations in the numbers of truck law violations detected throughout a year are primarily due to staffing levels. Figure IV-1 illustrates the wide variation in truck squad monthly enforcement results over the past two years. Some variation is due to the seasonal nature of trucking operations--when truck travel increases, such as in the early fall (when goods ordered for Christmas are being shipped), more vehicles are checked and, therefore, more violations are detected. However, the August 1981 decline in detected violations coincides with the removal of DMV inspectors from truck squad operations. Conversely, numbers of detected violations were significantly greater in March and in October, when additional personnel were assigned to truck law enforcement operations, than during other months in 1981.

According to LPR&IC staff estimates, each truck squad sworn position generates an average of $174,000 per year just in potential overweight fines. Annual salary, fringe benefits and other personnel costs associated with a state police trooper position are less than $25,000 while motor vehicle inspector personnel costs are slightly lower. (See Enforcement Personnel Costs and Benefits Summary, Figure IV-2.) After examining the costs and benefits of increasing truck law enforcement staffing levels, the Legislative Program Review and Investigations Committee recommends that funding be provided in the Department of Public Safety budget for a third state police truck squad consisting of three sworn personnel and two to three civilian positions. (See following recommendation regarding civilian positions.) In addition, the committee believes that three sworn personnel should be assigned on a full-time basis to each squad to insure that resources for patrolling bypass routes and writing summonses are adequate.

Figure IV-2. Summary of Estimated Costs and Benefits Associated with LPR&IC Enforcement Personnel Recommendations.

ADDITIONAL STATE POLICE PERSONNEL FOR THIRD SQUAD

COSTS: New funding for 3 troopers @ $24,572 (salary, meals, fringe) per year = $73,716.

Additional portable scale equipment may also be needed for a new third squad: estimated maximum cost = $25,000, one time expenditure.

BENEFITS: LPR&IC staff estimated that average overweight fines written per month per sworn position in truck squads (January through December 1980) = $14,500.

Based on staff estimates 3 troopers x $14,500 each per month x 12 months = $522,000 per year in potential overweight fines. If only 50 percent of the fines written are collected through the courts, 3 additional truck squad troopers = $261,000 per year in overweight fine revenues.

In addition, fine and fee revenues are produced from the various commercial vehicle infractions (e.g., registration, tax, defective equipment, etc. violations) detected by enforcement personnel.

From January through June 1980, potential fines from failure to register, tax decal, ID stamp and equipment violations averaged nearly $7,000 per month per sworn position.

Other benefits include: removal of potentially hazardous vehicles from public highways; reduced pavement and bridge damage through enforcement of weight limits; commercial vehicle law enforcement in central area of state.

REASSIGNING OR REPLACING DMV SWORN PERSONNEL

COSTS: No new costs to reassigning 2 motor vehicle inspectors to truck squads.

If the 2 DMV sworn personnel are replaced with 2 state police troopers: additional new funding for 2 troopers

@ $24,572 per year = $49,144.

BENEFITS: Based on estimates described above, each truck squad sworn position generates $174,000 per year just in potential overweight fines.

Other benefits: replacing motor vehicle inspectors with troopers should centralize funding and supervisory responsibility for all truck squad sworn personnel in the state's law enforcement agency.

UPGRADING AND TRANSFERRING CIVILIAN PERSONNEL

COSTS: Transfer funding for 5 DOT maintainer positions @ $14,912 (salary and fringe) per year = $74,560 and upgrade positions to enforcement technician @ approximately $17,779 (salary and fringe).

5 new enforcement technician positions x $17,779 minus $74,560 transferred (existing DOT funding for 5 maintainer positions) = $14,335 net new cost.

If one enforcement technician position added for a total of six civilian personnel (so two could be assigned to each truck squad): additional funding = $17,779 would be required.

BENEFITS: With upgrading, civilian personnel could again assist in checking paperwork and equipment violations as well as operate weighing equipment.

Fine revenues attributable to civilian efforts cannot be identified. However, LPR&IC staff estimated that potential fines generated by the truck squads for four types of paperwork and equipment violations (failure to register in Connecticut, motor carrier road tax decal and ID stamp violations and defective equipment citations) averaged over $275,000 per year.

Other benefits: transferring the civilian positions to DPS would centralize funding and supervisory responsibility for all truck squad personnel.

The number of sworn personnel for truck law enforcement operations was effectively reduced by one-third when two motor vehicle inspectors assigned to the squads were recalled by the Department of Motor Vehicles in August 1981. The Legislative Program Review and Investigations Committee recommends that arrangements be made by the Departments of Motor Vehicles and Public Safety to insure that the two motor vehicle inspectors are returned and remain assigned to truck squad duty until state police personnel are available to replace them.

The program review committee further recommends that a new enforcement technician position be created within DPS to replace the current civilian position of DOT maintainer now assigned to the state police truck squad. There are five civilian personnel (Department of Transportation maintainer positions) assigned to the state police truck squads at present. The civilians are critical to efficient portable scale weighing operations, currently the only weight enforcement method possible for most areas of the state.

In the past, the maintainers also provided valuable assistance in checking vehicle equipment and paperwork (e.g., registration, tax decals, etc.). Prior to May 1981, DOT maintainers assigned to the truck squad assisted the sworn personnel (the state troopers and DMV inspectors) with these aspects of the enforcement program. A grievance filed by the maintainers in an effort to receive additional pay for the performance of duties outside their job classification instead resulted in the removal of certain duties. Efficiency and morale would improve if the individuals who set up, operate and maintain the weighing equipment also have a role in other aspects of truck law enforcement. Supervisory responsibility for these employees would be clarified if they were placed within the Department of Public Safety, which needs the services of employees of this type and which already oversees the day-to-day work of the maintainers. (A sample job specification for the weight and safety technician position, prepared by LPR&IC staff, is provided in Appendix VI.)

The Legislative Program Review and Investigations Committee believes that adoption of its personnel recommendations will significantly strengthen the state's truck law enforcement operations. The fine revenues produced by additional sworn and upgraded civilian personnel should far exceed new personnel costs. Adding a third squad will also satisfy Connecticut's commitment to the federal government concerning the state weight law enforcement program. Finally, under the committee's proposal, all personnel responsible for truck law enforcement would be under the control and direction of a single agency--the Division of State Police within the Department of Public Safety.

Another personnel issue identified by the LPR&IC review is that fact that no special training is provided for members of the truck squad even though they are enforcing complex weight and tax laws. Likewise, different weighing equipment and certain types of trucks require special weighing techniques now learned through experience. If weighing procedures are not conducted properly, a citation may not hold up in court.

At the present time, most of the personnel assigned to the truck squad are there by choice. Some have had experience working with commercial vehicles while others are interested in the area. In no case, however, is any formal training in the specific components of the squad's work provided to members. Experience is acquired on-the-job. The committee believes that more preassignment training opportunities and a written reference manual would facilitate correct and consistent application of the state's laws. Therefore, the Legislative Program Review and Investigations Committee recommends that the Division of State Police, within its existing police training program and budget, develop a special training component for new employees assigned to the truck squad so that prior to their placement in the field they have an opportunity to learn specific information about the weight, safety and tax laws they will be enforcing. A written manual also should be developed and maintained.

Preassignment training, along with a written manual also may address some of the recordkeeping inconsistencies that the committee detected when reviewing enforcement statistics. The differences in the ways individuals and each squad report on vehicles checked and summonses issued should be diminished if weight enforcement operations are better coordinated as recommended previously.

In addition, recordkeeping has not been as accurate or as detailed as the U.S. Federal Highway Administration, the agency which reviews and approves the state's weight enforcement plan and program, would like. DOT staff who prepare the state plan and report to the FHWA should work with the state police liaison for enforcement coordination (recommended earlier) to resolve these recordkeeping deficiencies.

The truck law enforcement manual could be used by other state troopers as well as local enforcement personnel and might encourage greater efforts on their parts. Although all state troopers have the authority to enforce truck laws, a detailed knowledge of legal limits is necessary to avoid issuing improper summonses; the limited locations available to weigh a truck also make it difficult for a trooper on regular duty to intercept an illegally operated truck. Even without these difficulties, the

other duties of a trooper assigned to highway patrol have a higher priority and generally consume his or her full shift. A truck law enforcement manual cannot solve these problems, but it could serve as a reference for personnel unfamiliar with weight and other complex truck regulations. A manual would also be useful to the troopers who are occasionally assigned to work with the truck squad as replacements for or additions to the assigned manpower.

The state police truck squads have attempted to encourage local weight enforcement activities by providing training to municipal police. The shortages of truck squad personnel described earlier have hampered these local training efforts. Although state police truck squad resources for training local police are limited, there are certain times when state operations slow down. For example, in the winter when the portable operations are restricted by weather, squad time could be devoted to local training programs.

Training local police is part of Connecticut's commitment to the federal government described in its annual truck weight enforcement plan. The Legislative Program Review and Investigations Committee believes that expanded local training efforts could increase enforcement activities in the state and would demonstrate Connecticut's commitment to weight law enforcement. At a minimum, the committee recommends that local enforcement personnel be provided with a copy of the truck law enforcement manual recommended above.

To date, there has been little response to the truck squad training efforts; only three towns have participated in such training programs. In general, towns have limited resources for truck weight enforcement. No municipalities are known to have portable equipment, few have access to permanent scales, and most lack experience concerning truck weight enforcement. It appears that only one municipality, East Hartford, has an active truck squad.

Apparently, most other states are either unaware of local efforts or also have had difficulty encouraging municipal truck weight enforcement. In response to a 1978 survey conducted by the U.S. General Accounting Office, 26 states reported that local governments within their jurisdiction did not have any active weight enforcement programs. Three states (including Connecticut) were uncertain about local efforts. The program review committee was unable to identify any states which had success in providing incentives other than training for local enforcement.

Until 1980, the state statutes (C.G.S. Section 51-56a) provided for remittance of 25 percent of the fines collected for certain motor vehicle violations (including overweight, overwidth, overheight and permit violations) to the municipalities in which the violations occurred. Public Act 80-270 repealed that statutory provision, although subsequent legislation (passed in the same session) provided for full remittance to municipalities of all fines collected for parking violations.

In 1979, funds remitted to all municipalities under C.G.S. Section 51-56a totaled approximately $2 million. Of this total, only $214,634 involved fines from overweight, overheight, overwidth and permit violations. Since revenues were relatively minor in the past, it is unlikely that the 25 percent provision was a financial incentive for municipalities to enforce size and weight laws. It has also been noted that municipal police may be reluctant to weigh potential overweight vehicles when they are owned by local businesses, particularly if the owners are involved in local government. It is the opinion of the program review committee that unless substantial financial incentives can be provided, it is unlikely this reluctance can be overcome.

Equipment Needed for Effective Enforcement

National studies have found that effective truck weight enforcement programs employ extensive use of permanent and portable scale operations. While both types of operations occur in Connecticut, high volume truck inspections are limited to the two permanent scale locations. Several major truck routes and the central region of the state lack access to permanent scales, thus reducing mass weighing capability. Furthermore, only the Waterford scales permit intensive weighing operations, since they are easily accessible from both directions of Route I-95. The Stratford scale, while accessible from I-95, actually is located on Route 1 and space for equipment checks and waiting vehicles is limited. Therefore, squad personnel stationed on I-95 to direct trucks to the Stratford scale site tend to be selective in sending vehicles to be weighed.

In general, enforcement personnel in Connecticut as in other states prefer fixed scale operations because a greater volume of trucks can be checked during a shift and the permanent facilities are less affected by temperature and weather conditions. However, fixed scale sites are easily bypassed and patrol of bypass routes is critical for effective permanent scale weight enforcement.

Portable scales offer greater flexibility in enforcement locations but more personnel are needed to operate them. In addition, fewer trucks can be weighed during a shift. Time is also lost when the squad has to travel long distances during working hours to the location selected for portable scales activities.

An LPR&IC staff analysis of East and West squad enforcement statistics (see Table IV-I) supports the notion that permanent scale operations allow large numbers of vehicles to be weighed and inspected. The design of the Waterford scale, which is used almost every working day by the East squad, permits faster inspections, resulting in more vehicles checked and more citations issued. The East squad, as Table IV-I shows, issues many more summonses involving registration, tax decal, ID stamp and equipment violations than the West squad. The West squad checks significantly fewer vehicles due to the limitations of the Stratford permanent scale design and the fact that its personnel make extensive use of portable and semiportable equipment. The East squad uses its portable scales infrequently and has conducted semiportable operations only in conjunction with the West squad.

Based on East squad enforcement statistics, commercial vehicles checked at the Waterford fixed scale site averaged over 6,000 per month during 1981. In this same time period, fine revenues per month from the Waterford scale operations averaged over $25,000 in potential overweight fines and almost $19,000 in potential fines for failure to register, tax decal, ID stamp and equipment violations. Using these monthly averages, LPR&IC staff estimated that the Waterford permanent scale operation produces approximately $545,000 in total potential overweight and four other selected fines per year.

After examining various enforcement methods and analyzing past state police truck squad statistics, the committee feels that construction of new permanent scale facilities would be a cost-effective investment. Two new facilities (one on Route I-84 in Danbury and one on Route I-91 in Middletown), which are eligible for 90 percent federal matching funds, have been proposed and are in the design phase. In January 1982, the Connecticut Department of Transportation estimated the total costs at $1.23 million--$700,000 for the Danbury facility and $530,000 for the Middletown facility. The state share, 10 percent, would be about $123,000. If the two proposed facilities together were to generate $500,000/year in fine revenues and the courts collect only 50 percent, the state's share of construction costs would be recovered in less than one year. Total costs would be recovered in 4.9 years.

Table IV-I. Selected East and West Squad Monthly Enforcement Statistics July - September 1981.

	July		August		September	
	West	East	West	East	West	East
Number Vehicles Checked	1,157	7,447	997	6,205	2,065	5,982
Number Size & Weight Violations						
Overwidth	4	2	3	6	6	1
Overlength	9	94	12	107	13	120
Overweight	125	88	128	62	129	64
Axle	14	29	14	26	13	26
Gross	111	59	114	36	116	38
Bridge formula	27	22	30	18	27	26
Number Offloaded	5	5	6	4	2	9
Potential Overweight Fines	$66,698	$33,450	$74,214	$26,992	$55,636	$22,934
Number Other Violations						
Fail to Register	4	17	5	28	7	17
ID Stamp (PUC)	29	190	22	146	51	167
DRS Decal	42	88	18	44	170	93
Defective Equipment	40	248	36	196	39	196

Source: LPR&IC staff analysis of state police truck squad worksheets.

The Department of Transportation has reported that use of the two new facilities has the potential of doubling current weight enforcement capacity. Although the Middletown and Danbury scales will significantly increase truck weight enforcement efforts, especially in the central region of the state, construction has been delayed. Completion dates have been changed, first from 1983 and most recently from 1984 to 1985; costs have escalated with each delay. Therefore, the Legislative Program Review and Investigations Committee recommends that construction of the two permanent scale facilities, one in Middletown (I-91) and one in Danbury (I-84), proposed by DOT should be expedited so they will be completed within the next two years. If there is no way to expedite the projects using federal matching funds, the committee recommends that the state find an alternative funding mechanism to insure project completion by 1984. Consideration should be given to the use of self-liquidating bonds so that revenues generated from truck law violation fines can be used to pay off the costs of building these permanent scale facilities.

The Legislative Program Review and Investigations Committee further recommends that the Department of Public Safety develop a policy concerning the use of regional, private and municipal scales by the state truck squad and other members of the state police force. Use of permanent scales (either regionally, privately or municipally owned), which are located in various municipalities throughout the state, increases weight enforcement capability without requiring large state expenditures. Although some of these scales are located near landfill sites which are usually far from the mainstream of traffic, they could provide necessary enforcement options for local and state police in certain areas.

There are a number of scales owned by truck companies (e.g., at the New Haven terminal) and construction firms that the state police can and do use for a fee. It appears, however, that there has never been an effort to compile a list of all permanent scale facilities, their capacities and the date when they were last certified by the Department of Consumer Protection.

The Department of Transportation is currently responsible for the state's permanent scale sites and any plans to build new sites. Since DOT, under the program review committee's recommendation, would also be responsible for coordinating the truck-related regulatory programs, it would be appropriate for the department to keep a current inventory of all permanent scale locations. DOT should be able to obtain information from the Department of Consumer Protection regarding scale certifications and the Department of Environmental Protection regarding the location of

landfill scales. This information can then be provided to the state police truck squads. The program review committee recommends that the Connecticut Department of Transportation develop and maintain an inventory of all scale facilities in the state.

Although permanent facilities offer the advantage of efficient, high volume weighing activities, portable scales permit roving enforcement teams to quickly set up operations almost anywhere in the state. In addition, while fixed scale operations result in more vehicles being checked, portable activities often detect more overweight violations, as the comparison presented in Table IV-I showed. During July, August and September 1981, the West squad's primarily portable activities resulted in greater potential overweight fine revenues than the East squad's operations at the Waterford scales.

This may be due to fluctuations in staffing levels as well as the fact that truckers who know their vehicles are overweight and that the Waterford scales are open will avoid the East squad weighing operations. The West squad also tends to locate its portable operations where there are concentrations of very heavy, potentially overweight trucks (e.g., outside construction sites, on routes to landfills or near heavy cargo pick-up and delivery points). Thus, the selective weighing process of portable scale activities contributes to the West squad's weight enforcement results.

The program review committee strongly supports continued use of portable scales in Connecticut. Portable operations are an efficient and effective method for weight enforcement in most areas of the state and transportable scales offer much needed flexibility to Connecticut's weight enforcement program. As discussed earlier, while the type of equipment used has an impact on enforcement results, an adequate number of personnel, especially sworn personnel, is critical for effective weight law enforcement. Portable scale operations, since they require more personnel, are hampered most by truck squad staff shortages. Implementation of the committee's recommendations concerning increased and upgraded enforcement personnel will ensure continued, effective portable operations.

The committee also found that roving enforcement operations are significantly reduced in the winter months, since the portable, and to a lesser extent semiportable scales, are adversely affected by cold temperatures. Through its survey of other state weight enforcement agencies, LPR&IC was made aware of alternative design portable wheel weighing scales that are used by other northeastern states and appear to be unaffected by cold weather. If effective, these scales might permit more winter

time portable operations in Connecticut; the committee recommends that DOT and state police officials investigate purchase of the alternative portable scales.[7]

Another problem with the portable scale operations is the time required for the weighing process since wheel weighing scales must be carefully positioned for each vehicle to ensure accuracy. To address this problem and to respond to a 1978 federal warning concerning weak truck weight enforcement, Connecticut certified to the federal government that 16 scale pits would be constructed and maintained throughout the state. This plan to expand the use of portable scale operations was enthusiastically supported by the federal government. Without the scale pits, the truck squad was limited to weighing four vehicles per hour during a portable operation. It was anticipated that up to 30 vehicles per hour could be weighed using the scale pits.

The 16 scale pits were built in 1978 by the Department of Transportation at a cost of approximately $50,000. However, because each scale pit can hold only two portable scales, trucks must be weighed axle by axle. The gross vehicle weight is determined by adding up the individual axle weights.

Several design problems have resulted in virtually no use of the scale pits by the truck squad. Apparently, it was difficult to unbolt the original metal grates which covered the pits, particularly in the winter months when the grates often froze. Even with subsequent retrofitting, there were still problems with the pits. Drainage problems permitted sand and other material to interfere with weighing accuracy. During the past year, two scale pits became entirely unusable and were filled in with asphalt.

Recent re-examination of the problem, however, indicates the remaining scale pits do not have to be abandoned. Transportation department staff estimate the scale pits could be refurbished with minimal effort. Therefore, the Legislative Program Review and Investigations Committee recommends that DOT investigate what repairs or redesign would be needed to permit use of existing scale pits, especially those in strategic locations. The advantages and disadvantages of scale pit usage in general should also be explored. If design and operational problems can be overcome, scale pits could significantly improve the efficiency of portable weighing operations.

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[7] Connecticut uses Metrodyne brand portable wheel weighing scales. The alternative scales used in other northeastern states are the General Electrodynamic brand portable scales.

The LPR&IC study revealed that no official budget provides specifically for the repair and maintenance of the truck squad equipment. At various times over the years, both the Department of Transportation and the Department of Public Safety have paid for repairs for the weighing equipment. Jurisdictional questions over which agency should pay have led to delays in getting approval for repairing scales and other truck squad equipment. For example, two sets of semiportable scales were not operable for about eight months due to a damaged cable. Finally, the Department of Public Safety authorized the expenditure of the $600 needed to replace the cable on the semiportable scale.

Maintenance responsibility for the permanent scale sites does not appear to be an issue. Funds for repairs, materials, labor and energy costs for the three state-owned permanent scales used by the state truck squad are included in the Department of Transportation's budget and in FY 1980-81, all expenses totaled approximately $9,000. As fixed scales require only simple maintenance and seldom need repairs, most costs are related to facility operation.

Responsibility for the maintenance and repair of portable and semiportable equipment, however, has never been clearly established. While DOT purchased the 20 portable scales (in 1975) and the 8 semiportable scales (in 1978), the ownership of the equipment was subsequently transferred to the Department of Public Safety. Neither agency has any specific policy or funds for maintenance of this equipment. The program review committee found that the state police budget does not include any funding designated for maintenance and repair of the truck squads' portable scales or for any purchase of minor equipment needed for weight enforcement activities.

Equipment failure, prolonged by repair and replacement part delays, sometimes shuts down the squads' enforcement operations. Therefore, resolution of the maintenance issue is critical to the effectiveness of semiportable and portable weighing operations. Regular maintenance of the truck squad equipment also is necessary to ensure the accuracy of weighing activities.

The lack of relatively inexpensive equipment further diminishes truck squad effectiveness. Requests for small items such as radios, loadometers (vehicle counters) and even trailer hitches have received little support. Without such equipment, certain operations cannot be conducted. For example, the trailers used to transport the semiportable scales required special hitches; until they were obtained, semiportable operations were limited to one location.

Overall, it appears that the efficiency and accuracy of weighing operations would be enhanced with a relatively small maintenance budget and investment in minor equipment. As noted previously, the Department of Transportation now plans, designs and constructs permanent scales and other major facilities. Certain capital projects undertaken by the department are eligible for 90 percent matching funds via the federal highway aid program. Therefore, the Legislative Program Review and Investigations Committee recommends that DOT, which has the necessary resources and expertise, continue performing these construction-related activities. The department should also retain responsibility for maintenance of state-owned permanent scales.

Routine maintenance and minor truck squad equipment repairs, however, appear to be within the scope of the Department of Public Safety. DPS currently provides for the repair and maintenance of state police vehicles and other enforcement equipment; arrangements could be made for the special needs of the truck squad. The program review committee recommends that the Department of Public Safety budget include funding specifically for routine maintenance of its truck squads' weighing equipment and for the squads' small equipment needs. By providing such funding, LPR&IC believes that the equipment failures and repair delays which have seriously impeded effective weighing activities in the past can be avoided. In addition, maintenance personnel whose duties include equipment repair and upkeep are members of the truck squad. While the DOT maintainers have received little formal training to date, they have repaired scales and could expand their skills if given training opportunities as recommended earlier.

Finally, although the committee was generally satisfied with truck squad operations given current equipment and staffing levels, it was felt that some enforcement procedures could be improved and existing equipment could be used more effectively. The Legislative Program Review and Investigations Committee recommends that, at least on an experimental basis, the squads set up portable scales on bypass routes adjacent to permanent scale facilities and operate both simultaneously. Combined operations, an approach used in model enforcement programs, have not been attempted in Connecticut, primarily because of staff limitations. With implementation of the committee's personnel recommendations, simultaneous permanent and portable operations would become feasible.

The Legislative Program Review and Investigations Committee also recommends that truck squad operations be scheduled for a greater variety of locations and hours, including nights and

weekends, again on an experimental basis. More frequent weekend enforcement and better central region coverage is especially important now that the Massachusetts Turnpike is open to commercial travel on Sundays. In general, evaluations of enforcement programs have found that compliance with state truck laws improves when the sites and timing of vehicle weighings and inspections vary. Random scheduling, like operation of portable scales on bypass routes, reduces the likelihood that trucks can avoid weighing activities. With staffing increases, the Connecticut truck squads should be better able to try out alternative enforcement methods and schedules. The committee believes that adoption of its recommendations concerning enforcement procedures will enhance state police truck squad effectiveness.

Clarifying and Revising Weight and Size Laws

Connecticut's gross vehicle weight standards, axle weight limits, size restrictions, exemptions and permit provisions, contained in a number of different statute sections, are complicated and technical. The various state weight and size laws are outlined in a Division of State Police memo and appear to be consistently enforced by the truck squad. However, state police officers and local enforcement personnel not familiar with these laws find them difficult to interpret and apply. Judicial department personnel also appear to have problems determining weight law intent. In the overweight cases observed by program review committee staff, legal questions arose over permit violations, exemption applications and technical aspects of weight enforcement.

Restrictions on vehicle size and weight have developed over the years through amendments and additions. A clear policy concerning highway use is not reflected in current state statutes which are subject to a variety of legal interpretations. Consolidation of the various size and weight laws along with clarification of intent would facilitate enforcement efforts and the adjudication process. The Legislative Program Review and Investigations Committee recommends that the intent of current state weight and size laws be clarified through technical corrections, consolidation of existing statutory sections and adoption of legal definitions of certain terms such as "wheelbase" and "tandem axle."

Although complex, the committee feels retention of the state's two vehicle gross weight standards is necessary to prevent economic hardship for owners of older vehicles and specialized trucks. While the statutes provide that all vehicles must be registered in accordance with the federal bridge formula by January 1, 1990, certain segments of the trucking industry--refuse haulers and construction firms in particular--have major

concerns. They claim that: 1) vehicles which could meet their business needs and stricter federal formula requirements are not and will not be available; or 2) purchase of all new vehicles which comply with the formula would be required and would create an unjustified economic burden.

If the bridge formula gross weight standards are phased-in and the state's specific gross weight limits terminated, these concerns will need to be addressed, perhaps through a permit procedure or "grandfather" provision. For much of the trucking industry, for example, freight haulers who use combination vehicles, compliance with the bridge formula requirements does not pose a serious problem. Some vehicles even benefit; certain longer wheelbase, multiaxle trucks can have greater gross weights under the formula than under specific statutory limits.

While most engineers and highway officials feel the bridge formula method of limiting gross weight provides better protection of highway structures, its axle spacing requirements cannot be met by short wheelbase vehicles (e.g., most construction trucks) unless payloads are reduced or vehicles redesigned or replaced. Furthermore, the construction industry points out heavy construction vehicles constitute less than 2.3 percent of all trucks registered in Connecticut and according to U.S. census data, account for only 0.3 percent of total vehicle miles traveled in Connecticut. Due to the inconclusive data on the relative relationship of weight and highway damage it is difficult to know whether the benefits of adopting the bridge formula as the state's only gross weight standard would outweigh the costs to construction vehicle owners and owners of older model trucks.

If the state's current dual system is retained indefinitely, the bridge formula would continue to be mandatory for the heaviest vehicles, those over 73,000 pounds and up to the maximum 80,000 pounds. About 900 instate registered trucks and all out-of-state vehicles in that gross weight range would have to comply with the stricter formula. Vehicles still could opt to comply with the formula if it was to their advantage. For example, a three-axle tractor-semitrailer limited to 58,400 pounds under the state standard can have a 60,000 pounds GVW if it meets the wheelbase requirements of the bridge formula. The state's specific gross weight standards, which construction and other specialized vehicles and older trucks can meet, would apply in all other cases. Therefore, the Legislative Program Review and Investigations Committee recommends that Connecticut's dual vehicle gross weight standards be retained and that the 1990 phase-in of the federal bridge formula for all vehicles be deleted from state law (C.G.S. Section 14-267a(b)(9)).

While there does not appear to be any pressure from the federal government to phase-in the bridge formula, Connecticut's application of the formula (using the state axle weight limits) is considered to violate federal provisions. To avoid possible federal sanctions, it seems that Connecticut would need only to enforce the formula using federal axle weight limits; existing state axle and gross weights apparently could be retained for vehicles with 73,000 pounds or under gross weights (unless they opt to comply with the formula).

Nationwide adoption of federal axle weight limits--20,000 pounds for single axles and 34,000 for tandem axles--has been urged by many groups interested in weight law uniformity and by the American Association of State Highway and Transportation Officials. It is difficult to quantify damage resulting from overweight vehicles, although an AASHTO study concluded that in comparative terms a 26,000 pound axle, which weighs 30 percent more than the federal 20,000 pound limit, does 200 percent more damage to roads. (See Appendix III for a more detailed discussion of weight and road damage relationships.)

However, it is uncertain whether the potential benefits of prolonged highway serviceability would outweigh the costs that the truck owners, particularly construction companies, refuse haulers and similar heavy vehicle users, would incur if federal axle limits were unilaterally adopted in Connecticut. State axle limits should not be eliminated until this economic impact has been thoroughly studied. Therefore, the Legislative Program Review and Investigations Committee recommends that state axle weight limits for vehicles with a gross weight of 73,000 pounds or under be continued. However, to avoid any possible federal sanctions, the committee recommends that federal single and tandem axle weight limits be adopted in state statute and enforced whenever the federal bridge formula is applied. Information from a DOT survey of vehicles using Connecticut highways indicated that nearly all vehicles subject to the bridge formula gross weight standards were in compliance with federal axle weight limits. Therefore, the committee's recommendation to adopt the federal axle weight limits should not have an adverse impact on the vehicles required to comply with the formula.

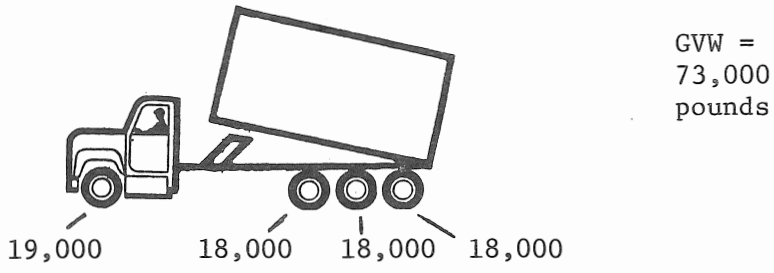
Connecticut statutes provide for several exemptions to weight law requirements, the most important of which concerns four-axle construction vehicles. In 1971, a statutory exemption was added to allow four-or-more axle construction vehicles a gross weight of up to 73,000 pounds; otherwise, such vehicles would be limited to 67,400 pounds or would need at least a 28

foot wheelbase to legally carry 73,000 pounds. There has been some confusion over application of state axle weight limits to these exempted vehicles.

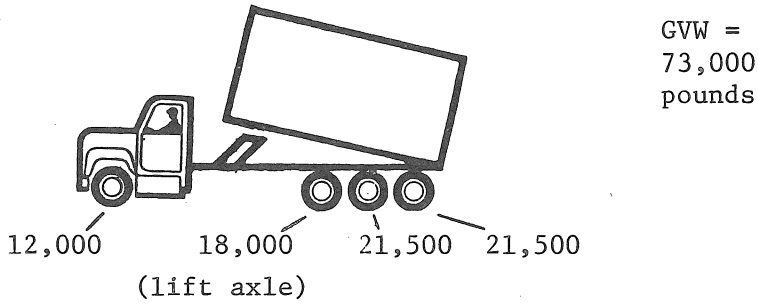
DOT documents from 1971 and current motor vehicles and transportation department manuals note that the exempted construction vehicles must comply with state axle weight limits. The statutory language of the exemption is less clear. The law states that these vehicles are exempted from state gross weight and wheelbase requirements but there is no definition of wheelbase. Since the state's 18,000 pound axle limit refers to axles spaced less than six feet apart, some vehicle owners claim it to be a wheelbase requirement and thus the exempted vehicles are not subject to the 18,000 pound single (or 36,000 pounds tandem) axle limit.

Department of Transportation personnel report that the language was intended to clarify that these vehicles would be exempt from the federal bridge formula wheelbase requirements. The unclear legislative intent of the exemption provision has brought about inconsistencies in the adjudication of weight violations. Potential legal problems have prompted DOT officials to advise state police truck squads to cease enforcing the 18,000 pound axle limit (and use instead the 22,400 pound single axle law) for the exempted four-axle construction vehicles.

Most of the four-axle construction vehicles that come under the exemption have a wheelbase length of 24 feet or less and have three rear axles (each less than six feet from the other), one of which is a lift axle. In order to carry 73,000 pounds and meet the 18,000 pound axle limit, weight would have to be distributed as shown below:



Because the four-axle construction vehicles have a short wheelbase and are equipped with a lift axle, the actual weight distribution tends to be as shown below:



Since the vehicle design shown above cannot practically achieve a front axle weight in excess of about 12,000 pounds, payload would have to be reduced by approximately 7,000 pounds (to a gross weight of 66,000 pounds) to achieve legal weights on the three rear axles.

One Connecticut based company has purchased several newly developed four-axle construction vehicles that can comply with the 18,000 pounds axle weight limit and reach the 73,000 pounds gross weight limit. Another company, dissatisfied with certain features of the new truck design, has standard design, lift axle trucks built to specifications that result in compliance with the state axle weight requirements. Most owners, however, cannot afford this option for compliance.

It is estimated that less than 700 vehicles are legally registered at 73,000 pounds GVW under the provisions of this exemption. According to the industry, these vehicles operate at the maximum permitted weight probably less than half the time they travel on state highways (e.g., because they would be fully loaded going to a job site and empty when returning). Exempted construction vehicles operating at maximum weight therefore, are a relatively minor portion of heavy vehicles using Connecticut's roads and bridges.

In the case of these exempted four-axle construction vehicles, compliance with the 18,000 pounds rather than 22,400 pounds axle weight limit would require reduced payloads or the purchase of alternative design trucks. The program review committee feels this would create an unreasonable economic hardship. To alleviate this burden and clarify the intent of the exemption provisions, the Legislative Program Review and Investigations Committee recommends that C.G.S. Section 14-269 be amended to allow four-axle construction vehicles to have a gross weight of 73,000 pounds provided the weight on any single axle does not exceed 22,400 pounds. The committee believes its recommendation is a pragmatic solution since: 1) trucks designed to meet the

18,000 pound limit and carry 73,000 pounds are not suitable for many construction purposes or are extremely expensive; 2) the number of vehicles taking advantage of the exemption is relatively small and they generally are in use for only part of the year (because of the seasonal nature of the construction industry); and 3) the exemption is now being enforced in accordance with the intent of the committee recommendation.

It is recognized that in responding to industry needs, more weight will be concentrated on the exempted vehicles' rear axles. If these vehicles attempt to carry more total weight than legally allowed, axle weight concentrations would be even higher. Implementation of the committee recommendations concerning improved weight enforcement are essential regardless of what weight limits are in effect, but are vital for ensuring that the exempted vehicles comply with the axle weight loads permitted under the LPR&IC proposal. Furthermore, the committee supports stricter penalties for certain weight violations involving exempted four-axle vehicles.

According to the truck squad personnel, a majority of construction vehicle weight violations result from failure to lower the lift axle, in most cases a simple pushbutton operation. Exempted vehicles are allowed to have gross weights up to 73,000 pounds, but if lift axles are not lowered they are legally subject to the three-axle vehicle gross weight limits the 18,000 pound single axle weight limit). The total overweight fine amount for such a violation can be substantial. However, since axle load concentrations increase substantially when lift axles are not used and highway damage increases exponentially with heavier axle weights, the program review committee recommends adoption of a penalty provision for failure to use a vehicle lift axle and that both the vehicle operator and owner be subject to fines for such violations. The committee feels that truck drivers, as well as owners, should be liable for lift axle violations since the operators decide when optional axles are used. The penalty recommended by LPR&IC should provide an incentive for truck owners to make lift-axle use a company policy and for drivers to follow this policy.

Compliance with weight and size limits is promoted by, and the goal of, strong enforcement programs. Revenues generated by detected violations are one benefit, but the primary purposes of the truck laws and enforcement procedures reviewed by the program review committee are to protect and preserve our state highway system and promote the safety of the motoring public. In addition to effective enforcement, strong penalties for initial violations and even stricter penalties for chronic violations can produce compliance.

The committee found that the state's penalties for repeated weight law violations are rarely if ever imposed and recommended administrative changes to correct that situation. The Legislative Program Review and Investigations Committee further recommends that stronger penalties for chronic weight law violations be considered by the General Assembly. There is a strong incentive to load vehicles beyond legal limits since the earnings of truck owners and drivers are often based upon the amount of cargo carried. Overweight fines and nonmonetary penalties must be of sufficient magnitude to offset the profits obtained from illegal operations. One problem with Connecticut's current provisions is that penalties for repeated weight law violations only apply to owners convicted of 20 percent overweight violations. For example, the special bond, bond forfeiture and registration revocation penalties do not apply to a truck which is legally limited to 80,000 pounds but is continually cited (and convicted) for 10 percent--8,000 pounds--gross weight violations.

Finally, existing or increased penalties for weight law violations will only produce compliance if they are imposed by the courts. In Connecticut, LPR&IC found that incentives for complying with the law may be weak since fines can be bargained down or charges nolled due to technicalities, loopholes or legal complexities and the heavy workload of court officials. The committee's recommendations to clarify and consolidate the state's weight and size laws through technical changes and rewriting should make it less complicated to adjudicate violations.

The committee's review also revealed that limited criminal court resources may be inappropriately applied to overweight cases. Judges and prosecutors find these cases inordinately time consuming and less critical than crimes involving victims and violent acts. Furthermore, the problem of imposing penalties for repeated weight violations may be due to the fact that convictions of being 20 percent overweight are not occurring. Recordkeeping deficiencies concerning such convictions discussed and addressed earlier in this chapter prevent any conclusions regarding this possibility.

LPR&IC considered a number of alternatives for adjudicating weight and other truck law violations, but did not recommend any change in the system at the present time. Time constraints precluded adequate investigation of the costs, benefits and feasibility of proposed alternatives. Preliminary research, however, indicated that an administrative adjudication system might be an improvement over current court processing of weight law cases. In addition, the state prosecutor's office expressed

support for such a system. Descriptions of the alternatives reviewed by the committee, along with comments from the Chief State's Attorney and the state's Chief Court Administrator, are presented in Appendix VII.

APPENDICES

APPENDIX I

GLOSSARY

AASHTO - American Association of State Highway and Transportation Officials.

ATA - American Trucking Associations, Inc.

axle - the common axis of rotation of one or more wheels whether power driven or freely rotating, whether in one or more segments and regardless of the number of wheels carried thereon.

CFR - Code of Federal Regulations.

combination vehicle - a truck or truck-tractor coupled to one or more full trailers or semitrailers; the most common combination is a tractor-semitrailer.

common carrier - a company that engages in for-hire transportation of property and offers services to the general public.

contract carrier - a company that is restricted to serving a shipper or a limited number of shippers under specific contractual agreement (may not offer services to general public).

C.G.S. - Connecticut General Statutes.

DCP - Department of Consumer Protection.

DMV - Department of Motor Vehicles.

DPS - Department of Public Safety.

DPUC - Department of Public Utility Control.

DRS - Department of Revenue Services.

DOT - Department of Transportation.

FWHA - Federal Highway Administration.

for-hire carrier - a company that transports freight that belongs to others for a fee.

GVW - Gross Vehicle Weight; the weight of a vehicle and/or vehicle combination without load plus the weight of any load thereon.

ICC - U. S. Interstate Commerce Commission.

LPR&IC - Legislative Program Review and Investigations Committee.

motor carrier - a company that derives 50 percent or more of its consolidated revenues from trucking operations.

private carrier - a company that maintains and operates its own trucks to transport its own freight.

semitrailer - a truck trailer equipped with one or more axles and constructed so that the front end rests upon a truck tractor.

single axle - an assembly of two or more wheels whose centers are in one transverse vertical plane or may be included between two parallel transverse planes 40 inches apart extending across the full width of the vehicle.

SIS - Special Investigations Section in the Department of Revenue Services.

straight truck - a truck with the body and engine mounted on the same chassis (a single unit vehicle).

tandem axle - any two or more consecutive axles whose centers are more than 40 inches, but not more than 96 inches, apart and are individually attached to a common attachment to the vehicle including a connecting mechanism designated to equalize the load between axles.

trailer - a vehicle designed for carrying persons or property and drawn by a motor vehicle that supports no part of the weight and load of the trailer on its own wheels.

TRB - The Transportation Research Board of the U. S. National Academy of Sciences.

truck - a self propelled motor vehicle designed, used or maintained primarily for the transportation of property and operated by a driver.

tractor (truck-tractor) - a self propelled motor vehicle designed primarily for pulling trailers and semi-trailers; constructed to carry part of the weight and load of a semitrailer.

UAPA - Uniform Administrative Procedure Act.

GAO - U. S. General Accounting Office.

U. S. DOT - U. S. Department of Transportation.

wheelbase - the distance in inches between the center of the front axle and the center of the rear axle of a motor vehicle.

APPENDIX II

Legislative Program Review and Investigations Committee Questionnaires on Trucking Operations in Connecticut

Two questionnaires on trucking operations were developed by the Legislative Program Review and Investigations Committee staff, one for members of the Motor Transport Association of Connecticut (MTAC) and of the Connecticut Construction Industries Association (CCIA), and one for truck drivers. This appendix contains a summary of the responses from the association members, with the numbers of MTAC respondents and the numbers of CCIA respondents shown separately, and a summary of the truck drivers' responses.

APPENDIX II. I.D.#_____

Summary of Questionnaire Responses from Motor Transport Association of Connecticut (MTAC) and Connecticut Construction Industries Association (CCIA) Members [MTAC and CCIA members' responses shown separately; CCIA in parantheses.]

Legislative Program Review and Investigations Committee
Questionnaire on Trucking Operations in Connecticut

First we would like to know what kind of trucking operation you have, where and how much you travel in Connecticut, and what commodities you transport and what kind of vehicles you use. If you cannot provide exact answers to any of the following questions, please give your best estimate.

N

1. Title of person filling out questionnaire (check one):

21 *(15)*
- *18* Owner or officer *(7)*
- *1* Manager *(7)*
- *2* Other (please specify) *(1)* _____

2. What is the primary nature of your business? (check one)

22 *(15)*
- *14* Trucking company *(0)*
- *2* Truck owner-operator *(0)*
- *5* Construction/contractor *(13)*
- *0* Other (please specify) *(2)* _____
- *1* Manufacturer *(0)*
- *0* Wholesaler *(0)*
- *0* Retailer *(0)*

3. Is your trucking operation an intrastate (Connecticut only) or an interstate operation? (check one)

22 *(15)*
- *7* Intrastate (Connecticut) *(8)*
- *15* Interstate *(7)*

15 *(7)* 3a. If you checked interstate, in how many states do you operate trucks or combination vehicles? _____(number of states) *range: 2 to 48 states (range: 2 to 17 states)*

15 *(7)* 3b. About how many miles total did your trucks and/or combination vehicles travel, in all states, last year (Jan.-Dec. 1980)? _____miles *range: 20,000 to 17,954,590 (range: 8,000 to 6,873,920)*

4. What is your commercial classification? (check one)

21 *(14)*
- *10* Common *(2)*
- *6* Contract *(1)*
- *4* Private *(9)*
- *0* Other (please specify) *(2)* _____
- *0* Exempt *(0)*
- *1* Agricultural *(0)*

21 *(14)* 5. About how many miles total did your vehicles travel in Connecticut last year (Jan.-Dec. 1980)? _____miles *range: 6,026 to 2,500,000 (range: 7,000 to 6,863,920)*

22 *(14)* 5a. What was the average length of your trips in Connecticut? _____miles *range: 5 to 500 (range: 10 to 53)*

22 *(15)* 5b. Approximately what percentage of your total miles traveled in Connecticut last year were on multilane, divided highways (including Interstate highways)? _____% *All/100%: 1 (0) most/61-99%: 11 (6) some/40-60%: 5 (6) few/1-39%: 4 (3) none: 1 (0)*

21 *(15)* 5c. When you travel on Connecticut roads other than multilane divided highways, are they: (check one)

- *7* Mostly in cities and urban areas *(2)*
- *8* Some in cities and urban areas, some in rural areas *(11)*
- *6* Mostly in rural areas *(2)*

13 6. Approximately how many tons of goods and/or equipment did your vehicles transport
(9) last year (Jan.-Dec. 1980)? _____tons (total annual tonnage)
range: 200 to 11,587,455 (range: 50,000 to 4,000,000)

21 6a. About what percent of your total annual tonnage was: (write in percent
(12) beside each type of commodity listed below)

% of Annual Tonnage	Type of Commodity
	Only or Primary Commodity
_____%	*7* General freight *(0)*
_____%	*4* Household goods *(0)*
_____%	*1* Heavy machinery *(7)*
_____%	*3* Agricultural commodities *(0)*
_____%	- Automobiles and other motor vehicles *(0)*
_____%	- Tank trucking *(1)*
_____%	*5* Dump trucking (please specify) *(12)*
	_____
_____%	*1* Other (please specify) *(9)*
	_____
	_____

22 7. How many vehicles do you use in your trucking operation, including all the vehicles
(15) you own, lease and have the use of under contract? _____total number of vehicles
range: 1 to 1,650 (range: 6 to 162)

21* 7a. Beside each of the following types of vehicles, write in the number that you
(15) own, lease and contract for.

Number of Vehicles #Own		Lease or #Contract		Type of Vehicle
57	*(131)*	*8*	*(0)*	Two axle straight truck
21	*(260)*	*0*	*(8)*	Three axle straight truck
26	*(363)*	*0*	*(29)*	Four axle straight truck
38	*(37)*	*10*	*(0)*	Two axle tractor
63	*(133)*	*27*	*(0)*	Three axle tractor
68	*(7)*	*3*	*(0)*	Single axle semitrailer
164	*(177)*	*41*	*(0)*	Tandem axle semitrailer
19	*(61)*	*0*	*(0)*	Other (please describe other type or types *mixers, 5 axle tractors, 3 and 6 axle semitrailers, vanous lowbed trailers, tank trailer (other not specified)*
*TOTAL: 456**	*1,169*	*89**	*37*	

21 7b. How many of the vehicles listed above operate in Connecticut? _____(number
(15) operated in Connecticut) *All: 15 most: 1 some: 5 none: 0*
(15) (0) (0) (0)

21 7c. How many, if any, of the vehicles listed above are registered in Connecticut
(15) (have Connecticut license plates)? _____(number registered in Connecticut)
All: 15 most: 0 some: 4 None: 2
(14) (1)

* *MTAC respondent with 1,650 total vehicles excluded from Question 7a.*

Now we would like to know what you think about certain Connecticut trucking laws.

8. Would you like to see Connecticut laws concerning any of the following changed? (Please check those you would like to see changed and specify the change(s) you would like to see.
15

9	Maximum vehicle length..(2).....	changed to	60 ft.; 65 ft.
1	Maximum vehicle width..(1).....	changed to	9 ft.; 10 ft.
1	Maximum vehicle height.(0).....	changed to	14 ft.
6	Maximum gross weight...(10).....	changed to	80,000 to 100,000 lbs.
3	Maximum single axle weight.(10).....	changed to	21,000 to 26,000 lbs.
5	Maximum tandem axle weight.(10).....	changed to	35,000 to 60,000 lbs.
4	Twin trailer restriction...(0).....	changed to	allow on designated roads
2	Other (please specify) (5)		
	_____.....	changed to	65 mph speed limit
	_____.....	changed to	_____

8a. How would the changes you have listed (if any) help you? _____

increase payload; promote uniformity; save time; lower operating costs; could use existing vehicles more efficiently; in some cases, vehicles would be safer

9. Next we would like to know about your experience with Connecticut trucking law enforcement activities. In the past year (August 1980 - July 1981), have your vehicles been weighed or otherwise inspected by the Connecticut State Police while operating on Connecticut roads?
20 (15)

7 No (2) 13 Yes (13) IF YES, how many times? range: 1 to 30 (range: 4 to 200)

9a. If your vehicles were weighed and inspected did they receive any citations?
13 (12)

3 No (3) 10 Yes (9) IF YES, how many? range: 1 to 6 (range: 1 to 46)

9b. If you received any citations, please provide as much of the following information as you can. After each type of citation listed below, write in the number you received, the number you paid for without going to court, the number that went to court and the number the court nolled or "threw out."
10 (9)

Type of Citation	# Respondents Who Received*	# Paid w/out Going to Court	# Went to Court	# Court Nolled or threw out
		INSUFFICIENT INFORMATION		
Overweight	5 (8)			
Oversize	1 (3)			
Defective equipment	2 (3)			
Other (Please describe) unsecure load; registration violation	5 (2)			

* *Respondents could receive more than one type of citation: of MTAC respondents, 9 received 1 type, 1 received 3 types; and 3 CCIA respondents received 1 type, 4 received 2 types and 2 received 3 types.*

7 (9) 9c. What was the total amount of fines you paid for the citations listed above?
$_____(total fines paid) *range: $25 to $1,000*
(range: $39 to $7,598)

6 (9) 9d. How much, if any, of the fines you paid were for overweight citations?
$_____(overweight fines paid) *range: $0 to $1,000*
(range: $0 to $7,598)

10. 21 (15) Are you familar with the Rhode Island system of administrative adjudication for truck weight violation cases (where truck weight cases are decided at administrative hearings rather than by the courts, although appeals are still handled by the courts)?

16 NO *(12)* *5* YES *(3)*

5 (3) 10a. IF YES, would you be in favor of or would you oppose a similar administrative adjudication system for truck weight cases in Connecticut? (check one)

3 Strongly favor *2* Favor *(1)* ___Oppose *(1)* ___Strongly oppose *(1)*

10b. Why? *favored administrative adjudicators would be more familiar with truck weight laws; opposed because feels no problems with current court system*

11. 22 (13) Now we would like to know how you generally get the information about Connecticut laws, regulations or policies that you need for your trucking operation. Please list the ways you generally get the information you need.

Association or Association Publications listed by 211 respondents; state agencies listed by 2; newspapers, word of mouth also mentioned

12. How helpful have the following Connecticut agencies been in providing information you need for your trucking operation? (Please rate how helpful each agency listed below has been by circling 1 (for very helpful), 2 (for helpful) or 3 (for not helpful). Circle 4 if you have never contacted the agency for information.

Agency	# Positive	# Negative	# Never Contacted	Total # Responding
Ct. Dept. of Motor Vehicles	*10 (9)*	*3 (3)*	*7 (0)*	*20 (12)*
Ct.Dept. of Public Utility Control	*11 (7)*	*1 (1)*	*7 (5)*	*19 (13)*
Ct. Dept. of Transportation	*11 (12)*	*1 (1)*	*7 (0)*	*19 (13)*
Ct. Dept. of Revenue Services	*4 (1)*	*2 (0)*	*8 (9)*	*14 (10)*
Ct. State Police	*9 (4)*	*0 (3)*	*0 (4)*	*9 (11)*
Other state agency or agencies (please specify) _____	-	-	-	-

12a. 18 (14) Is there any type of information you had or have special trouble getting from a state agency? *13* NO *(9)* *5* YES *(5)* IF YES, please describe

correct weights; motor carrier regulations; firm interpretation of weight and size laws

Finally, we would like to ask about your experiences with the various Connecticut state agencies that are involved with trucks and trucking operations. We'd like to know which agencies you deal with and how much you pay in certain state fees and taxes. We also want to know whether you had trouble with any state agency forms or procedures, paperwork mixups or similar problems or if the state agency's process went smoothly.

21 *(15)* 13. Are you required to register (and renew the registration) of your trucking operation vehicles with the Connecticut Department of Motor Vehicles? *4 (0)* No (If no, go to question 14) *17* ____ Yes IF YES, how many? _____ (number of vehicles)
range: 1 to 63 (range: 6 to 202)

15 *(15)* 13a. How much did you pay the Connecticut Department of Motor Vehicles in registration fees last year (Jan.-Dec. 1980)? $_____
range: $20 to $18,000 (range: $1,900 - $101,128)

16 *(14)* 13b. How much did you pay in Connecticut municipal property taxes for your vehicles registered in Connecticut last year (Jan.-Dec. 1980)? $ _____
range: $89 to $58,000 (range: $1,280 to $103,451)

17 *(15)* 13c. Have you had any paperwork mixups or similar problems registering your vehicles with the Connecticut Department of Motor Vehicles? (check one)

16 No *(11)* *1* Yes *(4)* (Please describe any problems)_____

registration forms mixed up and still not resolved after more than one

year; erroneous registered weight resulted in overweight citation

22 *(14)* 14. Are you required to get identification stamps for your vehicles from the Connecticut Department of Public Utility Control? _____ No (If no, go to question 15)
18 (10) Yes IF YES, how many? _____ (number of stamps)
range: 1 to 587 (range: 2-33)

8 *(7)* 14a. How much did you pay the Connecticut Department of Public Utility Control for vehicle identification stamps last year (Jan.-Dec. 1980)? $_____
range: $30 to $5,870 (range: $20 to $330)

18 14b. Have you had any paperwork mixups or similar problems in getting vehicle identification stamps from the Connecticut Department of Public Utility Control?

15 No *(10)* *3* Yes *(0)* (Please describe any problems) _____

problem with insurance company supplying information; takes too long to

get additional stamps for vehicles added at later date

22 (15) 15. Are you required to file returns and pay the motor carrier road tax (the quarterly fuel tax payments) to the Connecticut Department of Revenue Services?
9 (7) No (If no, go to question 16) 13 Yes (8)

9 (8) 15a. IF YES, how much did you pay the Connecticut Department of Revenue Services for motor carrier road taxes (fuel tax) last year (Jan.-Dec. 1980)
$_____. *range: $51 to $3,685 (range: $0 to $23,392)*

11 (8) 15b. Have you had any paperwork mixups or similar problems filing returns or paying motor carrier road taxes (fuel taxes) to the Connecticut Department of Revenue Services?

10 No (8) 1 Yes (0) (Please describe any problems)_____

tax credit denied

22 (15) 16. Are you required to get tax decals for your vehicles from the Connecticut Department of Revenue Services? 13 (14) No (If no, go to question 17) 9 (1) Yes IF YES, how many? _____(number of tax decals)
range: 1 to 162 (Did not answer)

6 (1) 16a. How much did you pay for tax decals for your vehicles to the Connecticut Department of Revenue Services last year (Jan.-Dec. 1980)? $_____
range: $18 to $2,172 ($35)

9 (1) 16b. Did you have any paperwork mixups or similar problems in getting tax decals for your vehicles from the Connecticut Department of Revenue Services?

7 No (1) 2 Yes (0) (Please describe any problems) _____

takes too long and never received refund

20 (15) 17. In the past year (August 1980 - July 1981), how many times, if any, have you gotten permits from the Connecticut Department of Transportation to do the following:

	# Respondents*
Permit to Carry overweight load(s)	1 (12)
" " Carry oversize load(s)	3 (10)
" " Other reason(s) (please specify)	1 (1)
Never gotten any permit	16 (2)

* *Respondents could get more than one type of permit*

17a. How much did you pay in total for the permits (if any) listed above?
$ *Insufficient information*

4 (13) 17b. Have you had any paper work mixups or similar problems in getting permits from the Connecticut Department of Transportation?

4 No (12) 0 Yes (0) (Please describe any problems) _____

22 18. In the past year (Aug. 1980-July 1981) have you moved overweight or oversize loads
(15) without getting a permit from the Connecticut Department of Transportation?

18 No (10) 4 Yes (5) IF YES, how many times? *Insufficient information*

18a. Why didn't you get permits? (Check as many as apply.)

0 You didn't know you needed a permit (1)
0 The permit office at the Connecticut Department of Transportation was closed when you needed to move the load (3)
3 Other (please explain (1)

19. What was your gross revenue and your net revenue from your trucking operation for last year (Jan.-Dec. 1980)? (Fill in amounts or check "Doesn't apply")

INSUFFICIENT INFORMATION

$_____ Gross revenue

$_____ Net revenue

_____ Doesn't apply (you don't transport goods/equipment for hire)

19a. If you operate in other states as well as Connecticut, what was your gross revenue and your net revenue from your trucking operation in Connecticut last year (Jan.-Dec. 1980)? (Fill in amounts or check "Doesn't apply")

INSUFFICIENT INFORMATION

$_____ Gross revenue in Connecticut

$_____ Net revenue in Connecticut

_____ Doesn't apply (you don't transport goods/equipment for hire)

20. Is there anything else you would like to tell about your trucking business or about operating trucks in Connecticut?

9 specific answers from MTAC Respondents

11 specific answers from CCIA Respondents

Most concerned: complexity of state laws; need for uniformity with other states; confusion over current state requirements; some felt laws enforced inconsistently; some stated reasons why weight laws should be increased

APPENDIX II.

Summary of Questionnaire Responses Received from Truck Drivers

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE
QUESTIONNAIRE ON TRUCKING OPERATIONS IN CONNECTICUT

N

20 1. Are you an owner-operator? *5* YES *15* NO IF YOU CHECKED NO, how would you describe your operation? *7 employed by companies; 5 unclear responses, 2 did not specify*

2. Which of the following best describes your classification? (Check one)

4 You haul exempt commodities *5* You are under lease to a certified carrier

10 Other (Please specify) *responses unclear*

18 3. In how many states do you operate trucks? *range: 1 to 48 (with 14 under 10 states and 4 over 10 states)*

20 4. About how often do you operate trucks in Connecticut? (Check one)

9 All of the time *8* Most of the time *3* Some of the time *0* Rarely

20 5. When operating in Connecticut, what type of vehicle do you operate most often? Check the one listed below that you operate most often and please fill in the number of axles.

5 Straight truck (with _____ axles)

15 Tractor (with _____ axles) and semitrailer (with _____ axles)

0 Other (Please describe) _____

20 6. When operating in Connecticut, what type of goods or equipment are you usually transporting? Check the type of commodity listed below that you transport most often.

9 General freight
1 Heavy machinery
3 Tank trucking products
2 Dump trucking products (specify: *refuse: scrap metal*)
4 Other (specify: *wire products; flooring; linen and uniforms; petroleum products*)
0 Household goods
1 Agricultural commodities
0 Automobiles and other motor vehicles

20 7. About how many miles total did you travel when operating trucks in Connecticut last year (Jan.-Dec. 1980)? _____ miles *range: 2,842 to 850,000*

20 7a. What was the average length of your trips in Connecticut? _____ miles
8 average under 100 miles; 11 average 100-250 miles; 1 average 250 miles

20 7b. Approximately what percentage of your total miles traveled in Connecticut last year were on multilane, divided highways (including Interstate highways)?
_____ % *All (100)%: 2 most (61-99%): 16 some (40-60%): 1 Few (1-39%): 1 None (0%): 0*

18 7c. When you travel on Connecticut roads other than multilane divided highways, are they: (Check one)

8 Mostly in cities and urban areas
9 Some in cities and urban areas, some in rural areas
1 Mostly in rural areas

(OVER)

20 8. Would you like to see Connecticut laws concerning any of the following changed? (Please check those you would like to see changed and specify the change(s) you would like to see. *11 checked one or more changes; 9 did not check changes*

# Respondents checking each type change		
7	Maximum vehicle length.....changed to	*50 feet to 65 feet*
1	Maximum vehicle width.....changed to	*9 feet*
0	Maximum vehicle height.....changed to	*-*
5	Maximum gross weight.....changed to	*80,000 to 100,000 lbs.*
3	Maximum single axle weight....changed to	*increased to 40,000 lbs.*
3	Maximum tandem axle weight....changed to	*50,000*
3	Twin trailer restriction.....changed to	*allow on Interstates*
2	Other (Please specify) *speed limit* changed to	*70 mph*

8a. How would the changes you have listed (if any) help you? *8 responses: several noted uniformity; increased payloads; ability to use 45' trailers*

20 9. In the past year (August 1980 - July 1981), have you been weighed or otherwise inspected by the Connecticut State Police while operating on Connecticut roads?

5 NO 15 YES IF YES, how many times? *range: once to 72 times*

15 9a. If you were weighed and inspected, did you receive any citations?

11 NO 4 YES IF YES, how many? *range: 1-4*

4 9b. If you received any citations, please write in the number you received after each type of citation listed below: *Respondents who received each type:*

Overweight 3 Oversize 3 Defective Equipment 1
Other (specify 1 - *registration violation*)

4 9c. How much did you (or the vehicle owner) pay in fines for the citations listed above? $ _____ (total fines paid) *range: $28 to $1,300*

10. In general, how do you get the information about state laws, regulations or policies
19 that you need for operating trucks in Connecticut? Please list the ways you generally get the information you need: *"Company" (listed by 5); "State Agency" (4); "Other truckers" (3); "Newspapers/Association Publications" (3) Other (4)*

11. How helpful have the following state agencies been in providing information you need for operating trucks in Connecticut? Please rate how helpful each agency listed below has been by circling 1 (for very helpful), 2 (for helpful) or 3 (for not helpful). Circle 4 if you never contacted the agency for information.

Agency	# Positive	# Negative	# Never Contact	Total # Responding
Ct. Dept. of Motor Vehicles	11	0	6	17
Ct. Dept. of Public Utility Control	4	0	12	16
Ct. Dept. of Transportation	7	2	8	17
Ct. Dept. of Revenue Services	3	2	11	16
Ct. State Police	9	;	7	17
Other state agency (specify)_____				

12. Is there any thing else you would like to tell us about operating trucks or a trucking business in Connecticut? *14 commented: wide range but several noted concern over bad road conditions; lack of enforcement of safety regulations; impact of toll, tax and fee increases on owner-operators and small fleet owners*

APPENDIX III

Weight Regulation: Highway Deterioration, Highway Conditions and Cost Responsibility Considerations

Regulation of vehicle weight is based on the impact of gross weights and axle weights on highway structures. In this appendix, the effect of weight on pavement and bridges is explained from an engineering perspective. The relationship of weight limits to highway conditions and to highway financing issues are also discussed.

Highway deterioration. Highway structures are designed to accommodate vehicles of certain dimensions and weight and to provide a specific level of service for a preselected period of time. A number of factors--weather, deferred maintenance, increases in traffic, age and heavy trucks--contribute to accelerated highway deterioration. Road damage due to weather is produced by moisture and temperature changes which lead to drainage and buckling problems. Rapid freezing and thawing cycles, common in northern and central states, also cause pavement and bridge deterioration. Snow-plowing and de-icing also play a role in highway wear. Deferred maintenance problems are often compounded by severe winters. Proper and timely maintenance which can slow highway deterioration has become more difficult as funding for this activity continues to decline.

Highways today also are handling more traffic than intended and increased traffic has reduced pavement service life. Although engineers design highways to withstand certain amounts of average daily traffic, most projections significantly underestimate actual use.

Many of the nation's highways have already exceeded their design life, the number of years a highway is intended to remain serviceable while carrying estimated traffic volume and weights. The deteriorating condition of the national highway system is largely due to age and the fact that many roads and bridges, particularly those built before the mid-1950's, were never intended for today's traffic volume and weights. This situation is exacerbated by the lack of funding for maintenance and upgrading.

Weight affects the serviceability and the life of pavement and structures through the stresses it places upon them. The effect of weight on highways is also a function of repeated application. For example, it is unlikely that even an extremely

heavy truck going over anything but a small, old rural bridge would cause immediate structural collapse. However, overstressing caused by repeated applications of weights in excess of highway design standards decreases serviceability and shortens pavement and bridge or overpass life. To minimize or delay the need for expensive repairs and to avoid the hazards of bridge overloadings, it is necessary to control vehicle weight.

Axle weight, gross weight and axle spacing are among the most important factors engineers consider in designing highway pavements and bridges. The role of each of these weight factors, from a technical viewpoint, is described in the following excerpt from a 1964 U.S. Department of Commerce report:

> Pavement design factors
>
> The axle weight and axle spacing of vehicles is the principal determinant of the supporting capacity that must be provided in the pavement structure of roads and their foundations. A particular road structure will support some given magnitude of axle weight for a specific number of repetitions. Axle weights in excess of that particular magnitude and frequency will cause a fatigue of the road pavement structure with accompanying deterioration of support and eventual failure of the road in fewer years than would prevail at the given load and frequency....
>
> Bridge design factors
>
> Like pavements which are affected by the weight concentrated upon each axle and by the frequency of repetition, bridges are affected by the axle weight of a vehicle or combination, and also by the spacing between the axles. In addition, gross weight must be taken into consideration in the provision of capacity.
>
> The bridge members must have sufficient strength to support their own deadweight and the live loads of vehicles coming upon them. All loads are transmitted to the abutments or piers which are founded upon piling or bedrock.
>
> If the bridge span is longer than the length of a vehicle, then the spanning structure must be of sufficient strength to support all of the axles at the particular spacing. If the span is less than the length of a vehicle, then only the weight of the axles upon the span will have to be supported by the structure.

> The design features of a bridge of a specific design standard are such that the weight of any group of axles which can be permitted to come upon a span of fixed length depends upon the number and the spacing of the axles comprising the group. The greater the spacing, and the larger the number of axles to which the gross weight is distributed within that spacing, the greater is the gross weight which can be permitted upon the span.[1]

Another more recent federal publication provides a less technical explanation of the reason for controlling axle spacing:

> The axle spacing is equally as important in design of the bridges as the axle weights. This is illustrated by what happens when a person tries to walk across ice that is hardly thick enough to support his/her weight; the person is likely to fall through. If that person stretched out prone on the same ice and scooted across, it is unlikely that he/she would break through. This is true because the load, or weight, is spread over a larger area in the latter situation. A similar comparison can be made between trucks crossing a bridge:

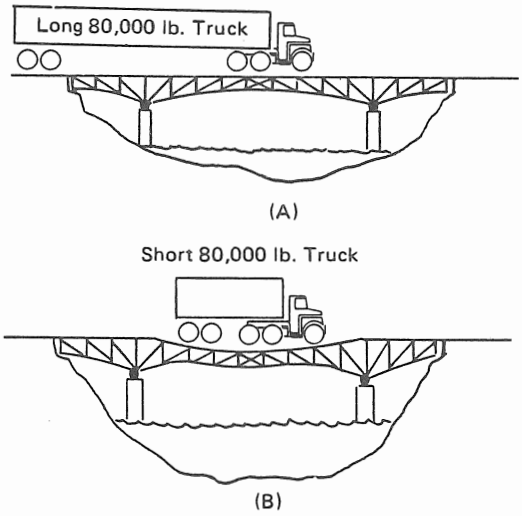


Figure 2

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[1] U.S. Department of Commerce, Bureau of Public Roads, Maximum Desirable Dimensions and Weights of Vehicles Operated on the Federal-Aid Systems (U.S. Government Printing Office: August 1964), pp. 62-63.

> In view (A) of Figure 2, the stress on bridge members as the long truck rolls across is much less than that caused by the short truck in view (B), even though the trucks have the same total weight and individual axle weights. One can see that an extremely long truck would have its load spread out like the person scooting across the ice. Whereas, the short truck is similar to a person standing up on ice with the total load placed in a limited area.[2]

Thus, overstressing of highway bridges can occur even when the gross weight and each individual axle weight of a truck are within lawful limits. Furthermore, today's trucks are bigger and heavier, and legal gross and axle weights are higher than anticipated when much of the national highway system was designed and constructed. Rather than rebuild the many bridges which cannot safely accomodate the newer, heavier vehicles, states and the federal government have adopted wheelbase or axle spacing requirements. By assuring that allowable weight is correlated to axle spacing, overstressing and potential bridge failure can be prevented.

The results of road tests conducted from 1958 through 1960 by the American Association of State Highway and Transportation Officials (AASHTO) to determine the relationship between weight and highway damage are often cited when increased truck weights are discussed. The major finding of the AASHTO study was that concentrating large amounts of weight on a single axle multiplies the impact of the weight exponentially. For example, based on the road test data, a 26,000 pound axle which weighs 30 percent more than the federal legal limit (20,000 pounds) would do 200 percent more damage to the road. Test results also show that an automobile axle weighing 2,000 pounds would have to pass over an interstate-type highway 7,550 times to have the same impact as 20,000 pounds concentrated on a single truck axle. According to a U.S. General Accounting Office (GAO) analysis of data, a five-axle tractor-semitrailer loaded to the current federal maximum weights has the same impact on an interstate highway as at least 9,600 passenger cars. These relative damage relationships are shown pictorially in Figure I.

It is important to remember when reviewing the road test results that weight is only one factor in highway deterioration

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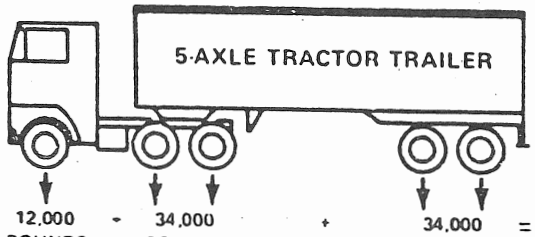
[2] U.S. Department of Transportation, Federal Highway Administration, Bridge Gross Weight Formula (June 1981), pp. 3-4.

Figure I. Relative Damage Relationships.

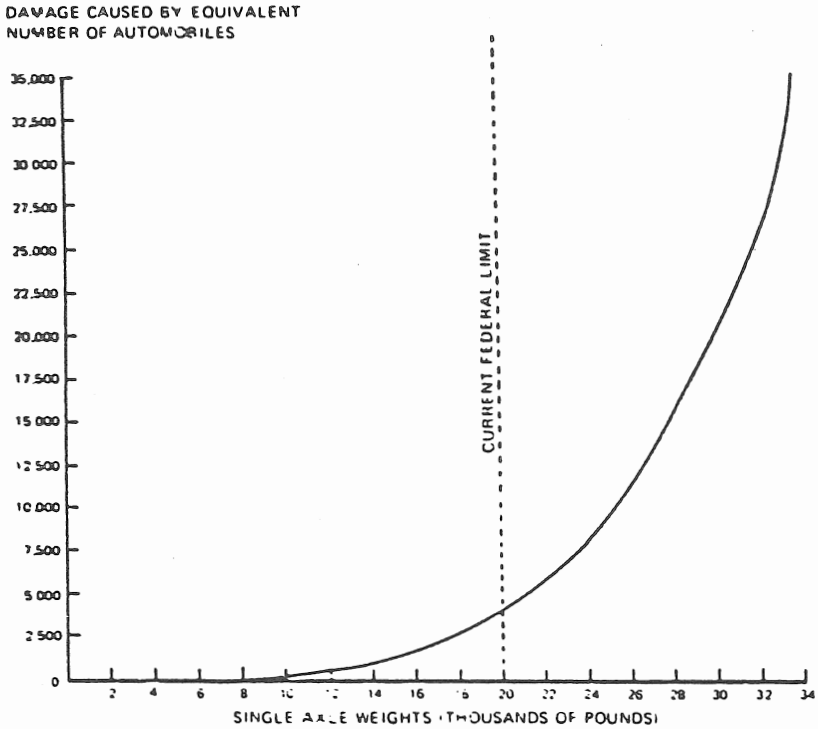
EQUIVALENT DAMAGE CAUSED BY LOADED 5-AXLE TRACTOR TRAILER



TRUCK AXLE WEIGHTS	12,000 POUNDS	+	34,000 POUNDS	+	34,000 POUNDS	=	80,000 POUNDS
EQUIVALENT NUMBER OF AUTOS	500 AUTOS	+	4,550 AUTOS	+	4,550 AUTOS	=	9,600 AUTOS

Based on one automobile having two axles weighing 2,000 pounds each.

RELATIVE DAMAGE CAUSED BY INCREASE IN SINGLE AXLE WEIGHTS ABOVE FEDERAL UNITS



Source: U.S. Government Accounting Office, Excessive Truck Weight: An Expensive Burden We Can No Longer Bear, CED-79-94 (July 16, 1979), pp. 23,27.

and the relative portion attributable from any factor--truck weight, age, weather, increased traffic or deferred maintenance--is uncertain. Furthermore, the impact of weight in terms of damage depends on highway design and present conditions. What the AASHTO findings do point out is the critical need to control axle loads in order to preserve highways and to regulate axle spacing and gross weight to protect both pavement and bridges.

The AASHTO study was the basis for recommendations on federal weight and size limits (some of which Congress adopted) contained in a 1964 report by the U.S. Department of Commerce. In addition to suggesting specific federal standards, the report, entitled "Maximum Desirable Dimensions and Weights of Vehicles Operating on the Federal Aid Systems," stressed the importance of considering current highway conditions and the costs to upgrade pavement and bridges if weight and size limits are to be increased. Today, as in 1964, information on the conditions of many state, local and even federal aid highways is insufficient for assessing the cost impact of upgrading.

It has been argued by the trucking industry that highways built to federal interstate standards are intended for heavy (e.g., 80,000 pounds gross weight) truck use and if properly maintained, deterioration is not accelerated. The industry also notes that non-interstate roads and bridges can be rebuilt (or new highways constructed) to accommodate increases in allowable truck weight and size. While such industry statements are true, budgetary constraints and inflation have reduced state maintenance funds and the substantial resources needed to upgrade highways are not available.

If the decision is made to increase limits for the benefit of trucking companies and their clientele, government must also determine how costs for highway maintenance and repair or reconstruction will be financed. A recent Federal Highway Administration (FHWA) investigation of truck weight and size issues found that under certain scenarios of increased national limits, especially those which produced uniformity, transportation cost savings would far outweigh increased highway wear and tear costs and the economic costs of truck accidents. However, this FHWA study did not attempt to quantify the noneconomic costs of accidents nor were the public investments necessary to reconstruct existing bridges and pavements included in the analysis. It was stated that such investments would be substantial, would affect different states differently and if not made, highway conditions would deteriorate significantly. Operating costs for all highway users would increase if the latter situation occurred. Thus,

before changes in weight and size policies are made, highway conditions and highway financing programs, as well as public safety impact or direct economic costs and benefits, must be carefully reviewed.[3]

Highway conditions. A 1979 GAO report on truck weights and highways noted that the overall condition of the national highway system, according to FHWA surveys, declined from good to fair during the early 1970's. In all states, highways are deteriorating faster than they can be maintained and reconstructed. Many parts of the interstate system, generally the newest highways, are reaching the end of their 20-year design life and will require significant restoration work.

Interstates and other highways critically need repair or reconstruction at a time of limited government resources and fiscal austerity. In 1977, the Federal Highway Administration estimated that, excluding routine maintenance, states would need $18 billion to offset interstate highway deterioration through 1996.

Over the same 20 year period, another $67 billion would be needed to preserve non-interstate roads. Although estimates have not been updated, highway conditions have worsened and repair costs have soared in recent years. All states, including Connecticut, are faced with the problem of rapidly deteriorating highways and diminishing resources for highway programs.

The condition of Connecticut's roads and bridges was evaluated by the state transportation department in 1980, as mandated by the legislature (under Special Act 80-79). In its report to the General Assembly, the Connecticut Department of Transportation (DOT) stated that 63 percent of the state's highways and 61 percent of the bridges in Connecticut were in less than good condition. Furthermore, 300 of the state's 3,425 vehicular bridges were found to be severely deteriorated and 700 were over 50 years old, the average bridge lifespan. Bridge deck deterioration which requires expensive repair or replacement was found to be a common problem.

The legislation calling for the report on conditions also required DOT to prepare a 10 year plan for road resurfacing and bridge repair. This plan, submitted to the General Assembly in

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[3] U.S. Department of Transportation, An Investigation of Truck Size and Weight Limits, Final Report (August 1981).

August 1981, outlines a pavement and bridge rehabilitation program totaling $1.47 billion. To halt highway deterioration, DOT proposed a resurfacing strategy that would rehabilitate approximately 500 miles of state roads each year with annual costs starting at $43,474,000 in FY 1982-83 and rising, with inflation, to $154,158,000 by FY 1991-92.

Bridge repairs included in the DOT plan entail extraordinary costs. Approximately $657.7 million (including a built-in 15 percent inflation factor) is needed to replace or rehabilitate 289 of the 300 bridges found to be deficient by the condition survey. Eleven other bridges are so seriously deteriorated that repair costs were not included in the plan. Instead, the department felt special policy decisions should be made concerning each one. In the summary, the DOT plan states:

> As a direct consequence of deferred maintenance, many of the state's highways and bridges are now in need of more costly renovation work as opposed to less expensive routine roadway and bridge maintenance. If the present level of maintenance funding is not substantially increased, we can anticipate dramatic increases in bridge load restrictions, resulting in serious disruptions to commercial, educational and public safety transportation activities. Also, the possibility of emergency bridge closures and collapses cannot be discounted. It should also be noted that under Section 13a-144 of the General Statutes, the State may be liable in damage suits arising from known defects in the roadway.
>
> ...[F]urther deferment of these expenditures will result in accelerated deterioration of the highway system with corresponding massive increases in fiscal outlays to be faced in the coming years. Depending upon federal budget actions, a considerable portion of the plan may be eligible for funding through programs administered by the Federal Highway Administration.[4]

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[4] Connecticut Department of Transportation, Bureau of Highways, Ten Year Plan for State Road Resurfacing and Bridge Repairs: A Report to the General Assembly pursuant to S.A. 80-79 (July 1981), p. 2.

Highway financing. Deteriorating highway conditions, diminishing revenues for highway purposes, and the impact of inflation on construction and maintenance costs are among the reasons that highway financing programs are being re-evaluated by many state legislatures as well as Congress. At least 25 states, including Connecticut, and the federal government recently have proposed, undertaken or completed highway cost allocation or similar types of studies. While scope, purpose and method vary, these studies are basically concerned with the problem of developing equitable highway taxes that will produce revenues sufficient to meet highway needs.

Revenues for highway programs have a variety of sources but most federal and state highway funding (71 percent) currently is derived from user taxes, primarily motor vehicle fuel taxes. Since the primary beneficiaries of improved highways are the users, this is generally considered a sound policy. Some states and many units of local government, often through a property tax mechanism, assign a portion of highway cost responsibility to nonusers. As one authority notes:

> It is exceedingly difficult to determine, on any but an arbitrary basis, what portion of highway revenue should be contributed by nonusers, yet this is a very important matter. With highway expenditures at record levels, it will vitally affect highway financing and taxation.[5]

Most cost allocation studies or proposals to revise financing systems, however, focus on user taxes.

There are three basic categories of highway use charges--motor vehicle fees, fuel taxes, and motor carrier or special user taxes. Registration, operator license, title and other fees from motor vehicle owners were the primary highway revenues for most states through the early part of this century. In 1919, Oregon became the first state to impose a gasoline tax for highway maintenance purposes. This second type of tax, which takes into account amount of highway use, soon was adopted in other states. Since 1929, motor fuel taxes have been the primary source of revenue for highway programs. In addition to state taxes on gasoline and special fuel (e.g., diesel), the federal government imposes an excise tax on fuel purchases. Federal excise taxes have also been established on motor vehicles (the manufacturers' excise tax based on vehicle price), tires and rubber.

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[5] Charles A. Taff, Commercial Motor Transportation (6th ed.; Centreville, Maryland: Cornell Maritime Press, Inc., 1980), p. 60.

Since motor vehicle and fuel taxes do not provide a complete measure of highway use, a number of states have adopted "special user" or third structure taxes. These taxes can take a variety of forms--mileage tax, gross receipts tax, ton-mile tax, excise tax or highway-use compensation tax--and apply to a variety of users. However, special-user taxes most commonly are some form of mileage tax imposed only on for-hire motor carriers.

In Connecticut, highway-related revenue is generated through the state's 11 cents per gallon fuel tax, tolls, drivers' licenses, registration and other motor vehicle fees, and the motor carrier road tax (a special method of charging fuel tax to out-of-state trucks). Sources and amounts of state highway-related revenue for fiscal year 1979-80 are shown in Table 1.

Table 1. Connecticut Highway-Related Revenues, FY 1979-80 (Millions of Dollars).

Revenue Category	Revenue Amount	Percent of Total
Registration Fees	$ 56.506	15%
Drivers' Licenses	11.838	3
Tolls (estimated)	40.456	11
State Fuel Tax	153.862	41
Motor Carrier Road Tax	5.192	1
Other Fees[1]	9.021	2
Other Revenues[2]	10.677	3
Federal Aid Received	83.902	23
TOTAL	$371.454	100%

[1] Includes inspections, titles and other Department of Motor Vehicles fees, oversize and overweight permit fees, and Department of Public Utility Control regulated motor carrier fees.

[2] Includes rents on land and buildings, royalties, interest, sales of commodities, and assorted other miscellaneous revenues received by the Department of Transportation.

Source: Connecticut Department of Transportation, Bureau of Planning and Research, Office of Research, Highway User Costs in Connecticut (February 1982), p. 13.

Ideally, a highway financing system, in addition to producing revenues sufficient to meet highway needs, should be equitable, efficient, easy to administer, comprehensive and acceptable. Some of these goals conflict, making highway taxation a complicated process. For example, the tax that may be the most equitable, may also be the most difficult to administer. Similarly, the system that most fairly distributes tax burden and produces revenues adequate for meeting all highway needs would probably prove unacceptable to the taxpaying public.

While all goals may be considered to some extent, most states tend to emphasize equity considerations when determining highway cost responsibility. Equity issues are treated differently depending on what costs are included, how they are classified and whether costs are to be divided among users and non-users or only among users. In general, costs can be classified as either common or attributable and the majority of states allocate costs just among classes of highway users.

A 1982 DOT report on highway user costs provides the following explanation of common and attributable costs:

> The basic costs of a highway may be defined as those costs that occur simply because there is a need for the highway, or in the case of existing facilities, the basic level of upkeep or maintenance to take care of nontraffic-related deterioration. These types of costs are usually allocated equally among all vehicles regardless of size or weight, on the basis of vehicle miles of travel. For this reason, they are termed "common". Other common costs may arise if no particular vehicle class is found to cause or occasion a cost, more than any other class. In this case, each vehicle is presumed to have given rise to the same share of the costs.
>
> The extra or marginal costs of a highway are those that occur due to the extra width, strength or durability required to accommodate specific types of vehicles. These are termed "attributable" in that they may be assigned or attributed to specific vehicle types or classes. Certain maintenance costs occasioned by a particular vehicle class may also be termed "attributable."[6]

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[6] Connecticut Department of Transportation, Bureau of Planning and Research, Office of Research, Highway User Costs in Connecticut (Research Report 85051-F-82-1; February 1982), p. 48.

The methods states use to allocate common and attributable costs among highway users vary but usually are based on one of two tax equity principles: 1) that tax support should be allocated among beneficiary groups in proportion to the highway costs occasioned by each; or 2) that tax support should be allocated in proportion to benefits received. For a number of reasons, few states try to assign cost responsibility on the basis of benefits received and those that do often use a ton-mile or similar method. Most states take an incremental, costs-occasioned approach to allocate costs fairly among different classes of vehicles. Since extensive and detailed highway cost and travel data are required to apply incremental methods, some states use a similar but simplified method called cost-function.

In a report mandated by P.A. 81-366, the Connecticut Department of Transportation proposed a highway cost allocation procedure that assigns responsibility strictly to users in accordance with the costs they occasion to the state highway system. Using a cost-function method, the DOT proposal would distribute costs of operating and maintaining state highways among different classes of highway users. The user classes, which would be determined on the basis of vehicle type and axle configuration, would be taxed in proportion to their impact on state highways although all users would share responsibility for common costs on the basis of vehicle miles traveled.

In addition to providing guidance for highway taxation policy, the DOT cost allocation report contains a number of important findings concerning highway revenues and expenditures. For example, the department's analysis determined that inflation and limited appropriations have reduced the purchasing power of the highway dollar by 41 percent during the 10 year study period (FY 1970-71 through FY 1979-80). In other words, since dollars accomplish less, funding increases would be needed each year just to maintain existing levels of service. Another analysis showed that highway related revenues have exceeded the state's highway-related expenditures by some $200 million over the same period. In effect, this means that a significant portion of revenues contributed directly and indirectly by highway users are not being allocated for highway purposes.[7] The DOT report

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[7] Connecticut, unlike at least 34 other states, does not have a dedicated highway fund. Highway-related revenues are not earmarked for highway activities; highway programs, therefore, are dependent upon the appropriations process and must compete with other state funding needs.

also points out that user fees and taxes have not been increased at a rate to keep pace with inflation; some have never been increased and few have been revised in the last 10 years.

These and other findings contained in the department's cost allocation study are particularly significant given the condition and repair needs of Connecticut highways and bridges discussed earlier in this appendix. In order to meet current and future state highway needs, these highway funding and related cost responsibility issues will have to be addressed.

APPENDIX IV

Summary of State Size and Weight Laws (in effect as of January 1, 1982)

Variations in state truck size and weight laws have been a cause for conflict between states and the federal government and present problems for the industry. Substantial uniformity has been achieved in width limitations with 96 inches being the standard in all but four states. Connecticut (102 inches), Hawaii (108 inches), Main (102 inches, except 96 inches on interstates) and Rhode Island (102 inches) have higher vehicle width limits.

Maximum height varies from 12 feet 6 inches to 14 feet, but 13 foot 6 inches is most common. Forty-three states including Connecticut set a maximum height at 13 feet 6 inches, while only six states are higher and one state is lower.

There are five categories of maximum vehicle length laws: straight truck length; tractor-semitrailer length; semitrailer/trailer length; twin or double combinations (two trailers) length; and truck with trailer length. However, not all states set limits for each category. Straight trucks up to 40 feet long are permitted in 32 states. Ten states have shorter limits (ranging from 35 feet to 36 feet) and nine states including Connecticut allow trucks to be over 40 feet, with 60 feet being the longest permitted.

Sixty feet is the most common maximum tractor-semitrailer length. Twenty-two states including Connecticut permit 60 feet tractor semitrailers; eleven states permit a length of 65 feet; eight states allow 55 feet; and five states range between 55 and 60 feet. Another five states permit tractor semitrailer lengths greater than 65 feet, with Wyoming, at 85 feet, permitting the longest.

The majority of states have no specific restrictions concerning maximum semitrailer or trailer lengths. However, 17 states do have such length limits and in almost all (15) it is 45 feet. Since October 1, 1981, Connecticut has limited trailer/semitrailer length to 45 feet.

Twin or double combinations are not permitted in 16 states including Connecticut; all other states permit them but set length limits ranging from 60 feet to 85 feet. The majority of the states (21) limit trailer combination length to 65 feet. Nine states have additional restrictions on the use of two trailers such as confining them to designated highways.

All but two states (Alaska and Connecticut) permit truck-trailer combinations. Twelve states restrict the length of this combination of vehicles to 55 feet, while 13 permit 60 feet and 16 states permit 65 feet truck trailers. Eight states allow truck trailer combinations over 65 feet with Wyoming, at 85 feet, again permitting the longest length.

A single axle weight limit of 20,000 pounds is the federal maximum and the law in 30 states. Seven states restrict single axle weight to a lower amount--18,000 pounds. Fourteen states including Connecticut, permit higher single axle weights. Connecticut is one of seven states that permit 22,400 pounds; Hawaii, at 24,000 pounds permits the highest single axle limit.

Tandem axle weight limits range from a low of 32,000 pounds to a high of 44,000 pounds. Twenty-seven states permit 34,000 pounds (the federal limit) while ten states including Connecticut allow 36,000 pounds on tandem axles.

Maximum vehicle gross weight is becoming more uniform, as the federal 80,000 pounds limit. Twenty-seven states, including Connecticut, have an 80,000 pound limit for all roads while 42 states have this limit at least for interstate highways. Although most states have an 80,000 pound maximum for interstate highways, limits are lower in five states (from 73,280 pounds to 79,800 pounds) and higher in three. The higher limits on the interstates range from 83,400 pounds to 148,000 pounds in Michigan.

State gross weight limits for roads other than interstates are lower than 80,000 pounds in nine states and range from 73,280 pounds to 79,800 pounds. Gross weight limits for roads other than interstates are higher than 80,000 pounds in 15 states and range from 82,000 pounds to 148,000 pounds in Michigan.

APPENDIX V

Truck Weight Enforcement in Eight Northeastern States: A Comparison.*

	CONNECTICUT	MAINE	MASSACHUSETTS	NEW HAMPSHIRE	NEW JERSEY	NEW YORK	RHODE ISLAND	VERMONT
ORGANIZATION & PERSONNEL Agency that certifies State Wt. Enf. Program (to U.S.DOT)	DOT	DOT	Gov.'s Highway Safety Bureau	Dept. of Safety	State Attorney General	DOT	DOT	Transportation Agency
Agency/Unit with Primary Respon. for Weight Enforcement	DPS/St. Pol. Div.: Commercial Vehicle Unit	Dept. Pub. Safety: St. Pol. Truck Unit & Motor Carrier Safety Unit	Dept. Pub. Safety: St. Pol. Div. (Uniform Branch)	Dept. of Safety: Safety Inspector teams	Dept. Pub. Safety: St. Police Div. Highway Patrol & Truck Wt. Units	Div. St. Pol. Scales Detail Troops	Dept. St. Pol. Truck Squad	Motor Vehicle Dept. (within Trans Agency)
No. of Squads/ Units Assigned to Weight Enf.	2 squads (St. Pol. & DOT staff)	2 units (1 St. Pol. & 1 Safety Inspectors)	2 squads (St. Pol.)	3 teams (Safety Inspectors)	2 units (1 Hwy. Patrol & 1 Truck Wt.)	8 troops & 2 units (St. Pol.)	1 squad (St. Pol.)	1 unit (Inspectors)
Assignment of Squads/Personnel per squad (no.)	regional: East (5) West (5)	whole state: weight (9) & safety (7) often combined	regional: East (7) West (6)	regional: East (4) West (4) Floating (2)	regional: Central South, North & Floating	regional: 8 regional troops (8) & 2 Floating Units (2)	whole state: squad (14) on extra duty (overtime)	rotating regional: 1 Inspector/region usually
Total No. Personnel (reg. basis)	10	16	14	10	48	71	14 (extra duty)	6
No. State Police (regular basis)	5	9	14	none	18	71	14	none
No. Other Sworn Personnel (regular basis)	(until 8/81, also 2 DMV Inspectors)	none	none	10 Safety Inspectors (not armed)	30 Inspectors (armed, special police)	none	none	6 Inspectors (armed)
No. Civilians (regular basis)	5 DOT maintainers	7 motor carrier Inspectors	none	none	none	none	none	none
Other Personnel Involved in Weight Enforcement (occassional)	St. Pol generally, DMV, DOT (DRS-tax enf.)	St. Police generally	(MV dept. safety unit-safety enf.)	Dept. of Safety, St. Pol. Div. (routine portable operation	-	NYC has own (civilian) wt. enf. unit	(m.v. & pub. utility staff do safety, etc. enf.)	St. Pol. (sporadic)

*Based on the results of an LPR&IC staff telephone survey conducted in January 1982.

	CONNECTICUT	MAINE	MASSACHUSETTS	NEW HAMPSHIRE	NEW JERSEY	NEW YORK	RHODE ISLAND	VERMONT
EQUIPMENT USED								
Portable Scales (No. & Type)	20 (Metrodynes)	96 (GE Dynamic)	52 (Metrodyne)	60 (GE Dynamic)	72 (Metrodyne)	30 (GE Dynamic)	12 (GE Dynamic)	36 (GE Dynamic)
Semi-Portable Scales (No. & Type)	8 (El Dec)	4 (EL Dec)	Used (No. & Type uncertain) occasionally	4 (EL Dec)	none	16 (EL Dec)	3 (El Dec)	none
Permanent Scales (No. state-owned)	2 facilities	(not used)	(not used)	4 facilities	5 facilities	none	none	4 facilities
ENFORCEMENT OPERATIONS								
Primary Times Enforce Weight	mornings	mix (mornings afternoons & nights) of times	mornings	mornings & afternoons	Hwy. Patrol: mornings/Truck Unit :mix of times	mornings	mix	mix
Days Schedule Enforcement generally	M-F	M-F	M-F	M-F	Hwy. Patrol: M-F/Truck Unit M-Sun.	M-F; portable & semiportable on weekends	M-Sat. (but 3 days/wk. maximum)	M-Sat.
Locations of Operations	Interstates & major routes primarily	Interstates primarily; some secondary	Just Interstates	Interstates primarily (St. Pol. only do Interstates)	Hwy. Patrol: all state hwys /Truck Unit: tolls & Interstates	Interstates primarily	Interstates primarily; some major routes	Interstates primarily
OTHER ENFORCEMENT								
Enforce Fuel Taxes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Enforce ID stamps	Yes	Yes	Yes	No	No	Yes	Yes	No
Enforce Safety (Equipment, etc.)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No

APPENDIX VI

Possible Job Specification--
Weight and Safety Enforcement Technician

(Within the Department of Public Safety)

SUMMARY OF CLASS:

This is a class which performs a number of tasks of a skilled and semi-skilled nature that are necessary for the operation of a state truck enforcement squad. The areas of work covered by this class include weighing and inspecting commercial vehicles for violations and operating and maintaining scale equipment.

SUPERVISION RECEIVED:

Generally works under the supervision of an employee of higher class who reviews work for completeness, effectiveness and quality, but may work under the supervision of an employee in the same or a similar class.

SUPERVISION EXERCISED:

May supervise, plan and schedule work for employees of the same or a lower class.

GENERAL STATEMENT OF DUTIES:

Among the duties of the class are: sets up, operates and maintains portable (C.S.P. Metrodyne) and semi-portable (Eldec) scales; stops commercial vehicles to verify compliance with state laws (particularly weight and safety requirements); weighs trucks using portable, semi-portable and fixed scales; measures length of trucks; checks registrations for weight violations; inspects vehicles for safety violations; checks for compliance with DPUC identification stamp and DRS tax decal requirements; may escort vehicles to fixed weighing stations.

MINIMUM QUALIFICATIONS REQUIRED
KNOWLEDGE, SKILL AND ABILITY:

Some knowledge of the parts and equipment of commercial motor vehicles; knowledge of the method, tools, equipment, materials and procedures used in truck enforcement activities; skill in the manual and machine operations of the trade or area; ability to follow oral and written instructions; some ability to keep records and make reports; some supervisory ability.

EXPERIENCE AND TRAINING:

Not less than two (2) years employment in work that could reasonably be expected to provide the knowledge, skills and ability listed above. Preferable experience would be in the areas of operating a motor truck or repairing motor vehicles.

PHYSICAL REQUIREMENT:

Sufficient strength, stamina and ability to perform effectively the assigned duties.

SPECIAL REQUIREMENT:

Must possess and retain a current Connecticut Motor Vehicle Operator's license during employment in this class.

PRINCIPAL ACCOUNTABILITIES:

1) Effective performance of assigned duties.

2) When used in a supervisory capacity, effective motivation of those supervised so as to complete assigned tasks.

APPENDIX VII

Alternatives for Adjudicating Truck Law Violations

The program review committee considered two adjudication methods--administrative hearings and parajudicial procedures--as possible alternatives to the present court processing of truck law cases. Both methods, according to a federal study, have proved successful in the jurisdictions which have adopted such adjudication alternatives. While the alternative methods in place in other states process a wide range of motor vehicle offenses (including truck weight cases) and tend to focus on driver control and improvement, the Legislative Program Review and Investigations Committee reasoned that similar procedures could be instituted solely for truck law violations.

As discussed in Chapter IV of this report, the committee was unable to reach consensus concerning adjudication alternatives. A vote on a motion to recommend adoption of an administrative hearing process for truck weight and permit violations ended in a four to four tie. However, the committee decided that information about adjudication alternatives should be included in an appendix of the report. Background information on traffic law adjudication in other states, excerpts from a federal study on adjudication alternatives and comments on alternative systems from the Connecticut Chief State's Atttorney and the Office of the Chief Court Administrator are presented in this appendix.

The adjudication options developed during the committee review are also presented and could serve as a basis for further study of alternative methods for processing truck law cases. The benefits from such alternatives--cost-effective case processing, consistency in sanctions, improved identification of habitual offenders and the freeing up of court resources for serious crimes--could address problems that have been identified in Connecticut's current system of court adjudication of truck weight violations.

Traffic Law Adjudication in Other States

Decriminalization or reclassification of minor traffic offenses to permit simplified adjudication (e.g., payment by mail or self adjudication, bond forfeiture, elimination of jury trials, etc.) and to reduce the traffic-case burden of state courts is a growing trend throughout the country. Several federal studies have further recommended the use of administrative hearings and parajudicial procedures as a way of providing simplified, fair and cost-efficient traffic case processing.

In 1970, New York City became the first jurisdiction to establish administrative processing of traffic infractions when adjudication responsibility was transferred from city criminal courts to an administrative adjudication bureau within the state motor vehicle department. Similar systems have been adopted since by other cities and parts of several counties in New York state.

Two multi-year demonstration projects funded by the National Highway Traffic Safety Administration (NHTSA)--one involving a parajudicial system in Seattle, Washington, and another involving a statewide administrative adjudication program in Rhode Island--were initiated in 1973 and 1974, respectively. Both were found to be effective and now operate on a permanent basis. These two "Special Adjudication for Enforcement" (SAFE) projects are described and compared in the following excerpt from a NHTSA report.

As of May 1980, 25 states still classified minor traffic offenses as misdemeanors subject to the entire array of criminal court procedures with imprisonment as a penalty option. Another six states continued to use the misdemeanor classification but had deleted imprisonment as a penalty for minor traffic offenses. Twelve states, including Connecticut, had reclassified most traffic and other minor offenses as infractions, thus permitting modified court procedures in the adjudication of these violations (e.g., payment by mail).* Seven states and the District of Columbia had specifically decriminalized infractions, although only four states and the District of Columbia had implemented alternative adjudication processes.

In Massachusetts and North Dakota (as well as in certain areas of Washington state) courts have maintained jurisdiction,

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* Connecticut established a category of infractions, noncriminal breaches of law for which the only penalty is a fine of under $90, in 1975. The fines for minor offenses (primarily motor vehicle-related) which are designated by statute as infractions can be paid by mail. The person who receives an infractions ticket and either brings or mails the fine to the appropriate court Infractions Bureau, is, in essence, pleading no contest and adjudicating him or herself. A person may also plead not guilty by checking a box on the back of the ticket, send the ticket to the bureau and then be scheduled for a hearing. Since the fine for any infraction cannot exceed $90, a jury trial would not be required and a judge would hear such a contested case.

but traffic cases are adjudicated by parajudicial officers called traffic referees, commissioners or magistrates. In New York, Rhode Island and the District of Columbia, a completely administrative approach is taken with all decisions, sanctions and preliminary appeals related to minor traffic cases handled by hearing officers within the state driver licensing agency. Several states are currently considering or have recently enacted legislation concerning traffic law adjudication alternatives. California, for example, has authorized a multi-year (1980-1984) "pilot test" of administrative adjudication of traffic safety violations in several counties.

Excerpts from "Traffic Law Adjudication," a traffic safety program paper prepared by the National Highway Traffic Safety Administration, U.S. Department of Transportation (May 1980):

Eighty-three (83) percent of the 13,200 courts of limited jurisdiction in this country hear traffic cases. Over half of these limited jurisdiction courts estimate that more than 50 percent of their judge-time is spent on traffic cases. Traffic cases constitute the major portion of the workload of these courts. In many urban court systems traffic cases clog the calendars. This leads to such legal stratagems as plea bargaining, judge shopping, postponements, diversion, and de facto declassification of the offense by the nonuse of imprisonment as a sanction. A substantial price is paid for the continued reliance on the traditional courts for the disposition of these minor offenses:

- Court resources required for the adjudication of serious crime are diverted to matters of far lower priority.
- Adjudication of traffic citations in the courts is very expensive.
- Police and court time is wasted in uncontested cases.
- Fines and penalties for traffic violations are not aimed at improving traffic safety.
- Court procedures and sanctions vary from court to court, so that two persons committing the same violation in different jurisdictions may receive greatly different sanctions.

- Most courts have incomplete, if any, drivers records and as a result often apply the same sanctions to a driver who has had many citations and/or accidents as to a driver with a clear record.

- Actions taken by courts and driver license regulatory agencies are often duplicative.

In 1973, two Presidentially appointed task forces recommended that traffic infractions should be handled by administrative disposition rather than criminal proceedings. A Task Force on Adjudication of the National Highway Traffic Safety Advisory Committee proposed that most minor traffic offenses be classified as "traffic infractions" and be handled by a simplified and informal type of administrative procedural machinery in place of the presently overloaded courts.

The Task Force on Courts of the National Advisory Commission on Criminal Justice Standards and Goals recommended that lesser traffic offenses be reclassified as infractions. Violators would be permitted to enter most pleas by mail, jury trials would not be available, and hearings would be held before legally trained referees. Rules of evidence would not be strictly applied and appeals would be heard within the administrative agency, subject to judicial review for abuse of discretion.

The National Highway Traffic Safety Administration (NHTSA) recognizes that...there is increasing professional and public interest in developing new mechanisms for resolving "minor disputes" in ways other than through the court system. High interest exists when such disputes generate huge caseloads as is true of traffic offenses. In fact, it is recognized that the work done by NHTSA in traffic law adjudication represents the largest modern effort to create new mechanisms designed to resolve large caseloads in a fair and more efficient manner. This has been demonstrated both within the regular judicial system and within executive branch agencies specially designed for traffic offense processing.

The provisions of the Highway Safety Act of 1973, Section 222, required the Secretary of Transportation to conduct projects to demonstrate the administrative adjudication of traffic infractions. NHTSA developed the SAFE program to meet that requirement. The SAFE program was based on the use of administrative hearing officers and parajudicials to adjudicate traffic infractions and to facilitate driver control measures.

Two 3-year projects were contracted for with the State of Washington Department of Licensing and the State of Rhode Island Department of Transportation. The Washington project award of

$750,000 involved the use of parajudicial lawyer magistrates for traffic infractions in the Seattle Municipal Court. The $950,000 award provided for infraction adjudication statewide by the Rhode Island Department of Transportation hearing officers designated Commissioners. Both projects were completed and final reports submitted by Washington in December 1976 and Rhode Island in March 1978. The projects are compared in the following table. (See: "NHTSA Comparison of Safe Projects".)

Adjudication Options Developed During the LPR&IC Review

Information regarding two truck law administrative adjudication options, one within the state motor vehicle department and one within the transportation department, was developed by the committee staff. Under either option, adoption of an administrative hearing process first would require statutory changes: 1) to decriminalize truck weight, size and permit violations; and 2) to authorize the state agency to establish the adjudication process. Additional resources also would be needed for the designated agency to implement the proposed hearing system.

DMV administrative adjudication option. The Department of Motor Vehicle already has an administrative adjudication unit which conducts hearings concerning dealers and repairers complaints as well as suspensions of driver licenses. The unit's director, who strongly favors administrative adjudication of all traffic offenses, believed that the DMV system could be expanded to handle truck law violations. At a minimum, additional hearing officers would be required. The department's data processing system, which currently is used by the unit to record citation and disposition information, generate notices, and update driver histories, could be adapted to provide similar services for truck law violation cases. Some aspects of the present DMV adjudication unit might need to be reorganized and more support staff and hearing sites might also be required if the unit was given responsibility for truck cases. LPR&IC staff estimates of the resources needed for this and the following adjudication options are summarized on page .

States which have established administrative adjudication systems have placed this responsibility within the driver licensing/vehicle registration agency. Since one of the sanctions for truck law violations is suspension of registration (or of operating rights), placing adjudication responsibility within the motor vehicle agency may facilitate imposition of agency penalties.

NHTSA COMPARISON OF SAFE PROJECTS

Authority for SAFE	by amending local court rules and by local ordinance	State legislation
Type of Adjudication	parajudicial magistrate within Municipal court	hearing officers in State DOT
Violations Requiring Appearance	violation with accident speeding 15 mph over limit failure to yield following too close negligent driving 3 violations in 1 year or 4 in 2 years	multiple offenses speeding 15 mph over limit another violation in previous 12 months
Authority of Adjudicator	limited adjudicatory powers--difficult contested cases referred to court	full adjudicatory powers
Number of Adjudicators	3 magistrates	3 commissioners
Average Caseload	100/day	100/day
Sanction Powers	fine, license suspension, and referral to court	fine, license suspension, and referral to court
Appeals	trial de novo in Municipal court	on record to administrative appeals bord then to court
Referral to Retraining	20%	22%
Record System	real-time computer linkage to DMV	batch computer system
Case Processing Costs:		
SAFE	$13.22	$13.47
Court	$40.00	$19.56
Bail Forfeit/Pay By Mail	$ 9.00	$ 2.86
Defendant Attitude	generally favorable	93% felt fairly treated
Impact on Courts	removal of traffic cases permitted the maintenance of a manageable docket despite an increase of 25% in nontraffic cases	court case backlog reduced 17%; District courts assumed new functions

The state prosecutors interviewed by the committee staff and the Chief State's Attorney (see attached letter) expressed strong support for administrative adjudication alternatives and favored transfer of truck law adjudication responsibility to the Department of Motor Vehicles. The prosecutors also endorsed the idea that administrative adjudication of truck weight cases could be used as a pilot program to determine the feasibility of extending this system to all minor traffic offenses.

DOT administrative adjudication option. The state Department of Transportation was also considered as a possible location for an administrative adjudication process. This agency has perhaps the most direct interest in assuring compliance with truck weight requirements as it is mandated to plan, construct and maintain the state's highway system. Technical expertise useful for reviewing the accuracy of weighing procedures, weight law intent and the impact of overlimit vehicles, is available among DOT staff, particularly the motor transport services personnel.

However, the department would need to develop an entirely new unit to handle administrative hearing responsibilities or arrange for a coordinated effort with the DMV adjudication operation, particularly in the area of data processing requirements. Overall, as the following staff estimates indicate, more resources would be needed to establish an administrative adjudication program within DOT than within the motor vehicle department.

Magistrate (parajudicial) adjudication option. Parajudicial adjudication of truck law cases was another alternative examined by the LPR&IC staff. Under P.A. 81-462, which becomes effective July 1, 1982, the judges of the state Supreme and Superior Courts are directed to adopt rules necessary for establishing a magistrate system in Connecticut. The magistrates, who will be experienced attorneys appointed by the courts on a per diem basis, will hear and decide cases involving motor vehicle infractions and violations. By law, magistrates will hear cases only:

1) if the fine involved is not more than $90; or

2) when the fine is greater than $90 or a sentence or imprisonment is involved, both parties must agree to a hearing before a magistrate and the defendant must waive the right to a jury trial.

The fact that the magistrate system would be voluntary for truck overweight cases (since the fines are generally greater than $90) limits this alternative's potential for alleviating

current truck weight adjudication problems. Furthermore, Connecticut's magistrate system, like other parajudicial programs, would operate in accordance with most formal court procedures. Administrative adjudication of minor traffic offenses is considered by many to be preferable to parajudicial adjudication since hearings generally can be conducted more informally and, therefore, can be less time-consuming and less costly.

All of the options developed during the committee review would require funding increases for the designated agency or the judicial department. The committee staff was unable to obtain estimates of the courts' costs to adjudicate truck weight cases; however, federal evaluations have found that parajudicial and administrative traffic law case processing costs are lower than court adjudication costs. Case processing costs of the three options outlined above should be lower than current court costs since fewer and less highly-paid personnel would be involved in adjudicating truck law violations. Committee staff estimates of the additional resources needed to implement each of the adjudication options are shown below.

LPR&IC Staff Estimates of Resources Needed for Adjudication Options

Estimated caseload: Based on the present annual truck weight violation caseload (about 3,500 cases) and assuming a bond forfeiture rate of 50 percent, approximately 1,750 cases per year would require a hearing. To avoid a backlog, almost eight cases would have to be processed per working day (assuming 225 working days per year). Two hearing officers working part-time or on a per diem basis should be adequate for handling the truck overweight caseload in Connecticut. (Three full-time hearing officers in Rhode Island process an average of 100 cases per day; but their caseload includes many relatively simple motor vehicle violations as well as more time-consuming truck weight cases.)

If the DMV adjudication unit was given responsibility for truck weight cases and two additional hearing officers were employed on a full-time basis, the maximum personnel costs would total about $81,000 (using the DMV hearing officer annual salary range of $25-30,000 plus 35 percent fringe). The new hearing officers could be supervised by the unit director and the four hearing reporters now employed by the unit could provide required support services. If one additional reporter position is needed, the estimated annual cost would be $21,000 ($16,000 maximum salary plus 35 percent fringe).

Additional data processing services would be needed although it would be possible to utilize the existing department system or arrangements could be made to use the Judicial Department system. Additional administrative

overhead cost (e.g., forms, postage, etc.) would also be incurred by the unit. Depending upon the type of adjudication procedures adopted, at least one prosecutor-type position might be needed on a full or part-time basis.

If the function were placed within the Department of Transportation, hearing officer costs would be the same but overall costs would be higher. At a minimum, a supervisory position, new support staff positions and office space would be required to establish an adjudication unit within DOT. Initially at least, overhead costs would be greater than in DMV since forms would have to be developed and data processing services would have to be procured, possibly from another agency.

If truck weight cases were handled by magistrates, total costs might be less than an administrative system. Under the provisions of P.A. 81-462, magistrates would receive a per diem of $100. If it is assumed that one magistrate could hear 5 cases per day, at least 350 days would be required to process the truck weight caseload outlined above. Therefore, at least $35,000 (350 x $100) would be required for magistrate fees. Additional funds would be needed for support staff and overhead costs.

State of Connecticut

DIVISION OF CRIMINAL JUSTICE

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February 22, 1982

Mr. Michael L. Nauer, Director
Legislative Program Review and
Investigations Committee
18 Trinity Street
Hartford, Connecticut 06115

Re: Proposals for Alternative Adjudication of Truck Regulation Violations

Dear Mr. Nauer:

I have reviewed with great interest your Committee's preliminary proposal for processing trucking violations through alternative systems. It is apparent from the studies conducted by the National Highway Traffic Safety Administration and our own experience in Connecticut, as documented by your Committee, that the processing of traffic offenses through the criminal courts creates a disproportionate burden in time and resources. As a consequence, given the understandably low priority which traffic offenses receive by judges and prosecutors alike, the deterrence which regulations seek to achieve is undermined through expedient or inappropriate dispositions. Moreover, our criminal courts are simply not equipped with the data processing systems necessary to process traffic violations fairly and efficiently. The latter is especially critical to effective enforcement of Connecticut's trucking regulations which provide for more severe penalties for chronic offenders.

In view of the above, and upon reviewing your Committee's appraisal of alternate systems for adjudicating trucking violations, I would urge adoption of administrative adjudication. In my opinion, administrative adjudication before regulatory agencies most concerned with compliance and enforcement of trucking regulations, the Departments of Transportation and Motor Vehicles respectively, is more appropriate than a para-judicial system. While a magistrate system will be established in Connecticut on July 1, 1982, its limited jurisdiction with respect to fines and its formal rules of procedure will not be as conducive to the processing of trucking violations as an administrative adjudication.

Of the two administrative options examined by your Committee, the establishment of an administrative adjudication unit within the Department of Motor Vehicles, rather than the Department of Transportation, seems the better for a number of reasons. First, the Department

of Motor Vehicles already has an administrative adjudication unit in place within its Dealers and Repairers Division; moreover, its Director strongly supports the concept of administrative adjudication for all traffic offenses. Second, Motor Vehicles has a data processing system which stores relevant driver history and which could be modified to record information peculiar to trucking violations such as prior convictions for being overweight by 20%, prior bond forfeitures and the like. Third, as Motor Vehicles has as a primary responsibility the issuance of license and registrations for vehicles operated within the State, placing adjudication responsibility with the Department for trucking violations should facilitate efficient and appropriate sanctions, particularly for repeat offenders identified through a data processing system. Finally, were an administrative judication unit for trucking violations established in the Department of Motor Vehicles on a pilot basis, its relative success should serve as a principal determinant to the concept of expanding administrative adjudication to all traffic violations. Here again, should the pilot program prove successful, the Department of Motor Vehicles would be the appropriate regulatory agency to adjudicate traffic violations were the program so expanded.

It is apparent to even the most disinterested observer that our criminal courts suffer from a serious backlog of cases. While many factors have contributed to this backlog, serious attention must be paid to programs which will assist in its elimination. Certainly the options examined by your Committee to process trucking violations in an administrative forum are a welcome and important step in this direction. Limited judicial resources simply cannot afford the drain imposed by traffic offenses which account for over 50% of court time in the majority of lower courts in this country.

In conclusion, I want to thank you for the opportunity to comment on your Committee's proposals. I wish to offer my full support to the concept of establishing an administrative adjudication system for processing trucking violations and, perhaps in the future, for all traffic violations.

Sincerely,

Austin J. McGuigan
Chief State's Attorney

AJMcG/azl

State of Connecticut
JUDICIAL DEPARTMENT
OFFICE OF THE CHIEF COURT ADMINISTRATOR
Drawer N, Station A
Hartford, Connecticut 06106

February 4, 1982

Mr. Michael L. Nauer
Director
Legislative Program Review
And Investigations Committee
18 Trinity Street
Hartford, CT 06115

Re: Trucking Violations

Dear Mr. Nauer:

Enclosed in answer to your letter relating to the above-entitled subject dated January 21, 1982, is a copy of a memo prepared by Attorney Frank R. Buonocore, Criminal Caseflow Manager in the Office of the Chief Court Administrator.

We agree with the position taken by Mr. Buonocore in that memo.

Very truly yours,

Joseph J. Keefe
Executive Secretary

JJK/ml
Encl.
cc: Hon. Maurice J. Sponzo, Chief Court Administrator
Hon. Walter M. Pickett, Jr., Deputy Chief Court Admin.
Frank R. Buonocore, Esq., Criminal Caseflow Manager

State of Connecticut
JUDICIAL DEPARTMENT
OFFICE OF THE CHIEF COURT ADMINISTRATOR
Drawer N, Station A
Hartford, Connecticut 06106

February 3, 1982

MEMO TO: JOSEPH J. KEEFE, ESQ.

FROM: FRANK R. BUONOCORE, ESQ.

SUBJECT: ADJUDICATION OF TRUCK WEIGHT VIOLATIONS - 14-267a

In reply to your memo of February 2, 1982, the statistical court data on page 14 is, according to Greg Pac, correct. However, we have no way of determining the accuracy of state police estimates of potential fines or whether or not the estimate includes all tickets issued without regard to nolles or not guilty findings. Nor does our manual operation permit a breakdown of other violations under 14-267a, which violations carry lesser penalties.

I checked with the clerks of G.A.s 10 (New London) and G.A. 2 at Bridgeport, both of which G.A.s experience high volume in 14-267a violations, with the following results:

> G.A. 10: State Police issue tickets with amount of fine established on the tickets. Fines are mailed in and forfeited as bonds. High fines are resolved by prosecutorial conference.
>
> G.A. 2: Seventy five percent (75%) of out of state drivers post a bond which is forfeited. Most Connecticut drivers have fines reduced. High fines are resolved by prosecutorial conference. The clerk also reported a sharp reduction in this violation as truckers were now routing drivers north in New York state to the Mass. pike, thereby avoiding Connecticut weigh stations.

To my knowledge, there have been no complaints by prosecutors concerning any enforcement difficulties. As a matter of fact, 86% or 85% disposition by bond forfeiture or quilty finding is very good. There is no indication of a lack of incentive or a lack of resources.

As far as other options for adjudication are concerned, to endorse or oppose administrative adjudication would be a policy decision as budgetary or other considerations may be involved.

I would strongly oppose parajudicial or magistrate system for adjudication for the following reasons:

A) cost factors - more docketing, facilities, clerical etc.

B) no G.A. complaints of an inability to process this violation - so why change.

C) in review of the large number of forfeitures, there is no great imposition on judge time.

D) results in fragmentation of court merger.

Frank R. Buonocore

FRB:sm
cc: Hon. Maurice J. Sponzo, Chief Court Administrator
Hon. Walter M. Pickett, Jr., Deputy Chief Court Administrator

APPENDIX VIII

Agency Response

It is the policy of the Legislative Program Review and Investigations Committee to submit the recommendations in a program review report to the appropriate agencies for comment prior to publication. Comments on the final draft of this report were solicited from the Departments of Transportation, Motor Vehicles, Revenue Services, Public Utility Control and Public Safety. Only the Department of Transportation and the Department of Revenue Services submitted written comments which are contained in this appendix.

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
24 WOLCOTT HILL ROAD, P.O. DRAWER A
WETHERSFIELD, CONNECTICUT 06109

Office of the Commissioner

An Equal Opportunity Employer

May 11, 1982

Mr. Michael L. Nauer
Director
Legislative Program Review
and Investigations Committee
Legislative Office Building
18 Trinity Street
Hartford, Connecticut 06115

Dear Mr. Nauer:

Subject: Comments - Operations and Enforcement of Truck Regulations in Connecticut

Thank you for your letter dated April 22, 1982 in which you give the executive agencies an opportunity to comment on the draft "Overview of Trucks, Highways and Related Regulatory and Revenue Programs".

Our comment is limited to your recommendation pertaining to four axle construction vehicles contained on pages 113 and 114 of your draft. If your proposal is enacted, it could mean the loss of federal-aid to this department. Your proposal would result in an increase in axle load limits, consequently, it is in conflict with federal law Title 23, Section 127 which, simply stated, does not allow axle weights to exceed 20,000 pounds for any vehicle authorized to use the Interstate System.

My compliments on an exceptional job in a very complex area. Your staff did a remarkable job in compiling the function of the various agencies as they relate to the trucking industry.

Very truly yours,

J. William Burns

J. William Burns
Commissioner

STATE OF CONNECTICUT

DEPARTMENT OF REVENUE SERVICES

OREST T. DUBNO
COMMISSIONER

April 29, 1982

Michael L. Nauer, Director
Legislative Program Review & Investigations Committee
18 Trinity St.
Hartford, CT 06115

Dear Mr. Nauer:

Thank you for sending me a copy of your fine report concerning motor carriers in Connecticut. My Directors of Audit, Operations, Collection & Enforcement, as well as myself, have reviewed it in detail.

I would like to make two comments with respect to the ticketing procedure:

1) The Department of Revenue Services Special Investigation agents follow up on each ticket they issue. In a recent drive during 1981, over half were written by the Department of Revenue Services; the remainder written by State Police and Department of Motor Vehicle Inspectors.

2) Violations of the motor carrier decal requirement are forwarded to the Department of Revenue Services Registration Unit where a letter is sent to the offender. This letter requires that a special return be completed if no further travel is anticipated in the state. If continued travel is expected, the taxpayer is required to register with the Department of Revenue Services and file returns on a quarterly basis. The Audit Division selects their audits on the basis of returns filed.

I hope you find these comments helpful, and if I can be of any further assistance in this matter, please let me know.

Very truly yours,

O. T. Dubno

OTD:VKD:emj

NINETY-TWO FARMINGTON AVENUE • HARTFORD, CONNECTICUT 06115
AN EQUAL OPPORTUNITY EMPLOYER