



Mid-Month Update

New Members

Adz Trucking Inc.
3018 East Kearney
Springfield, MO 65803
Ms. Davena Lutz
(417) 864-0891

Clean Energy Fuels
2399 Dempster Drive
Coralville, IA 52241
Mr. Sheldon Schroeder
(319) 460-0016

EvriChart Transportation, LLC
1904 LeCompte Rd
Springfield, MO 65802
Mr. John Elkins
(417) 799-9264

Fronabarger Concreters, Inc.
3290 State Hwy E
Oak Ridge, MO 63769
Ms. Jessica Fronabarger
(573) 266-3212

Continued on page two . . .

MoTA Calendar of Events

June 12 & 13

Truck Driving Championships

Holiday Inn ~ Joplin, MO



- Registration Deadline - May 22nd
- Big Rig Pinewood Derby Deadline - May 22nd
- Submit Sponsorship Form
- Order Banquet Tickets
- Order Concession Stand Tickets
- Sign up for Spouse Course Competition

June 23

Sitton-Babcock PAC Golf Tournament

Old Kinderhook Golf Club ~ Camdenton, MO



October 7-9

Annual Convention

Chateau on the Lake ~ Branson, MO



MissouriMemo
April 2015

Sponsored by:



*Citizen Driver Honorees
Award*

For details, see ad on page 6 . . .

In This Issue

- 3 Governmental & Regulatory News
- 4 News from the Industry
- 5 News from States & Provinces
- 6 TA / Petro Advertisement
- 7 MoTA Photo Album



New Members

... Continued from first page

Mid America Sleep Services, LLC

2900 Williamsburg Terr, Ste D104
Platte City, MO 64079
Ms. Debra Hughes
(816) 377-0208

Regency Contractors

818 Lonestar Drive
O'Fallon, MO 63366
Ms. Shelli Jensen
(636) 294-6234

TAB Bank

250 Westfield Lane
Perryville, MO 63775
Mr. Tim Green
(573) 846-6652

*Welcome
New Members!*



MISSOURIMemo

The newsletter for the Missouri Trucking Association is published monthly. All rights reserved. Reproduction in any manner, without the Missouri Trucking Association permission, is prohibited.

Tom Crawford, President and CEO
PO Box 1247
102 E High Street
Jefferson City, MO 65102
573-634-3388
mota@motrucking.org



THE truckerStore for DOT Compliance

For the BEST pricing on DOT Compliance needs shop THE truckerStore at www.motrucking.org. You can easily browse product catalogs or search by keyword for your specific needs.

For ELECTRONIC LOGS, shop with our partner J J Keller at www.jjkeller.com/missouri. Using the Missouri link helps out your Association.



J. J. Keller
& Associates, Inc.
Since 1953

Action Needed: FMCSA's 2014 Drug And Alcohol Survey

On March 30, FMCSA announced that they have commenced their 2014 Motor Carriers' Drug and Alcohol Testing Survey. The notification has been sent by FMCSA to randomly select motor carriers via e-mail. All carriers selected have until May 15, 2015 to submit their 2014 DOT drug and alcohol testing program results to FMCSA. Completing and submitting FMCSA's Drug and Alcohol Testing Survey is mandatory for all selected carriers. Additionally, FMCSA has asked ATA to advise its membership that completion of the survey by the selected carriers is important, and could assist ATA's effort to potentially reduce the industrywide random testing rate for future years. ▲

Member Cancellations April 2015

Name of Company	Class	Dues
Alliance Water Resources	Private	\$350
EDCO Transportation LLC	Private	\$350
G F S Transportation Inc	For Hire	\$360
Grellner Sales & Service Inc	For Hire	\$714
Grote Industries	Allied	\$350
Mullally Distributing Co Inc	Private	\$350
Omnitracs Inc	Allied	\$350
P & S Enterprises Inc	For Hire	\$480
Peterson Oil Company	For Hire	\$423
Roberts McKenzie Mangan Cummings PC	Allied	\$350
Service Express Inc	For Hire	\$350
Sterling Excavation Inc	Private	\$350
Vector Communications Corp	Allied	\$350
World Business Lenders	Allied	\$350



FMCSA Raises Civil Penalties

Under a Final Rule published recently by the Federal Motor Carrier Safety Administration, fines motor carriers pay for violating the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations will be increasing. The penalties, which have been unchanged since 2007 or earlier, will be adjusted for inflation using various formulas prescribed by Congress. The final rule also consolidates specific reference to penalties to 49 C.F.R. §386 Appendices A and B, thereby eliminating inconsistency found in the regulatory text. The changes are effective June 2, 2015. ▲

IRS Adopts CNG Definition

Pursuant to an inquiry from a taxpayer who asked the federal Internal Revenue Service what the term “compressed natural gas” means in Internal Revenue Code section 6426, which grants a 50 cent per gallon credit for the use of CNG as a motor fuel, IRS has adopted as a definition the common usage of the term in the CNG industry at the time the section was enacted. The definition is: “[N]atural gas in its gaseous form that is contained under a pressure of approximately 2,400 to 3,600 psi and of the quality required for use as a fuel in vehicles.” IRS Office of Chief Counsel Memorandum no. 20151001F, released March 6, 2015 ▲

~ State Laws Newsletter ~

FMCSA Shares Study Plan for Commercial Motor Vehicle Driver Restart Study

The Federal Motor Carrier Safety Administration released the study plan for the congressionally mandated naturalistic study of the operational, safety, health and fatigue impacts of the hours-of-service restart provisions.

The study will compare five-month work schedules and will assess SCEs (e.g., crashes, near-crashes, and crash-relevant conflicts), operator fatigue/alertness, and short-term health outcomes of the two groups of CMV drivers. The sample of drivers, which will be large enough to produce statistically significant results, will include drivers from small, medium, and large fleets across a variety of operations (long-haul, short-haul, and regional). The study plans to include different sectors of the industry such as flat-bed, refrigerated, tank, and dry-van.

More information on the study plan can be found at <http://www.fmcsa.dot.gov/safety/research-and-analysis/commercial-motor-vehicle-driver-restart-study>. ▲

Agencies Announce Delay of Second Round of Truck Greenhouse Gas/Fuel Efficiency Standards Until June

EPA and NHTSA announced that the second round of medium- and heavy-duty truck greenhouse gas and fuel efficiency standards will not be proposed until June of this year. Earlier this year President Obama had charged both agencies to propose the much-anticipated rule in March. The new standards will build upon similar requirements the agencies issued for the trucking sector in 2011. Those standards covered model year 2014 and newer engines and vehicles but excluded regulation of trailers. The upcoming round of standards are expected to set efficiency targets for new trailers, engines, and vehicles, some of which may begin as early as 2017. ▲

FMCSA Rejects Petition to Exempt \$75,000 Broker Bond

The Federal Motor Carrier Safety Administration has denied a request by the Association of Independent Property Brokers and Agents that all property brokers and freight forwarders be exempted from the agency's \$75,000 bond provision.

The increase in the minimum bond requirement from \$10,000 was a provision in the 2012 transportation law known as MAP-21. FMCSA made the \$75,000 surety bond or trust fund minimum a regulatory requirement in October 2013.

“After reviewing the public comments, the agency has concluded that the exemption should be denied on the basis that [MAP-21] does not give FMCSA the authority to essentially nullify a statutory provision by exempting the entire class of persons subject to the provision,” the agency said in an announcement set to be published in the Federal Register on March 31.

“There has been no showing that the \$75,000 requirement is not needed to protect shippers from the ‘abuse of market power,’ and the requested exemption is not in the public interest,” FMCSA said.

AIPBA said in a statement that it was “very disappointed” with the agency's exemption denial.

“We disagree with the long-awaited conclusion rendered and find it totally devoid of sensitivity toward the nearly 10,000 small-business intermediaries, especially members of the minority brokerage community, that were revoked in the first two weeks of December 2013 and the anti-competitive obstacles to entry currently in place due to a bond obviously set too high for over 40% of the brokerage industry to handle,” the broker trade association said.

AIPBA challenged the bond requirement in a November 2013 lawsuit filed in federal district court, but it voluntarily dismissed the case and filed a petition for review in the 11th U.S. Circuit Court of Appeals alleging that the agency's final rule was improperly issued without notice and comment.

The case has been stayed by the appeals court, pending FMCSA's decision on the petition for exemption.

FMCSA said that many of the commenters who wrote in support of AIPBA's exemption application believed the increased bond requirement has resulted in a significant decrease in the number of freight forwarders and brokers with operating authority.

Other supporters argued that the increased bond requirement has resulted in the loss of jobs and an adverse impact on consumer prices. A number of the broker commenters argued that the new requirement was intended to reduce competition by eliminating small businesses rather than to reduce fraud, FMCSA said.

Those in favor of the increased bond requirement included American Trucking Associations, the Transportation Intermediaries Association and the Owner-Operator Independent Drivers Association.

ATA cited a study it conducted indicated that only 13% of carriers' claims against brokers were satisfied by the \$10,000 bond. ▲

~ Transport Topics ~



IRS Says No 1099s Needed for Owner-Operators

In a memorandum issued by its Office of Chief Counsel, the federal Internal Revenue Service confirms that a motor carrier need not issue Forms 1099 to report payments to owner-operators under lease to the carrier, if the payments represent amounts earned for hauling freight. This ruling is nothing new; the memo mentions in passing that federal law has had such an exemption since 1918 for payments made for hauling freight, and that “freight” is to be interpreted broadly. The exemption is currently in IRS regulation section 1.6041-3(c). IRS adds that whether a specific charge is actually for the hauling of freight may depend on the particular facts of a given transaction. We would caution carriers using owner-operators that although the law appears clear that no 1099s need to be issued to them, it may still be advisable to do so, in order to protect the operators’ status as independent contractors. The memo is IRS CCM no. 20151002F, dated June 6, 2014, and released March 6, 2015. It can be found on-line here: <http://www.irs.gov/pub/irs-lafa/151002f.pdf>. ▲

~ State Laws Newsletter ~

Over 800 Drivers Provide Input on Truck Parking Systems

The American Transportation Research Institute collected over 800 driver surveys on the topic of truck parking at the recent Mid-America Trucking Show in Louisville, Ky. ATRI’s latest survey cross-references driver perceptions of truck parking availability with the viability of truck parking reservation systems and exactly how truck drivers put a “value” on truck parking availability.

Truck parking continues to rank high in ATRI’s annual Top Industry Issues Survey; in the 2014 survey Truck Parking ranked 6th overall but among truck drivers in the survey it ranked 2nd, eclipsed only by the challenges associated with the Hours-of-Service regulations.

Drivers who were not able to attend MATS can still provide input on truck parking. ATRI’s survey is now available for drivers online through its website at www.atri-online.org. ATRI will collect driver responses on the truck parking survey through the end of April. ▲

“Evidence-Based Policymaking”?

The Pew Trusts, a well-regarded organization of a liberal persuasion, has a new report out which Pew describes as “A look at state laws that support data-driven decision-making.” The gist of the report is that tight state budgets are requiring legislatures to innovate by actually assessing which state programs seem to be working and which ones don’t, and directing their spending accordingly. The report goes on to detail legislation in a number of states that appear to have been driven to such extremes. Some states apparently even go so far as to monitor programs for effectiveness after they have been established! No, we’re not making this up. It is hard to say whether we are more astonished to see a rational approach to legislating treated as an unusual innovation or dismayed to realize that a report of this kind may really be needed. Anyhow, readers might have a look at the report and its examples, and ask their friendly legislators if they too base their own legislative proposals on actual facts and evidence. The report is on-line here: <http://www.pewtrusts.org/en/research-and-analysis/reports/2014/11/evidence-based-policymaking-a-guide-for-effective-government>. ▲

~ State Laws Newsletter ~

Tax Court Denies Driver’s Deductions

The U.S. Tax Court has ruled that a truck driver could not deduct his expenses for business travel away from home because he did not maintain a home from which he could be away. The driver here was the employee of a truckload carrier who did not work out of a terminal. Instead, when he finished one trip he was dispatched on a new trip from wherever he happened to be. Although his commercial driver’s license had a Missouri address, he had spent only seven nights in that state during the year in question, and had negligible contacts with Missouri. In fact, he lived in his truck. He sought to deduct expenses for meals and incidentals for the 358 days of the year on which he was on the road. The carrier did not reimburse him for such costs, which the court determined were indeed business-related. However, the court continued, such expenses were only deductible when incurred on travel “away from home.” And this driver, living in his truck as he did, never traveled “away from home.” The denial was justifiable, the court pointed out, since the deduction is designed for those who would otherwise have to bear the costs of both travel and of maintaining a home. On another item, however, the court found that the driver’s unreimbursed expenses for truck stop electrification were in the nature of a substitute for additional fuel consumption, and those costs were properly deductible. *Howard v. Comm’r*, docket no. 12282-12, decided March 9, 2015 ▲

~ State Laws Newsletter ~

U.S. Court Denies Sec. 1031 LKE Treatment

The U.S. Court of Appeals for the Eighth Circuit has ruled that a series of transactions were ineligible for nonrecognition treatment because related parties were involved. The deals here involved a heavy-equipment sales company and an equipment lessor under common ownership. In a representative transaction – one of about 400 at issue -- the lessor sold depreciated equipment to a third party, which paid the price to a “qualified intermediary” (that is, a neutral party that serves as the holder of an escrow in such a transaction). The sales company in turn bought new replacement equipment from a manufacturer for about the same amount of money, and transferred the new equipment to the lessor. The intermediary paid the money from the sale of the used equipment to the sales company. Under the terms of its financing with the manufacturer, however, the sales company was not obliged to pay for the new equipment for six months. The companies claimed that the transactions qualified for nonrecognition of gain under Internal Revenue Code section 1031, as “like-kind exchanges.” The IRS disallowed this, pointing out that sec. 1031(f) bars related parties from claiming the tax advantages of LKEs, and that here the sales company wound up with what amounted to a six-month interest-free loan of a good deal of money. The court agreed, finding that the transactions were suspiciously more complex than they needed to be, and that the sales company, which was in effect the beneficiary, was not a necessary party at all. There was testimony that had the sales company not been involved, the intermediary would have paid the sales proceeds directly to the manufacturer. *North Cent. Rental & Leasing, LLC v. U.S.*, docket no. 13-3411, decided March 2, 2015 ▲

~ State Laws Newsletter ~

ATA Files FOIA Appeal with SAMHSA

On April 7, ATA filed an appeal with the Substance and Mental Health Safety Administration on their denial of hair testing-related records requested by ATA in a Freedom of Information Act request. In April 2013, ATA requested transcripts from closed door meetings of SAMHSA's Drug Testing Advisory Board from 2011-2013. On March 11, 2015, ATA received a 1,520 paged document that was redacted to the point of providing no useful information. ▲

DOT Releases Final Rule on the Electronic Chain of Custody Form

On April 13, DOT issued a new rule allowing the use of electronic chain of custody and control forms in DOT-Regulated Drug Testing Programs. The rule states that the electronic version of the Federal CCF in DOT drug testing can only be used by laboratories that have been approved through the Substance Abuse Mental Health Safety Administration's National Laboratory Certification Program. Before implementation of an eCCF, ATA recommends contacting your company's drug testing laboratory to see if they have been approved to use the eCCF for federal testing. ▲

EPA Agrees on Schedule to Finalize 2014 and 2015 Federal Renewable Fuel Standard Volumes

In a tentative settlement with oil trade groups, EPA has agreed to a timeline to propose and finalize renewable fuel standard mandates this year. Under the agreement, EPA would propose renewable fuel standard volumes for 2014 and 2015 by June 1 and finalize the standards by Nov. 30. EPA also announced that, while not part of the consent decree, it would issue the 2016 and 2017 RFS mandates on the same schedule. Congress attached the RFS to the Clean Air Act in 2007 as a means of increasing energy independence and reducing greenhouse gas emissions from the transportation sector. The standard established yearly requirements for refiners to blend alternative fuels, such as ethanol and biodiesel, into petroleum fuel but gave EPA the authority to waive or reduce the levels. Under the CAA, EPA was supposed to finalize the following year's mandates for conventional ethanol and most advanced biofuels by Nov. 30 of the previous year. The settlement will get the agency back on track in establishing both missed and subsequent RFS production levels. ▲

Arkansas Enacts Motor Carrier Motor Carrier Anti-Indemnification

Governor Hutchinson of Arkansas has signed into law Act 572 of 2015 (S.B. 755), which makes provisions in contracts for motor carrier transportation that require the carrier to assume liability for the shipper's negligence void and unenforceable in the state.

Arkansas is the forty-second state to enact such legislation, which has spread very quickly. The enactment of anti-indemnification measures is a focus area for the ATA Insurance Task Force. In Arkansas, the measure passed both houses of the legislature by lopsided votes.

The New York State Motor Truck Association is pushing for similar legislation to be passed in New York, and has made it a top legislative priority for 2015. ▲

California Proposes Future Regulatory Actions

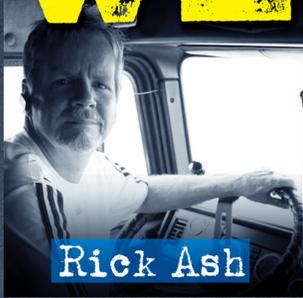
The California Air Resources Board has released a draft report titled, "Sustainable Freight: Pathways to Zero and Near-Zero Emissions." The report sets out CARB's vision of the state's future freight system together with the steps the agency proposes to take to support the use of zero and near-zero emission technology. A number of far reaching enforcement and regulatory actions are identified, including:

- Expanding enforcement of the state's existing in-use truck emissions regulations;
- Accelerating the use of zero-emission trucks for urban freight deliveries;
- Limiting the amount of time diesel-powered transport refrigeration units can operate while at a facility;
- Capping facility-wide emissions from warehouses, distribution centers, truck stops, etc.; and
- Lowering the NOx emissions standard for new truck engines.

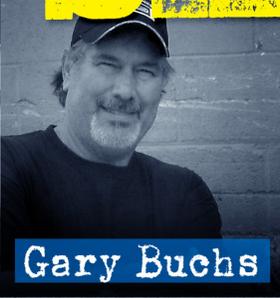
The draft report will be discussed at the next CARB Board meeting on April 23 in Sacramento. At that time, the Board will consider in-person and online comments on the draft document and is expected to provide direction on how to proceed with the proposed actions. Carriers who operate in California are encouraged to review the document and provide comments directly to CARB, on how the proposed actions may impact their operations. ATA is currently reviewing the proposed actions in advance of the meeting, and is also interested in hearing directly from member fleets about CARB's proposed actions. ▲

Citizen Drivers,

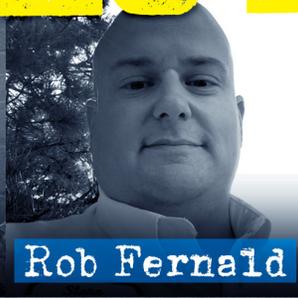
WE SALUTE YOU.



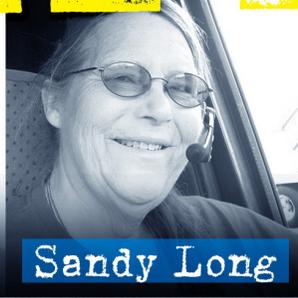
Rick Ash



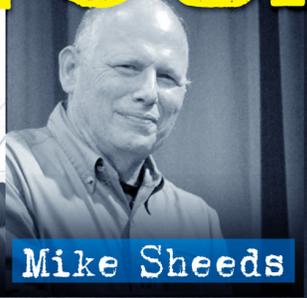
Gary Buchs



Rob Fernald



Sandy Long



Mike Sheeds

**★ CITIZEN ★
DRIVER
AWARD**
Honorees

It's time again to honor the professional drivers who earn respect for the trucking industry through good citizenship, safety, community involvement and leadership by naming our Citizen Driver honorees. This year, we are proud to recognize Rick Ash, Gary Buchs, Robert Fernald, Sandy Long and Micheal Sheeds. Our company is honored to be placing each of their names on a TA or Petro location of their choice. Join us in extending a heartfelt congratulations to our honorees as we celebrate the class and character of professional drivers.



TA
LISTED
NYSE

Visit ta-petro.com or find us on



ADVERTISEMENT

TA and Petro Announce Citizen Driver Award Honorees

March, 2015
WESTLAKE, Ohio

In his 27 years on the road, Richard Ash, from Lakewood, Colorado, has traveled 2.8 million accident-free miles. A strong believer in paying it forward, Rick helps out his elderly neighbors by shoveling snow and checking in on them during the winter. He also hands out Hershey's Kisses to fuel attendants, toll booth operators, and others—a simple act of kindness that lets these folks know he appreciates them. He is a life member of OOIDA, chairman and founder of Trucking Solutions Group, an annual volunteer at Feed My Starving Children in Denver, and a member of Trucker Buddy International. Rick stands out as a highly-polished professional, assisting others to be the best they can be. He feels that everyone benefits when we support one another to move the entire trucking industry forward.

Gary Buchs, from Colfax, Illinois, has been driving professionally for over 25 years. He has logged 2.25 million miles without an accident. He is a man of deep faith with a strong moral compass, and follows this in all he does. Gary is extremely attentive to his family. When his son was deployed to Afghanistan, Gary took a full year off from driving and moved from Illinois to Hawaii to become a full-time caregiver to his grandchildren. He is 9-time winner of the Landstar Star of Quality Award, as well as the recipient of a Platinum Star, awarded after he

came upon a car accident, and stopped to help. He pried the car door open and pulled a woman out, saving her life.

Westbrook, Maine's Robert Fernald has been behind the wheel for over 21 years and 2.5 million miles. A driver for Wal-Mart's fleet, Rob is very committed to safety and has received multiple driving and safety awards in his career. He participates in the Maine State Truck Driving Championships, which has stringent safety requirements. Participants must remain accident, incident and violation free for the previous year to compete. Rob is a 4-time State Champion in multiple classes of competition. He supports many charities, including New England Truck Drivers' Charity Challenge, Maine Trucking for Kids Charity, Special Olympics Convoy, Pull A Plane for Wounded Warriors and Wreaths Across America. He is also a former Trucker Buddy, speaking with school children via penpal, then visiting them with a truck at the end of the school year.

Sandy Long, from Marceline, Missouri has been driving professionally for 42 years—that's 3 millions miles without an accident! This has earned her 3 different safety awards from 3 different fleets! You won't meet anyone who is more responsible or more positive about her profession—and she still makes caring for her

elderly mother a priority. Sandy is a Senior Life member of OOIDA. She is a staff writer for ExpediteNow/Road Gorilla magazines and Canadian Trucking Magazine, and has contributed articles to OOIDA's Landline Magazine, as well as maintaining her own popular blog. She is a charter and active member of the Women in Trucking Association, and was an Influential Women of the Year nominee in 2013.

Former Marine Micheal Sheeds is from Bandera Texas, and has driven over 3 million accident-free miles in 25 years. September 6 will mark Mike's 24th year with Werner Enterprises. In that time he has received the President's Safety Award and EVERY safe driver award Werner has to offer. Mike is a leader, a Christian, and allows this to guide his every action first and foremost. When he witnessed a car erupt into flames, Mike grabbed the fire extinguisher from his truck and put the fire out. He and several others worked to free all the passengers until paramedics arrived. He is active in his PTO, regularly gives blood, and donates books. He and his wife, Donna, have adopted four daughters through foster care. He has spent countless hours advocating for change and assistance for foster children, as well as volunteering with a post-adoption support group. He is also involved in the Trucker Buddy program.

ADVERTISEMENT

MoTA Photo Album



*Check back . . .
you could be in
our next album!*

