

MISSOURI Memo



MISSOURI TRUCKING ASSOCIATION

April 2016 • NO. 4

New Members

Timewell Transportation LLC
196 US 24 1075 N Avenue
Timewell, IL 62375
Ms. Sandy Fry
(217) 773-3357

Blue Tree Systems
607 Garrett Court
Blue Grass, IA 52726
Mr. Rob Deckard
(563) 340-3225

Sherman Farms
Route 2 Box 45
Humansville, MO 65674-9601
Mr. Joey Sherman
(417) 880-4862

*Welcome
New Members!*



President's Message

Mo Memo April 2015 **2016**

"Sometimes the questions are complicated and the answers are simple."
— Dr. Seuss

For decades in Missouri we have collectively wrung our hands to come up with the "best" solution to improve our highway and infrastructure funding problems. Perhaps it is time we take guidance from Dr. Seuss and take the simple answer – raise the fuel tax.

Does it solve all of our problems? No, but the failure to address the issue, and take the simple answer for nearly 20 years, has put MoDOT in a situation where we will be unable to come up with enough state dollars to match federal funds. **{2016 edit: MoDOT is beginning to spend cash balances from the previous year to continue to match federal funds.}**

In the future, due to increasing fuel efficiency, alternative fueled vehicles, and fewer miles being traveled, we may have to look beyond the simple answer. But for the immediate future, we are probably better off following Dr. Seuss' advice.

2016 – The House Transportation Committee voted SS/SB 623 "Do Pass as amended" on Tuesday, May 3, 2016. SS/SB 623, if passed first by the legislature and then by the voters, would increase the fuel tax by 5.9 cents on both gasoline and diesel, to be used for highway and bridge projects. See Legislative Report for more info.



Join Us!

June 3 & 4
MoTA Truck Driving Championships
Prime CDL Training Lot
2740 N Mayfair
Springfield, MO

In This Issue

- 3 Governmental & Regulatory News
- 4 News from the Industry
- 5 News from States & Provinces
- 6 MoTA Photo Album





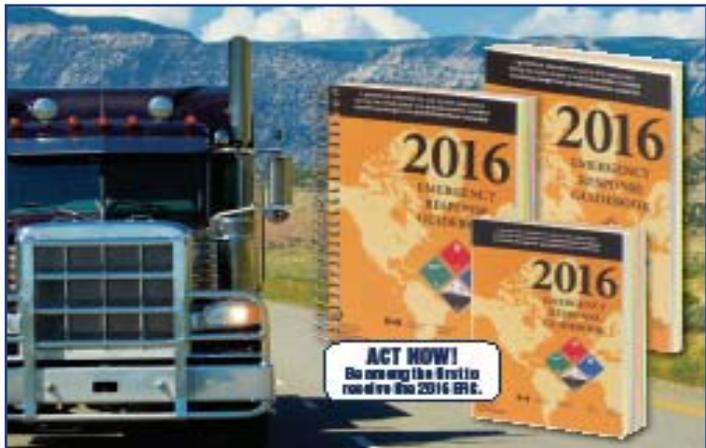
Over 50 styles of Security Seals Available (imprinted and stock)

Plastic • Cable • Metal • Bolt

Special Pricing when you order through

THE truckerStore
for DOT Compliance

Phone: **573-634-3388**
Email: darla@motrucking.org
Web: www.motrucking.org



Shipping in May!
2016 ERG

Pre-order now and SAVE!

Order from the MoTA TruckerStore at www.motrucking.org, call 573-634-3388 or email Darla@motrucking.org

J. J. Keller & Associates, Inc.
Atlas 2016

J. J. Keller and/or State Trucking Association are pleased to comply.

Member Cancellations March 2016

Name of Company	Class	Dues
Full Tilt Transport LLC	For Hire	\$630

FHWA Releases Proposed Freight, Congestion Performance Standards

The Federal Highway Administration has posted a [Notice of Proposed Rulemaking](#) that proposes national standards for assessing the performance of the nation’s highways. The NPRM addresses freight movement, highway congestion and reliability, and environmental sustainability. States would be required to use the performance measures to make better planning and project funding decisions. The NPRM was officially posted to the Federal Register on April 22, opening up a 90-day comment period. USDOT was required by Congress to establish the performance standards in the MAP-21 highway bill. ▲

~ ATA Dispatch ~

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





FHWA Issues Final Truck Size & Weight Study

The Federal Highway Administration has released its final [Comprehensive Truck Size & Weight Study](#), which was requested by Congress in 2012. The new report is a summary of [a more detailed set of draft documents](#) released last year. The results do not appear to have changed from the draft report. The final report reiterates USDOT's previous recommendation to Congress that no changes should be made to size and weight regulations due to the lack of available data, and other research barriers that prevented a full analysis. The report suggests research gaps are so great that even with more time and money, USDOT may not be able to produce a study that allows Congress to make better policy and regulatory decisions. The agency recommends a robust effort to close the many research gaps identified by the study before tasking USDOT with conducting further analyses on the subject. ▲

~ ATA Dispatch ~

FMCSA Proposes Beyond Compliance Program

FMCSA recently issued a notice and request for [comments](#) on a future "Beyond Compliance" program, as mandated by the FAST Act. Under the program, the agency would create an 8th CSA BASIC to recognize fleets that voluntarily adopt safety tools, technologies and programs – when CSA public display is restored in the future. Under the proposal, fleets would self-certify their use of these tools to a third party contractor. The contractor would monitor carrier performance and validate participation annually through on-site audits, reviews of submitted documentation, etc. The contractor would also evaluate whether the adopted tools have resulted in improved safety performance. Carriers would be ineligible to apply if they held a Conditional or Unsatisfactory safety rating, or had a BASIC score above intervention threshold. Funding for the program would come from carrier fees to participate. ▲

~ ATA Dispatch ~

A recent interpretation from the Pipeline and Hazardous Materials Administration (PHMSA) changes how you placard a full load of diesel fuel, NA1993.

In a recent response/interpretation from PHMSA they have alerted the industry of how 49 CFR 172.336 is being enforced. The interpretation will no longer allow a carrier to display the flammable placard with the markings UN1203 when the entire load is diesel fuel, NA1993. Missouri Commercial Vehicle Enforcement personnel were to start enforcing this statewide on May 1st but some in the state started enforcing the new interpretation earlier. You will find the official letter from PHMSA in the attached document. <http://www.motrucking.org/wp-content/uploads/Placarding-of-diesel-fuel.pdf> ▲

~ ATA Dispatch ~

IRS Proposes Permanent Excise Tax Regulations

The Federal Register of March 31 carried a Notice of Proposed Rulemaking from the Internal Revenue Service proposing permanent rules for the 12% excise tax on the sale of trucks, trailers, and parts and for the federal tax on heavy tires. The proposal also reworks the definition of "highway vehicle" for purposes of those two taxes and for the federal excises on fuel and for the heavy vehicle use tax. Since soon after the current set of highway user taxes was imposed by Congress in the early 1980s, IRS has administered these taxes under temporary regulations, most of which have now been in effect for more than 30 years. The proposal reorganizes and restates much of the existing regulations, and incorporates a few legislative changes and court cases that have been enacted or decided in the interim, but there don't appear to be any surprises here. If you see something new and unpleasant, please let ATA know! There is a 90-day period for public comments on the IRS proposal. For more information, contact Bob Pitcher at rpitcher@trucking.org. ▲

~ ATA Dispatch ~



ATA Petitions NHTSA for Common Sense CNG Fuel Container Change

On April 14, 2016, ATA filed a petition with the National Highway Traffic Safety Administration seeking a change to the Federal Motor Vehicle Safety Standard 304, Compressed Natural Gas Fuel Container Integrity. ATA is seeking to change the visual inspection requirements for CNG fuel tanks from every 3 years or 36,000 miles, whichever comes first, to every 3 years for commercial trucks. The current '3-years or 36,000 miles' standard was written for passenger vehicles, but many fleets believe it applies to commercial trucks operating on CNG. As a result, some fleets are visually inspecting their CNG tanks every 3-4 months. For nearly 40,000 CNG heavy trucks, if ATA's petition is granted, this change could save more \$2,000 per vehicle per year, with no degradation in fuel tank safety or integrity. ▲

~ ATA Dispatch ~

FDA Issues Final Rule On Food Safety Transport

On April 6 the U.S. Food & Drug Administration published in the Federal Register the final rule on the [Sanitary Transportation of Human and Animal Food](#) which becomes effective on June 5, 2016. Companies must be in compliance by June 5, 2017, and small businesses (<500 employees and \$27.5m in annual receipts) will have 2 years. The initial review is very positive as the rule includes many of the changes initiated by AFTC following publication of the initial STF proposal, including minimizing the burden on onerous training and recordkeeping requirements. The final rule also provides much more flexibility for the shipper and carrier to set specific requirements for temperatures, cleaning procedures, training etc. For your convenience, please see the attached [white paper](#). ▲

~ ATA Dispatch ~



Be Prepared for Commercial Vehicle Safety Alliance's Roadcheck 2016

CVSA's 29th annual International Roadcheck will be held June 7-9 throughout the United States, Canada and Mexico. More than 10,000 CVSA enforcement officials will be conducting Level I inspections across North America, with a special focus on tire safety: measuring tire tread depth; checking tire pressure; checking to make sure that no items are logged between dual tires; and, examining overall condition of the tire and sidewalls. While checking a vehicle's tires is always part of roadside inspections, CVSA is highlighting tire safety as a reminder to drivers and carriers. CVSA's Annual Roadcheck also provides an opportunity to educate industry and the general public about the importance of safe commercial vehicle operations and the roadside inspection program. ATA members are encouraged to be prepared for this annual event and, if possible, to partner with state or local law enforcement officials during this event to communicate Roadcheck's purpose and importance. ▲

~ ATA Dispatch ~

ATA Seeks Member Input on "Beyond Compliance" Concept

FMCSA has begun evaluating a possible future program - called "Beyond Compliance" - to recognize, or credit the CSA scores of, motor carriers that voluntarily adopt non-mandated safety technologies, tools and programs. ATA will represent its members at an FMCSA listening session on this topic. To be sure ATA's testimony is consistent with its members' views, we are seeking input. Interested members are encouraged to complete a short, one-page survey click [here](#). ▲

~ ATA Dispatch ~

ATRI Launches Commercial Driver Survey on Sleep Apnea Issues

The American Transportation Research Institute launched an online survey seeking commercial driver input on issues related to sleep apnea. The survey results will then be synthesized with other sleep apnea and driver fatigue research and analyzed by several leading sleep apnea experts. This research topic was selected by ATRI's Research Advisory Committee as one of its top priorities for 2016.

"This is the first large-scale data collection effort that seeks to find out what professional drivers know about sleep apnea and for those who have been through a sleep test, to better understand what the impacts, especially costs, of testing and treatment are on drivers. I strongly encourage my fellow drivers to take a few minutes to complete ATRI's confidential online survey." said Bob Stanton, a professional driver diagnosed with sleep apnea in 2002 and Co-Coordinator of Truckers for a Cause, a patient support group for drivers with sleep apnea.

The online version of the survey will be available through mid-May, and can be easily accessed on ATRI's website at www.atri-online.org. ▲

~ ATA Dispatch ~

Trucking Industry Congestion Costs Top \$49.6 Billion In 2014

Traffic congestion on the U.S. National Highway System added over \$49.6 billion in operational costs to the trucking industry in 2014, according to research released today by the American Transportation Research Institute. ATRI utilized a variety of data sources as well as a revised methodology which facilitated the expansion of its previous cost of congestion research from the Interstate System to the entire NHS network. This resulted in calculated delay totaling more than 728 million hours of lost productivity, which equates to 264,500 commercial truck drivers sitting idle for a working year. A copy of the study is available [here](#). ▲

~ ATA Dispatch ~

Medical Examiners Must Use Revised Driver Exam Forms As Of April 20, 2016

As of April 20, 2016, certified medical examiners may only use versions of the official Medical Long Form and Medical Examination Certification (MCSA-5876; i.e. med card) approved by the Office of Management and Budget when conducting physical exams of commercial motor vehicle drivers. Previously, Medical Examiners were permitted to use forms that were "substantially similar" to those shown in the Federal safety regulations. The new forms reflect changes required under the 2015 Medical Examiner's Certification Integration Final Rule and cannot be materially altered. The OMB approved forms can be found at the [National Registry of Certified Medical Examiners](#) website along with a list of Frequently Asked Questions on their use. ▲

~ ATA Dispatch ~

Senate Appropriations Committee Passes THUD Funding Bill with HOS Restart Fix

The Senate Appropriations Committee unanimously passed its Fiscal Year 2017 funding bill for the Departments of Transportation and Housing and Urban Development. Included in the comprehensive legislation is a technical correction to the suspension of the July 2013 restrictions on the use of the 34-hour restart, ensuring that the 34-hour restart remains in place. The Senate language addresses a legislative drafting error from last year's omnibus spending bill, which could unintentionally eliminate the entire 34-hour restart when the Secretary of Transportation submits the final HOS restart study to Congress. Additionally, the Senate language also places a cap on weekly working hours at 73 hours in a 7-day period. Following today's action, the bill will next go to the Senate floor for consideration. The House Appropriations Committee is expected to act on their own transportation funding bill in the coming weeks. ▲

~ ATA Dispatch ~



Arkansas Court Holds Seat-Belt Gag Rule Invalid

The Arkansas Supreme Court has held that the statutory provision barring the introduction of evidence that a plaintiff in a case stemming from a traffic accident wasn't wearing a seat belt violated the state constitution's separation of powers doctrine. The question before the court was whether the seat-belt gag rule, as it's sometimes known, was an evidentiary, procedural rule entirely in the court's purview, or a substantive rule that the legislature could determine. By a four-to-three decision, the court held that it was the former, and not a subject for legislation. ATA had joined the Arkansas Trucking Association in an amicus curiae brief in this case, which is *Mendoza v. WIS Int'l., Inc.*, decided April 14, 2016. ▲

~ ATA Dispatch ~

ATA and Others Seek To Protect Freight Competitiveness in California

Recently, ATA, in partnership with the California Trucking Association and a coalition of freight-dependent and trade-related businesses and organizations urged the State of California to include competitive principles in upcoming air quality and transportation plans. A [letter](#), delivered to the California offices of the Governor, State Transportation Agency and Air Resources Board, recommends several industry-wide actions that will increase or protect the competitiveness of California's freight system. These actions include rejecting a facility emissions cap, identifying long-term, dedicated freight infrastructure funding, and ensuring "No Harm" to the competitiveness of California's freight system. A California Sustainable Freight Action Plan is under development with a targeted release date of July 2016. ▲

~ ATA Dispatch ~

Cap-and-Trade Adding to California Fuel Prices

According to the California Legislature's Nonpartisan Fiscal and Policy Advisor, the state's cap-and-trade program is estimated to add 13 cents to each gallon of diesel fuel sold in the state. Since January 1, 2015, the program requires gasoline and diesel fuel suppliers to purchase permits equal to the amount of carbon produced by each gallon of fuel sold in the state. According to the advisor, these additional fuel costs fall completely on motorists. Diesel fuel sales are estimated to contribute nearly one-quarter of the \$2 billion of additional revenue being generated from the program. The majority of the revenue is used to fund state programs such as high speed rail, transit, and affordable housing programs. The [analysis](#) was conducted at the request of State Assemblyman Tom Lackey, R - Palmdale. ▲

~ ATA Dispatch ~

Update on NYS HUT Credentials

The New York State budget bill, signed into law on April 12, includes a reduction in the fees the state charges for its highway use (weight-distance) tax credentials from \$19 per vehicle for a permit and decal to \$1.50. A recent court decision had held the higher fees to be a violation of the Commerce Clause, but suggested that a much lower fee might not be. The New York State Motor Truck Association reports that the state's on-line OSCAR system is once again available to carriers not based in New York for the purchase of permits and decals. That's extremely good news for many, since the alternatives to OSCAR were dire. ▲

~ ATA Dispatch ~

New York State Budget Bill Includes Significant Toll, Fee Provisions

The recently approved New York State budget bill shifts subsidies for the state's canal system from the Thruway to the state Power Authority. ATA is currently suing the Thruway Authority for shifting hundreds of millions of toll dollars to the canal system since 1992. The state's budget bill also includes a reduction in the fee New York charges carriers for Highway Use Tax credentials, from \$19 dollars per truck to \$1.50. The decrease is the result of the decision in a lawsuit brought against the state, in which the fees were held unconstitutional. The court suggested that a minimal fee might not be a violation of the Commerce Clause. The change should mean that carriers from outside New York will again be able to purchase per-vehicle permits on-line, rather than having to send in applications by mail. That change may not be immediate, however, according to the New York State Motor Truck Association. ▲

~ ATA Dispatch ~

Innovative Competition in Maine Gets Young Drivers Excited for Professional Career

High school students training to be commercial drivers recently competed for the title of Maine's Top Student Driver in a qualifier for the Maine Motor Transport Association Truck Driving Championships. Winners will move on to the "Future Truckers Competition" category at the Maine TDCs. This initiative, designed to bring enthusiasm to prospective professional drivers, gave students an opportunity to practice their safe-driving skills while operating tractor-trailers and dump trucks. A [video report](#) of the event from WLBZ of Bangor, Maine can be seen at [ATA's official YouTube channel](#). ▲

~ ATA Dispatch ~

2016 MoTA Events

Deadline for truck driving championships is May 5

Truck Driving Championships
June 3-5, 2016
Ramada Oasis
Springfield, MO

Sitton-Babcock PAC Golf Tournament

June 28, 2016
Old Kinderhook Golf Club
Camdenton, MO

Annual Convention
September 21-23, 2016
Chateau on the Lake
Branson, MO