



Mid-Month Update

President's Message

I hope you are able to join us for the Missouri Trucking Association's 77th Annual Convention this year in Branson at Big Cedar Lodge. Okay, technically Big Cedar Lodge is in Ridgedale, and now that we have that straightened out, you should make your reservations today! Our hotel room block closes on August 26th, and from all accounts, this is a convention and destination you won't want to miss. Please also make note that the events begin on Tuesday, September 16th, and will end on Thursday, September 18th. This is due to the demand and cost of the facility for weekend nights (Thursday-Sunday) and we hope you will enjoy the slight change in schedule. For those planning to golf, we have a slightly different venue and outing for this year's event as we have secured the 9 hole, par 3 course at the Top of the Rock for our after convention golfing event. Please make note that we will have two tee times, and because it is a 9 hole, par 3 course we will be limited to 36 golfers for each tee time. I know it will be a little bit of a different event, but from all accounts of the course, it is worth it and will be a course to remember! (PS – the Top of the Rock is the only 9-Hole, Par 3 course to host an annual PGA Tour tournament event!)

Make your plans today to join us at Big Cedar Lodge, September 16-18, 2014. See you there!



Big Cedar Lodge
612 Devil's Pool Rd.
Ridgedale, MO 65739

MoTA rates at
Big Cedar Lodge
expire August 26.

*Make your
reservation today!*

For reservation form, registration form, sponsor form and agenda, go to www.motrucking.org and click on events.



77th Annual Convention AGENDA

Tuesday - September 16

- 10:00 am **Executive Committee Meeting** with lunch
- Noon **Technology & Maintenance Council Meeting** (working lunch)
- 2:00 pm Registration Opens
- 2:00 pm **Safety Council Meeting**
- 4:00 pm **Next Generation Meeting**
- 5:00 pm **Allied Industry Meeting**
- 6:00 pm **Welcome Reception**

Wednesday - September 17

- 6:30 am Registration Opens
- 7:00 am **Breakfast Buffet**
- 7:30 am Guest Speaker: **Mark Mayfield**, *The Corporate Comedian*
- 8:30 am **MoTA Membership Meeting**
- 9:45 am Break
- 10:00 am **Spouses' Program** - Lost Canyon Cave & Nature Trail Guided Tour
- 10:00 am **Truckers on Trial**
- Noon **Lunch**
- 12:30 pm Guest Speaker: **Duane Long**, *ATA Update*
- 1:00 pm **Executive Forum**
- 2:00 pm Break
- 2:15 pm **Rapid Fire Business Session**
- 6:15 pm **Chairman's Reception**
- 7:00 pm **Candlelight Banquet**
Entertainment - **Bob Marley**, *Comedian*

Thursday - September 18

- 7:00 am **Buffet Breakfast** ~ Speaker: **Bob Costello**, *ATA Senior Vice President & Economist* ~ Economy Update
- 10:00 am **Golf Tournament** ~ Top of the Rock - **1st round starts at 10:00 am** - Includes 9 holes plus 45-minute self-guided tour of Lost Canyon Cave & Nature Trail, 70,000 sq ft putting green and 9 hole driving range & lunch. **2nd round of golf starts at 12:30 pm** and includes all of the above prior to playing on the course.



Get Road Smart: FMCSA Improves CSA Website

The Federal Motor Carrier Safety Administration's Get Road Smart upgrade to its Compliance, Safety, Accountability (CSA) website is designed to help drivers and motor carriers learn more about CSA, the agency's safety compliance and enforcement program.

Updates include:

- Consolidated, user-friendly safety information tailored for specific user groups, including a new Motor Carrier Resource Center and an updated Driver Safety Education Center;
- Easier access to Get Road Smart materials, featuring an updated CSA Feedback Form, where anyone can order posters and a brochure, with more materials to come;
- New, easy-to-read fact sheets, based on the most frequently asked questions from drivers and motor carriers;
- New fact sheets answer questions including: "What is CSA and how does it affect me;" "I got a warning letter – what do I do;" and "What happens if I don't improve my safety performance and compliance?"

CSA website: <http://csa.fmcsa.dot.gov/getroadsmart> ▲

Federal Judge Dismisses ATA Class-Action Toll Revenue Lawsuit

A federal judge in New York on Aug. 6 dismissed a class-action lawsuit filed last year by American Trucking Associations alleging that the New York State Thruway Authority is improperly spending more than a billion dollars in toll revenue on maintenance and improvements on the state's mostly recreational canal system.

"Plaintiffs cavalierly assert that it is the Thruway Authority's responsibility to fund the canal system, not the state's, and urge that the Authority need only raise tolls on the canals to pay for canal-related expenses," U.S. District Court Judge Colleen McMahon said. "But their own pleading belies the idiocy of that assertion."

ATA had alleged in its November 2013 lawsuit that the Thruway's spending toll revenue on the canals was a violation of the Commerce Clause of the U.S. Constitution.

ATA said the "excessive tolls" being charged to truckers also harm consumers by raising the prices and reducing the variety of goods that are available for purchase.

ATA Deputy General Counsel Richard Pianka declined comment on the ruling. ▲

~ Transport Topics ~

ATA Submits Comments on FDA's Sanitary Transportation of Food Proposed Rule

On July 30, ATA submitted comments on an FDA proposed rule focused on the sanitary transportation of human and animal food. The rule, initially proposed on January 31, was part of the Food Safety Modernization Act passed in 2011. FSMA was signed into law in response to recent food borne related illnesses such as salmonella and e. coli, and focuses on the processing and handling of the food throughout the supply chain.

FDA's primary focus was on the processing and manufacturing of the products but a section on transportation was also included. ATA worked with its members, FDA and other trade associations to provide feedback to FDA on how the proposed rule might impact the industry. FDA has said the transportation portion of the supply chain is already working well and has a great safety record. It was their intention to bring the best practices within the industry and base this rule on those.

Throughout many discussions with FDA and other industries, ATA pinpointed portions of the rule that would be unnecessarily burdensome to the industry and submitted comments to FDA on how best to modify their rule to minimize those affects. ATA also requested that all or part of the rule be reopened after the comments are incorporated to give the industry another chance to review and comment on the rule.

A copy of ATA's comments can be found at http://www.trucking.org/A_and_F_Transporters_Conferences.aspx. ▲

IRP Update

On January 1, 2015, the new IRP Full Reciprocity Plan (FRP) goes into effect. This major change to the Plan impacts the distance reporting and registration authority for all inter-state motor carriers registered under IRP including new and expanded operations. Cab cards for both first-time registrants and renewing carriers will display all jurisdictions and the vehicle's appropriate registration weight.

This change will reduce the number of permits carriers need to buy and fees they have to pay for added states. IRP registrants renewing for an effective date of January 1, 2015 and beyond will be registered under FRP as will any new registrants registering for the first time on January 1, 2015 or after. For example, a carrier whose current registrations expire on March 31, 2015, they will renew under FRP effective April 1, 2015.

The FRP changes how distance and registration fees for first-time registrants are determined and eliminates the estimating of distance for expanded operations of existing carriers. First-time registrants will pay fees based on the base jurisdiction's average per vehicle distance chart. Renewing carriers will pay fees based solely on their actual operations during the distance reporting period.

To learn more about FRP, visit the IRP website: <http://www.irponline.org/?page=FullReciprocity>. ▲

TRUCKING 
Moves America Forward

Safety Rest Stops

On August 29, the Council of Safety Supervisors will be conducting highway safety events at the following rest stops:

- | | | |
|---|---|--|
| ➤ Welcome Center
I-44 Eastbound
Joplin, MO | ➤ Rest Stop
I-70 Westbound
Boonville, MO | ➤ Rest Stop
I-55 Northbound
Hayti, MO |
|---|---|--|

Refreshments, professional safety tips and a No Zone Display will be available to the motoring public.

If you'd like to volunteer at one of the above locations, contact Jason Ahten at (573) 634-3388 or jason@motrucking.org.

HVUT Filing Deadline Approaching

Carriers are reminded that the deadline for filing the HVUT for this year's tax report (Form 2290) is September 2. (The regular deadline is August 31, but that falls on the holiday weekend this year.)

Carriers should note too that for several years now those reporting HVUT for more than 24 vehicles must file electronically, using a third-party agent with software approved by the Internal Revenue Service. Those with smaller fleets may also file electronically.

For more, see the IRS website at <http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Trucking-Tax-Center>. ▲

~ State Laws Newsletter ~

PHMSA Adopts Final "Failure to Pay Fine Shut Down" Rule

On August 7, 2014, the Pipeline and Hazardous Materials Safety Administration adopted a final rule that prohibits carriers and shippers that have fines that are more than 90 days overdue from transporting hazardous materials.

The rule also applies to parties that are more than 90 days overdue in making payments on payment plans negotiated with the agencies.

The rule does not apply to routine violations for which only tickets were issued. Rather, this authority is only for PHMSA violations that begin with a Notice of Probable Violation and also offer an option for an agency hearing.

Only unpaid fines for violations of final agency orders issued on or after September 8, 2014 can result in carriers losing their authority.

FMCSA has already adopted similar rules for its enforcement of all regulations, including its enforcement of the HMRs. FMCSA's rule is already effective and can be applied now. Carriers that appeal orders from either agency to a federal court may still apply for a stay in agency fines. The court will issue a stay under the normal processes.

The final rule can be viewed <http://www.gpo.gov/fdsys/pkg/FR-2014-08-07/pdf/2014-18617.pdf>.

Missouri Voters Reject Sales Tax Increase, Tolling Ban

Voters in Missouri resoundingly defeated, by a 59-41 percent margin, an August 5 ballot measure which would have increased the state sales tax by three-quarters of a cent, with revenue dedicated to transportation. The provision would have also banned new tolls and prohibited increases in the state fuel tax for at least 10 years.

Among the concerns cited by opponents was that the tax increase failed to directly recover highway maintenance costs imposed by trucks.

The Missouri DOT projects that without additional revenue, the state's highway budget will fall from \$1.3 billion to \$325 million by 2017. The measure's defeat is likely to once again stoke support for Interstate tolls, since Missouri is one of three states with a slot in a federal pilot program that authorizes tolls on existing Interstates.

ATA is working with the Alliance for Toll-Free Interstates to prevent the imposition of Interstate tolls. ▲

CNBC Trucking Segment 'Outrageously Inaccurate,' ATA Says

American Trucking Associations called a recently aired show on CNBC about the trucking industry "outrageously inaccurate."

In a letter from ATA President Bill Graves to the cable network, the trucking federation said the show, *Collision Course: Investigating the Trucking Industry*, depicts the worst practice of some in the industry as "endemic to how we do business."

"Your piece painted a picture where every fatality in a truck-involved crash was the fault of the truck driver. This just simply is not true," the letter said.

Graves invited a CNBC producer to attend the upcoming National Truck Driving Championships in Pittsburgh to see how dedicated the industry is to safety.

"The event annually showcases some of our industry's best drivers and companies and their dedication to making this industry as safe as possible," Graves wrote.

The letter asks the station to learn about highway safety issues so future reports do not irresponsibly portray trucking as "egregiously unsafe." ▲

~ Transport Topics ~

Lithium Battery Final Rule Published

On August 6, 2014, the Pipeline & Hazardous Materials Safety Administration issued its final rule governing the transportation of lithium batteries. The rule is effective on publication, but shippers and carriers may continue operating under the old rules until February 6, 2015.

Most of the new provisions apply to transportation by vessel and by air, but some provisions affect trucking. Most importantly, ATA successfully convinced PHMSA not to require extra training for drivers transporting small and medium sized lithium batteries and cells.

ATA's advocacy efforts also showed lithium batteries transported as waste posed no safety risks requiring additional regulation.

The rule does add two new requirements. All packages containing more than 5kg net weight lithium cells and batteries must be marked "LITHIUM METAL BATTERIES - FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT" or "PRIMARY LITHIUM BATTERIES - FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT." The new rule also requires that lithium batteries be accompanied by a document that indicates lithium batteries are being transported, that the package is flammable and should be handled with care, that special procedures are required if the package is damaged, and a telephone number to call for additional information. ▲

MoTA Photo Album



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

