



## New Members

**NKC Transportation**  
3811 Gardner Avenue  
Kansas City, MO 64120  
Mr. Greg Wagner  
(816) 994-2500

**Show Me Safety Consulting LLC**  
503 East Nifong, Ste H  
Columbia, MO 65201  
Mr. Mike Bail  
(573) 825-7555

*Welcome  
New Members!*

### 2016 MoTA Events

**SuperTech Competition**  
April 13, 2016  
Columbia, MO

**Safety Conference & Expo**  
April 13-14, 2016  
Columbia, MO

**Truck Driving Championships**  
June 3-5, 2016  
Springfield, MO

**Sitton-Babcock PAC  
Golf Tournament**  
June 28, 2016  
Camdenton, MO

**Annual Convention**  
September 21-23, 2016  
Branson, MO

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## President's Message

You have no doubt heard the phrases "all politics is local" and "if you're not at the table, you're probably on the menu." Have you ever stopped to apply those phrases to your company? Or more precisely, how have you applied those phrases to your responsibility to the political process?

I am confident that most readers of this column at least participate in the political process by voting. Sadly, that puts you in the minority for most election cycles.

Certainly your membership in the Missouri Trucking Association contributes to your involvement, at least vicariously, in attempting to better the industry through the political, legislative and regulatory processes.

I would encourage you, as I do every year at this time, to make plans to actively participate in the process by setting a day in early 2016, between January 6<sup>th</sup> and the end of April, to come to Jefferson City and visit your legislators.

Your visit to the Capitol during the legislative session in 2016 is a critical component to help keep tolling out of Missouri. If you have never been to Jefferson City, give us a call. We promise to make it painless – and if you prefer, we can coordinate your visit with someone who has been here before. We will make it work for you. Judging by the repeat business we are seeing, if you are not here, you are missing out!

In addition to your visit to Jefferson City, we are encouraging members to also invite their legislators to visit their trucking company. Show them your facilities; invite them to sit in on an all-employee meeting, or a driver meeting, or to help hand out safety awards. Perhaps the best idea is to put them in a truck and let them see what the drivers see. Whatever it is, get involved to help educate your legislators about your company and your industry. We know from experience that it will make an impact beyond what mere words can do!

We know many companies do many of these things already. Good job & keep it up! Let us know about them, and let us know if we can help provide statistics or support you in any way.

As we turn the page on the calendar for 2015, **Thank You** for your continued support and membership, and be sure to schedule your visit with us in Jefferson City now to help keep your "local Missouri menu" toll-free!



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PC 113016

## FMCSA Announces Grace Period for Use of New Medical Report Forms and Certificates

The FMCSA has announced a 120-day grace period during which Medical Examiners may use either the current or the newly revised versions of the Medical Examination Report (MER) Form and Medical Examiner's Certificate (MEC). This period is from December 22, 2015, until April 20, 2016.

Both the old AND new report forms and wallet cards can be used until April 20, 2016.

Please check any Driver Qualification files as well as medical examination report forms and certificates. Be aware of which version they are. Some driver qualification files come with forms and will contain the old version of the medical forms. If any medical exam report forms and certificates are to be used for physical performed after April 20<sup>th</sup>, replacement with the new version is required.

New medical examination report forms and certificates are currently available through the MoTA truckerStore. ▲

## DOT Compliance Seminars *Are You in Compliance?*

As a Missouri trucking industry professional, you've seen firsthand the multitude of changes within the industry; it is more important than ever that the industry remain cognizant of these changes to ensure they are in compliance. This seminar will help ensure that, if selected for an intervention, your company is in compliance with the regulations. During each session you will receive information on updates and changes to the State and Federal regulations.

### Dates & Locations

#### **January 7, 2016**

MoTA Office  
102 East High Street  
Jefferson City, MO 65101  
(573) 634-3388

#### **February 3, 2016**

Wildcat Glades Conservation & Audubon Center  
(off I-44 at exit 6)  
201 West Riviera  
Joplin, MO 64804

#### **January 26, 2016**

Pear Tree Inn  
2602 E Malone Avenue  
Sikeston, MO 63801  
(573) 471-4100

#### **February 4, 2016**

Courtyard by Marriott  
Adams Pointe Conf Center  
1500 NE Coronado Dr  
Blue Springs, MO 64014  
(816) 228-8100

#### **January 27, 2016**

Drury Inn  
170 Mid Rivers Mall Circle  
St Peters, MO 63376  
(636) 397-9700

#### **February 11, 2016**

MoTA Office  
102 East High Street  
Jefferson City, MO 65101  
(573) 634-3388

### **Registration Fee (per person):**

MoTA Members - \$95

Non-MoTA Members - \$165

**To register, go to [http://motrucking.org/wp-content/uploads/2016\\_DOT\\_Compliance\\_Seminars\\_Jan\\_Feb.pdf](http://motrucking.org/wp-content/uploads/2016_DOT_Compliance_Seminars_Jan_Feb.pdf)**

**Complete the form and fax (573) 634-4197 or**

**email - [mota@motrucking.org](mailto:mota@motrucking.org)**

**Questions? Call the MoTA Office - (573) 634-3388**

## MISSOURI Memo

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





## FMCSA Lowers 2016 Random Drug Testing Rate to 25 Percent

On December 21, the Federal Motor Carriers Safety Administration announced it will lower the 2016 minimum random drug testing rate for commercial driver's license holders to 25% from 50% annually. This significant announcement is the result, in large part, of ATA's advocacy efforts. ATA met with FMCSA on this issue early last year, helped gather relevant data, and encouraged FMCSA to take the appropriate step of reducing the testing burden if the industry's performance continued to meet the agency's standard. DOT has previously lowered the testing rates for others modes and acknowledged a 25% rate continues to provides strong deterrence from drug use.

Under a long-standing provision in the Federal Motor Carrier Safety Regulations, FMCSA may lower the minimum annual percentage rates for random testing to 25% percent when the industry violation rate (as measured by number of positive tests) for random drug tests is less than 1.0% for two consecutive years. The trucking industry has maintained a sub-1.0% violation rate for three consecutive years. The announcement is an important step that will immediately reduce regulatory and cost burdens for motor carriers. Carriers may, however, continue to test at a rate higher than 25% in 2016 if they so choose. ▲

## ATA Issues Comprehensive FAST Act Summary

On December 1, negotiators from the House and Senate announced they had reached an agreement on a five-year highway and transit reauthorization bill. This legislation, called Fixing America's Surface Transportation Act, or FAST Act, is scheduled for approval by both chambers of Congress this week and must be signed by the President before it takes effect. If this process is not concluded by midnight on Friday, Congress must pass a short term "patch" that would allow several more days for completion.

As a follow up, ATA has compiled a comprehensive summary of the issues thought would be of most interest to its members. Covered in this bill are provisions relating to:

- Overall Highway Program Funding Levels
- Interstate Tolling Pilot Program
- Various Size and Weight Changes
- Hazardous Materials Funding
- Hazardous Materials Wetlines
- FMCSA Reform
- CSA Reform
- Hair Testing For Drugs
- Minimum Insurance Levels
- Pilot Program for Younger Veterans

In a press release (<http://www.trucking.org/article.aspx?uid=68079c5c-113a-4ec7-aed2-38455b3ffff4>) issued after the agreement was made public, ATA leaders praised the bill for taking several significant steps toward improving trucking industry safety and efficiency. ▲

## FMCSA Issues Electronic Logging Device Rule

Earlier this month, FMCSA announced its long-awaited final rule requiring the adoption and use of electronic logging devices by all drivers currently required to complete paper records of duty status. The 500 page rule was released recently, and ATA staff has read and developed a summary for quick consumption by the ATA and MoTA membership. [Click here to access and read this summary.](#) ▲

## Congressional Leadership Agree On FY 2016 Government Funding Package – ATA Achieves Hours-Of-Service Restart Relief!

On December 15, Congressional leaders announced they had reached a long-sought deal on a \$1.1 trillion government funding bill for the remainder of fiscal year 2016. This deal is commonly referred to as the Omnibus funding package, and a quick review of the bill text provides great news for trucking on the hours-of-service rules. The bill includes critically important Hours of Service restart language which sets a standard FMCSA must achieve before re-instituting the July 2013 restart restrictions.

This language prohibits FMCSA from reinstating the July 2013 restart restrictions [the two consecutive 1:00 am – 5:00 am periods and the 168 hour limitation] unless an FMCSA study finds that they result in statistically significant improvements in safety and driver health, among other things. This omnibus language is appropriate since FMCSA originally justified the restart restrictions on the speculative theory that they would improve not only truck safety but driver health and longevity.

This language will make it very difficult for FMCSA to justify re-instituting the restart restrictions. In other words, the simple 34-hour restart rule, with no additional restrictions, will likely remain in place for the foreseeable future.

Also, while this package does not include a provision to increase the length of twin trailer trucks, it did make narrow, but important changes to weight laws in three states. Interstate highway weight limits for longer combination vehicles in Idaho were increased from 105,500 pounds to 129,000 pounds, creating greater uniformity in a region where several surrounding states have higher LCV weight limits. In addition, a provision which currently sunsets higher Interstate highway weight limits in Maine and Vermont in 2031 was eliminated, making the weight exemptions permanent.

While Congressional leaders have negotiated and agreed upon this Omnibus funding package, it must still be voted on by both the House and Senate, and then sent to the President for his signature. This is expected to happen later this week.

ATA issued a press release praising Congress' hours-of-service language. To read it, go to <http://www.trucking.org/article.aspx?uid=c95fa464-67af-4e24-a489-d929d0fb45b7>. ▲



### Tax Extenders Bill Looks Set to Pass Congress

Congressional leaders and the Administration have announced agreement on a legislative package that extends several dozen tax provisions that expired at the end of last year, and that makes some of them permanent. ATA has actively supported several of these provisions, including the accelerated write-off by smaller businesses of equipment newly placed into service, which is one of the provisions that has been made permanent; and bonus depreciation, which has been extended for three years at the 50% level, and then for two more, at 40% and 30%, respectively. Both these provisions were extended retroactively, back to the beginning of 2015. The 50-cent a gallon fuel excise tax credit for propane used in forklifts has been extended retroactively for two years – that is, for calendar 2015 and 2016 – as has the tax credit for biodiesel blenders. (There had been talk of shifting that credit to the producers of biodiesel, a change opposed by ATA, but that evidently will not occur.) Although the terms of the package appear to be set, we might caution that final Congressional votes on it have yet to take place. ▲

### IRS to Intervene on Employment Taxes

On December 8, 2015, the Internal Revenue Service announced that it will begin to intervene early with employers who fall behind on their federal payroll or employment taxes. The intervention is designed to prevent serious delinquencies, and will take the form of letters, automated telephone calls, and eventually a visit from an IRS agent. In the past, such delinquencies have only been dealt with much later on, when the problem is already comparatively serious. The IRS's announcement points out that two-thirds of federal taxes are collected by employers through withholding of income, Social Security, and Medicare taxes. The announcement, intended to be friendly in tone, does not mention how significant the penalties are for nonpayment of withholding taxes. *IR-2015-136*, issued December 8, 2015 ▲

~ State Laws Newsletter ~

# NEWS

## FROM AROUND THE STATES AND PROVINCES



### State-to-State Fuel Tax Disparities

Recently *State Laws Newsletter* carried their quarterly chart of the state and provincial fuel tax rates. ATA's Statistics Department publishes a monthly chart of diesel fuel prices in each state. Both the charts indicate disparities between neighboring states that should, we think, give fuel tax administrators pause. For instance, the average cost of diesel fuel, tax included, at truck stops in New York in October was 42 cents a gallon higher than the price next door in New Jersey; and the price in Connecticut was 40 cents higher than that in Massachusetts. The phenomenon isn't limited to the Northeast: those traveling from Washington to Oregon, Idaho to Montana, or Maryland to either Virginia or Delaware saw an average drop in the price of diesel of 35 cents or more a gallon. Such large differences in prices aren't the norm, which is much smaller, but still. The tax chart, which shows the rates on diesel in effect two months ago, shows similar disparities, although here, where the question is purely one of tax, rather than price, the largest disparities are much more localized: they center on Pennsylvania, which now has a tax of 64.2 cents a gallon, and on Oregon, which has no tax at the pump for larger diesel vehicles (and imposes the enormously burdensome weight-mile tax instead). Once again, though, only slightly smaller differences across state lines may be found in every region of the country. Differences such as this must be a powerful temptation to thieves, either of tax money or of the fuel itself. We hear stories how big a business cigarette smuggling has become, because tobacco tax rates are so much higher in some places than in others. Cigarettes are probably easier to transport than diesel fuel, but some may recall that fuel smuggling was a terrific problem some thirty years ago, when discrepancies in both tax and price were much less than they seem to be today. We hope fuel tax administrators have their eyes open. ▲

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### Updated: ATA State Laws and Regulations Charts

As a service to its members, American Trucking Associations tracks certain state laws of particular interest to the trucking industry. For the winter driving season, state chain laws and state snow removal laws have been updated. Go to <http://www.trucking.org/Search.aspx?q=state+chain+laws> to view the charts. ▲

### Toll Rate Changes for 2016

As 2016 quickly approaches, it is important to remember some toll rates are scheduled to change. The following are toll rate changes that are currently available for 2016.

- **Pennsylvania:** 6% increase effective Jan. 3, 2016
- **Ohio:** 2.7% increase effective Jan. 1, 2016
- **Illinois:** 10% increase effective Jan. 1, 2016
- **Maryland:** Decrease in toll rates to \$2/axle for commercial drivers with E-ZPass Maryland using the Childs Street (I-895) and Francis Scott Key Bridge (I-695) turnaround exits
- **Washington:** At least a 2.5% increase effective Jan. 1, 2016
- **Colorado E-470:** Increase of 10 cents, while ramp tolls will increase 5 cents, effective Jan. 1, 2016- Bestpass customers get the exclusive Bestpass discount, without having to use a transponder.
- **North Carolina:** And increase of 13 cents between NC Highway 147 at Interstate 40 and the NC Highway 55 bypass, beginning Jan. 1, 2016
- **Virginia:** Increase to \$4 on the Pocahontas Parkway at the Main Plaza and to \$2.25 at the Laburnum/New Market and Airport Drive ramp toll points, beginning Jan. 4, 2016 ▲

## NHTSA Proposes Rear Underride Guard Changes

On December 7, 2015 the National Highway Traffic Safety Administration issued a proposed rulemaking to adopt the requirements of Transport Canada's standard for rear underride guards. The proposed rule would require that all newly manufactured trailers and semi-trailers be equipped with stronger rear impact guards with sufficient strength and energy absorption to protect occupants of compact and subcompact passenger cars impacting the rear of trailers at 35 miles per hour. According to NHTSA, this would represent a substantial increase in the stringency of Federal Motor Vehicle Safety Standards Nos. 223 and 224. There is no proposed change to the existing ground clearance requirement of 22 inches. NHTSA estimates this change will save 1.29 lives and prevent 2.7 serious injuries per year, at a cost to the industry of \$12.98 million per year. A two-year lead time for trailer manufacturers is proposed. ▲

## ATRA Issues Judicial Hellholes Report

The American Tort Reform Association published the 2015-16 edition of its annual *Judicial Hellholes* today, the report that details the worst places in the country to be sued. There are some changes this year in the jurisdictions ATRA considers the very worst. California returns to its position as #1, while #2 this time is New York City, so honored for its mishandling of asbestos litigation; #3 is the entire state of Florida, where the state supreme court has issued some really egregious opinions lately, and #4 is Missouri, where the civil-justice system has been hijacked by the trial bar. The remainder of the Hellholes this year are Madison County, Illinois, the home of much asbestos litigation and a perennial in ATRA's report; the state of Louisiana; Newport News, Virginia, also for asbestos lawsuits; Hidalgo County, Texas; and the U.S. District Court for the East District of Texas, the home of much patent-troll litigation. ATRA also maintains a Watch List of jurisdictions that are seriously trending the wrong way. This year, that list included West Virginia (whose position in the report has actually improved considerably, due to the many reforms passed in the 2015 session of the state's legislature); Philadelphia and New Jersey for their handling of mass tort cases; and Pottawatomie County, Oklahoma. Seven individual state courts get "dishonorable mentions," but ATRA also hands out "points of light" awards to some particularly good court decisions and some reforming legislatures. The Hellholes Report, with many juicy details, may be found on ATRA's website here: [www.atra.org](http://www.atra.org). ▲

## ATRI Research Featured in National Freight Efficiency Index

ATRI assists the Federal Highway Administration's efforts to track the performance of the nation's freight infrastructure. One set of tools employed to measure performance is a suite of freight congestion analytics that produce a comprehensive "freight efficiency index." To produce this, ATRI relies primarily on a customized methodology and a unique truck GPS database that has been developed with industry support for more than a decade. Go to [http://www.ops.fhwa.dot.gov/freight/freight\\_analysis/perform\\_meas/fpmdata/fei2015.htm](http://www.ops.fhwa.dot.gov/freight/freight_analysis/perform_meas/fpmdata/fei2015.htm) to view the most recently published dashboards and tables that result from this effort and are used by FHWA, DOT and others in assessing the state of freight efficiency. ▲

## Customs Reauthorization Conference Report Contains ACE Funding; Residue Reimportation Fixes

On December 9, 2015, the conference committee charged with ironing out differences between the House & Senate versions of customs reauthorization bills released their compromise report. There are significant wins for the trucking industry in the report, including authorized funding for ACE/ITDS through 2018 and a legislative ban on imposing duties on residue reimported into the U.S. in tank vehicles. Because there is widespread and bipartisan agreement for adopting the conference report, it is likely to be passed by both houses of Congress and forwarded to the President, who is expected to sign it. ▲

## ATA Truck Tonnage Index Decreased 0.9% in November

The Associations' advanced seasonally adjusted For-Hire Truck Tonnage Index decreased 0.9% in November, according to ATA Chief Economist Bob Costello. The index rose 0.2% when compared with November 2014, the smallest year over year gain since February 2013.

ATA Chief Economist, Bob Costello said a few factors hurt November's reading, including weakness in factory output and the continuing high level of inventories. "We recently learned that inventories throughout the supply chain and relative to sales rose in October. This will have a negative impact on truck freight volumes over the next few months," Costello said in a press release: <http://www.trucking.org/article.aspx?uid=faf0f846-f622-4528-9a91-2f7d2cda35b3>. ▲

## Tax Foundation Issues Tax Climate Report

The Tax Foundation has issued its annual *State Business Tax Climate Index* for 2016. The results do not surprise: the states ranked Good are mostly those that don't impose a personal income tax, and the Bad states are mostly in the Northeast. The best five are: Wyoming (No. 1), South Dakota, Alaska, Florida, and Nevada. The worst: New Jersey (No. 50), New York, California, Minnesota, and Vermont. Many different organizations put out indices of more or less this sort, but the Tax Foundation's is perhaps the most publicized and influential. We judge its influence by the amount of criticism the report draws, mostly to the effect that while some states' taxes are high, taxes pay for services, like education, that businesses really value. We tend to think, on the other hand, that the Foundation may have a point in that high taxes on capital and capital formation are a drag on a state's economy. The study has a lot of supporting detail, and may be found here: [www.taxfoundation.org](http://www.taxfoundation.org). ▲

~ State Laws Newsletter ~

# MoTA Photo Album



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

