



## New Members

**Carthage Marine Transport LLC**  
8499 County Road 10  
Sarcoxie, MO 64862-9640  
Mr. Brooks Gubser  
(417) 246-1203

**Frontier Leasing Inc.**  
5950 Gateway Drive  
Joplin, MO 64804-8515  
Mr. Stephen Westerhouse  
(417) 782-7302

## President's Message

Perspective ~

Regardless of how much thought you have given it, we all have one. Many successful companies base their strategic plans on several different perspectives – long term, short term, optimistic, pessimistic, conservative, risky. Whatever one chooses to call it, it is based on the practice of gathering input from many different sources. In other words, bringing in a lot of different perspectives to make the final product better.

Your association works much the same way. We work best when we have the input from many different perspectives. Missouri Trucking Association is working hard to provide the different tools and forums for its members to participate and provide input. In a nod to the times, we recently added a Facebook page as well as beginning to "tweet" on Twitter! Logon today to become a fan or follower!

For all of the technological advances, sometimes a personal meeting is best. For those times, if at all possible, we conduct multiple seminars in locations around the state to make it as easy as possible for members from all regions to get the needed information. The recent series of meetings on CSA 2010 are a good example.

In mid March we will hold our Board of Directors meeting in conjunction with our Annual Safety Conference and Awards Banquet at the Lake of the Ozarks. This is a new location for this meeting and hopefully one that will allow for better participation by our members. In June we will once again be on the road to Springfield for our Truck Driving Championships. This is our second location in our four-year effort to move the TDC around the state to enable more members an opportunity to participate. In 2011 we will be in Kansas City, MO. In 2012, we will be back in Joplin, MO.

If you cannot make it to one of our meetings, or make it to Jefferson City for a 24 Hour Visit, do not hesitate to call us or drop us a note to give us your perspective on what we can do to make you and your business more profitable.

If we have not seen you in awhile, what are you waiting for?!

Seriously, we need your perspective.

## Reminder . . .

Register NOW for the

## Spring Safety Conference &

Safety Awards Luncheon  
&

Board of Directors Meeting

March 17 - 18, 2010  
Lodge of Four Seasons  
Lake Ozark, Missouri

Print Registration Form on-line at:  
[www.motrucking.org](http://www.motrucking.org)

## CONGRESS BREAKS IMPASSE ON HIGHWAY EXTENSION BILL

After several days of political wrangling, the Senate voted March 2 to send a bill to the President and end the deadlock that has caused the furlough of 2,000 U.S. Department of Transportation employees, disrupted the flow of highway and highway safety program money to states, and prevented the extension of unemployment benefits. The legislation, which passed the House last week, will extend SAFETEA-LU, the federal surface transportation bill, to March 28. After the bill was signed by the President on March 2, Transportation Secretary Ray LaHood ordered all furloughed employees back to work, allowing the outlay of money for highway projects and safety programs such as MCSAP to resume. Congress will now begin consideration of a longer term highway bill extension which could provide funding through 2010. Both the House and Senate have passed such legislation, which includes additional funding to shore up the Highway Trust Fund in order to prevent the Fund from running out of money. The bill could also include additional General Fund money for transportation projects as part of jobs creation package.

## In This Issue



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## FEDERAL GOVERNMENT

## Senate Bill Seeks Weakening of Section 530 Protection

Sen. John Kerry (D-Mass.) introduced legislation on December 15 that, if enacted, would substantially limit the safe harbor protection of Section 530 against Internal Revenue Service (IRS) reclassification of independent contractors. The Kerry bill follows a July 2009 House proposal (H.R. 3408) that would similarly weaken the protections offered by Section 530. Both bills would eliminate the “industry practice” safe harbor and would allow the IRS much greater latitude in pursuing classification changes. Similar bills aimed at restricting Section 530 relief were proposed in the 110<sup>th</sup> Congress, but were never actively considered. Unfortunately, greater labor influence in the current Congress makes these proposals a more serious threat. American Trucking Associations is working with the Coalition to Preserve Independent Contractor Status and other industry groups that utilize independent contractor services to vigorously oppose this legislation. ▲

## FMCSA begins Registering Carriers for Driver Screening

Carriers and third-party driver service providers can start registering for the pre-employment screening program that the Federal Motor Carrier Safety Administration is creating. The registration web site is at [www.psp.fmcsa.dot.gov](http://www.psp.fmcsa.dot.gov).

The Pre-Employment Screening Program (PSP) allows motor carriers and individual drivers to purchase driving records from the FMCSA Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day, 7 days a week. Records purchased through PSP will contain the most recent five years of crash data and three years of roadside inspection data from the FMCSA MCMIS system. However, the data is not available yet. The next step will be publication of notice in the *Federal Register* asking for public comments on the agency’s plan to make the records available. ▲

## DOT Proposes Hazmat Fee Increases

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is proposing to increase the hazmat registration fees for the 2010-2011 registration year. Under the proposal, small businesses would continue to pay \$275 while a company that does not qualify as small business would see its fees triple from \$1,000 to \$3,000 (the statutory maximum). PHMSA has indicated that the increased fees are necessary to fully fund the Hazardous Materials Emergency Preparedness grant program, which is authorized to collect \$28.3 million. PHMSA will continue to allow multi-year registrations (i.e., three years). Companies that pre-registered for the 2010-2011 plan year would be required to pay additional fees if PHMSA finalizes this proposal. PHMSA will need to finalize its proposal before the beginning of the 2010-2011 registration year, which commences on June 30. ▲

## FMCSA to Ban Texting by CMV Drivers

On January 26, U.S. DOT Secretary Ray LaHood and FMCSA Administrator Anne Ferro held a press conference in Washington, D.C., to announce a new ban on texting by commercial motor vehicle drivers while operating a CMV. During the press conference, Secretary LaHood and Administrator Ferro discussed new “regulatory guidance,” to be officially published in the Federal Register, that will apply to all interstate drivers of CMVs currently subject to FMCSA’s safety regulations. ATA President and CEO Bill Graves participated in the press event and made short remarks supporting DOT’s announcement. Although the current safety regulations do not include an explicit prohibition against texting while driving by professional truck and bus drivers, FMCSA believes that an existing general restriction against the use of additional equipment and accessories that decrease the safety of operation of commercial motor vehicles applies to the use of electronic devices for texting. This general restriction is found in 49 CFR Part 390. FMCSA’s regulatory guidance will further explain that handheld or other wireless electronic devices that are brought into a CMV are considered additional equipment and accessories within the context of Part 390 (emphasis added). FMCSA defined texting as the review of, or preparation and transmission of, typed messages though any such device or the engagement in any form of electronic data retrieval or electronic data communication through any such device. FMCSA stated that it acknowledges the concerns of motor carriers that have invested significant resources in electronic dispatching tools and fleet management systems and clearly states that the Agency’s new guidance should not be construed to prohibit the use of such technology. FMCSA further stated that its new regulatory guidance should also not be construed to prohibit the use of cell phones for purposes other than text messaging. ▲

## DOT Proposes Changes to Drug Testing Procedures

The Department of Transportation is proposing to amend certain provisions of its drug testing procedures, to create consistency with new requirements established by the U.S. Department of Health and Human Services Mandatory Guidelines. The proposed changes deal with laboratory testing of urine specimens. Some of the proposed changes will also affect the roles and standards applying to collectors and Medical Review Officers. DOT is required by the Omnibus Transportation Employees Testing Act to follow the HHS requirements for the testing procedures/protocols and drugs that are tested for.

Primary laboratory proposals include:

- \* Testing for MDMA (aka Ecstasy);
- \* Lowering cutoff levels for cocaine and amphetamines;
- \* Conducting mandatory initial testing for heroin; and
- \* Authorizing employers to use HHS-Certified Instrumented Initial Test Facilities to conduct initial drug testing.

The proposal also would bring a number of testing definitions in line with those of HHS. ▲



## FEDERAL GOVERNMENT

### FMCSA Offers UCRA “Guidance”

On March 2, 2010, the Federal Motor Carrier Safety Administration published a notice of “regulatory guidance” in the *Federal Register*, to the effect that states may if they choose to collect fees for 2010 under the Unified Carrier Registration Agreement program at the rates in effect for 2009, if trailing equipment is eliminated from the fee calculation. For several reasons, this notice may lead nowhere. First, FMCSA is involved in a regular federal rulemaking to set new fees for 2010, which was needed because of the amendment to the underlying law that removed trailers from the UCRA. In such a situation, the issuance of “regulatory guidance” by the agency at least appears to partially circumvent the rulemaking process, which is required by federal law. Second, at the very most, FMCSA shares authority to administer the UCRA with the UCRA Board, which has not formally discussed the issue, and may not favor it. Pending next week’s Board meeting, the Board’s chair and vice chair have asked the states not to act on the FMCSA notice until after the Board can consider it. Third, there are some legal issues with the substance of FMCSA’s notice that make it unclear whether states can actually do what FMCSA says they may. Most importantly, it could be, despite what FMCSA opines, that if a carrier were somehow to pay UCRA fees under the current fee schedule, it could *not* be assessed any additional fees when the new 2010 fees are finally set, probably toward the middle of the year. The FMCSA notice can be located at: <http://edocket.access.gpo.gov/2010/2010-4294.htm>. ▲

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### Three drug-and-alcohol final rules published

Three final rules affecting Department of Transportation drug-and-alcohol testing programs were published in the February 25 *Federal Register*. One authorizes employers and third-party administrators to disclose drug and alcohol violations to state CDL-licensing authorities in states that have a law requiring it. One updates the U.S. DOT Alcohol Testing Form and the Management Information System (MIS) Collection Form. The new alcohol test form can be used immediately. Its use is required by August 1, 2010. The MIS collection form is authorized for use in 2011 to report calendar year 2010 data. The third adopts an earlier interim rule’s procedures for using an alcohol screening device and represents no change to current regulations. ▲

### EPA Finalizes Renewable Fuel Standard for Transportation Fuels

On Feb. 3, the Environmental Protection Agency (EPA) issued a final rule implementing the [National Renewable Fuel Standard \(RFS2\)](#) program, including changes required by the Energy Independence and Security Act of 2007 (EISA). The new RFS2 contains specific fuel categories and new greenhouse gas (GHG) emission thresholds. Of particular interest to motor carriers is a new biomass-based diesel category, which requires a 50 percent GHG reduction compared to ultra low sulfur diesel.

EPA believes that soy-based biodiesel and renewable diesel from waste oils, fats and greases will meet the 50 percent GHG reduction requirement. EPA will require 1.15 billion gallons of biomass based diesel to be used in 2010; however, any biodiesel consumed in 2009 will count toward this requirement. This combined 2009-2010 target reflects the fact that EPA did not implement the RFS2 in 2009 as required by EISA. ▲

### OSHA Proposal would add Recordkeeping Requirement

The Occupational Safety & Health Administration (OSHA) is proposing that a column be added to the OSHA injuries-and-illnesses reporting log, also known as the OSHA 300 Log. The added column would record the incidence of work-related musculoskeletal disorders (MSDs) such as carpal tunnel syndrome, sciatica and tendonitis. This column had been part of the form until 2003 and OSHA wants to collect the information again, in part to clear up employer confusion. Work-related MSDs are recordable injuries/illnesses. The American Trucking Associations believes this is a step in the direction of a future ergonomics regulation. OSHA will hold a public hearing on March 9 in Washington, D.C. Comments are due to OSHA by March 15. For a copy of the proposed rule, which includes information on how to file comments, go to <http://edocket.access.gpo.gov/2010/pdf/2010-2010.pdf> or contact MoTA office for a copy. ▲



## STATE GOVERNMENT

**And the “Beet” Goes On*****MoDOT Using More Beet Juice to Keep Roads Clear***

Beets are not only healthy to eat, but research proves they can keep you safer on the roads as well. For the past few years, the Missouri Department of Transportation has been using an anti-icing product called Geomelt made from sugar beets to help keep the roads clear.

“Anything that keeps roads safer during extreme temperatures and bad weather means more lives saved,” said Jim Carney, MoDOT’s State Maintenance Engineer. “Because of the great results we’ve seen using beet juice, we’ve increased usage almost 700 percent over the last couple of years.”

MoDOT first started testing Geomelt in northwest Missouri in 2006, and now is using it statewide. In 2008, the department used 35,000 gallons of Geomelt. Last winter, 242,000 gallons were used. So far this year, at the end of 2009, 78,000 gallons of the juice assisted crews in fighting winter storms.

Beet juice is a natural product that works well when mixed with either rock salt or liquid salt brine to keep ice from forming on the roads before a storm. It also helps melt snow and ice once they are already on the roads.

Combined with salt, the beet juice freezes at a lower temperature than just salt alone so it can be used when the weather is colder - even at temperatures closer to zero. The mixture reduces the corrosive properties of salt and improves its effectiveness. That means less salt, more efficiency and less equipment, bridge deck and vehicle corrosion.

The sugar beet juice is brown in color so salt mixed with it is somewhat brown. The liquid is a by-product of sugar production.

Annually, MoDOT spends approximately \$41 million on snow and ice removal. Last year, approximately 3,500 dedicated employees spent more than 554,000 hours using the 1,650 snow-removal vehicles, which added up to \$43 million on snow and ice prevention and removal.

“Although we’re constantly looking for new products to clear roads better, and our crews are out there working hard to keep them clear, it is also the motorist’s job to drive cautiously, pay extra attention to signs and drive defensively,” Carney said. “Remember to give snowplows plenty of room to work, don’t tailgate and try not to pass.”

For information on road conditions across the state, safe traveling tips and a diagram on driveway clearing techniques, visit [modot.org](http://modot.org) or call 888-ASK MODOT.

*Editor’s note: MoTA has received a few complaints about tank staining. Members experiencing problems with the use of beet juice are encouraged to contact the MoTA office. ▲*

**Criminal History Check Fee Increase**

Effective March 1, 2010, the Missouri State Highway Patrol will implement a fee increase for name-based criminal history record information pursuant to Section 43.530 RSMo. The new fee for a name based search will be \$10. There will be no change in fees for fingerprint-based searches.

Please ensure you submit the proper fee of \$10 per background check when submitting a dealer license application. ▲

**Clean Diesel Grant Opportunities**

The Missouri Department of Natural Resources has announced an opportunity for diesel vehicle and diesel equipment owners and operators in St. Louis, Kansas City and southwest Missouri to receive financial assistance to purchase equipment to reduce diesel emissions through Missouri’s Clean Diesel Program. The goal of the program is to improve air quality in three highly populated urban areas in Missouri where monitoring values are either violating or are close to violating federal air quality standards.

Two different projects in each area, one cost-share project and one public-fleet project, will receive funding through this program. Projects could include purchasing diesel emission control equipment, idle reduction equipment, low rolling resistance tires, aerodynamic technology, and engine repowers.

The cost-share project could cover up to 40% of the costs of approved projects that reduce diesel emissions. Any funding awarded to an individual will be for at least \$3,500 up to a maximum of \$45,000.

For a public-fleet project, which could also include early vehicle replacement and the use of alternative fuels, public fleets may apply for up to 100% funding for eligible projects. Some emission reducing strategies will require the applicant to match funds. The minimum and maximum funding for a public-fleet project are \$5,000 and \$35,215.

In both projects, eligible applicants will be selected through a lottery drawing scheduled in each geographic area **April 30**.

Interested applicants can visit the following sites to view the request for proposal and learn how to submit a project for consideration:

- In St. Louis - St. Louis Regional Clean Cities at

[www.stlcleancities.org](http://www.stlcleancities.org)

- In Kansas City - Mid-America Regional Counsel at

[www.marc.org/rfp.htm](http://www.marc.org/rfp.htm)

- In Southwest Missouri - the Ozark Center for Sustainable

Solutions at Drury University at [www.drury.edu/ocss](http://www.drury.edu/ocss) and

[www.showmecleanair.com/](http://www.showmecleanair.com/)

**The deadline for applications to be submitted for projects in each area is April 16.**

Owners and operators of diesel vehicles and equipment stationed in the city of St. Louis and the following counties will be eligible to apply: St. Louis, St. Charles, Jefferson, Franklin, Warren, Washington, Lincoln, Clay, Platte, Jackson, Cass, Ray, Clinton, Buchanan, Greene, Webster, Polk, Dallas, Christian, Cedar, Barton, Dade, Jasper, Newton, McDonald, Lawrence, Barry, Stone and Taney. ▲



## MO Highway Fatalities Lowest Since 1950

Not since 1950 has Missouri seen so few people killed in highway crashes. For the fourth year in a row, Missouri has reduced its highway fatalities. Currently, the number stands at 871 in 2009 - almost 100 less than in 2008. "Lives are being saved because the coalition partners are working together - and it's an exciting thing for Missouri," said Leanna Depue, chair for the Missouri Coalition for Roadway Safety's executive committee.

Overall, since 2005, traffic deaths decreased 31 percent, due to the combined efforts of highway safety advocates in the Missouri Coalition for Roadway Safety. The coalition credits a combination of law enforcement, educational efforts, emergency medical services and engineering enhancements as the successful formula for saving lives. Since 1950, many things have changed and most differences show increases. For instance, Missouri's total population has increased by more than 51 percent, Missourians are driving five times more miles as they did in 1950, and the number of registered vehicles has quadrupled. Even the cost of a gallon of gas has gone from a mere 20 cents to an average of \$2.73. But the most important number to agencies trying to save lives has now decreased to even less than it was in 1950 at 889.

"That's why this is such a huge accomplishment for Missouri," said Missouri State Highway Patrol Superintendent Colonel James F. Keathley. "When you consider the dramatic differences between now and 1950, it is truly amazing that we can have almost the same number of fatalities as we did back then and yet the huge difference in the death rate per 100 million miles traveled."

In 2007, Missouri recorded fewer than 1,000 fatalities for the first time in more than 15 years. This allowed the coalition to meet an ambitious goal one year early. In October 2008, the coalition announced a new goal for traffic fatality reductions at 850 or less by 2012. The last time Missouri reached less than 850 fatalities was 1949. "We came really close in 2009 to reaching our goal of 850 traffic fatalities by 2012," Depue said. "If we can implement additional life-saving strategies, then we have a better chance to meet this goal."

One of the top strategies for meeting the new goal is strengthening Missouri's seat belt law to allow for primary enforcement. A 2009 survey reported only 77 percent of Missourians are buckling up. The state's rate has been at a plateau since 2004 and remains consistently below the national average of 84 percent.

"A primary seat belt law in Missouri would increase the usage rate saving 63 lives, 759 serious injuries and \$179 million in costs in the first year it goes into effect," Depue said. ▲

## Member Cancellations February 2010

Name of Company	Class	Dues
Driver Resource, Inc.	Allied	\$300.00
James T Graves Attorney at Law	Allied	\$350.00
TransForce	Allied	\$350.00

## Warning for Transporters of Used Batteries

In April of 2009, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a Battery Safety Compliance Advisory. While the Advisory is almost a year old, it appears that the transportation of used batteries destined for recycling facilities (smelters) is being subjected to increased scrutiny and motor carriers are being issued fines for the shippers' failure to package, mark, label, and properly document the spent batteries.

Anyone transporting wet batteries pursuant to the exception in 173.159(e), should make sure that no other hazmat is transported in the same vehicle; the batteries are loaded (blocked and braced) to prevent damage and short circuits; other freight is secured so as to prevent contact with the batteries; and the vehicle does not carry material shipped by any other person besides the shipper of the batteries. Failure to follow all of these provisions requires full compliance with the HMRs and can result in multiple violations.

A copy of the PHMSA compliance advisory is available at: [http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/2009\\_Battery\\_Safety\\_Compliance\\_Advisory.pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/2009_Battery_Safety_Compliance_Advisory.pdf). ▲

## Carriers Needed to Participate in Study

The American Transportation Research Institute (ATRI) is now involved in a Federal Motor Carrier Safety Administration-sponsored research initiative that is attempting to document the impact that speed limiters might have on a fleet's safety and operations. A significant portion of the trucking industry utilizes speed limiters (or governors) to restrict maximum truck speeds; they are typically used by motor carriers to better manage fuel consumption and improve safety performance. Since the research will document impacts from speed limiter use versus non-use, ATRI is soliciting involvement by carriers who utilize speed limiters and those fleets that do not. Participation will involve the collection by ATRI of confidential information relating to speed limiter use/non-use along with other safety and operational policies and metrics. To participate, or if you have any questions, please contact Dan Murray at (651) 641-6162 or [dmurray@trucking.org](mailto:dmurray@trucking.org). ▲

## Hours of Service Survey

ATA has commissioned the American Transportation Research Institute (ATRI) to collect and analyze motor carrier safety and operational data to help inform the upcoming hours-of-service (HOS) rulemaking process. ATRI has developed an online survey which can be found on the ATRI website [www.atri-online.org](http://www.atri-online.org)

MoTA encourages its members to complete this short survey by March 24, 2010. The data collected by ATRI from this effort will be cleansed of identifying information and aggregated to ensure that the results are not attributable to any one company. The results will be used by ATA to continue to educate the Federal Motor Carrier Safety Administration (FMCSA) leadership and staff on driver and carrier operational practices and safety experience under the current rule. Please take this opportunity to provide your input into this review of the hours-of-service review. ▲



## New California Requirements Now in Effect

New requirements associated with three California Air Resources Board regulations began January 1. Fleets that operate in California and are found in noncompliance could be subject to fines. The new requirements include:

- Transport Refrigeration Units – Model-year 2002 and older transport refrigeration units operating in California are required to reduce exhaust emissions of particulate matter by 50% either through engine retrofits or replacements, TRU replacements or other CARB-approved methods. Fines of up to \$500 per unit per violation could be issued.
- Trucks Operating at Ports & Rail Yards – Trucks entering most California ports and rail yards must be registered in CARB's Drayage Truck Registry (and the Ports of Los Angeles and Long Beach registry, if applicable). Trucks with pre-1994 engines cannot be legally dispatched to these facilities. Trucks with 1994 through 2003 engines can be dispatched if equipped with a CARB-verified Level 3 (85% PM control) device (plus 25% NOx control if dispatched to the Ports of Los Angeles or Long Beach). A temporary compliance extension is available for replacements or retrofits that are waiting for purchase orders to be filled.
- New Tractors Pulling 53-ft. Trailers & New 53-ft. Trailers – Model-year 2011 sleeper cabs operating in California and pulling 53-ft. dry-van or refrigerated trailers must be SmartWay certified. All model-year 2011 tractors pulling 53-ft. dry-van or refrigerated trailers must use SmartWay verified tires and model-year 2011 53-ft. dry van or refrigerated trailers must be SmartWay certified or retrofit to SmartWay specifications. ▲

## Judge Rules Guard Rails Culpable in '99 New Orleans Bus Crash

Civil District Judge Rosemary Ledet has awarded damages of more than \$800,000 to four plaintiffs in a civil suit resulting from the May 9, 1999 bus crash that killed 22 and injured 19 others in Louisiana en route to a Mississippi Gulf Coast casino. Ledet reduced the actual award by half, saying that the bus driver, Frank Bedell, shared part of the blame for the accident. The judge ruled in 2007 that the I-610 guardrails were inadequate and that the highway department was as much to blame for the fatal accident as the driver, who authorities say was a drug user and in chronically poor health. Ledet's judgment, issued earlier this month, is the first of what is expected to be several regarding suits plaintiffs filed against multiple parties, including the state Department of Transportation and Development and the bus company, Custom Bus Charters. "This is a potentially precedent-setting case," said ABA VP for Industry & Regulatory Affairs Norm Littler. "This means that in future failures of states to conduct adequate inspections, they can be implicated and not be able to duck behind state immunity." Littler, who also serves as Bus Industry Safety Council Executive Director, was called at the time to the scene of the crash by the National Transportation Safety Board. ▲

## Kentucky Tightens Enforcement

The Kentucky Motor Transport Association reports that the state has recently taken a number of steps to improve the enforcement and collection of Kentucky taxes. First off, the KY Transportation Cabinet now has the authority to place a lien on the equipment of carriers that are behind in their state transportation taxes. KMTA says the agency is being aggressive about this. The state can – and will – also confiscate IRP plates for unpaid taxes. More is on the way: Kentucky scales will soon be able to check a vehicle's IRP status automatically, guaranteeing that all trucks get checked; and the state is also testing license plate and DOT-number readers. In the past year, the state has collected some \$800,000 through such methods, plenty of incentive to continue them. For more information, contact KMTA's Jamie Fiepke at 502-227-0848 or [jfiepke@kmta.net](mailto:jfiepke@kmta.net). ▲

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## Minnesota Biodiesel Credit to Go Away – Temporarily?

The one dollar a gallon biodiesel blenders credit expired on December 31, 2009. The House passed the extension and recessed for Christmas. The Senate did not get to it before they recessed. It is probable that the credit will be extended in the first quarter of 2010 and be made retroactive back to January 1. The state of Minnesota is not going to suspend the biodiesel mandate because of the expiration of the federal blenders credit.

State law will continue to require 5 percent biodiesel in all diesel fuel for use in internal combustion engines. The impact for carriers is that the cost of the B5 diesel blend will probably be a nickel a gallon more than diesel without B5 for the next 30-60 days. ▲

## Washington Increases Fuel Tax Credit

According to a notice issued December 17, 2009 by the Washington State Department of Licensing, the state now allows a full credit for tax paid of fuel purchased by motor carriers at any fuel station operated in Washington by Indians, effective October 1, 2009. For most of the year Washington had permitted only a 25 percent credit to be taken on International Fuel Tax Agreement reports if fuel was purchased at any of about 20 Washington outlets run by Indian tribes. "The broader credit seems to represent progress made by the state in reaching more satisfactory agreements with the tribes," noted an article in the January 15 issue of *The State Laws Newsletter*. ▲

## MISSOURI Memo

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## Truck Regulations Electronic Reporting Form

The 2010 Excel spreadsheet reporting form is now available for fleets to enter their vehicle information for the Truck and Bus Regulation and for Tractor Trailer Greenhouse Gas Regulation.

This spreadsheet allows the user to enter fleet information for the initial 2010 reporting required for the Truck and Bus regulation and the Tractor/Trailer Greenhouse Gas regulation. There are no fees associated with reporting. The spreadsheet is designed to allow fleets to enter the appropriate information and to upload the data on the internet by using the Truck Regulation, Upload, and Compliance Reporting System (TRUCRS) online portal before the reporting deadlines. The spreadsheet is available at: [www.arb.ca.gov/msprog/onrdiesel/reporting.htm](http://www.arb.ca.gov/msprog/onrdiesel/reporting.htm)

### Truck and Bus Regulation

The regulation requires that fleets that qualify for agricultural vehicle provisions and fleets with two engine street sweepers with Tier 0 auxiliary engines to report information about their vehicles by March 31, 2010. The regulation applies only to diesel trucks and buses in these fleets with a gross vehicle weight rating (GVWR) greater than 14,000 lbs. The Air Resources Board is making amendments to the regulation that would not require any other fleets to report until January 1, 2011.

### Tractor/Trailer Greenhouse Gas Regulation

The regulation applies to 53' or longer box-type trailers (dry van and refrigerated van) and tractors that pull them. Fleets with 21 or more box-type trailers may take advantage of a phase-in option by reporting trailer information. Fleets with 20 or fewer box type trailers have until July 1, 2012 to report and a different spreadsheet will be available in the future for that purpose.

Additionally, the regulation currently requires all 2011 model year tractors that pull 53' or longer box-type trailers and all 2011 model year 53' or longer box-type trailers to be Smartway certified or be retrofit to comply. Fleets that have 2011 model year equipment and qualify for the short-haul or local-haul exemptions must report information about their 2011 model year equipment now. Reporting of other tractors and trailers within the fleet is not required at this time.

Please call the California Air Resources Board Diesel Hotline at 866-6DIESEL (866-634-3735) for more information. ▲

## Owner-Operator Deemed Employee Exempt from Compulsory Arbitration

A United States District Court in Florida has found an owner-operator to be an employee under the common law agency test. The Court found the owner-operator was engaged in the carrier's core business function; that the owner-operator was terminated for refusing a load; and that the carrier could assign the contract without the owner-operator's consent as some of the factors indicative of employee status.

Then, based upon the employee determination, the Court found that the owner-operator could not be required to participate in compulsory arbitration because the Federal Arbitration Act exemption for employment contracts pertaining to workers engaged in interstate commerce. *Bell v. Atlantic Trucking*, 2009 WL 4730564 (M.D. Fla. Dec. 7, 2009). ▲

## Canada No Longer Accepts Hazmat Endorsement as Evidence of Hazmat Training

Effective immediately, Transport Canada will no longer accept the U.S. hazardous materials endorsement (HME) as evidence that a driver has received hazardous materials transportation training. Motor carriers that transport hazardous materials in Canada should continue to ensure that their drivers are trained in accordance with the Pipeline and Hazardous Materials Safety Administration's training requirements (49 CFR Part 172, subpart H) and create and issue each driver a certificate indicating that the driver has received the required hazardous materials training. The certificate must be in the driver's possession while transporting hazmat in Canada. The relevant Canadian regulations may be accessed on Transport Canada's web site: <http://www.tc.gc.ca/tdg/clear/tofc.htm>. ▲

## Wyoming Increases Speeding Fines

By legislation effective last year, Wyoming has increased the fines the state imposes when it catches large trucks speeding by more than 5 miles per hour. The fine's gone up from \$100 to \$300, but then the speed limit on the state's Interstates is 75 mph. ▲

### Tell us all about it!

Had a charity fund raising event? Celebrated a milestone? Received or given an award pertinent to the industry? Done something special to show your appreciation to your drivers and employees?

There is a great opportunity on the MoTA website to let others know about your company's newsworthy events. Don't miss out. Participate. We welcome photos of company participation in events to benefit your community or celebrate recognition for a job well done. This is an excellent way to promote good will for the trucking industry in both the company and the community.

**Send article, literature and/or electronic photos to [mota@motrucking.org](mailto:mota@motrucking.org) for posting on the website.**

To view these items, click on the heading 'Media Relations' then 'Member News'.

## “Good Words” Lead to a Good Reputation

Merrie Spaeth, head of Spaeth Communications, spoke recently to the combined Missouri and Kansas Motor Carrier Associations annual meeting. She described how the words you choose to describe your industry influence the way the public feels about trucking. She wrote this article to share the information with all *News on Wheels* readers.



Last fall, I was privileged to speak at the Missouri Motor Carriers Association’s annual meeting. At the reception, a number of attendees shared their concern that the American public doesn’t sufficiently understand the importance of the trucking industry in the American economy, and how hard trucking companies work to achieve their exemplary safety record. Despite the admirable efforts of your national organization, the most important connection between the public and the industry comes at the local level with local media, at local gatherings and the countless one-on-one encounters each of you has every day. Here’s a quick primer and a few recommendations I shared with your colleagues.

Most companies approach communication with the idea of what they want to say, or what they think the listener needs to know. Now ask, how much does your listener remember from what you say, a lot or a little? Everyone knows it’s just a little. The first step in using communication as an influence tool is to redefine it. We think effective communication aims to influence what the listener hears, believes and remembers.

To influence what the listener remembers, we must realize that we pick up and repeat each other’s words. Once you’re clued into this dynamic, you’ll see it all the time. When we identify the key list of “good” words for the trucking industry, it includes safety, reliability, employment, economic lifeblood, productive, neighbors, and I love the line, “Good stuff, trucks bring it.” These are all what we call “good words.” That is, they’re words you want the public to remember. What we call “bad words,” the words you don’t want people to remember, compete with “good words”. When speaking to a group of executives after the annual conference, I asked them what words came to mind when they thought of the trucking industry. They came up with: accident, fatigue, fatality, crash, speeding and so on. (Remember, too, that the railways are aggressively pushing their own “good words” linked to being environmentally friendly.)

Your “good” words anchor what we call “headlines,” and the most powerful headlines make a claim. The trucking industry can make legitimate claims based on these key words. The value of a claim is that it causes the listener to want to hear more. “Proofs” are facts, statistics, and most importantly, personal anecdotes and commitments. Every member of the Missouri and Kansas Motor Carriers Associations can truthfully say safety is their number one priority and that they have years, even decades, of actual experience. (Remember the great line from Indiana Jones, “It’s not the years, it’s the mileage.” Truckers, above anyone, know what that means!)

Now, a word about one of your favorite proofs, the statistics related to fatal accidents and fatigue. When you adopt our approach, what matters is how the listener hears the statistic, not what it means to you. Saying “only” 1.3 percent of fatal crashes involve “fatigue” only emphasizes words like “fatal” and “crash” to the listener. Since every driver has been behind a huge truck on a stormy night, “only” isn’t reassuring. Jonas Salk, the inventor of the polio vaccine, said “It doesn’t matter how big the denominator is if you’re the numerator.” You should use what we call “aspirational” techniques when using statistics. For example, “Our goal is always 100 percent safe driving, and we constantly strive to get closer to that each year.” The ear hears “100 percent,” but the speaker has been truthful. The expectation isn’t perfection; it’s commitment to a process.

Why is it important for each of you to personally tell the story of what trucking means to America? Because most of the time, if non-truckers are reading about the industry, it’s been because there has been – alas – some sort of accident. And, you can expect to see pictures, too. (Is it my imagination or does everyone have a cell phone with a camera these days?)

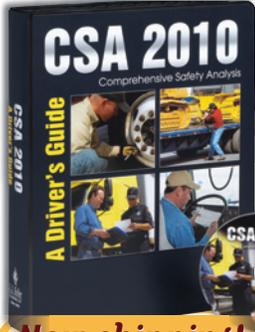
The good news is, if you verbally articulate these positive messages and illustrate them with your own company’s track record of customer service and community involvement, your listeners will hear you, they will believe you and they will remember what you told them. Maybe the next time I talk to your peers in other industries, those are the things they’ll think of first. ▲

~ *News on Wheels* ~

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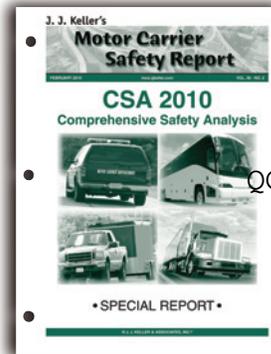
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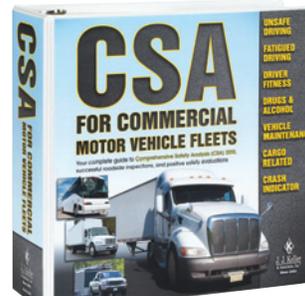
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650MC	Medical Examiners Certificate (wallet card)	.25		
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116FS-C2	Fair Credit Reporting Act Disclosure Statement	.35		
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416F	Application for Employment <i>folder</i>	1.00		
420F	Application for Employment <i>paper</i>	.60		
418F	Employee Record Card	.25		
7ORSA	*Federal Motor Carrier Safety Regulations – pocket size	3.00		
17H	Federal Motor Carrier Safety Regulations – Management Edition	10.50		
17ORS	Truck Driver Handbook	3.50		
30F	Dispatch and Trip Report (pad of 50)	4.75		
1MF	Vehicle Sizes & Weights Chart	.60		
520H	Vehicle Sizes & Weights Handbook	4.25		
37B	*Driver's Vehicle Inspection Report – Simplified (pad of 31 in triplicate)	2.25		
36B	*Driver's Vehicle Inspection Report – Detailed (pad of 31 in triplicate)	2.25		
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628R	Annual Vehicle Inspection Poster (mylar surface)	15.00		
DECAL	Annual Vehicle Inspection Decal w/ laminate	.30		
C1785	Record of Annual Inspection Form 2-ply	.30		
26BC	Brake Inspector's Certification Wallet Card	.35		
430F	Vehicle Mileage Report (pad of 50)	4.25		
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415F	Preliminary Report of Accident (pad of 50)	5.00		
26ORS	Title 49 CFR, Parts 100-185	33.00		
370H	Handling Hazardous Materials	18.00		
122ORS	Hazardous Materials Compliance Pocketbook	3.25		
14ORS	Emergency Response Guide –pocket size 2008	3.00		
3ORS	Emergency Response Guide –standard size 2008	6.50		
103ORS	Emergency Response Guide –spiral style 2008	6.75		
41FBL	Hazardous Materials Loading & Segregation Chart	1.50		
531F	Hazardous Materials Incident Kit	3.50		
G1620	Annual Safe Driving Award Package (specify number of years _____)	7.00		
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C12	Ethanol Control Solution	30.00		
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850FS-C3	Safety Performance History Records Request – 3 ply	.35		
854F	Previous Employee Safety Performance History (pad of 50)	4.00		
859FP	Confidential Safety Performance History Folder – Empty	1.50		
860FP	Confidential Safety Performance History Folder with 850FS-C3 & 854F	1.75		
417F	Driver Confidential Record File Folder	.95		
451F	Confidential Alcohol & Drug File (includes necessary forms)	3.75		
532H	Drug & Alcohol Employee Handbook	2.00		
SPVR	Online Drug & Alcohol Abuse Supervisor Training	45.00		
470FS-C3	Breath Alcohol Testing Form DOT	.35		
471FS-C3	Breath Alcohol Testing Form Non-DOT	.50		
849FS-C3	Previous Employer Drug/Alcohol Test Information	.30		
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