



# Missouri Memo

*A Powerful Voice • Member Driven • Best in Class*

January/February 2009

Missouri Motor Carriers Association — [www.motrucking.org](http://www.motrucking.org)

Memo No. 1

## New Members

### **ALLIED**

#### **Best Transportation**

9930 Meeks Blvd.  
St. Louis, MO 63132  
Ms. Lori Edwards  
314/989-1500

#### **Clemens & Associates, Inc.**

2806 E. Empire St.  
Bloomington, IL 61704  
Mr. Richard Percy  
309/662-2100

### **FOR HIRE**

#### **Heartland Transport LLC**

616 State Highway H  
Sikeston, MO 63801  
Ms. Bobbi Hadley  
573/620-0101

#### **R V R Trucking, Inc.**

3310 Bell Ford Road  
Marshfield, MO 65706  
Mr. Mike Sisco  
417/831-8133

#### **Krupp Trucking**

131 Byassee Drive  
Hazelwood, MO 63042  
Mr. Scott Krupp  
314/731-0002

## Inside This Issue

<b>Governmental &amp; Regulatory</b> .....	5
<b>News from Around the States &amp; Provinces</b> ....	9
<b>New Members</b> .....	1
<b>Member Cancellations</b> .....	2

## Missouri Memo

## President's Message

As we wrap up the first full month of activity in our state's Capitol – much has changed in Jefferson City. Missouri has a new Governor, a new Speaker of the House and a new President Pro Tem of the Senate. We also have new chairs in both transportation committees in the House and in most other leadership positions in the House and Senate. With change there are challenges and opportunities. As an association and as an industry, we are prepared to face the challenges and take advantage of the opportunities.

MMCA is devoting additional resources to our advocacy efforts in order to allow us to be an even greater force on transportation issues. As discussed during our December Board Meeting by Chairman John Hancock with Prime, Inc., it is important for our members to be seen and heard on a regular basis in the Capitol. Many groups will have a "lobby day" or attend a rally where members come into town en masse for a one or two day event, and then head back home. MMCA is committing to having a more intimate and meaningful impact with our "lobby days". During the Board meeting, 15 Board members signed up to travel to Jefferson City to meet with their Representatives and Senators.

After the first four weeks of visits, I can report great success and enthusiasm on the part of legislators and MMCA members who have participated in the 24 Hour visit. To date, John Hancock with Prime, Herb Schmidt and Troy Robertson with Con-way Truckload, Mike Walker with TCSI/Transland, Brett Sheets with Steelman Transportation, and Tom Kretsinger, Jr. with ACT have all visited the Capitol. In all, we have already fed over 20 legislators, and met with countless others in their office and in the halls.

We have sent a special request for MMCA members to consider joining us between now and May 15, 2009. It is our goal to have at least one MMCA member in the Capitol every week of the 2009 session. If you have not signed up to participate in the 24 Hours in Jefferson City program please do so today. The calendar is available on our website at [24 Hour Program](#).

In an effort to provide maximum value for your dollar, we have completely restructured the Safety Awards Luncheon for this year. We have included top-notch programs in two separate tracks for safety and for maintenance personnel over course of our meeting on March 3-4, 2009. More information and a detailed agenda can be found on our website at [Spring Safety Conference](#). In addition to the Safety and Maintenance programs, we are also going to be awarding the Driver of the Year, Safety Director of the Year and Safe Fleets of the Year awards. Please join us for what is promising to be a great event for all!

MMCA is here to serve you. Please let the staff and officers know how we can help. We welcome feedback on our programs – we are here to meet your needs.

See you at the Capitol!

## Safety Management Council Wins Award

The MMCA's Council of Safety Supervisors was a Summa Cum Laude winner in the 2007 American Trucking Associations' State Association Recognition Program.

Each year the council submits a comprehensive entry detailing all of its safety programs for the calendar year. The program is designed to give recognition to those state trucking associations who effectively promote highway safety programs for the greater good of the trucking industry and all highway users.

The council brings together safety professionals to network, share best practices and develop their safety management skills through monthly meetings, seminars, awards programs and the Missouri Trucking Driving Championships. For more information on how you can get involved in the council, contact Ron Breau, MMCA office at 573/634-3388 or e-mail at [ronb@motrucking.org](mailto:ronb@motrucking.org). ▲



## National Truck Driving Appreciation Week Dates Have Been Set

National Truck Driver Appreciation Week 2009 will take place November 1–7, marking a shift from previous years. As we discussed at the October TAEC meeting, these dates coincide with the start of the busy holiday shipping season. Events will take place to honor the professional driver and remind the public that everything they rely on daily is delivered by a truck driver. For more information, contact Elisabeth Barna at [ebarna@trucking.org](mailto:ebarna@trucking.org). ▲

## Missouri Truck Driving Championships

The Missouri Motor Carriers Association Truck Driving Championships (TDC) will be held at the Double Tree Westport Hotel in St. Louis on June 5 & 6, 2009. The Preliminary Intent of Entry form will be sent to the entire MMCA membership the third week in February via email. Upon receiving the completed Preliminary Intent of Entry form in the MMCA office, TDC Driver Entry and Release forms will be sent to the motor carrier's contact person listed on the Intent of Entry along with a 2009 Facts for Drivers book for each driver. ***(All 2009 Championships forms have been updated so please discard copies of last year's Driver Entry and Release forms.)*** All new forms will be available on the MMCA website after February 20<sup>th</sup>. Motor carrier members of MMCA may enter as many drivers in each class as they wish. The entry fee is \$125.00 per driver. **The deadline for driver entries in the MMCA office is May 15, 2009.**

For all companies interested in participating in the 2009 championships there will be an open meeting of the Council of Safety Supervisors at the Double Tree Westport February 19<sup>th</sup> at 10:00 a.m. to plan for this year's event. Please make plans to attend. ▲

## Top Truck Drivers Named to New America's Road Team

The American Trucking Associations today announced the Captains of the 2009 - 2010 America's Road Team. The premier group of million-mile, accident-free professional truck drivers will spend the next two years representing the trucking industry and delivering its highway safety message to the motoring public.

For the complete list of 2009-2010 America's Road Team Captains follow this link <http://www.truckline.com/programs/roadteam/pages/article.aspx?id=3%2F52B1A2D1-2C01-4B0F-8BD9-0D667C1BCFDC>. ▲

### Missouri Memo

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### MEMBER CANCELLATIONS - JANUARY 2009

<u>Name of Company</u>	<u>Class</u>	<u>Dues</u>
Goldstar Enterprises, Inc .....	For Hire .....	\$300.00
New Rising Fenix, Inc. ....	For Hire .....	\$1,622.50
Aquila Network .....	Private .....	\$1,257.00
Burch Food Services, Inc. ....	Private .....	\$300.00
R K G Lumber .....	Private .....	\$300.00
Craig Safety, Inc. ....	Allied .....	\$350.00
Pressure Systems International .....	Allied .....	\$350.00
Specialty Risk, Inc. ....	Allied .....	\$300.00
Tom Boland Ford/Sterling/Western Star .....	Allied .....	\$250.00
U.S. Tool Grinding, Inc. ....	Private .....	\$300.00

**Memo No. 1**



## Public Citizen Leads Coalition of Groups in Filing New Challenge to Hours Rule

A coalition of advocacy and labor groups last week again challenged the revised driver hours-of-service rule, asking the Federal Motor Carrier Safety Administration to reconsider provisions in the rule that allow truckers to drive 11 hours in a workday and reset their weekly hour limit by taking 34 hours off.

In its Dec. 18 filing, the group, led by Public Citizen, said FMCSA relied on "inadequate research findings and crash data to justify its determination to readopt the 11-hour driving shift and 34-hour restart."

Advocates for Highway and Auto Safety and Public Citizen were joined by the Teamsters union and the Truck Safety Coalition. It was the third time the groups have challenged FMCSA's hours rule.

"FMCSA simply disregarded scores of studies conducted over more than 30 years showing this incredibly demanding working and driving schedule will lead to exhausted truck drivers who literally can fall asleep at the wheels of their rigs," said Jacqueline Gillan, vice president of Advocates for Highway and Auto Safety.

Clayton Boyce, spokesman for American Trucking Associations dismissed the challenge to the rules as "unsupported and ill-timed."

The current rule was designed to complement the human body's 24-hour circadian rhythm, and while the rule has been in effect, large truck crash rates, injury rates and death rates have fallen to all-time lows. Scientific studies of safety records have shown the current rule is safe," Boyce said.

"Opponents of the rule, for political and business reasons, have made misleading statements such as, 'The rule lengthens the work day, when it actually shortens it; and 'The rule allows trucking companies to force drivers to drive when fatigued,' when this is illegal and has been since 1982," Boyce said.

The coalition cited previous court rulings as a reason FMCSA should reverse its rule, saying that the agency's third effort is "unlikely to fare any better than its first two."

Public Citizen said previously it hopes the Obama administration and Congress will take a look at reversing the regulation next year once it takes over. Congressional aides have said they expect the hours issue to be discussed next year as part of the debate over reauthorization.

However, Bonnie Robin-Vergeer, attorney for Public Citizen, told [Transport Topics](#) that the advocacy group "hope(s) the current administration will seriously consider the petition now." ▲

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## Amendments to the Americans with Disabilities Act (ADA)

Effective Jan. 1, 2009, the scope of the ADA was broadened.

The amendments allow for the following: a greater number of individuals to be considered disabled under the law; employees to more easily able to meet thresholds to show that their impairments are "substantially limiting," employers to make reasonable accommodations requested by covered employees; and, employers could potentially face an increased number of disability claims.

Historically, courts have rejected the majority of ADA claims brought against employers because the onus was generally on the employee to prove that their disability impacted a "major life activities" to include caring for oneself, seeing, hearing, walking, standing, lifting, concentrating, etc., as well as major bodily functions such as neurological, digestive, circulatory, and reproductive systems.

Employers and courts will now also be required to disregard any mitigating measures, such as medications, prosthetics, hearing aids, mobility devices, etc. when determining whether or not an employee is sufficiently disabled to receive protection under ADA.

Members should review their policies for disability related matters to ensure compliance.▲

## 2008 Drivers of the Month

### **JANUARY**

*Jody J. Bush*  
Witte Brothers Exchange  
Troy, MO

### **FEBRUARY**

*Thomas Bolin*  
Wal-Mart Transportation  
St. James, MO

### **MARCH**

*Harvey Williams*  
Prime, Inc.  
Springfield, MO

### **APRIL**

*Robert Conger*  
Prime, Inc.  
Springfield, MO

### **MAY**

*Gerald Hulse*  
D & D Sexton, Inc.  
Carthage, MO

### **JUNE**

*Leonard Ruble*  
Roadway Express, Inc.  
Fenton, MO

### **JULY**

*James Patterson*  
Above Par Leasing, Inc.  
Joplin, MO

### **AUGUST**

*Michael Crawford*  
Prime, Inc.  
Springfield, MO

### **SEPTEMBER**

*Michael Voss*  
Roadway Express, Inc.  
Fenton, MO

### **OCTOBER**

*Kirby Killgore*  
O & S Trucking  
Springfield, MO

### **NOVEMBER**

*Ernest L. "Lee" Combs*  
D & D Sexton, Inc.  
Carthage, MO

### **DECEMBER**

*Fred Marks*  
TSCI/Transland  
Springfield, MO

## ATA Driver Compensation Study Now Available

The American Trucking Association (ATA) has issued the ATA Driver Compensation Study with operational data from 2007 and 2008. It is ATA's first study of truck driver pay, benefits, and hiring and retention practices since 2003.

The 97-page study includes data on:

- Employee drivers
- Employee driver wages
- Regional driver wages
- Owner-operator wages
- Technicians, including wages
- Hiring and retention practices.

The study is available through PDF download. Visit [www.ATABusinessSolutions.com](http://www.ATABusinessSolutions.com) or call 1-866-821-3468 (toll free) for more information or to order. ▲

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## St. Louis Commercial Zone Expands

Section 390.020 RSMo. defines the commercial zones around the metropolitan areas of St. Louis, Kansas City, St. Joseph, Springfield and Columbia in Missouri. The exemptions that are allowed in these zones govern the requirements for Intrastate Operating Authority.

Effective Jan. 1, 2009, the St. Louis Commercial Zone was expanded to include St. Louis City, St. Louis County, St. Charles County and Jefferson County. Jefferson County was included when they became a class 1 charter county.

For motor carriers operating for hire **wholly** within this zone they would not have to obtain intrastate operating authority from the Missouri Department of Transportation. This will not impact the commercial weight zone provided by 304.190 on U.S. Highway 61 which had been changed by statute in 2007.

The Missouri Department of Transportation will be updating the St. Louis Commercial Zone Map and make it available on their web site in the future. Their web site is [www.modot.mo.gov/mcs/](http://www.modot.mo.gov/mcs/).

If you have any questions, please contact Ron Breau at 573/634-3388 or by email at [ronb@motrucking.org](mailto:ronb@motrucking.org).▲

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## 850 by 2012

Missouri safety advocates are ready to make history. The Missouri Coalition for Roadway Safety announced its new goal is to reduce traffic crash fatalities to 850 or less by 2012. The last time Missouri recorded less than 850 fatalities was 1949.

The coalition is a partnership of safety advocates who attack the problem of traffic crashes and deaths. In 2007, they reached an earlier goal of fewer than 1,000 traffic fatalities one year earlier than expected.

The group will focus on continued improvement in engineering, law enforcement and public education. One of the top areas of focus will continue to be safety belts, shown to be a motorist's single best defense in any traffic crash. The most effective way to raise safety belt use in Missouri is considered to be the passage of a Primary Safety Belt law. The coalition continues to work toward the passage of this law, which would save an additional 90 lives each year.

For more information, visit [www.savemolives.com/](http://www.savemolives.com/). Buckle Up to Arrive Alive. ▲

Missouri Safety Belt Use by Vehicle Type (%)

	2004	2005	2006	2007	2008
Car	74.7	79.5	79	80.7	80.9
Van	75.6	82.5	80.9	84	83.7
SUV	75.3	82.3	81.6	83.2	82.9
CMV	54.9	66	65.5	65.7	63.4

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## Older Drivers Have Lower Crash Rates

Past research predicted that older drivers would cause an increasingly larger proportion of fatal car crashes. However, a new study finds that prediction was off the mark. **Despite growing numbers of older folks on the road, fewer died in crashes and fewer were involved in fatal collisions from 1997 to 2006 than in past years.** Crash deaths among drivers 70 and older fell 21% during those years, reversing an upward trend, even as the population of people 70 and older rose 10%, according to the study by the Insurance Institute for Highway Safety. Fatal crash rates fell among older drivers for most types of crashes, and the decline was dramatic for crashes at intersections. This finding is especially significant since several studies have found that older drivers tend to have especially high accident rates at intersections. Researchers are stumped about why seniors are having fewer car accidents, but they speculate that it's due to safer vehicles, older people being more fit than in years past, and better access to health care. Older drivers are mostly a danger to themselves and their passengers, not to other motorists. Seventy-five percent of people who die in crashes involving older drivers are the drivers themselves or their older passengers.▲

## ATA Report Shows Increase in Trucking Miles

While vehicle miles traveled is down, a new report from the American Trucking Associations shows that Class 8 trucks rolled up 139.3 billion miles in 2006, up from 130.5 billion in 2005.

The American Trucking Associations' American Trucking Trends 2008-2009 report also showed that the number of people employed in the industry in 2007, the latest year for which complete data are available, rose modestly to 8.9 million from 8.8 million in 2006. In addition, trucks in 2006 consumed 53.9 billion gallons of fuel for business purposes and paid \$37.4 billion in federal and state highway-user taxes.

Data presented in ATA's report are drawn from private and government sources, in addition to original ATA research.▲

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### Saving Money - 5 Things To Do NOW:

1. Review all property assessments for current marketplace reality. Adjustments may reduce property taxes.
2. Buying APU's? Make sure the make and model are eligible for the waiver of the 12% Federal Excise Tax. Confirm eligibility by checking the EPA's website at <http://www.epa.gov/otaq/smartway/transport/what-smartway/idling-reduction-fet.htm>
3. Support the Economic Stimulus package, which offers tax help for the industry. For owner/operators and employees tax rates may be reduced with a payroll tax holiday. Corporations may receive an extension on bonus depreciation and extension of net operating losses being carried back from 3 to 5 years.
4. Gather cash from all sources.
  - o Review all utility, phone, and bank accounts eligible for refunds of compensating balances or security deposits.
  - o Owner/Operator fleets-review your escrow interest payments if they are based on Part 376 of the FMCSA leasing regulations, which requires the use of 91 day, 13 week treasury bill rates, versus a more expensive index.

The regulations can be found at

<http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.asp?chunkKey=090163348008ef8e>

5. Earn interest on every penny. Park all funds in FDIC-protected interest bearing accounts, do this at work and at home. ▲

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## GOVERNMENTAL & REGULATORY

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### More Ports Begin Enforcing TWIC Card Rules

Eighteen additional ports will begin requiring everyone entering to have Transportation Worker Identification Credentials (TWICs). As of Jan. 13, the following ports require TWICs for access: Baton Rouge, La.; Houma, La.; Kansas City, Mo.; Key West, Fla.; Lafayette, La.; Miami, Fla.; Morgan City, La.; New Orleans, La.; Newport News, Va.; Norfolk, Va.; Palm Beach, Fla.; Peoria, Ill.; Port Everglades, Fla.; Port Fourchon, La.; Port Manatee, Fla.; South Louisiana/La Place, La.; St. Louis, Mo.; and Tampa, Fla. The TWIC is a bio-metric identification credential required for unescorted access to secure areas in all U.S. ports. It is being phased in nationwide between Oct. 15, 2007, and April 15, 2009. Although the background check required for a TWIC is identical to the one on a Hazardous Materials Endorsement, an HME is not yet accepted as a valid alternative to a TWIC. If your drivers experience any problems or irregularities in the TWIC application or activation process, MMCA is here to help. MMCA can both help expedite the resolution of your issue and, by documenting these occurrences, help ensure that the contractor administering the program rectifies systemic problems before they can hamstring others attempting to enroll. The next round of ports enforcing the TWIC will take place Feb. 12. MMCA will send a reminder about those ports about two weeks in advance. ▲

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### EPA Finalizes Diesel Engine On-Board Diagnostics Rule

The Environmental Protection Agency (EPA) released a final rule that requires heavy-duty trucks to install computer systems to pinpoint emissions problems. Heavy-duty diesel and gasoline engines used in trucks weighing more than 14,000 pounds will be required to contain computer systems that will monitor vehicle emissions – including air pollution controls – detect failures, and alert drivers of needed repairs. The regulation will apply to 2010 and later model year engines and will be phased in gradually. By 2013, all highway engines will be required to comply with the on-board monitoring requirements. California has required manufacturers to install the monitoring systems since September when EPA granted the state a waiver. The new federal program is consistent with California's program in almost all important aspects. ▲

### IFTA DRC Issues Opinion

On December 19, 2008, the Dispute Resolution committee (DRC) of the International Fuel Tax Agreement rendered a decision in a dispute between Pennsylvania and Nevada. This was the first IFTA DRC decision made under a new dispute resolution process, one that has drawn criticism for being overly legalistic and unnecessarily secretive. The issue arose out of a fuel tax audit conducted by Pennsylvania of one of its large carriers. The auditor found errors in the carrier's reporting that required large adjustments to the mileage the carrier had traveled in some states, and corresponding adjustments in the taxes owed those states. Nevada was one of several states that was required to return money to Pennsylvania so Pennsylvania could send it on to the states that should have had the money all along. Nevada was dissatisfied with the way in which Pennsylvania had conducted the audit, and asked for a reaudit. IFTA rules allow a reaudit for "reasonable cause," but IFTA's language in this area is very unclear. Pennsylvania answered that it believed it had made no error in the audit, and declined to conduct a reaudit, in which its participation would have been necessary. More than a year passed, during which Nevada sought to resolve the problem in other ways. Then the state submitted the dispute formally to IFTA, which received voluminous filings (including one from ATA) and held a hearing in October.

The decision is disappointing from just about any point of view. The DRC found that since there was a "material level of doubt" about Pennsylvania's audit findings and how the state arrived at them, Nevada had reasonable cause for a reaudit. Then, although this "material level of doubt" standard is brand new, and not to be found in IFTA, the DRC went on to hold Pennsylvania out of compliance with IFTA's requirements. This seems unfair to Pennsylvania, which apparently acted in good faith throughout. Next, the DRC required the reaudit now to proceed, even though the statutes of limitations of both Pennsylvania and Nevada with respect to the audit (or at least part of it) have expired, and even though the carrier was not a party to the dispute. Nor did the DRC provide any useful guidance for the future in this difficult and confused area of the Agreement. A decision of the DRC may be appealed to the IFTA Board of Trustees. The DRC's written opinion may be found on the IFTA website at [www.iftach.org](http://www.iftach.org). At best, the decision seems to encourage states to prolong an IFTA audit if they're displeased with the results of it. ▲

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### Extra Weight for Auxiliary Power Units Not Allowed in All States

In 2008, the Missouri General Assembly approved an increase in the maximum gross weight of 80,000 lbs. to 80,400 lbs. for vehicles that are equipped with a working auxiliary power unit. Passage of this legislation was required because the Federal Highway Administration, although authorizing the additional weight, did not mandate that states adopt the increase. Several states have also adopted the increase but equally as many have not. The following link will provide a list of the states MMCA has received from the American Trucking Association that indicates which states have increased the gross weight to accommodate the APU's. [www.motrucking.org/pdf/2008\\_FHWA\\_400lb-Matrix.pdf](http://www.motrucking.org/pdf/2008_FHWA_400lb-Matrix.pdf) ▲

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### FMCSA Eliminates Route Designation for Regular Route Passenger Carriers

The Federal Motor Carrier Safety Administration (FMCSA) has issued a final rule discontinuing the administrative requirement that applicants seeking for-hire authority to transport passengers over regular routes submit a detailed description and a map of the route(s) over which they propose to operate. The Agency will register such carriers as regular-route carriers without requiring the designation of specific regular routes and fixed end-points. Once motor carriers have obtained regular-route, for-hire operating authority from FMCSA, they will no longer need to seek additional FMCSA approval in order to change or add routes. Each registered regular-route motor carrier of passengers will continue to be subject to the full safety oversight and enforcement programs of FMCSA and its State and local partners.

This rule is effective March 17, 2009. The compliance date for this rule is July 15, 2009. The final rule appeared in the January 16, 2009 *Federal Register*. ▲

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### UCRA Board Meets in Texas

The Board of Directors of the Unified Carrier Registration Agreement met in Austin, Texas in conjunction with the winter meeting of the National Conference of State Transportation Specialists. All board members were present, in person or by phone, as well as representatives of many UCRA states and affected industry entities. The major topic of discussion at the meeting, was the level of the UCRA fees for 2010. Beginning in 2010 trailing equipment is eliminated from carrier fleets for purposes of calculating UCRA fees. For this reason, the current fee structure will need to be revised and this will require a federal rulemaking by the U.S. Department of Transportation. For 2008 and 2009, when there were no such revisions, no rulemaking necessary. At least some states are looking at this as an opportunity to raise the overall level of UCRA fees in order to ensure that enough money is collected through the program for all states to be made whole. ATA's position is that such an increase is inappropriate until states have made a good-faith effort to enforce the program against carriers and others who owe the fees but have not been paying them, and that in any case this appears to be a bad year to raise any taxes on the trucking industry. ▲

### FMCSA Sets Roadability Rule

A final rule, published on December 17, 2008, adopts regulations to implement section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The regulations require intermodal equipment providers (IEPs) to:

- Register and file with FMCSA an Intermodal Equipment Provider Identification Report (Form MCS-150C);
- Establish a systemic inspection, repair, and maintenance program to assure the safe operating condition of each intermodal chassis;
- Maintain documentation of their maintenance program; and
- Provide a means to effectively respond to driver and motor carrier reports about intermodal chassis mechanical defects and deficiencies.

The regulations also require IEPs to mark each intermodal chassis offered for transportation in interstate commerce with a U.S. Department of Transportation (USDOT) identification number.

These new regulations, for the first time, make IEPs subject to the Federal Motor Carrier Safety Regulations (FMCSRs), and call for shared safety responsibility among IEPs, motor carriers, and drivers.

Additionally, FMCSA adopts inspection requirements for motor carriers and drivers operating intermodal equipment. Improved maintenance is expected to result in fewer chassis being placed out-of-service (OOS) and fewer breakdowns involving intermodal chassis, thus improving the Nation's intermodal transportation system. Because inadequately maintained intermodal chassis create risks for crashes, this final rule will also help ensure that commercial motor vehicle (CMV) operations are safer.

This final rule becomes effective June 17, 2009. Intermodal equipment providers have until December 17, 2009 to comply with the requirements for establishing systematic inspection, repair and maintenance programs, recordkeeping system, and for submitting Form MCS-150C.

Intermodal equipment providers must comply with the requirement to mark their intermodal chassis with a USDOT identification number by December 17, 2010.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than January 16, 2009.

The final rule on Roadability is available for review online at [www.gpoaccess.gov/fr/](http://www.gpoaccess.gov/fr/). ▲

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### IRS Issues Guidance on HVUT Filing

Last year, the Internal Revenue Service began to enforce the federal law that requires the owners of fleets of more than 24 taxable vehicles to file Form 2290 and pay the Heavy Vehicle Use Tax electronically. IRS has now issued a proposed rulemaking which summarizes those requirements and offers guidance on the new (2005) HVUT credit for vehicles sold during the tax year. The text of the proposed rule is in the *Federal Register* of January 16, and may be found here: <http://edocket.access.gpo.gov/2009/E9-857.htm>. ▲

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### U.S. VMT Falls

The U.S. Department of Transportation reports that in the year ended October 31 vehicles miles traveled in this country fell by 3.5% or some 100 billion miles. Travel fell most in the Southeast (5%) and least in the Northeast (2.3%). The 3.5% decline in October this year as compared to October 2007 was the steepest decline for the month since 1971. Lower miles means lower fuel tax revenues for federal and state highway funds, DOT was quick to point out, and there is some evidence that travel may not quickly return to earlier levels just because fuel prices have come down. ▲

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### Be Prepared! New Requirements for US Entry Begin June 1

On June 1, travelers will see a change in travel document requirements at U.S. land borders as part of the U.S. Department of Homeland Security's Western Hemisphere Travel Initiative. The initiative will go into effect at land and sea ports of entry, requiring travelers — including U.S. and Canadian citizens — to present an approved travel document to enter the United States.

The approved documents include a passport, a passport card, a NEXUS, SENTRI or FAST trusted traveler program card or state- or province-issued enhanced driver's license. Travelers under age 16 need to present only a birth certificate or alternative proof of citizenship. Visit [www.getyouhome.gov/](http://www.getyouhome.gov/) for specific information on acceptable documents and how to apply for them. ▲

## Personal Property Tax Apportionment

Motor carriers must notify their County Assessor that their vehicles are apportioned and provide them with a copy of the Schedule B (mileage schedule) to insure that the personal property tax paid to the county on their vehicles are apportioned.

If you need a copy of the Order to Apportion Personal Property Tax that was issued by the State Tax Commission, please contact the MMCA office. ▲

## Changes to Minimum Wage Law Effective January 1, 2009

Effective January 1, 2009, Missourians saw an increase in minimum wage. **Beginning the first of the year, the state's minimum hourly wage increased by 40¢ from \$6.65 to \$7.05 per hour.**

The minimum wage law applies to all businesses/employees that are not specifically exempted. To learn more about Missouri's minimum wage law, please visit the Web site, <http://www.dolir.mo.gov/LS/minimumwage/index.asp> or call the Missouri Division of Labor Standards at 573/761-3403. ▲

## Proof of Medical Certification Required in License Process

On December 1, 2008, the Federal Motor Carrier Safety Administration issued a final rule that requires states to merge the commercial driver's license (CDL) and the driver's medical examination certificate into a single electronic record. When fully implemented, the new combined CDL will streamline record keeping obligations for the states and CDL holders, while providing instant electronic access to the CDL holder's medical certificate by state and federal enforcement officials. The ruling also requires states to take enforcement actions against CDL holders if they do not provide medical certification status information within the deadline. This action is required by section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA).

The ruling requires State Driver Licensing Agencies to modify their CDL procedures to:

1. Record a CDL driver's self-certification regarding type of driving (e.g., interstate (non-excepted or excepted) and intrastate (non-excepted or excepted) on the CDLIS driver record);
2. require submission of the medical examiner's certificates (or a copy) from those drivers operating in non-excepted, interstate commerce who are required by part 391 to be medically certified;
3. date stamp the medical examiner's certificate (or a copy);
4. provide the stamped medical examiner's certificate or a copy as a receipt to the driver;
5. retain the certificate or a copy for 3 years from the date of issuance;
6. post the required information from the certificate or a copy onto the CDLIS driver record within 10 days; and
7. update the medical certification status of the CDLIS driver record to show the driver as "not-certified" if the certification expires; and then downgrade the CDL within 60 days of the expiration of the driver certification.

If the driver certifies that he or she expects to drive in interstate commerce and is not driving exclusively for one of the industries excepted from the requirements of part 391, this rule requires the State to post on the CDLIS driver record the following information from the driver's medical examiner's certificate:

1. Medical examiner's (ME) name;
2. ME's license or certificate number and the State that issued it;
3. expiration date of ME's certificate;
4. ME's telephone number;
5. date of physical examination/issuance of the ME's certificate to the driver;
6. National Registry \3\ identification number, if required by future rules;
7. medical certification status determination (i.e., "certified" or "not-certified");
8. information from FMCSA if a medical variance was issued to the driver;
9. any driver restrictions, and
10. the date the information is entered on the CDLIS driving record.

In addition to the recordkeeping functions, the State Driver Licensing Agency (SDLA) must make the driver's medical certification status information electronically accessible to authorized State and Federal enforcement officials via CDLIS and the National Law Enforcement Telecommunication System (NLETS), and to drivers and employers via the CDLIS motor vehicle records (MVRs).

*continued on page 9*

## GOVERNMENTAL & REGULATORY

Under this rule, motor carriers who employ a CDL driver to operate in non-excepted, interstate commerce must place his or her current CDLIS MVR documenting the driver's medical certification status in the driver's qualification (DQ) file before allowing the driver to operate a CMV. The receipt issued the driver when the certificate is presented to the SDLA may be used for this purpose for up to 15 days from the date of the receipt or date stamp. The motor carrier must obtain the CDLIS MVR to verify:

1. The driver's self-certification to operate in non-excepted, interstate commerce;
2. that a non-excepted, interstate driver has a medical certification status or "certified:" and/or
3. whether the driver was issued a medical variance by FMCSA.

Motor carriers may no longer use a copy of the medical examiner's certificate to document physical qualifications in the DQ file, except for up to 15 days from the date stamp on the receipt given to the driver by the SDLA. After the 15<sup>th</sup> day, the carrier must have obtained a copy of the CDLIS MVR as documentation that the driver is medically "certified" and placed it in the DQ file.

Currently, interstate CDL drivers subject to part 391 are responsible for providing a copy of the medical examiner's certificate to the motor carrier and for carrying a copy of the certificate when operating. Under this final rule, drivers must provide the medical examiner's certificate to the SDLA. A driver's date-stamped medical examiner's certificate (or a copy) serves as a receipt from the SDLA and may be used as proof of medical certification for 15 days. Except for using the receipt for the first 15 days, the driver is no longer allowed to use the medical examiner's certificate as proof of his or her certification to enforcement personnel or employers. Such drivers no longer have to carry the actual medical examiner's certificate, but most continue to carry any skill performance evaluation (SPE) certificate or medical exemption document while on duty.

The effective date on this ruling was January 30, 2009, however, state compliance is not required until January 30, 2012. All CDL holders must comply with the requirement to submit to the SDLA their self-certification on whether they are subject to the physical qualification rules by January 30, 2014.

The entire text of this Federal Register notice can be viewed online at [www.gpoaccess.gov/fr/](http://www.gpoaccess.gov/fr/) ▲

## NEWS FROM AROUND THE STATES & PROVINCES

### **CALIFORNIA SETS STRICT DIESEL EMISSIONS RULE**

The California Air Resources Board has adopted the strictest diesel emission standards in the nation, requiring expensive diesel particulate filters on rigs on a timetable. Starting in 2011, the new rules will speed up the replacement of thousands of older trucks and buses that are not as clean as newer models that have tougher, federally mandated emissions standards. Beginning January 1, 2011, the rule will require truck owners to install diesel exhaust filters on their rigs, with nearly all vehicles upgraded by 2014. Truck owners also must replace engines older than the 2010 model year according to a staggered implementation schedule that extends from 2012 to 2022.▲

### **CALIFORNIA NOW ACCEPTING REEFER UNIT ID APPLICATIONS**

The California Air Resources Board has begun accepting applications for identification numbers on transport refrigeration units (TRUs). You are required to display the ID number on both sides of each reefer's generator chassis housing by April 16, 2009, although enforcement will not begin until six months after the Board receives U.S. Environmental Protection Agency approval.

The regulation requires all TRUs and TRU generator sets that operate in California, regardless of where they are based (including out-of-state and out-of-country), to meet in-use performance standards, phasing in beginning December 31, 2008, for model year 2001 and older units. Then, 2002 and subsequent model year units must comply by the end of the seventh year after the model year.

The Air Resources Board encourages you to apply online, although hard copy applications will also be accepted. ▲

### **MANDATORY SPEED LIMITERS STARTED JAN. 1 IN ONTARIO, QUEBEC**

All trucks traveling through the Canadian provinces of Ontario and Quebec will need a working speed limiter set at a maximum of 105 kilometers per hour, or 65 mph as of Jan. 1. Ontario officials say enforcement has begun with a six-month educational period before fines will begin for truckers not in compliance. ▲

### **ILLINOIS COURT DENIES CREDIT FOR IDLE TIME**

The Illinois Court of Appeals has held that the state was not obliged to refund to a motor carrier the fuel tax it consumed in idling truck engines, saying the ban on idle time claims was meant to be broader.

The carrier, U.S. Xpress Leasing, was based in Oklahoma for International Fuel Tax Agreement (IFIA) purposes, and had paid the taxes to Illinois through its base state. It later applied directly to Illinois for the refunds at issue here, which concerned half a million gallons of fuel used in 2001 and 2002.

*continued on page 10*



## NEWS FROM AROUND THE STATES & PROVINCES

The carrier argued that since this fuel was burned while its vehicles idled off the public highway - while they were being fueled, while cargo was loaded or unloaded, or at rest stops - it was not subject to motor fuel tax.

An Illinois statute allowed a refund for fuel used "for any purpose other than operating a motor vehicle upon public highways," however the state's revenue department doesn't allow claims based upon idle time shall be allowed."

The carrier argued that the latter statement should be applied only to claims which involved idling on roadways, for example, when a truck was stopped in traffic.

The court disallowed the refund claims. ▲

### **INDIANA TO CLOSE SOME REST AREAS**

The Indiana Department of Transportation closed a handful of rest areas in the state in January and could realize a savings of more than a million dollars a year as a result. Of course, that budget paring initiative is expected to impact truckers who face a limited number of safe and secure places to get a night's rest. State officials have not made a list of the number of spaces that will be lost. The savings will be used to shore up shrinking state revenues. ATA Safety & Loss Prevention Management Council members can read more of the story in the January Safety Bulletin published at <http://slpmc.truckline.com> ▲

### **MT SIGN RULE MAY HIT VEHICLES**

A new set of rules issued by the Montana Department of Transportation and effective at the end of November 2008 has expanded the state's interest in beautifying its roads in such a way as to allow the Department to ban advertising on commercial vehicles. The department declares its intention is only to remove cars and trailers parked along rights-of-way, but the rules appear to allow it to go further. As the legislature meets, the issue is warming up. The rules are at ARM 18.6.201, ff., and are quite voluminous: [http://www.mdt.mt.gov/business/docs/oac/oac\\_rules\\_regs.pdf](http://www.mdt.mt.gov/business/docs/oac/oac_rules_regs.pdf) ▲

### **VARIABLE FUEL TAX INCREASED JANUARY 1 IN NEBRASKA**

Nebraska's variable fuel tax increased four-tenths of a cent on January 1, moving from 26 cents to 26.4 cents per gallon. This is the part of the tax that's adjusted twice a year so the Nebraska Department of Roads receives only what the Legislature budgeted for construction projects. In spite of this adjustment, Nebraska' fuel tax rate remains more than two cents below the national average. ▲

### **OHIO AMENDS WORKERS' COMP LAW**

Recent changes to Ohio Workers Compensation law could impact out of state trucking companies with driver's driving in Ohio. If the state of coverage does not have a provision that allows for a temporary employee than Ohio's temporary employee provision does not apply. Companies who have drivers in Ohio need to verify whether or not their state has some sort of temporary employee exemption, otherwise the employer needs to obtain coverage for their employees through the Ohio Bureau of Workers' Compensation. Because Ohio is a monopolistic state an all state's rider on their current workers compensation coverage will not cover their employees. They will have to purchase a policy through the Ohio BWC.

For questions regarding these changes or Ohio workers' compensation law generally, contact the Ohio Bureau of Workers' Compensation's toll-free assistance line at 1-800-OHIOBWC (1-800-644-6292). ▲

### **PENNSYLVANIA TURNPIKE TOLLS INCREASED**

Effective January 4, 2009, operators of trucks weighing more than 33,000 pounds now pay 25 percent more to use the Pennsylvania Turnpike. The Owner-Operator Independent Drivers Association reports that the maximum toll for truckers traveling the length of the turnpike's main line will be \$175, up from \$140. An additional \$18.75 will be assessed at the Gateway Toll Plaza, up from \$15. Under Pennsylvania law, the tolls are now guaranteed to increase 3 percent each year to fund not only the turnpike, but also other state roads, bridges and mass transit. ▲

### **WISCONSIN'S 511 TRAVELER INFORMATION SYSTEM AVAILABLE ONLINE**

Enhanced services visually display winter road conditions, incidents, construction and more Motorists can now get up-to -the-minute travel information by either dialing 511 or going to a new Web site offered by the Wisconsin Department of Transportation. The Web site, [www.511wi.gov](http://www.511wi.gov), provides travelers with traffic and road information on Wisconsin's main highways, including the Interstate system.

The new Web site replaces the state's static display of winter road conditions. As a result of the many layers of information being displayed, it takes a few seconds longer to load, but provides far more information than ever before, including incident and AMBER alerts. In addition to current travel information, the Web site also provides links to transit providers and other travel services, including commercial airports, passenger rail and ferry services, links to neighboring states' 511 traveler information Web sites and links for mobile devices, which may also provide quicker access to winter road information for dial-up users.▲





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