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In This Issue



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Celebrating 75 Years!

2012 MoTA Convention Chase Park Plaza ~ St. Louis, Missouri

Wednesday - September 26

- 3:00 pm Registration Opens
- 4:00 pm Executive Committee Meeting
- 5:00 pm Next Generation Meeting
- 5:00 pm Allied Industry Meeting
- 6:00 pm Welcome Reception
'75 Years Strong'

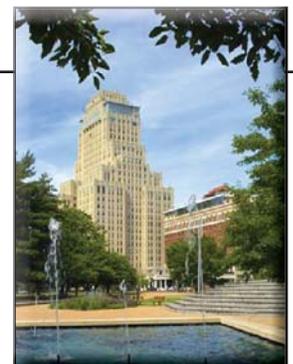
Thursday - September 27

- 7:30 am Breakfast Buffet
- 8:00 am Guest Speaker:
Keynote Speaker (TBA)
- 8:45 -
- 10:30 am MoTA Membership Meeting
- 10:45 -
- 11:45 am General Session –
The Economics of Energy Access and Fuel Costs
Rayola Dougher, *The American Petroleum Institute*
- Noon Lunch
- 12:30 -
- 1:45 pm General Session - *Highway Funding Panel*
- 1:00 pm Ladies Program – Cathedral Basilica Tour
- 2:00 -
- 2:45 pm *CSA Regulatory Panel*
- 3:00 pm General Session: *Jury of Our Peers: Inside a Trucking Case*
Ted L Perryman, *Roberts Perryman*
- 6:15 pm Chairman's Reception
- 7:00 pm Candlelight Banquet
Entertainment - **Finis Henderson**

Friday - September 28

- 7:00 am Buffet Breakfast –
Speaker: **Michael S. Card**, *ATA First Vice Chairman & President of Combined Transport, Inc, Central Point, OR*
- 9:00 am Golf Tournament – Forest Park
Lunch at the Golf Course

Convention
Registration Materials
are on their way
to your mailbox.
Also available on
MoTA's website -
www.motrucking.org



**2012
National Truck Driving Championships
August 7-11, 2012
Minneapolis, MN**

Good luck to all our Champions who will be representing Missouri in Minneapolis:

- Straight Truck Class - **Gary Risman**, Con-way Freight
- 3-Axle Class - **Lynn Wilson**, Con-way Freight
- 4-axle Class - **Wayne Pierce**, UPS Freight
- 5-Axle Class - **Bobby Vorhees**, Orscheln Farm & Home
- Tank Truck Class - **Thomas Miller**, Prime
- Flatbed Class - **Parvin Simpson**, Con-way Freight
- Sleeper Berth Class - **Bobby Chilcoat**, Con-way Truckload
- Twin Trailers Class - **Michael Keeney**, Con-way Freight
- Step Van Class - **James Houghton**, FedEx Express

*We are saddened to report that the 2012 Grand Champion of the Missouri Trucking Association's Truck Driving Championships, **Richard Myers**, passed away recently. He drove for Walmart Transportation and received first place honors in the Sleeper Berth Class competition.*

Our thoughts and prayers go out to his family during this difficult time.

Thank you from SEMA. . .

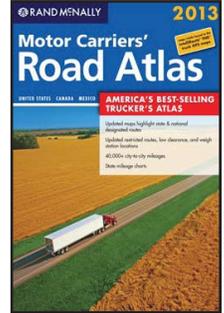
Recently, we put the word out that the Missouri State Emergency Management Agency (SEMA) requested assistance with a shipment of bottled water for Joplin. Several of you came forward immediately and volunteered to help out. Mike Pickerel, Emergency Human Services Planner with SEMA, called to say **thanks**. He stated he was at a national meeting where several states said it wasn't getting the donations that was the problem, it was getting them delivered. He replied, "Not in Missouri." He is truly impressed by how ready and willing our member companies are to help out when a call is made.



2013 Rand McNally Motor Carriers' Road Atlas
The #1-selling truckers' atlas in North America.

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 - Updated restricted routes
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 - Information on U.S., Mexican, and Canadian Regulations
 - National Weight and Size Provisions
 - State/Provincial weight and size limits
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- ✓ 208 pages



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Member Cancellations July 2012

Name of Company	Class	Dues
Capital Region Medical Center	Allied	\$200
Ground Source Systems Inc.	Private	\$300
Hankins Truck Lines Inc.	For Hire	\$300
Highway Trailer Sales Inc.	Allied	\$200
Millers Mobile Home Transport LLC	For Hire	\$300
Scott Melvin Transport Inc.	For Hire	\$330
W A Ellis Construction Co.	Private	\$300

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Finally, a Highway Bill

American Trucking Associations (ATA) saluted members of the House and Senate conference committee June 28 for their work in passing a safety-conscious highway bill that lays a solid foundation for addressing America's need for an efficient goods movement network over the next 27 months.

"This legislation, while not all we could have hoped for as an industry and as users of the highway system, makes tremendous strides in the safety arena and puts down a marker for future improvements to our nation's freight infrastructure," ATA President & CEO Bill Graves said.

The committees included several initiatives advocated by ATA, including the creation of a clearinghouse to track drug and alcohol test results, a study of crash-worthiness standards for large trucks, the establishment of standards for systems to provide employers with timely notifications of drivers' moving violations, mandatory testing of new carriers entering the industry to verify their knowledge of safety requirements, and sooner auditing of those new carriers.

Language requiring the Department of Transportation (DOT) to mandate that truck drivers use electronic devices to record their compliance with the hours of service (HOS) requirements was also part of the bill; however, the House Appropriations Committee June 29 voted not to fund the regulation after an amendment from Rep. Ron Landry (R-LA). The House Conference Committee could restore the provision. ATA did get in the bill the requirement that DOT conduct a field study of pending changes to the restart provisions in the HOS regulations, said Graves. ▲

Only a Puff of Smoke

In the hours after Congress overwhelmingly voted to approve the transportation bill that included the requirement that all commercial trucks install electronic onboard recorders, Congressman Jeff Landry (R-La.) introduced an amendment to a separate appropriations bill to withhold federal funds from implementing the EOBR mandate. The amendment passed on a voice vote (with about a dozen members on the floor).

Reports quickly circulated that the House stripped funding for the EOBR mandate, effectively nullifying the congressional action. But, like many things in Washington, that simply isn't true.

According to senior aides in both chambers, the House amendment simply proposes to cut funding. For it to have any effect, the U.S. Senate would have to concur in the defunding amendment, when it gets around to considering the 2013 transportation appropriations bill. Nobody believes the Senate will go along with defunding the EOBR mandate when it overwhelmingly passed in the transportation bill.

So contrary to some reports, the EOBR mandate is very much alive and well, fully funded and moving forward. ▲

ATA Addresses FMCSA's Planned Changes to CSA

Recently, ATA offered its views on FMCSA's planned changes to its Compliance, Safety, Accountability (CSA) system for measuring and monitoring motor carrier and driver safety. While supportive of the agency's new approach to making improvements to the system, ATA stressed that serious deficiencies remain and must be addressed. With respect to FMCSA's recent announcement that it intends to spend a year conducting research before developing a

process for determining crash accountability, ATA urged the agency to establish an interim process to remove from consideration those crashes in which it is "plainly evident" that the truck driver was not responsible for the crash. ATA also reiterated its support for FMCSA's plan to create a separate category to measure hazardous materials safety, but urged the agency to improve the methodology to ensure that carriers' scores relate to future crash risk. ▲

No EOBR Vote Planned Yet in Senate

The Senate has not yet scheduled a vote on its response to a House appropriations bill that would cut off funding for an electronic onboard recorder mandate, a spokesman for the Senate Appropriations Committee said.

The House voted June 29 to block any EOBR regulation. The equivalent legislation in the Senate, which the Appropriations Committee passed in April, does not contain similar language (7-9, p.1).

If the Senate passes a bill without the anti-EOBR language, the final outcome would be up to negotiators from both chambers to hash out. ▲

~ Transport Topics ~

New HMSP Rule Issued

FMCSA issued June 27 new fixed out-of-service (OOS) rates for determining carrier eligibility for a permit under the Hazardous Materials Safety Permit Program (HMSP). These rates are now in effect. To qualify for an HMSP, a motor carrier must not have a crash rate or a driver, vehicle or hazmat OOS rate in the top 30th percentile of the national average. Before this notice, these threshold rates were calculated based upon data reported into FMCSA's Motor Carrier Management Information System (MCMIS) crash and inspection tracking system over a 2-year period. Now it will be over the entire 8-year period that that program has existed, said Boyd Stephenson, ATA's Director, HazMat Policy. These fixed rates will not be updated every two years, but crash rates and percentage thresholds have risen, theoretically making it easier to get an HMSP.

If previously denied a HMSP due to either a crash or a vehicle, driver and/or hazmat OOS rate equal to or above the national cut-off, you should review your company's prior 12 months of safety data to determine if it now qualifies for an HMSP under the rates established as the result of this recent policy change. Company inspection and crash reports, as well as OOS rates, may be accessed by downloading a Company Safety Profile at www.saftersys.org/.

If your company now qualifies for an HMSP, you must resubmit your company's MCS-150B application to re-apply for an HMSP. After reviewing your crash and OOS rates, you may request that FMCSA reprocess your company's MCS-150B application by emailing it to FMCSA.HMSP@dot.gov or by fax to (202) 366-6121, Attn: Tyrone Gibbs or Roxanne Greene. Your company's DOT number, a current Pipeline and Hazardous Materials Safety Administration (PHMSA) Certificate of Registration, and proof of adequate insurance presented on the MCS-90 form, must be submitted in order for your HMSP application to be processed. Questions: Call the HazMat Division at FMCSA at (202) 385-2400 or (202) 366-6121. Reissued HMSPs will be emailed or faxed to your company. ▲



FMCSA Issues New Crash-Weighting Research Plan

The Federal Motor Carrier Safety Administration (FMCSA) recently announced that it will research how it could assign blame for truck crashes based on a carrier's fault, and publish the results of its study in summer 2013. Additionally, FMCSA's research plan said that a 2010 agency study found police reports to be a reliable source for determining crash accountability.

In an outline of its research plan, FMCSA said it will study whether police reports from crashes "are a sufficient, consistent and reliable source of information on which to base a weighted crash system. FMCSA also noted plans to study whether assigning crash accountability would allow the agency to predict a carrier's risk of future crashes better than the current system, which assigns blame in the agency's Compliance, Safety, Accountability program regardless of the carrier's fault.

Earlier this month, Wells Fargo released a study that raised doubts about the link between FMCSA's safety scoring system and a trucker's future crash risk. "We continue to find the FMCSA's Compliance, Safety, Accountability safety program problematic," wrote Wells Fargo in a note to investors. "Based on our research we do not believe stakeholders should rely on CSA BASIC scores as an indicator of carrier safety performance or future crash risk." ▲

Ag Haulers Get Their Exemptions

H.R. 4348 would exempt all farm vehicles under 26,000 lbs. that are hauling agricultural commodities, livestock and equipment; heavier trucks if within 150 air miles of the farm or ranch; and their qualified drivers from any CDL; HOS; drug testing; or medical certificate requirements.

A 2010 study had shown that, of those surveyed, the ag haulers subject to the HOS requirements had higher crash rates per 100 power units than those that were exempt. In 2011, the Federal Motor Carrier Safety Administration announced it had no intention of proposing new rules for the transport of agricultural products and released guidance to ensure states clearly understand the common sense exemptions that allow farmers to transport their products to market. After hearing from farmers earlier this year, FMCSA initiated this review to ensure states don't go overboard in enforcing rules against ag haulers, and to ensure consistent access to exemptions for farmers. ▲

FMCSA Issues Proposed Changes to PSP

On July 19, the Federal Motor Carrier Safety Administration issued a privacy impact announcement proposing changes to its Pre-employment Screening Program (PSP). These changes, if finalized, will allow third-party background checking services to conduct PSP inquiries on behalf of motor carriers and provide the results directly to carriers. Currently, third parties can make the inquiries, but may not capture the resulting reports and deliver them to motor carriers as a component of comprehensive background screening summaries. The changes will also expand PSP access to intrastate motor carriers, which currently do not have access to the system. The change is slated to take effect on August 21, 2012 provided the agency receives no adverse comments/responses to its announcement. ▲

ATA Files Opening Brief in Challenge of Unwarranted HOS Changes

On July 24, ATA filed its opening brief in its challenge to several of the changes FMCSA made to the hours-of-service rules last year, pending before the U.S. Court of Appeals for the D.C. Circuit. The brief explains in detail that FMCSA failed to justify its changes to the rules, when it required that restarts include two consecutive 1 a.m. to 5 a.m. periods and limited their use to once per week; mandated a 30-minute break from all on-duty activity under certain circumstances; and applied the break requirement to short-range delivery drivers. ATA demonstrates that FMCSA's justifications for these changes were based on stacking the deck in favor of its preferred, predetermined outcome, and that the agency based its cost-benefit analysis on a host of transparently unjustifiable assumptions and ignored numerous positions that it had previously adopted. ATA was joined on the brief by several groups who have intervened to support our challenge, including TCA, NIT League, NASSTRAC, and OOIDA. Fifteen organizations are expected to file an amicus brief in support of ATA. Also on July 24, Public Citizen filed the opening brief in its challenge to the same rule, arguing that the FMCSA should have eliminated the restart altogether, and should have reduced the number of daily driving hours to 10. ▲

Rule Lightens Paperwork Load for Intermodal Drivers

The Federal Motor Carrier Safety Administration has lightened the regulatory load for intermodal drivers and equipment providers.

In a final rule, published June 12, the agency said it is no longer necessary for drivers to submit a vehicle inspection report if the intermodal chassis has no defects. Chassis providers will not have to keep those reports either.

The decision, which came at the request of the Ocean Carrier Equipment Management Association and the Institute of International Container Lessors, will save more than 1.6 million hours and \$54 million a year, the agency said.

Since 1952, the rules have said that the driver must indicate "no defects" on equipment reports.

In 2010, the equipment groups asked the agency to change this requirement, pointing out that fewer than 4% of these inspections report defects.

The agency emphasized that drivers still must inspect the chassis at the end of the workday and report any defects. ▲

FMCSA Drop Reporting Task

FMCSA published a final rule the last week of June which eliminated quarterly financial reporting requirements for certain for-hire motor carriers. As published, FMCSA eliminated the quarterly financial reporting requirements (FORM QFR) for Class I and Class II for-hire motor carriers of property, as well as Class I for-hire motor carriers of passengers. The FMCSA stated this type of data collection is no longer necessary, and eliminating the reporting requirements will alleviate an unnecessary burden on the industry. ▲

NCSL Issues Model Disaster-Response Law

The National Conference of State Legislatures (NCSL) has published a model law that enables states to clear the way more effectively for motor carriers and others to enter a state to deal with a disaster. NCSL has recognized not only that motor carriers may have problems with licensing, fuel tax, and credentials when they cross state lines to help in an emergency, but that all types of businesses whose employees are engaged in such assistance may also have issues with state rules on tax nexus, payroll taxes, withholding, and the like. The model law is designed to enable businesses, including motor carriers, from outside a state that suffers a disaster to enter the state without establishing "presence, residency, nor doing business in the state nor any other criteria for purposes of state and local taxes, licensing and regulatory requirements." The provisions of the law would be triggered by and in effect for 60 days following a governor's proclamation of emergency, or the President's declaration of a major federal disaster or emergency. The law may be found on-line here: <http://www.ncsl.org/documents/standcomm/sccomfc/DISASTERMODELLEGISLATION.pdf>. NCSL cautions that like all such laws, this model may have to be amended to fit a given state's existing legislative framework. In particular, we note that the model does not necessarily resolve problems for motor carriers that arise for them in the states that lie between their base and a disaster, especially when their vehicles attempt to return home. ▲

~State Laws Newsletter~

ATA Comments on TSA's Proposed Rule

On Monday, July 30, ATA submitted comments to the Transportation Security Administration (TSA) on its Notice of Proposed Rulemaking (NPRM) for fees related to the Hazardous Materials Endorsement (HME) and Transportation Worker Identification Credential (TWIC). TSA proposes to change its process for establishing specific costs for both the HME and TWIC Security Threat Assessment (STA) to facilitate increasing or decreasing fees related to these programs. ATA outlined that rather than focusing on greater flexibility on fees, the agency should concentrate on combining the programs to eliminate duplication, provide mutual recognition for the programs as mandated by law, and continue to publish the specific fees in the Code of Federal Regulations to offer greater transparency and eliminate any potential volatility in fee changes. ▲

Windshield Wipers Prompt Mack Recall

Mack Trucks, Inc. is recalling up to 1,174 trucks because of defective windshield wipers, the National Highway Traffic Safety Administration said. The recall includes 2012 CHU, CXU and GU truck models.

As a proactive safety measure, Mack issues a recall . . . because it was determined that the hardware used to secure the windshield wiper linkage to the wiper motor may not be sufficiently torque, causing the wipers to malfunction," Mack spokeswoman Kimberly Pupillo said. She added that no accidents have been reported. ▲

~Transport Topics~

U.S. Diesel Price Lowest in Eight Months

The national average retail diesel price fell 6.5 cents to \$3.781 a gallon – the lowest price in eight months – during the week of June 11, according to the U.S. Department of Energy's Energy Information Administration. The average price has fallen 36.7 cents in the past nine weeks and is 17.3 cents below the same week last year.

Average retail prices fell in all regions, led by a 12-cent decrease on the West Coast, which excludes California, where prices fell 10.3 cents but remained the nation's most expensive at \$4.066 a gallon, the only area of the country where diesel on average still costs more than \$4. The smallest decrease was 4.6 cents in the Rocky Mountain region. The least expensive diesel was \$3.696 a gallon in the Midwest. ▲

Rise in Driver Turnover Rate

The turnover rate for truck drivers employed of long haul carriers who are either exiting the industry or switching companies rose to 90 percent in the first three months of 2012, according to the American Trucking Associations (ATA).

Drivers employed by expedited and less-than-truckload carriers, however, are not leaving, with turnover rates remaining at a relatively stable eight percent.

ATA Chief Economist Bob Costello said smaller truckload fleets with less than \$30 million in revenue experienced an unusually high turnover rate of 71 percent in the first quarter – its highest level since the second quarter of 2008. ▲

IFTA Audit Drafts Posted

The annual meeting of the International Fuel Tax Agreement was held recently in Grand Rapids, Michigan. One of the important items on the agenda was an update from IFTA's Audit Committee on its progress in revising IFTA's audit and record-keeping provisions. This effort resembles – and was in part prompted by – the rewrite by the International Registration Plan of its provisions in those areas, changes which were adopted by IRP last year, and will be effective a year from now. IFTA's own project is no less needed, since its audit and record-keeping rules are outdated and confusing in places; but the process is necessarily more complicated, since IFTA deals not only with distance but with fuel as well. Some weeks ago, the IFTA Audit Committee circulated a working draft of its project to date, for the states to comment on. Many did, and the draft, along with those comments, has been posted on IFTA's website, www.ifta.org. (Once on the site, click on Register Now, under 2012 Annual Business Meeting, and then go to Meeting Materials. The last six items there represent the draft and comments. ATA's comments are in the Survey Results – Annual Manual Rewrite section.) In brief, comments were to the effect that the committee has made a good start, but that there's much more work to be done, work that shouldn't be hurried. Also mentioned was that the process should involve points of view other than those of auditors – of industry, even! – and that special attention ought to be paid to the drafting of the revisions. After all, what's the use of spending great amounts of time and energy, if the resulting language is as ambiguous, confusing, and even misleading as what's there now? Fortunately, those working on IFTA's rules will have the new IRP rules to guide them. ▲

~State Laws Newsletter~



Arkansas: Highway Done

After 24 years of construction projects, U.S. Highway 65 that runs between Pine Bluff and Lake Village in southeast Arkansas is finally complete.

The \$200 million project carries the promise of helping to boost the region's economy.

Completion of the project means motorists can drive the 125 miles from Little Rock to Lake Village entirely on four-lane roads.

Construction is under way on about 10 miles of highway between Lake Village and a new \$366 million, four-lane bridge over the Mississippi River to Greenville, Miss.

State officials said the highway will be an important trade route for agricultural products from the southeast Arkansas Delta. ▲

~ Transport Topics ~

CARB to Focus on Compliance in August

The California Air Resources Board (CARB) has designated August as "Gear Up for Clean Truck Month." CARB enforcement teams will be conducting several highly visible events throughout California, including inspections at scales, roadside locations, fleet facilities, truck stops, and other areas where diesel vehicles are present. Enforcement actions can involve the issuance of citations as well as fleet audits. CARB will also be providing compliance assistance courses throughout the month. ▲

Illinois Law Broadens Ban on Mobile Phone Uses

Illinois drivers are coming under more pressure to stay off their cellphones as a result of new measures Gov. Pat Quinn signed into law, including one that bans using a mobile device to take photos near an emergency scene.

Three of the four new laws confront the problem of drivers becoming distracted by talking or texting on their cellphones, something U.S. Transportation Secretary Ray LaHood has called a "national epidemic."

"These new laws will protect children and families and prevent dangerous trends such as speeding and distracted driving," Quinn said.

One of the new measures prohibits the use of cellphones by drivers in all roadwork zones. Previously, that restriction applied

only to work zones with speed-limit reductions.

Another measure bars commercial drivers from any handheld cellphone use, bringing Illinois law in line with federal regulations.

Both take effect Jan. 1.

One that goes into force immediately makes it illegal to use a mobile phone while driving within 500 feet of an emergency scene. That legislation also expands the definition of "electronic message" to prohibit using a cellphone to take photos near emergency sites.

In Illinois, it is already illegal to send or read text messages while driving. Also, cellphone use is prohibited in school zones.

The National Transportation Safety Board has called on states to get even tougher by considering complete bans on cellphone use by drivers, including the use of hands-free phones. Most studies show that hands-free conversations are just as distracting to drivers as those involving hand-held phones. ▲

~ Transport Topics ~

Indiana: Renumbering

The extension of Interstate 69 through southern Indiana means the highway's existing interchanges north of Indianapolis will be renumbered.

To prepare for the changes, the Indiana Department of Transportation and the Fishers Chamber of Commerce held a meeting on July 26 to explain the renumbering process. The group said the renumbering is expected to begin this year. ▲

~ Transport Topics ~

Pennsylvania Seeks Input on Liquefied Natural Gas Survey

The Pennsylvania Turnpike Commission, through the assistance of Penn State University, is currently conducting a Feasibility Study on the use of Liquefied Natural Gas (LNG) for commercial vehicles. ATA has been asked to assist the Commission in disseminating the survey to interested fleets. Results from the survey will help the Commission estimate the need for LNG fueling stations along the turnpike and help identify the best locations for such stations. The completion date for the survey is October 1. If you are interested in participating in the survey, go to <http://www.pmta.org/uploads/resources/Survey%20v7%205-17-12%20final.pdf>. ▲

National Truck Driver Appreciation Week

National Truck Driver Appreciation Week is September 16-22. During this week, America takes the time to honor all professional truck drivers for their hard work and commitment in tackling one of our economy's most demanding and important jobs.

Join us in celebrating the men and women across the country who work hard every day to deliver Life's Essentials.

Please forward the details for any Driver Appreciation activities your company held to Jason Ahten - jason@motrucking.org. ▲

