



## Mid-Month Update

### New Members

#### WLS Corp / Drivers Elite

Mr. Walt Mixson  
300 Ozark Trail Drive Ste 218  
St. Louis, MO 63011  
Phone: (636) 207-0301  
Fax: (636) 386-2637

#### Continental Western Insurance

Mr. Chris Kovachevich  
10600 East 34th Street  
Independence, MO 64052  
Phone: (816) 665-7677  
Fax: (866) 461-2441

*Welcome  
New Members!*



### President's Message

Thank you!

Two words. In this instance, these two words are directed to sponsors of our recent events to help raise funds for our MoTruckPAC – the St Louis Day at the Ballpark and the Sitton-Babcock Golf Tournament at Old Kinderhook. You will see a full listing of our sponsors later in this Mo Memo, but I wanted to let our sponsors know, up front, that their support is appreciated!

So what does their support and sponsorship mean? I'm glad you asked – MoTruckPAC dollars are essential to our availability to keep our message in front of people who are running for office to set public policy. Your PAC dollars go to support the candidates who have supported trucking and transportation in Missouri.

On August 2, Missourians will have an opportunity to cast a primary ballot to see who will represent their party in the November general election. We have many heated contests on both the Democrat and Republican tickets. Take time to research the candidates beyond the buzzwords and slick TV ads. Dig in deeper to find out who is behind each candidate to see where they may be headed if elected in November.

Stay tuned to future columns on this topic as we list the candidates we have contributed MoTruckPAC dollars to in an effort to help in your research on the candidates and their stance on trucking and transportation issues.

So I started this column with two words – Thank you!

Let me end it with two additional words – Go Vote!

### In This Issue

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## Next Generation Summer Event!

July 28, 2016

Registration open until July 21st

[Click here for more information and to register](#)

# Will Your Safety Program Hold Up In Court?

July 21, 2016| 3:00 p.m CST  
sponsored by Vertical Alliance Group -

## ABOUT THE WEBINAR:

Will Your Safety Program Hold Up In Court: The High Cost of Punitive Damages in the Trucking Industry, drives home the importance of understanding the challenges of legal precedent and proper documentation of all driver training. This presentation will address multiple topics including:

1. Proper Hiring
2. Positive Retention
3. Driver Compliance
4. Functionally Awake
5. Proper Surveillance

## ABOUT THE PRESENTER:

Dean Huth started his career behind the wheel as a driver in 1992 and worked his way to the front office, first as a Night Dispatcher, then to Compliance and Fleet Manager, Safety Manager and finally to Risk Manager. He retired in January 2011, and after a very brief time into his retirement, Dean became a guest speaker at multiple transportation events and functions. Vertical Alliance Group, Inc., recognized the significance of Dean's message and hired him to be a full time Safety Consultant and a keynote speaker for the company.

Create a Sign Up Now linked to: <https://www.truckingcompanyonlinetraining.com/>

# "Demonstrators Shutdown the Interstate – Now What?"

This resource provided by Vertical Alliance, highlights four things drivers should be aware of, including when the 2 Hour Extension on the Hours of Service Rule applies during a protest.

This resource can be utilized by [clicking here.](#)

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## ATA Announces Chris Spear to be Federation's Ninth President

On July 1, American Trucking Associations announced that former ATA senior vice president of legislative affairs, Chris Spear, will serve as the federation's next president and chief executive officer effective July 9. He succeeds Bill Graves, who is retiring after more than 13 years with ATA.

Spear is currently vice president of government affairs at Hyundai Motor Company and has a long career on Capitol Hill, in federal agencies, as well as in the private sector. Previously, Spear successfully led ATA's efforts on the Hill and was instrumental in developing and advancing the association's strategic advocacy agenda, which resulted in public policy that advanced ATA's pro-trucking, pro-safety and pro-efficiency agenda.

"I'm honored to have the opportunity to lead this great association and serve this vital industry," said Spear. "Trucking is the backbone of our economy and a catalyst for American job growth, delivering critical goods to businesses and homes coast-to-coast. I am excited to work alongside ATA's members and federation partners to ensure the industry continues to prosper and safely move our nation forward."

"It's been my honor to lead ATA as President and CEO for almost 14 years. Now is the time to pass on the leadership responsibility to Chris, a person whom I have great respect for and confidence in his ability to lead ATA," said Bill Graves, who will serve as an advisor to ATA for the remainder of 2016.

For a full biography and photo of Spear, click [here.](#) For a biography and photo of Graves click [here.](#)



~ ATA Dispatch ~

## Member Cancellations July 2016

Name of Company	Class	Dues
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### MISSOURI Memo

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## PHMSA Publishes Updates on Special Permits

On July 8, 2016, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published updates on special permit applications.

- [List of Applications for Special Permits](#) – Comments are due by Aug. 8, 2016.
- [List of Applications for Modification of Special Permits](#) – Comments are due by Aug. 8, 2016. ▲

~ ATA Dispatch ~

## ATA Files Amicus Brief Supporting Court Defense of Electronic Logging Device Final Rule

On June 22, 2016, ATA filed an amicus curiae brief in support of the Federal Motor Carrier Safety Administration's defense of its Electronic Logging Device final rule. Under the rule, drivers currently required to maintain paper records of duty status must adopt and use ELDs by December 18, 2017. Shortly after the rule was finalized in December 2015, the Owner-Operator Independent Drivers Association filed a petition for review of the rule with the U.S. 7th Circuit Court of Appeals. ATA's brief strongly defends the ELD rule as a reasonable approach that satisfies Congress' mandate for ELD adoption, strengthens compliance with hours of service regulations, and ensures against driver harassment. To read ATA's amicus brief, please [click here](#). ▲

~ ATA Dispatch ~

## ATA files Comments on NHTSA's Draft Crash Criteria Guidelines

On June 20, ATA [filed comments](#) on the National Highway Traffic Safety Administration's NHTSA Model Minimum Uniform Crash Criteria revised guidelines. The MMUCC guidelines are published by NHTSA to improve information collection for all crashes. Some of the significant improvements to the MMUCC included: (1) adding trailer VINs, makes, and models; (2) adding data validity "edit" checks; (3) moving all large truck information to a central location; (4) adding alcohol and drug testing information; and (5) adding a new data element for automated vehicles. ATA supported the MMUCC guideline changes with a few added suggestions. ▲

~ ATA Dispatch ~

## FMCSA Issues Correction to Use of Seat Belt Final Rule

On July 6, 2016, FMCSA [issued](#) a correction to an error published in its June 7, 2016, final rule "Driving of Commercial Motor Vehicles: Use of Seat Belts." The language in the final rule inadvertently limited the applicability of the requirement for drivers to use their seat belts to operators of property-carrying vehicles. The correction fixes the error, clarifying that drivers of passenger-carrying vehicles will continue to be required to wear their seat belts. The final rule is still effective Aug. 8, 2 ▲

~ ATA Dispatch ~

## FMCSA Request for Comments on CMV Driver Medication Form

On July 8, 2016, the Federal Motor Carrier Safety Administration (FMCSA) [announced](#) its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment on the approval of a new Information Collection (IC) titled, 391.41 CMV Driver Medication Form. This IC is voluntary and may be utilized by medical examiners (MEs) responsible for issuing Medical Examiner's Certificates (MECs) to commercial motor vehicle (CMV) drivers. MEs that choose to use this IC will do so in an effort to communicate with treating healthcare professionals who are responsible for prescribing certain medications, so that the ME fully understands the reasons the medications have been prescribed. The information obtained by the ME when utilizing this IC will assist the ME in determining if the driver is medically certified according to the physical qualifications standards and to ensure that there are no disqualifying medical conditions or underlying medical conditions and prescribed medications that could adversely affect their safe driving ability or cause incapacitation constituting a risk to the public. Comments are due by Aug. 8, 2016. ▲

~ ATA Dispatch ~

## FMCSA Seeks Comment on Crash Preventability Demonstration Program

On July 7, 2016, FMCSA [announced](#) its plan to develop and implement a crash preventability demonstration program for certain types of crashes. FMCSA proposes to accept requests for data reviews (RDRs) that seek to establish the non-preventability of certain crashes through the DataQs system. Under the program, FMCSA would accept an RDR when documentation established that the crash was not preventable by the motor carrier or commercial driver. The proposed minimum time period for this crash preventability demonstration program would be 24 months. Comments are due 60 days after the proposal appears in the "Federal Register". ▲

~ ATA Dispatch ~

## FMCSA to Adjust Civil Penalties for Inflation

On June 27, the Federal Motor Carrier Safety Administration released an interim final rule that will adjust the agency's civil penalties to account for inflation. The rule is in accordance with a 2015 law that requires federal agencies to make an initial "catch up" inflation adjustment in 2016, and annual changes thereafter.

The law also amends how inflation adjustments are calculated to ensure that penalties will be adjusted to reflect actual calculated inflation. Specifically, penalty adjustments will be calculated using a multiplier to account for any increase in the Consumer Price Index between October of the current year and the CPI for October of the calendar year in which the penalty was originally established. FMCSA's adjusted penalties, which can be found in the [interim final rule](#), will go into effect on August 1. ▲

~ ATA Dispatch ~



## PHMSA Notice and Request for Comment to Hazardous Materials Incident Report

On June 27, 2016, PHMSA announced a [notice and request for comment](#) to shippers and carriers of hazardous materials. The collection is applicable upon occurrence of an incident as prescribed in §§ 171.15 and 171.16. A Hazardous Materials Incident Report, DOT Form F 5800.1, must be completed by a person in physical possession of a hazardous material at the time a hazardous material incident occurs in transportation, such as a release of materials, serious accident, evacuation or closure of a main artery. Incidents meeting criteria in § 171.15 also require a telephonic report. The requirements apply to all interstate and intrastate carriers engaged in the transportation of hazardous materials by rail, air, water and highway. Comments due by Aug. 26, 2016.



~ ATA Dispatch ~

## PHMSA Issues NPRM to Amend Sections of the Hazardous Materials Regulations

On June 30, 2016, PHMSA issued a [notice of proposed rulemaking](#) (NPRM) in response to a number of petitions for rulemaking. PHMSA proposes to amend various sections of the hazardous materials regulations to update, clarify or provide relief from miscellaneous regulatory requirements. Specifically, PHMSA is proposing amendments that include, but are not limited to, the following: incorporating by reference (IBR) multiple publications from the Compressed Gas Association (CGA) and the Chlorine Institute; addressing inconsistencies with domestic and international labels and placards; permitting alternative testing for aerosols; no longer mandating that excepted quantities comply with the emergency response telephone requirement; allowing electronic signatures for Environmental Protection Agency (EPA) manifest forms; and no longer requiring the service pressure to be marked on Department of Transportation (DOT) 8 and 8L cylinders. Comments to the NPRM are due by Aug. 29, 2016. ▲

~ ATA Dispatch ~



## ATA Files Amicus Brief Supporting Court Defense of Electronic Logging Device Final Rule

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ATA's brief strongly defends the ELD rule as a reasonable approach that satisfies Congress' mandate for ELD adoption, strengthens compliance with hours of service regulations, and ensures against driver harassment. To read ATA's amicus brief, please [click here](#). ▲

~ ATA Dispatch ~

## OMB Gets Heavy-Truck GHG Phase 2 Final Rule

The final version of Phase 2 federal greenhouse gas regulations for trucks was sent to the White House Office of Management and Budget on June 3 for review.

Federal regulations plan to publish the final version of Phase 2 of GHG regulations for medium- and heavy-duty trucks by August, but recent comments on the proposal have shown disagreement among truck and engine makers, industry and environmental advocates and manufacturers of glider kits.

The proposed joint greenhouse -gas Phase 1 rule of the U.S. Environmental Protection Agency and National Highway Traffic Safety Administration took effect in January 2014. ▲

~ Transport Topocs ~

## DOT Begins Audit of Driver Delays at Docks

The Department of Transportation's Office of Inspector General has begun a congressionally mandated audit to assess available data on motor carrier delays in loading and unloading.

Because drivers can work up to 14 hours a day, delays at shipping and receiving facilities during cargo loading and unloading may result in travel delays and lost wages.

"Truckers who experience these delays may then drive faster to make deliveries within hours-of-service limits or operate beyond these limits and improperly log their driving time, thus increasing the risk of crashes and fatalities," the agency said. ▲

~ Transport Topics ~

## FMCSA Proposes Crash Preventability Determination Demonstration Program

In response to comments filed by ATA on the Federal Motor Carrier Safety Administration's 2015 Crash Weighting Study, FMCSA [announced today](#) that it will conduct a demonstration project that will allow motor carriers to request a review of specific types of crashes. Under the proposal, FMCSA will review documentation provided by motor carriers and make a determination about whether or not a crash was preventable. Non-preventable crashes will be removed from the list of crashes found on motor carriers' public Compliance, Safety, Accountability profile and will be eliminated from the calculation of motor carriers' Crash Indicator Behavioral Analysis Safety Improvement Category score. Comments on the proposal are due 60 days from the official publication date, expected sometime next week. A complete summary of the proposal will be available soon. ▲

~ ATA Dispatch ~

## Department of Defense Announces Plan for Expedited Secure Access

[DoD issued a notice on July 1](#) to ATA's Government Freight Conference and other carrier organizations making official their support for electronic physical access control systems, the Identity Matching Engine for Security & Analysis, and acceptance of the Transportation Workers' Identification Credential and certain other credentials. This aligns with the GFC's legislative objectives, and would fully comport with trucking industry requirements for timely throughput at installation entrances, and to establish enhanced and efficient security measures to protect personnel, domiciled families and assets inside the installations. The notice states Electronic Physical Access Control Systems, and the Identity Matching Engine for Security and Analysis will be 70% completed by December 2016, and 100% fielded by 2020. While the GFC commends the Offices of the Secretary that are coordinating the new progress, it still supports the Hunter Amendment to the National Defense Authorization Act because it aligns with DoD's intent outlined in the notice, requires DoD annually to report implementation progress to Congress, and will hold DoD to their newly publicized commitments. ▲

~ ATA Dispatch ~

## Last Chance to Provide Input on Fuel Economy and Fuel Usage Survey

With a great response so far, the American Transportation Research Institute is winding down its fleet manager survey on fuel economy and fuel usage. If you haven't completed the survey, please take a few minutes to provide your input and help generate the data. The confidential online survey can be accessed [here](#). The survey, developed in conjunction with the University of Michigan Transportation Research Institute and ExxonMobil, is investigating current and future approaches to improving fuel economy in heavy-duty truck fleets. Additionally, fleet managers' views on the advantages and disadvantages of alternative fuels are being examined. The findings will help provide a better understanding of the benefits and drawbacks associated with various fuels and fuel-saving technologies. ▲

~ ATA Dispatch ~

## DOT to Host Truck Parking Outreach Meeting In Maryland

The Department of Transportation is hosting a regional outreach meeting in Hanover, Md. as part of an ongoing effort to determine the causes of the truck parking shortage and identify solutions. Trucking company employees, including drivers, are encouraged to attend the meeting to provide input on this critical safety challenge.

The meeting will be held 10am to 2:30pm on July 12 at the Maryland Department of Transportation Headquarters at 7201 Corporate Center Drive, Hanover, Md. Please RSVP to Tom Phelan at [tphelan@vhb.com](mailto:tphelan@vhb.com). Information is also available for future outreach meetings to be held in Dallas on August 26 and Grain Valley, Mo. on October 5. ▲

~ ATA Dispatch ~

## More than 1,200 Stoughton Trailers Recalled

Stoughton Trailers is recalling more than 1,200 trailers made between Oct. 1 and Dec. 18, 2013, because of a problem with the pivot bolts in the suspension system, according to documents from the National Highway Traffic Safety Administration.

The recall affects certain 2014 model AHV, AVW, AVXW and ZGPVW trailers with SAF-Holland CBX trailer suspension air ride axle systems. The recall said that if the pivot bolts fail, then the suspension and attached axle could separate from the trailer and increase the risk of a crash. Stoughton will notify owners about the recall by July 1.

Owners may contact Stoughton customer service at 1-608-873-2555, or SAF-Holland customer service at 1-888-396-6501. SAF-Holland-approved repair shops will replace the defective pivot bolts free of charge. ▲

~ Transport Topics ~

## DOT Awards FASTLANE Grants

The Department of Transportation has [awarded \\$759.2 million in grants](#) under its new FASTLANE program. The program was created by Congress in the 2015 FAST Act to fund projects that improve the efficiency of freight movement, primarily on highways. This announcement represents the first of five awards to be issued annually. Most of the grant money – nearly \$600 million – went to highway projects, while the remainder was awarded to rail and intermodal projects and a truck parking project. According to USDOT, 212 applications worth \$9.8 billion were received. ▲

~ ATA Dispatch ~

## Pressure on EPA Mounts to Lower NOx Engine Emissions from Trucks

California's San Joaquin Valley Air District filed a petition with EPA requesting that the agency take regulatory action to set another ultra-low nitrogen oxide emission standard for new on-road truck engines. California's South Coast Air Quality Management District, along with nine state and local air agencies nationwide, filed a similar petition with EPA on June 3, 2016. As with the SCAQMD petition, the SJVAD requests EPA to significantly lower the current 2010 NOx engine emission standard by 90 percent, propose an ultra-low NOx standard by July 2017, adopt a final rule by December 2017, and require ultra-low NOx truck engines to meet the new standard by January 2022. If a new standard is not feasible for certain classes of vehicles or vocations, the petition also seeks to establish an intermediate NOx emissions standard by January 2022 with full implementation of a new ultra-low NOx standard no later than January 2024. According to SJVAD, businesses are already subject to the toughest air regulations in the nation and further needed NOx reductions can only come from mobile sources that fall under EPA's legal jurisdiction. Oliver Baines, Chairman of the Valley Air District Governing Board, stated his views more bluntly. "We need partners and sometimes the way you get partners is you have to force them to the table. There have been many fights in this country over the years where the federal government has had to be forced to the table to do the right thing. Luckily we live in a country where we have a mechanism where we are allowed to compel entities to do the right thing." To view a copy of the petition [click here](#). ▲

~ ATA Dispatch ~

## Proposed Volkswagen Diesel Car Emission Settlement Includes Truck Financial Incentives

Under a historic settlement announced on June 28, Volkswagen will pay a \$14.7 billion fine for installing defeat devices that allowed Volkswagen diesel cars to emit nitrogen oxides emissions at levels 40 times higher than the legal limit. The proposed deal, which has yet to be approved by a federal judge in California, includes the establishment of a \$2.7 billion EPA Environmental Mitigation Fund divided among states to reduce air pollution from the use of diesel and \$2.0 billion for improved access to “zero-emission” electric vehicles. The \$2.7 billion EMF will fund programs to replace and/or repower MY 1992-2006 Class 8 drayage or local freight trucks with new, cleaner technologies. The Court has scheduled a status hearing for June 30 and has set July 26 as the date to approve a final settlement. Interested parties and the public have until that date to provide comments to the Court regarding the various provisions. To view a copy of the proposed truck financial incentives under the settlement, [click here](#). Additional information on the proposed settlement can be [viewed here](#). ▲

~ ATA Dispatch ~

## Caterpillar Settles Engine Lawsuit Involving 2007-2010 Diesel Engines

A \$60 million settlement has been reached in the class-action lawsuit that alleged Caterpillar’s 2007-2010 year model ACERT C13 and C15 engines were defective. Caterpillar’s ACERT technology engines were originally introduced as the company’s alternative to exhaust-gas recirculation to meet 2004 nitrogen oxide emissions standards. ACERT technology was also used by Caterpillar to meet the more stringent EPA NOx emission standards beginning in 2007. The Caterpillar Regeneration System allegedly caused engines to lose horsepower and shut down, requiring Caterpillar to repair the engines, according to lawsuits. The lawsuits also alleged Caterpillar knew about the problems. The settlement offers payments to current and former owners and lessees of trucks with 2007-2010 engines. Settlement payments range from \$500 to \$10,000 per subject engine. Settlement class members who experienced no CRS repairs are eligible to receive \$500 for each engine. Those who experienced between one and five CRS-related repairs are eligible to receive \$5,000 per engine. Anyone who had six or more CRS-related repairs done to one of these engines is eligible for \$10,000 per engine. Additionally, anyone who had one to five CRS-related repairs has an option to claim losses up to a maximum of \$15,000 subject to proper documentation of such repairs. Claims can be submitted through March 20, 2017. For more information on the settlement, visit [www.enginesettlement.com](http://www.enginesettlement.com). ▲

~ ATA Dispatch ~

## California Court Delays Piece-Rate “Safe Harbor” Deadline

Yesterday, the California Superior Court for Fresno county issued a temporary restraining order restraining California agencies from enforcing the July 1 deadline to sign up for the “safe harbor” provisions of last fall’s California piece-rate law, AB1513. The order suspends that deadline at least through July 18, when the court will hold a hearing to consider a longer injunction, and suspends the deadline an additional 10 days if the court decides not to issue an injunction. The order was issued in response to a request filed earlier this week by the Nisei Farmers League.

We encourage any members dealing with issues related to AB1513 or piece-rate in California to discuss with their counsel, particularly those who are considering invoking the safe harbor provision or who have already done so. ▲

~ ATA Dispatch ~

## Missouri DOR Exemption Request Granted

On June 29, 2016, FMCSA announced its decision to grant the Missouri Department of Revenue (DOR) and all other state driver licensing agencies (SDLAs) a limited exemption allowing a state to waive the CDL skills test for applicants regularly employed or previously employed within the last 90 days in a military position requiring operation of a CMV. The exemption extends the 90-day timeline to one year following the driver’s separation from military service. The exemption is effective July 8, 2016-July 8, 2018. ▲

~ ATA Dispatch ~



[Click here for all your trucking supplies!](#)

# THANK YOU!

The team Missouri National Truck Driving Championships practice was held this past weekend 7/17 in the Branson Hilton Convention Center. Thank you to those who donated their time and equipment to the National Truck Driving Championships practice!

A special thank you to the companies who donated equipment.

JP Transport  
Prime, Inc.  
Fed Ex  
ABF  
The Larson Group

A big thank you also goes to those who donated their time this weekend to help the drivers practice that will be representing Missouri at the National Truck Driving Championships August 10-13 in Indianapolis, IN



Darren Beard  
Bob Bramwell  
Byron Bramwell  
David Wiechers  
Nicholas Mutter  
Jim Newbold  
Randy Hindt  
Leo Braun  
Thomas Miller



## Good Luck at Nationals Team Missouri!



Thank You



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# MoTA Photo Album



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

