

MISSOURI Memo



MISSOURI MOTOR CARRIERS ASSOCIATION

JUNE 2009 • NO. 4

New Members

Brotherton Farms

17028 LIV 244
Chillicothe, MO 64601
Bryan Brotherton
660/646-9630

Gateway Insurance Company

1401 S. Brentwood Blvd., Ste. 1000
Saint Louis, MO 63144
Kim Chambers
314/373-3333

Hopper Medical Clinic, Inc.

601 South Broadway
Grove, OK 74344
Jan Hopper
918/786-9088

Products Plus, Inc.

5225 North 23rd Street
Ozark, MO 65721
Jeff Wilson
417/581-3755

Purpose Wrecker, LLC

1732 Prospect Road
Wentzville, MO 63385
Gary Ring
636/639-9700



Photo Courtesy of Hightower Agency

President's Message

The Power of Working Together, The Value of Associations

Recall a few years ago that MMCA adopted a new vision statement. You can find it on our web site and as a subheading to the Missouri Memo: "A Powerful Voice, Member Driven, Best in Class."

Most readers probably gloss right over that statement without giving it much thought. For those in the room that worked to craft an underlying "vision" for the association, I can assure you those words were carefully chosen to reflect who we are, and where we are going as an association.

I remind you of our vision statement to highlight the significance of the 2009 legislative session and the launch of the 24 Hour Program. As you will see, the 24 Hour Program is a perfect description of our vision statement in action.

"A Powerful Voice – Member Driven"

Given the economic conditions facing the state of Missouri and our nation as a whole, legislators had no shortage of special interests knocking on their doors looking for help, or wanting to protect what they were already receiving. Our message was different, and was delivered by a messenger not typically found in the halls of the Capitol!

Our message was different because MMCA members were not coming to the Capitol looking for a handout. In fact, quite the opposite took place. We took legislators to dinner! We offered them intelligence reports from the front line of the economy and common sense solutions for the problems facing Missourians. And to their credit, legislators ate it up, both figuratively and literally! They began to look forward to your visits, and were disappointed if we didn't have a trucker participate in a particular week.

Our voice was powerful because our message was authentic and member driven. Members did not come to the Capitol to recite a generic list of talking points. Recall the point of the 24 Hour Program was to develop a relationship with legislators, and to be a resource for them to call on when they needed help resolving a problem. In essence, the message delivered by each individual member was the same, yet unique, story of a leading employer in a community struggling to provide employment, income and opportunity for their community and our economy.

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“Best in Class”

Our goal at the launch of the 24 Hour Program, as stated by Chairman John Hancock of Prime, Inc., was to have “a trucker in the Capitol every week of session.” While we did not have a trucker in every single week, we did come close to averaging one per week during session: session is 16 weeks and we had 15 members participate in 2009. During the 24 Hour Program functions, MMCA collectively spent over \$3700 to feed legislators, their spouses and staff. MMCA members participated in over 105 hours of meetings with more than 240 legislators, with a vast majority of those hours being direct face time with the legislator that represents them.

When you compare our program to many other “Days at the Capitol” you can quickly see how the 24 Hour Program provides a more meaningful and personal relationship building opportunity. There is a time and place for hundreds or thousands to journey to Jefferson City to highlight a specific issue. MMCA has conducted and participated in those efforts before and likely will again. But for an initial launch of a relationship building effort, it would be hard pressed to begin a program any stronger than we did in 2009!

Upcoming Events

2009 American Heartland Truck Conference

> September 16th and 17th

Make sure to mark your calendars for the 2009 American Heartland Truck Conference, the joint convention of the Missouri and Kansas Motor Carriers Association. This year’s event will be on September 16 & 17 at the Hilton Branson Convention Center at the Branson Landing. We are proud to have finally brought this event to Missouri. The MMCA and KMCA staffs are in the planning stage and will make sure that this event is worth the time and effort it will take to attend. It will be a fun event with many opportunities to network with your fellow transportation professionals. Education will also play a major role and we will devote much of the morning and afternoon on Thursday to education. Make a note to be in Branson this September. If you have any questions contact Ross Nichols at the MMCA office.

National Truck Driver Appreciation Week

> November 1st — 7th

During National Truck Driver Appreciation Week, America honors 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 the Good stuff! This year, NTDAW gifts can be customized with your company logo! Baseball Caps, Vacuum Bottles and Duffle Bags are available for customization. National Truck Driver Appreciation week will take place November 1 through 7, 2009. These NTDAW gifts also will be available this summer for picnics and other events.

The entire line of 2009 National Truck Driver Appreciation Gifts is available here: <http://www.atabusinesssolutions.com/c-13-national-truck-driver-appreciation-week.aspx>



**MMCA / KCMA
Convention
September 16, 17, & 18, 2009
Hilton Branson Convention
Center**

Watch your mail - Registration, Sponsorship, and No-Show Expo forms along with golf sign-up sheets will be mailed later this week.

Member Cancellations June 2009

Name of Company	Class	Dues
Eagle Oil Company	Private	\$300.00
Kansas City SmartPort	Allied	\$200.00
Penske Logistics	For Hire	\$940.00
Viebrock Construction & Equipment	For Hire	\$300.00
Vision & Voice Marketing	Allied	\$350.00
Waco Truck Service	Allied	\$200.00
Willis HRH	Allied	\$350.00



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Safety Belt Usage Among CMV Drivers Shows Significant Improvement

Safety belt usage by drivers of medium and heavy-duty commercial vehicles rose to 72 percent in 2008 according to a recently released study commissioned by the Federal Motor Carrier Safety Administration. There has been dramatic improvement since 2003 when a government study found that only 48 percent of commercial motor vehicle (CMV) drivers were using safety belts. The trucking industry, law enforcement and the U.S. Department of Transportation have placed special emphasis to increase the use of this essential protection by CMV drivers. ATA has been a leader in the effort working through the CMV Safety Belt Partnership.

Direct Observation Collections Remain Employer Option

Dave Potts at the American Trucking Associations reports that a U.S. Court of Appeals has upheld the U.S. Department of Transportation's (DOT) regulatory requirement for direct-observation collections for all follow-up and return-to-duty testing. The regulation was originally published in June 2008 and was scheduled to go into effect in August 2008. The DOT had delayed implementation pending the Court's decision. However, because the chance still exists for parties to seek a rehearing of the decision, the Court's stay of the direct-observation rule will continue. Direct-observation collections for follow-up and return-to-duty testing will remain an employer's option during the rehearing process.

ATRI Updates Idling Regulations Compendium

The American Transportation Research Institute (ATRI) has updated the listing of state and local idling regulations found on its web site. The updated listing is provided in two forms, a cab card that can be carried in the glove box of a truck and the online compendium that provides links to individual regulations. The current update includes changes to idling laws in Missouri, enactment of limits in several Texas cities and counties, and a more stringent limit adjacent to public schools in New York City. In addition to these updates, the listing provides information on new idling regulations which are, or will soon be, in effect in Florida, Maine, Pennsylvania and South Carolina.

Pass ID Act Introduced in the Senate

On June 15, 2009, Senators Daniel Akaka (D-HI) and George Voinovich (R-OH) introduced the PASS ID Act, which scales back many of the provisions of the 2005 REAL ID Act. REAL ID requires that States implement heightened security measures when issuing driver's licenses. Licenses, including CDLs, from non-compliant states will not be acceptable for boarding airplanes, entering federal buildings, or entering a nuclear plant. REAL ID was contested by Secretary Janet Napolitano when she was Governor of Arizona, and under her leadership DHS is supporting the changes in the PASS ID Act. The PASS ID Act relaxes many of the requirements on the states, but tighter document requirements for applicants, as well as CDL applicants, remain. Drivers will still be required to provide a photo ID, documentation of date of birth, proof of a social security number or lawful immigration status, and documentation proving a place of residence.



Administration Says Highway Fund Out Of Cash In August

The Obama Administration is warning Congress that the Federal Highway Trust Fund will run out of funds in August unless it receives a significant infusion of cash. Sen. Barbara Boxer (D-Calif.) said that the fund needs \$5 billion to \$7 billion this year to keep current construction projects going

amid declining fuel tax revenue. Another \$8 billion to \$10 billion will be needed for FY2010.

The Department of Transportation says the Administration is working closely with Congress to resolve the issue. Legislators have proposed several solutions, including increasing federal spending and raising fuel taxes, a move the Administration opposes.



FMCSA Rejects UCR Proposal Raising 2010 Fees

The Federal Motor Carrier Safety Administration said it rejected a proposal to raise Unified Carrier Registration fees for 2010.

An agency official who asked not to be identified said FMCSA was concerned the proposal from the UCR Plan Board of Directors would punish “the good guys,” who were paying the fees voluntarily, rather than attempting to collect fees from companies that were evading them.

As a result, the fee recommendations were returned to the board for further consideration.

Anne Ferro Nominee for FMCSA Administrator

On June 4, Anne Ferro was announced by the White House to be the nominee for the post of FMCSA Administrator. The nomination will require U.S. Senate confirmation.

Anne S. Ferro served as Maryland’s Motor Vehicle Administrator between 1997 and 2003 where she established a strong record in highway safety, regulatory compliance and agency leadership. She has extensive experience in driver and vehicle safety having led the agency’s efforts to establish a graduated licensing program for new drivers in Maryland as well as a model for older driver research. A former Peace Corps volunteer in Cote d’Ivoire, Ferro is currently President of the Maryland Motor Truck Association and serves on several regional advisory committees relating to freight planning, highway safety and transportation funding. In 2008 she was selected as Maryland’s Port Woman of the Year. Ferro earned a Masters degree in Public Management from the University of Maryland and a Bachelor of Arts degree from St. John’s College in Annapolis.

Fuel Tax Rates

Fuel tax rates for the second quarter of 2009 are available on MoDOT Motor Carrier Services’ Web site: http://www.modot.gov/mcs/IFTA/fuel_tax_rates.htm.

Carriers can use the rate chart to figure their IFTA tax return starting July 1, 2009.

Hate all the calculations? Join those who use MoDOT Carrier Express to file returns online. Enter fuel and mileage information and the computer does the math for you!

Contact MoDOT at 1-866-831-6277 for more information.

Financial Responsibility

The Federal Motor Carrier Safety Administration recently sent out a notice to step up and focus enforcement of insurance coverage levels for motor carriers that transport hazardous materials (HM). In the notice it states motor carriers that transport “internal combustion engines, self-propelled vehicles, mechanical equipment containing internal combustion engines, and battery powered vehicles or equipment” are considered a HM motor carrier. Many contractors and trucking-service companies carry such “Class 9” commodities on the highways, and would therefore be considered a HM carrier.

The rules and regulations are not new, but the enforcement and focus of the insurance coverage levels that are being currently stressed, checked and enforced during inspection, are new. A motor carrier that transports any HM, including equipment stated above, is subject to maintain a minimum of \$1,000,000 auto liability insurance coverage or “minimum levels of financial responsibility” as they put it. In addition, you must update your MCS-150 and op-1 (USDOT # application and operating authority) to show you haul HM. There is no exemption to the insurance requirements.

WHTI Goes Into Effect

The Western Hemisphere Travel Initiative (WHTI) requirements went into effect June 1. Presently, U.S. and Canadian citizens only need to show a driver’s license and make an oral declaration of citizenship to enter the U.S. at land borders. WHTI requires everyone, including U.S. citizens, entering the U.S. at the land borders to present documents proving both identity and citizenship. This requirement applies only to entering the U.S.; requirements for entering Canada are unchanged.

Customs and Border Protection (CBP) has updated the Automated Commercial Environment system to incorporate seven additional WHTI-compliant credentials for drivers transporting loads into the U.S. Beginning June 1, eManifests submitted in ACE without proper WHTI documentation will be rejected. Currently, ACE supports the Free and Secure Trade cards, passport numbers, laser visas, U.S. visas, Permanent Resident Cards, Re-entry Permits, and Refugee permits, Enhanced Drivers Licenses (EDL) issues by participating U.S. states and Canadian Provinces, SENTRI and NEXUS cards, PASS cards, Native American/INAC documents, U.S. Military IDs, and U.S. Merchant Mariner Documents. If your drivers have one of these WHTI compliant travel documents and you are submitting them as part of your eManifests, no further action is required. CBP guidance documents and a listing of U.S. States and Canadian Provinces offering EDLs are available online at www.Truckline.com. For more information go to: <http://www.truckline.com/ad-issues/crossborder/pages/whtinew.aspx>



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"Wetlines" Ban

The National Tank Truck Carriers (NTTC) have been watching an issue closely regarding a ban on "wetlines" on cargo tanks. This legislation would have a significant economic impact on carriers who transport gasoline and an overall impact on safety.

NTTC recently sent information to the staff of the Railroads, Pipelines and Hazardous Materials Subcommittee of the House Transportation & Infrastructure Committee regarding this issue, and believes that the Subcommittee will move on this proposal very soon.

It is imperative that carriers contact their Congressional representatives now. Unfortunately, this issue will not likely be decided on facts, but rather politics. It is especially important to contact Members of the Subcommittee.

Members from bordering states are listed below:

Rep. Leonard Boswell, IA 3rd

Rep. Jerry Costello, IL 12th

Rep. Sam Graves, MO 6th

Rep. Brett Guthrie, KY 2nd

Rep. Timothy Johnson, IL 15th

Rep. Jerry Moran, KS 1st

Rep. Daniel Ripinski, IL 3rd

Rep. Aaron Schock, IL 18th

Rep. Duncan Urges Colleagues To Join Fight To Preserve Charter Rule

The American Bus Association (ABA) encourages all members to download ABA's sample letter to Congress and send a personal letter to your own Members of Congress to express your support for the position adopted by Rep. John "Jimmy" Duncan (R-Tenn.) urging preservation of the charter rule. To download the sample letter, go to ABA's "Contact Congress" web site at <http://capwiz.com/buses/>

issues/alert/?alertid=13422091. Duncan recently sent a letter to all 434 of his U.S. House colleagues headlined, "Protect Transportation Providers In Your District — resist efforts to threaten thousands of transportation jobs."

"There are efforts to destroy or weaken the charter protections in the surface transportation reauthorization bill. We strongly urge you to reject these efforts as it would have a devastating effect on the entire private transportation industry," Rep. Duncan wrote. "The rule is working. Over the past year, private operators have been successfully and cost-effectively providing service to major events such as the Kentucky Derby, NASCAR races, NFL game days and special events across the country. If the protections are destroyed or weakened, thousands of jobs will be at risk. The demand for goods and services created by motor coach travel alone, combined with new motor coach sales and industry equipment purchases, generates employment for 792,700 people (Economic Impacts and Social Benefits of the U.S. Motor coach Industry," by Nathan Associates, 2008.) Let's not be a party to seeing those jobs fall by the wayside."

U.S. May Reopen Roads to Mexican Trucks - Stimulus Helping Jobs; No Decision on Weights

Transportation Secretary Ray LaHood said the United States could reopen its roads to Mexican trucks.

Speaking at a luncheon at the National Press Club in Washington, LaHood said that Mexico's levying of billions in tariffs in response to Congress' decision to bar the vehicles has put a huge burden on American producers.

The secretary also said that federal stimulus money is helping to create jobs and economic recovery, and that DOT has not yet made a decision on whether to back an increase in federal truck weight limits.

DOT set up a pilot program in 2007 under the Bush administration to allow a limited number of Mexican trucks beyond a border zone, and LaHood said he will bring up the issue to Congress after lawmakers return from next week's recess.

In March, Mexico applied about \$2.4 billion in tariffs on 90 U.S. products in retaliation for the U.S. suspending the program.

Separately, LaHood said DOT had yet to make a decision on allowing higher truck weights. Several shipper and trucking groups have asked Congress to increase the allowable truck weights on interstate highways to 97,000 pounds, from the current limit of 80,000.

He also praised the Obama administration's plan to put federal stimulus money into needed road repairs.

"When it comes to rolling out the money, we're actually ahead of schedule," LaHood said. As of the middle of May, they've made nearly \$13 billion available.



Business Leaders, Unions Offer Opposing Viewpoints on Card Check Bill

During the first week of June, business leaders and unions worked hard to express their feelings to Congress about the Card Check bill. The bill, introduced in the Senate on March 10, would amend the National Labor Relations Act to establish a procedure whereby the National Labor Relations Board (NLRB) would certify a union as the bargaining representative of employees if a majority of unit employees signs valid union authorization cards. The bill further would allow unions to continue to petition for NLRB-supervised secret ballot elections, if they choose, once 30 percent of the workers have signed union authorization cards.

On June 3, 300 local business and community leaders from 12 states flooded Capitol Hill to urge Congress not to compromise on the Card Check bill. The Chamber's position is that the Card Check bill would strip workers of a private vote in union organizing elections, allow the federal government to dictate wages and working conditions through binding interest arbitration, and impose one-sided penalties on employers. Compromise proposals floated by some members of Congress would essentially

achieve the same results by calling for mail-in ballots to form unions and "baseball" style last-best-offer arbitration in contract negotiations, according to the Chamber. The Chamber's online "Virtual March on Washington" allowed those unable to come to Capitol Hill to voice opposition to the bill by sending an e-mail directly to their lawmakers.

On June 4, a new coalition of more than 1,000 small employers and business leaders responded by writing a letter to Congress urging lawmakers to support the bill and to "counter the myths and misunderstandings that unions are bad for business." The Business Leaders for a Fair Economy argued that the bill is necessary to resort the "strong, solid middle class." About 60 percent of the coalition is made up of members that do business with unions or union shops; the other members are unions.

Your elected officials need to hear from you that no compromise is acceptable on Card Check. To date over 7,800 e-mails have been sent to Congressional offices asking legislators to oppose Card Check legislation. The American Trucking Association has substantial information on Card Check online at <http://www.truckline.com/advisories/labor/pages/cardcheck.aspx>. This includes a letter that can quickly be sent to your members of Congress at <http://capwiz.com/ata/issues/alert/?alertid=12652301>. Please let your voice be heard!

Congress Introduces Bill for Increased Truck Parking

Some provisions of a bill (HP 2156) named in honor of a murdered truck driver, was introduced in Congress on April 28, 2009. "Jason's Law" was named after Jason Rivenburg, who died after being shot during an attempted robbery of seven dollars while parked at an abandoned service station in South Carolina.

Rep. Paul Tonko, D-NY, said he introduced the bill to honor Jason's memory by providing a greater measure of safety for truckers. He added, "If we are going to require truck drivers to get a needed amount of rest in the course of their workday to protect themselves and other motorists, then it makes sense that we partner with local governments and private companies to provide enough safe, secure areas to park."

This bill would provide grant money to increase secure truck parking in a six-year pilot program. This program would provide \$120 million in grants for companies and local governments to address the shortages in truck parking along our Nation's highways.

If the applicant can: demonstrate a severe shortage of truck parking; that they consulted with government agencies, private companies, and community groups; and demonstrates that their proposals would have a positive effect on highway safety, air quality and/or traffic congestion, they will be given priority for the grants.

The bill now heads to the House Committee on Transportation and Infrastructure.

The grants would provide funding for:

- Constructing truck parking areas next to travel plazas and commercial truck stops.
- Constructing truck turnouts on the National Highway System.
- Making improvements to the geometric interchange design to improve access to truck parking areas on the National Highway System.
- Making capital improvements to public truck parking areas closed on a seasonal basis.
- Construction in rest areas that include truck parking.
- Opening existing facilities including weigh stations, park and ride facilities, and inspection stations for truck parking.
- Promoting availability of privately or publicly provided truck parking on the National Highway System.



Oregon Taxes to Go Up

Oregon's legislature has passed a bill (H.B. 2001), which Governor Kulongoski is expected to sign, which among other things raises the rate of the state gas and diesel taxes by 25%. Motor carriers aren't subject to the diesel tax in Oregon, but pay a weight-distance tax instead. However, the rate of this tax, the highest by far of any highway user tax in the country (apart from some tolls) is tied to the fuel tax rate, so it too will rise by 25%, to more than 16 cents a mile for a vehicle at 80,000 pounds. Car and truck registration fees will also rise. The Oregon Trucking Association was able to support this large increase because of certain other features in the package. First, the increase in the weight-distance tax is postponed until October 2010. Second, the bill provides for almost \$1 billion of transportation projects around the state, selected from a list prepared by the trucking industry. Finally, new and increased local transportation taxes in Oregon are subjected to a four-year moratorium and restrictions that continue after that.

In the countdown for TRU enforcement in California

On July 17, 2009, the California Air Resources Board is scheduled to begin enforcing its in-use emission standards for transport refrigeration unit (TRU) engines that are model year 2001 and older. Model year 2002 engines must comply by December 31, 2009. (Subsequent model year engines must comply by December 31st of the seventh year after the engine model year.) This applies to the owners and the operators of the units whenever traveling in California, and it doesn't matter whether the TRU is running or not.

If a TRU is found to be in violation, a citation may be issued and a monetary penalty determined through a settlement conference. Penalties can be as much as \$10,000 per day.

If you need help to make sure your TRU is compliant, please check with your refrigeration unit vendor.

Three States Enact Primary Seat Belt Laws This Year

So far this year, three states – Arkansas, Florida and Minnesota – have enacted laws that allow law enforcement to stop a motor vehicle if one or more of its passengers are not wearing seat belts. This is called primary enforcement, as opposed to secondary enforcement, where an officer

may issue a citation for failure to wear a seat belt, but may not stop a vehicle because of it. The Arkansas and Florida laws, which were enacted earlier in 2009, will become effective July 1 this year; Minnesota's, which was signed into law the middle of May, became effective June 9. With these three, there are now 29 states and the District of Columbia with primary enforcement of seat belt requirements, and 20 with only secondary enforcement. New Hampshire alone does not require seat belt use. ATA's Insurance Task Force has made the enactment of state primary seat belt enforcement statutes one of its tort reform focus areas, as it has been well established that primary enforcement increases seat belt compliance and reduces highway traffic deaths and injuries. Primary seat belt enforcement is also a key policy promoted by ATA's Safety Task Force.

Jury Issues \$22.75 Million Personal Injury Verdict against Broker

On March 20, an Illinois jury returned a verdict of \$22.75 million against a Minnesota-based transportation broker in personal injury litigation over a 2004 crash on Interstate 55. The jury expressly found that the truck driver in the crash was the broker's agent.

Plaintiffs offered direct evidence that the broker owned the cargo on the truck and cited damaging public representations from the broker's Securities and Exchange Commission reports and Web site suggesting that the broker assumed responsibility for the truck's operation. Plaintiffs also offered proof that the broker directly tendered the load to the owner-operator driver, advanced her \$700 for fuel, and used a load confirmation sheet that identified 10 "mandatory" rules for the driver and three separate "fines" for her noncompliance with the broker's rules.

Such practices—and the verdict they produced—confirm that brokers face unwarranted exposure if they do not vigilantly separate their activities from those of the carriers they hire, according to William D. Brajcha, an attorney in the Chicago office of Scopelitis, Garvin, Light, Hanson & Feary.

Wisconsin DOT 511 Traveler



Information System

WI DOT reminds everyone of the 511 Traveler Information system available for current highway and traveler data. The system can be used for road construction and road conditions. When planning your travels you can call or go on-line to check conditions before you leave or while enroute. Simply dial 511 and the system operator will talk you through the system. Information is also available on-line at: <http://www.511wi.gov/Web/>.

Alabama Metal Coil Law

Alabama Department of Public Safety (AL DPS) is planning to put the following process in its final metal coil rule, according to Michael Robinson of AL DPS. While he described the upcoming rule as a final rule, he also said there will be a comment period, perhaps as long as 90 days. He also commented that the state will have a soft enforcement period of several months, but that AL would not communicate in writing about their soft enforcement approach.

1. Process for carriers with quality metal coil training programs:
 - a. Carrier makes self-certification application online with DPS.
 - b. Carrier submits affidavit from chief safety officer (or similar carrier official) stating that company training program is compliant with 49 CFR 393 and meets or exceeds the AL law.
 - c. Once affidavit is properly submitted, carrier will receive a user name and password for the AL DPS website.
 - d. Carrier uses login information to prepare and print an AL DPS certification form for each driver it employs/uses. One form per driver, at no cost to the carrier.
 - e. Driver must carry the AL DPS certification form on their person.
2. Process for carriers not opting for self-certification: a. The standard Advance online training at \$15 per driver.
3. Drivers with NY-issued CDLs containing a steel coil endorsement will be deemed to be in compliance with the AL law.

NYS Won't Require a HUT Sticker

The New York State Department of Taxation & Finance has announced that as of June 1, 2009, the state will be issuing its twentieth series of certificates of registration for the New York highway use (weight-distance) tax. The current (nineteenth) series credentials will be good through this coming November. Motor carriers must have a certificate of registration for the

tax on file for each vehicle subject to the HUT, but carriers need not carry any credential in their vehicles, and the state will not issue HUT stickers. Important Notice no. N-09-11, issued June 2009.

~State Laws Newsletter

TIGER Discretionary Grants

The United States Department of Transportation issued an interim notice of funding availability for Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants. The grants are for capital investments in surface transportation infrastructure under the American Recovery and Reinvestment Act (ARRA). The notice can be found in the Federal Register at: <http://edocket.access.gpo.gov/2009/pdf/E9-11542.pdf>.

In summary, ARRA appropriated \$1.5 billion of discretionary grant funds for capital improvements in surface transportation. Eligible TIGER Discretionary Grants projects include highway or bridge projects, public transportation, passengers and freight rail transportation projects, and port infrastructure investments. The grants can range from \$20 million up to \$300 million to support high impact transportation projects.

MoDOT will submit two projects for consideration in the TIGER Discretionary Grants program. The first project would reconstruct approximately 30 miles of Interstate 70 using the dedicated truck lane concept. This innovative project would serve as the national model for the truck lane concept on this federally approved, four-state, 800 mile "Corridor of the Future." MoDOT's \$240 million project application will request \$20 million in TIGER Discretionary Grant funds and includes \$40 million (20% maximum) in MoDOT interstate matching funds.

MoDOT will also partner with Arkansas to submit the Bella Vista Bypass project (U.S. 71) in Southwest Missouri. While the Arkansas State Highway and Transportation Department will submit the application, MoDOT will provide the matching funds for the completion of the Missouri portion of the Bella Vista Bypass if TIGER Discretionary Grants funds are secured. MoDOT's matching funding component of this application is already programmed in the STIP. MoDOT's existing Amendment 3 major project funds, combined with TIGER Discretionary Grants funds awarded to Arkansas, would allow for the completion of the Bella Vista bypass in both states.

Local entities can also apply for a share of TIGER Discretionary Grant funding, so you might hear of more projects in other parts of the state. If you have questions about grant programs or the projects MoDOT hopes to fund, please contact Michelle Teel, MoDOT's Representative on the Transform Missouri Initiative at (573) 751-1227.



Nebraska Income Tax Rules for Truckers

Trucking companies transporting goods over the roads of Nebraska are required to file state income tax returns in Nebraska even if they do not have a business location in Nebraska. Trucking companies organized as C-corporations, S-corporations, partnerships, limited liability companies, sole proprietorships, and their owners are required to file tax returns in Nebraska. By using Nebraska roads to transport, deliver, or pick up goods, the trucking company has performed its services within Nebraska and has also derived significant benefits for its business (use of roads, police and fire protection, etc.) while its trailers, semi-trailers, or other motor vehicles are operating in Nebraska.

When transportation services are performed in Nebraska, the

company must become licensed for and pay income tax to Nebraska when it meets one or more of the following criteria:

Owns or rents any real or personal property in Nebraska, other than its trailers, semi-trailers, or other motor vehicles; Makes any pickups or deliveries in Nebraska; Travels more than 25,000 mobile miles within Nebraska or its total mobile miles within Nebraska exceeds 3.0% of the miles traveled in all states; or Makes more than 12 trips into Nebraska.

If a trucking company's activities within Nebraska do not meet any of the criteria listed above, the company is not required to file an income tax return. A transportation company with income that is taxable in Nebraska and at least one other state will only be taxed by Nebraska on a portion of its total income. For more information on the taxation of trucking companies, visit the Nebraska Department of Revenue's web site.

Detailed Driver's Vehicle Inspection Report

Easy-to-use form helps you comply with 49 CFR Sections 396.11 and 396.13.

Detailed Driver's Vehicle Inspection Report in convenient book format: set of 31 reports bound into one handy book. Item # 36B

Book measures 5-1/2" W x 8-1/2" L detached.

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Bringing together top minds in the industry to tackle the most pressing business issues facing trucking-related companies, including economics, technology and maintenance best practices, security, safety, human resources, fuel efficiency, and more.

Public Outreach and Image Products

"Good stuff. Trucks Bring It," National Truck Driver Appreciation Week, and career



resources products help enhance and reinforce the industry's image as essential, safe, and sustainable.

Safety Awards

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Truck Driving Championships

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**STATE AND PROVINCIAL MOTOR FUEL TAX RATES
FOR HEAVY VEHICLES**

April 1, 2009

<u>State</u>	<u>Tax Rate in ¢/Gallon</u>		<u>Notes</u>
	<u>Gasoline</u>	<u>Diesel</u>	
Alabama	16	19	
Alaska	0	0	[fuel taxes suspended through 8/31/2009]
Arizona	21	27	[includes 1¢ clean-up fee, paid at pump only; [1¢ credit on D available by application]
Arkansas	21.8	22.8	[includes 0.3¢ clean-up fee paid at pump only]
California	34.748	43.7	[includes 7.25% sales tax]
Colorado	22	20.5	
Connecticut	52.4	43.4	[incl. 7% wholesale tax, G only, currently 27.4¢]
Delaware	23	22	
District of Columbia	20	20	
Florida	21.17	31.87	[incl. 6% sales tax, unif. local tax, clean-up fees]
Georgia	11.4	13.2	[incl. 4% sales tax; G rate went to 12.5, eff. 5/1/09]
Hawaii	16.12	16.12	[includes 0.12 clean-up fee; D plus 4% sales tax [added at pump]
Idaho	25	25	
Illinois	38.4	44.5	[includes 6.25% sales tax paid on report; 1.1¢ clean- [up fee paid at pump only]
Indiana	29	27	[D includes 11¢ surtax, paid on report only; [G 15¢ at pump but 16¢ on report, plus surtax]
Iowa	22	23.5	[includes 1¢ clean-up fee, paid at pump only]
Kansas	25	27	[includes 1¢ clean-up fee, paid at pump only]
Kentucky	26.1	27.9	[includes 3¢ surcharge on G, 6.9¢ on D, [paid on report only; includes 1.4¢ tank fee, [paid at pump only]
Louisiana	20	20	
Maine	29.38	30.12	[includes 0.98¢ G and 0.52¢ D clean-up fees, paid [at pump only]
Maryland	23.5	24.25	
Massachusetts	21	21	
Michigan	32.175	27.075	[includes 6% sales tax paid on report and 0.875¢ [clean-up fee paid at pump only]
Minnesota	25.5	25.5	
Mississippi	18.4	18.4	[includes 0.4¢ clean-up fee paid at pump only]
Missouri	17	17	
Montana	27.75	28.5	[includes 0.75¢ clean-up fee paid at pump only]
Nebraska	27.3	26.4	[includes clean-up fees, 0.9¢ G, 0.3¢ D, paid at pump only]
Nevada	23.81	27.81	[includes 0.75¢ inspection fee, paid at pump [only, and clean-up fee]
New Hampshire	19.625	19.625	[includes 1.625¢ in clean-up fees paid at pump only]
New Jersey	14.5	17.5	[includes petroleum tax]
New Mexico	18	22	[includes 1¢ load fee paid at pump only]
New York	38.25	39.05	[includes 8¢ sales tax, and petroleum tax, paid on report; [clean-up fees of 0.35¢ G and 0.3¢ D, paid at pump only]



<u>State</u>	<u>Gasoline</u>	<u>Tax Rate in ¢/Gallon</u>		<u>Notes</u>
		<u>Diesel</u>		
North Carolina	29.9	29.9		
North Dakota	23	23		
Ohio	28	28		
Oklahoma	16	13		
Oregon	24	0	[D taxed through weight-distance tax	
Pennsylvania	31.2	38.1	[includes petroleum tax	
Rhode Island	30	30		
South Carolina	16.75	16.75	[includes 0.75¢ clean-up fees paid at pump only	
South Dakota	24	24	[includes 2¢ distributor tax, paid at pump only	
Tennessee	21.4	18.4	[incl. 0.4¢ clean-up fee and G 1¢ inspection fee, [at pump only	
Texas	20	20		
Utah	24.5	24.5		
Vermont	20	26	[includes clean-up fee	
Virginia	21.6	21.6	[includes 3.5¢ surtax, paid on report only; [0.6¢ clean-up fee paid at pump only	
Washington	37.5	37.5		
West Virginia	32.2	32.2	[includes 5% sales tax	
Wisconsin	32.9	32.9	[includes clean-up fee	
Wyoming	14	14	[includes clean-up fee, paid at pump only	
U. S.	18.4	24.4	[includes Underground Storage Tank tax	

G : gasoline D : diesel, special fuels

CANADA

<u>Province</u>	<u>Tax Rate in ¢CN/Liter</u>		
	<u>Gasoline</u>	<u>Diesel</u>	
Alberta	9	9	
British Columbia	16.84	17.69	[includes a “carbon tax” component
Manitoba	11.5	11.5	
New Brunswick	10.7	16.9	
Newfoundland	16.5	16.5	
Nova Scotia	15.5	15.4	
Ontario	14.7	14.3	
Prince Edward Island	14.1	19.3	[composite qtrly rate; rate at pump can [change monthly
Quebec	15.2	16.2	
Saskatchewan	15	15	
Northwest Territories	10.7	9.1	
Yukon Territory	6.2	7.2	

This chart was compiled by the American Trucking Associations. It represents the total state or provincial fuel tax paid by motor carriers in each jurisdiction as of April 1, 2009. Local taxes are not included, except where they are uniform statewide. “Paid at pump only” refers to amounts not included in fuel use taxes paid through IFTA. “Paid on report” or “paid on report only” refers to amounts included in IFTA fuel use taxes.