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President's Message

A recent sermon at my church extolled the virtues and benefits of taking time to celebrate and say 'Thank You.' Without further ado, I hope you will join me in doing both . . .

I hope you will take a moment to look through the attached wrap up from the 2012 TDC in Kansas City. We had a wonderful venue, great weather, and great group of competitors. I am proud of our Team MO and anticipate they will do well this year at Nationals!

Thank you to all who participated in the recent Sitton-Babcock Golf Tournament at Old Kinderhook! As incredible as it sounds, we really did dodge a bullet with the weather as it only got in the 90's during the tournament. We had an outstanding turnout of golfers, and a great fundraising event to help sustain our newly renamed MoTRUCKPAC with funds for the 2012 elections. Be on the lookout for more opportunities to support MoTRUCKPAC in the coming months.

Thank you to all who turned out for the 3rd Annual Night at the Ballpark in St. Louis. A special thank you to Roberts Perryman and Great West Casualty and all who worked to combine the 2nd Annual Trucking Leadership Symposium with the MoTA event and donated their proceeds to our cause. Special thanks go to Jennifer Mason (Roberts Perryman), Rich Hawkins (Gateway Industrial Power), Lou Helmsing (Craftsmen Trailers), Dave Modde (Wells Fargo) and Brent Witte (Witte Brothers Exchange) for their hard work at pulling all facets of the day's events together. We could not have pulled it off without you!

Finally, make plans to join us on September 26-28 at the historical Chase Park Plaza Hotel in St Louis, Missouri as we celebrate the 75th Annual Meeting of the Missouri Trucking Association. For those old enough to remember, our last Annual Meeting in St Louis was also at the Chase Hotel, in 1969. We look forward to a wonderful event and celebration of an industry that moves this state and nation!

Thank You for all you do to keep this industry strong and vibrant, and for supporting the Missouri Trucking Association!

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Attachment:

2012 TDC Picture
Wrap-up

2012 Ernst & Young Entrepreneur of the Year

Congratulations to Robert Low and the Prime team for winning the 2012 Ernst & Young Entrepreneur of the Year for the transportation industry in the Central Midwest. This award recognizes outstanding entrepreneurs who demonstrate excellence and extraordinary success in such areas as innovation, financial performance and personal commitment to their businesses and communities. Congratulations once again Mr. Low for making Prime Inc. a leader in the industry.



EPA Issues Smartway Retread Performance Standards

The U.S. Environmental Protection Agency announced the establishment of low-rolling resistance performance standards for tire retread products used on line-haul Class 8 trucks. Use of verified low-rolling resistance retreads is expected to provide reductions in fuel consumption of at least 3 percent as compared to the most popular retread products now in use. The establishment of these standards enables manufacturers to immediately begin to verify retread products which conform to the standards. ATA, manufacturers and others have been working with EPA for more than three years in the development of these standards. Go to [http://www.trucking.org/Documents/SmartWay%20retread%20Performance%20requirements%20\(2\).pdf](http://www.trucking.org/Documents/SmartWay%20retread%20Performance%20requirements%20(2).pdf) for a copy of the announcement letter and performance requirements. ▲

Group Seeks to Exempt Deaf Drivers from Federal Hearing Requirements

The increased use of technology in truck cabs means that hearing is not as important in commercial driving as it once was, the National Association of the Deaf said in a petition asking that 45 drivers be exempted from federal hearing standards.

“While hearing historically may have played a role in communications in trucking, this is no longer the case as drivers increasingly rely on smart phones and other technology to communicate with dispatch,” NAD wrote to the Federal Motor Carrier Safety Administration.

The deaf or hard-of-hearing drivers – some of whom hold state commercial driver licenses but cannot drive in interstate commerce – have all shown that they can drive just as safely as their counterparts without hearing problems, NAD wrote.

FMCSA posted the petition in the Federal Register on May 25 and is seeking public comments until June 26. NAD sent a petition in July 2011 for 21 drivers and more recently added 24 more.

“NAD now seeks exemptions on behalf of drivers with a proven track record of safe driving, who can satisfy all of the physical qualification standards, with the exception of the hearing test,” the group wrote.

This is the first time FMCSA has considered waiving its hearing standard in the more than two decades since the agency, then part of the Federal Highway Administration, set the current system for exemptions to medical standards, a spokeswoman previously said (10-24, p.6).

FMCSA grants exemptions to its medical standards on a case-by-case basis.

Current regulations require that a driver must be able to hear a “forced whisper voice” spoken 5 feet away from his or her better ear, with or without a hearing aid.

If his or her hearing is being tested with an audiometric device, he must be able to hear 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz, also with or without a hearing aid.

In its petition, NAD cited a 2008 report, funded by FMCSA, which concluded that there was no evidence that drivers with hearing impairments had increased crash risks. ▲

~ Transport Topics ~

Court Issues Briefing Schedule in ATA’s Challenge to New Hours of Service Rule

On Wednesday, June 13, the U.S. Court of Appeals for the D.C. Circuit issued a briefing schedule in ATA’s HOS challenge, and in the challenge brought by Public Citizen. ATA’s opening brief will be due July 24: in that brief, ATA will explain that FMCSA acted improperly by requiring the 34-hour restart provision to include two consecutive 1am-5am periods and limiting its use to once per week; by requiring that the mandatory 30-minute rest break include no on-duty activity; and by narrowing the exceptions for 150-air mile drivers so as to subject them to the rest break requirement. Also on July 24, Public Citizen will file its brief contending that the agency should have reduced the daily driving limit to 10 hours and eliminated the restart altogether. All briefing in the two cases – including ATA’s opposition to Public Citizen’s challenge, and the amicus briefs of 15 organizations supporting ATA’s challenge and opposing Public Citizen’s – will be completed by November 21. While oral argument will likely follow shortly afterwards, the court has not yet set a specific date, making it difficult to predict when a final decision is likely to be handed down. ▲

FMCSA Extends Comment Period on Safety-Measurement System

The Federal Motor Carrier Safety Administration has extended the public comment period on proposed changes to its safety-measurement system by 60 days, through July 30.

The measurement system, known as SMS, is a key element of FMCSA’s Compliance, Safety, Accountability program and is used to determine which carriers have safety problems and need an intervention.

“This extension will provide motor carriers with additional time to preview how the improvements impact their individual safety data in SMS,” the agency said May 25.

After changes in the safety scoring method were announced in March, carriers complained it was making safety scores worse, even among fleets with good safety records (4-2, p.1).

American Trucking Associations said it is increasingly dismayed with various aspects of CSA, including safety scoring, and has urged FMCSA to be more responsive to trucking’s concerns (5-28, p.1).

The data preview that allows carriers to calculate their scores may be accessed at <http://csa.fmcsa.dot.gov> and comments may be submitted at <http://1.usa.gov/KMHpPM>. ▲

~ Transport Topics ~

FMCSA Ends Requirement for Roadability-No Defect DVIR Filings

The final rule on Driver-Vehicle Inspection Report (DVIRs) for Intermodal Equipment was posted Tuesday June 12 in the *Federal Register*. As published, FMCSA eliminated the requirement for drivers operating intermodal equipment (IME-chassis) to submit – and intermodal equipment providers (IEPs) to retain – driver-vehicle inspection reports (DVIRs) when the driver has neither found nor been made aware of any defects in the chassis. This rule responds to a joint petition for rulemaking from the Ocean Carrier Equipment Management Association (OCEMA) and the Institute of International Container Lessors (IICL) which the Intermodal Motor Carriers Conference (IMCC) of ATA supported. ▲



ATA Supports Commodity Futures Trading Commission Measures

On June 19, ATA and other members of the Commodity Markets Oversight Coalition sent a letter of support to the Commodity Futures Trading Commission (CFTC) on its Proposed Interpretive Guidance on Cross-Border Application of Certain Swaps Provisions of the Commodity Exchange Act and Proposal Regarding Phased Compliance for Foreign Swap Dealers. In accordance with the Dodd-Frank Wall Street Reform Consumer Protection Act of 2010, the CFTC and the Securities and Exchange Commission intend to adopt new rules and interpretive guidance to create greater transparency in the commodity exchange markets to prevent excessive speculation which results in needless cost increases to commodities such as oil. To view a copy of the letter, go to http://www.trucking.org/Documents/6%2019%2012%20Kedzie%20BF%20CMOC_Letter_2012JUN19.pdf. ▲

FMCSA Cuts HOS Waivers for Some Oil, Gas Drivers

Federal regulatory “guidance” issued last week restricted the number of oil and gas well truck drivers who can extend their workdays beyond the 14-hour federal limit under the oil-field operations exemption to hours-of-service rules.

The Federal Motor Carrier Safety Administration said that the provision that allows drivers who are waiting at oil or gas well sites to count that time as off-duty applies only to trucks that are “specially constructed for use at oil and gas sites” and whose operators require “extensive” training for the use of equipment.

For drivers who don’t meet those qualifications, time spent waiting at well sites will be counted toward the 14 hours that truck drivers may work each day before taking a 10-hour break.

If you run a hydraulic fracturing unit, your main job is operating a hydraulic fracturing unit,” said Boyd Stephenson, director of hazardous materials policy at American Trucking Associations. “It just so happens the only way to get the hydraulic fracturing unit from point A to point B is because it’s mounted on a commercial motor vehicle.”

In Stephenson’s example, the driver of the hydraulic fracturing unit would be eligible for the waiting time exemption.

But truckers simply hauling supplies to or from oil or gas sites are not eligible, the agency said.

“Operators of [commercial motor vehicles] that are used to transport supplies, equipment and materials such as sand and water to and from the well sites do not qualify for the “waiting time exemption,” FMCSA wrote.

In addition, some carriers were confused about the fact that there are two separate provisions within the oil-field exemption, the agency said. A 24-hour restart, which allows a driver to reset his weekly clock by resting for 24 hours, is available to all truck drivers working in oil or gas well operations, including those hauling sand or gravel in normal vehicles.

But the waiting time provision, while closely related to the 24-hour restart, is available only to the smaller pool of drivers who operate specialized machinery and are specially trained to do so, FMCSA said.

Examples of vehicles that are likely to qualify for the waiting time provision are “heavy-coil vehicles, missile trailers, nitrogen pumps, wire-line trucks, sand storage trailers, cement pumps, ‘frac’ pumps, blenders, hydration pumps and separators,” the FMCSA notice said. ▲

IRS Reminder that HVUT is Due Soon

The federal Internal Revenue Service has sent a reminder that heavy vehicle use tax filings for next year are due to IRS by August 31. IRS has set July 2 as the opening day for HVUT filing. Remember too that under federal law HVUT filings for more than 24 vehicles must be made electronically. If you need help in filing, try www.irs.gov/trucker, or look under Hot Topics at www.irs.gov. The information available there includes Frequently Asked Questions and a step-by-step guide to electronic filing of the Form 2290 for the HVUT. ▲

~ State Laws Newsletter ~

ATA Asks FMCSA to Release Agency’s Crash-Fault Study

American Trucking Associations called on the industry’s chief federal regulator to release the results of a study that the group said could buttress the case for using police reports to determine who is at fault in truck-related crashes.

ATA said the Federal Motor Carrier Safety Administration, which commissioned the study, had itself said two years ago that the preliminary results supported using police reports, and that the agency promised to release those results back then.

ATA’s request, outlined in a June 4 statement, was the latest move in the group’s ongoing fight to have FMCSA consider crash accountability when rating carriers under the agency’s new Compliance, Safety, Accountability program. The agency previously said it was working toward such a system, but in March, after comments by interest groups, Administrator Anne Ferro said FMCSA would delay its release (3-19, p.1).

In an April 2010 letter provided by ATA, Ferro said her agency was evaluating the feasibility of a crash-accountability system in which “staff would assess state-reported crashes for accountability before they are considered” in CSA’s methodology.

Ferro wrote in that letter that such a process, which ATA said it favored, showed “promising” results, which “indicate that the use of police accident reports is a viable option for determining large truck and bus crash accountability.”

Five months later, Ferro told ATA in a letter that the results of the study – which was being done by FMCSA and other federal agencies – were “currently under review,” and would be released after the review.

FMCSA uses crash data, among other enforcement information, to determine which carriers to investigate. It also posts crash information – without accountability determinations – on a public website and plans to use its CSA data eventually to assign safety scores to carriers (5-14, p.1).

Fleets have complained they are being penalized because FMCSA’s current regime doesn’t take into account what causes crashes. So, the fleets say, their safety records suffer for accidents where their drivers are clearly not at fault, such as when they are legally parked and an auto driver crashes into them.

ATA has historically supported the goals of CSA, which aimed to focus FMCSA’s enforcement efforts based on violations that are placed into a series of categories.

However, the group has been vocal about its objections in recent months, calling the agency “unresponsive” to ATA’s concerns, including those over crash accountability (5-28, p.1). ▲

~ Transport Topics ~

ATA Releases New EOBR Video

Recently, ATA released a new EOBR Video designed to communicate the merits of this compliance and safety-related technology, and to urge Congress to include an EOBR requirement in final surface transportation reauthorization legislation currently being debated by Senate and House conference committee members. ATA was joined by representatives from AAA, the Commercial Vehicle Safety Alliance, and ATA member Carbon Express, in making the case for an EOBR mandate on this short, 5 minute video. ATA distributed the video to all chiefs of staff, transportation legislative assistants and key committee staffers working on the transportation bill. ▲

For-Hire Motor Carriers Asked to Participate in Operational Costs Survey

The American Transportation Research Institute (ATRI) continues to solicit motor carrier input to update its 2011 Operational Costs of Trucking report. The brief on-line survey asks for-hire carriers for cost information associated with operating a truck for one mile or one hour in 2010 and 2011. In combination with the previous Operational Costs of Trucking reports, the results of this survey will yield four full years (2008 – 2011) of trucking cost information derived directly from fleet operations. This research provides carriers with an important benchmarking tool and government agencies with an accurate dataset for infrastructure improvement analyses. For-hire motor carriers are encouraged to provide confidential operational cost data through ATRI's survey, available online at www.atri-online.org. The results of this survey will be available later this year. ▲

Inspectors Focus on Brakes, Hours of Service in 72-Hour 'Roadcheck' Enforcement Sweep

Commercial Vehicle Safety Alliance inspectors spent 72 hours in stepped-up trucking safety enforcement last week, pulling over trucks and buses on highways and at inspection locations throughout the United States, Canada and Mexico.

This year's "Roadcheck" safety emphasis was on brakes and hours-of-service compliance, CVSA said.

In a June 5 kickoff speech for Roadcheck 2012, Federal Motor Carrier Safety Administration Administrator Anne Ferro warned unsafe drivers and carriers that last week the risk of getting caught was greater.

In addition to keeping truckers on their toes, the event helps law enforcement gather additional data to spot trends and call attention to safety issues, said CVSA President David Palmer, as assistant chief with the Texas Department of Public Safety.

"Consistently every year we are seeing hours-of-service logbook violations leading by an overwhelming percentage of all the violations cited," Palmer said.

Brake system-related violations also have consistently been at the top of the list in past Roadcheck events, accounting for more than half of the total out-of-service violations, Palmer said.

Palmer said that during pre-trip inspections drivers should check for missing, nonfunctioning, loose, contaminated or cracked parts on the brake system; listen for audible air leaks around brake components and air lines; and check brake adjustment. ▲

~ Transport Topics ~

Seeing Red at Yellow Lights

Missouri lawmakers have endorsed a bill to set minimum times for yellow lights based on Federal guidelines. Some constituents have argued that there are communities where cameras are programmed to shorten the timing of yellow lights in order to ticket more drivers and boost revenues.

Studies have found that increasing "yellow" time by one second has reduced red light violations by 50%. Other studies have recommended that field research should be carried out to determine reaction times during the onset of the yellow light and develop updated functions for probability of cars stopping versus deceleration required to stop and new functions for trucks. ▲

UCRA Enforcement Dates Set for 2013

At its meeting on June 12, 2012, the Board of Directors of the Unified Carrier Registration Agreement set the following dates for motor carriers and others to register and pay fees under the UCRA program for the 2013 registration year. All states are to have sent out their registration renewal forms and notifications by October 1, 2012, and all the states that offer on-line UCRA registration are to begin registering carriers and other entities subject to the UCRA program by the same date. The board also recommended that states begin roadside and other enforcement of UCRA fee requirements on January 1, 2013. ▲

~ State Laws Newsletter ~

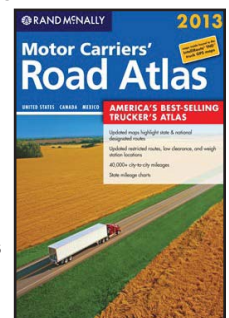
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OSHA Cites Alabama Trucking Company for 17 Safety Violations

The Occupational Safety and Health Administration (OSHA) has cited an Alabama trucking company for 17 safety violations. OSHA opened an inspection in March under the agency's Site-Specific Targeting Program, which directs enforcement resources to workplaces with higher-than-average rates of injuries and illnesses. Proposed penalties total \$56,700.

Thirteen serious violations include failing to perform a personal protective equipment hazard assessment, provide an eyewash station for workers exposed to corrosive chemicals, provide fire extinguisher training, provide training for forklift operators, provide guarding on a bench grinder and around an open pit, reduce the pressure on an air hose to less than 30 pounds per square inch for cleaning, store oxygen and acetylene cylinders at least 20 feet apart, and provide a hazard communication program. Additional violations include the improper use of electrical equipment, a missing inner electrical panel and failing to provide weatherproof enclosures for outlets in damp and wet locations. The citations carry \$55,800 in penalties.

Four other-than-serious violations involve failing to maintain the OSHA 300 log properly for reporting injuries and illnesses, establish a respiratory protection program, and protect electrical conductors from abrasion and close unused openings in the electrical panel. The citations carry \$900 in penalties. ▲

CA Rules Minimum Tax Still Due

The California State Board of Equalization, the state's tax appeals agency, has held that a corporation owed the minimum California corporate franchise tax for 2007 even though it had noted on its 2006 return that that would be its last return and that the firm was dissolved. The board ruled that the state's official notice of dissolution only came when the company filed a certification of dissolution with the California secretary of state's office, and that didn't happen until 2009. *Gauss Institute, Inc.*, docket no. 554193, decided April 24, 2012. The minimum annual franchise tax in California is \$800. ▲

~ State Laws Newsletter ~

I-70 Closure

The closure of one of two bridges carrying Interstate 70 traffic over the Missouri River at Saint Charles is still five months away, but the Missouri Department of Transportation is urging commuters to start thinking about alternative routes.

MoDOT's plan to close the westbound Blanchette Bridge was the subject of a May 25 meeting with Saint Charles business owners. The bridge closes in November and will remain closed through 2013.

The eastbound bridge will carry traffic in both directions, though with just three lanes both ways instead of the normal five.

Linda Wilson of MoDOT said the bottleneck will be at morning and afternoon rush hour. She urged commuters to have a plan. ▲

~ Transport Topics ~

Eight More Weigh Stations to Come

Oklahoma's first high-tech commercial weigh station opened April 27 in Kay County along I-35, south of the Kansas border. The station is the first of nine to be built in the next several years. The state continues to rely on six decades-old weigh stations which are open eight hours a day but beg the safety question of how effective they have been. Answer: Not so much. Less than 10% of CMVs operating on the state roads were inspected or weighed, state officials said. "Our current facilities are antiquated sheds," said Gary Ridley, director of the Oklahoma DOT. ▲

TN Enacts Administrative Measures

In April, Tennessee Governor Haslam signed two bills that give the state's revenue department authority to (1) require all filings made with the department to be electronic (H.B. 2371), and (2) extend the due date of any tax return or report to correspond to federal filing extensions declared by the Internal Revenue Service, as in the case of a disaster (H.B. 2372). The first law allows the department to grant relief from the electronic filing requirement for hardship, but also to impose a handling charge for any such paper filing. ▲

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MoTA 75th Annual Convention



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