



New Members

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Mark Your Calendars for National Truck Driver Appreciation Week

As the economy improves, so does our nation's need for truck drivers. Start thinking now about what you can do to thank your drivers during National Truck Driver Appreciation Week, September 19-25. Their hard work and commitment in tackling one of the country's most demanding and essential jobs keeps our economy rolling! The American Trucking Associations has gifts available that can be customized with your company logo. Visit <http://www.atabusinesssolutions.com/c-13-national-truck-driver-appreciation-week.aspx> for details. ▲

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President's Message

For as long as politicians have been asking for money, Missouri Trucking Association has been active in financially supporting those candidates who support the trucking industry. For many years, most of those transactions were done in private, and little, if any, reporting was made about the contribution. Over time, the Missouri Ethics Commission was established, campaign finance laws were passed, challenged, thrown out, amended, and so forth.

Today, campaign finance reports are filed electronically and contributions are available to be searched online by the general public. In an effort to inform our members about candidates who support trucking and transportation issues, we are providing a list of contributions made from our PAC to candidates in this primary election. The primary election will be held on Tuesday, August 3, 2010.

Part of the reason for releasing this list is to encourage discussion among the membership and to generate additional funds for our PAC and for the candidates. Check to see if your local candidates are on the list - if not, ask them why! If they are - thank them for their support of your industry and give them some money yourself! Disagree with someone on the list, or want to know why someone is not on the list? Let us know - we will give you our reasons and analysis and would welcome the feedback and any additional information you may have on a candidate. Please keep in mind that difficult choices have to be made to maximize the positive impact of our contributions for the trucking industry. Unlike some other groups, we do NOT have unlimited funds!

Candidates receiving a contribution from our PAC include: (Contributions accurate as of July 12, 2010)

<u>Senate</u> (District)		
Frank Barnitz (16)	Scott Dieckhaus (109)	Thomas Long (134)
Bill Deeken (6)	John Diehl (87)	Tom McDonald (49)
John DeStefano (34)	Tony Dugger (144)	Mike McGhee (122)
Robert Dixon (30)	Sally Faith (15)	Cole McNary (86)
Kenny Jones (6)	Joe Fallert (104)	Tim Meadows (101)
Mike Kehoe (6)	Linda Fischer (107)	Chris Molendorp (123)
Will Kraus (8)	Barney Fisher (125)	Bob Nance (36)
Brad Lager (12)	Tom Flanigan (127)	Jerry Nolte (33)
Ryan McKenna (22)	Michael Frame (105)	Mark Parkinson (16)
Brian Munzlinger (18)	Ward Franz (151)	Darrell Pollock (146)
Mike Parson (28)	Doug Funderburk (12)	Paul Quinn (9)
Bryan Pratt (8)	Chuck Gatschenberger (13)	Jeanie Riddle (20)
Ron Richard (32)	Jason Grill (32)	Jeff Roorda (102)
Scott Rupp (2)	Jeff Grisamore (47)	Don Ruzicka (132)
Wes Shoemyer (18)	Casey Guernsey (3)	David Sater (68)
Jay Wasson (20)	Steve Hodges (161)	Rodney Schad (115)
	Jason Holsman (45)	Dwight Scharnhorst (93)
	Denny Hoskins (121)	Ed Schieffer (11)
	Caleb Jones (117)	Shane Schoeller (139)
	Timothy Jones (89)	Jill Schupp (82)
	Jason Kander (44)	Ryan Silvey (38)
	Shelley Keeney (156)	Jason Smith (150)
	Chris Kelly (24)	Rick Stream (94)
	Jeanne Kirkton (91)	Terry Swinger (162)
	Andrew Koenig (88)	Mike Talboy (37)
	Sam Komo (90)	Mike Thomson (4)
	Mike Lair (7)	Steven Tilley (106)
	Scott Largent (120)	Stephen Webber (23)
	Mike Leara (95)	Don Wells (147)
	Tom Loehner (112)	Ray Weter (142)
		Anne Zerr (18)
		Jake Zimmerman (83)

Remember to vote on
 ☆ ☆ August 3rd! ☆ ☆

MoDOT Lists 10 Work Zones to Watch Out For

To help ensure your travels are as carefree as possible, the Missouri Department of Transportation has developed a list of 10 work zones to be on the lookout for this summer.

The list provides information on how the work zones will affect travel and for how long. A video and clickable map providing more details about the projects can be found at www.modot.org. In addition, information on work zones statewide is available up to a week in advance on the department's Traveler Information Map located at www.modot.org or by calling toll-free 888-ASK-MoDOT.

Besides these highway improvements, more than 200 bridges are scheduled for work this year under the department's Safe and Sound Bridge Improvement Program. In almost all cases, the bridges will be closed during construction to lower the cost and allow for speedy completion. A map showing bridge construction schedules and available detours can be found at <http://safeandsoundmap.modot.mo.gov/flex/SafeAndSound.html>.

Motorists are asked to rate MoDOT's work zones by visiting the department's website - www.modot.org - and clicking on the Rate Our Work Zones button.

Ten Work Zones to Look Out For in 2010

1. **Kansas City** - Interstate 29/35 reconstruction
2. **St. Louis** - Interstate 270 and Dorsett/Page - interchange improvements
3. **Springfield** - Route 60/65 interchange reconstruction and six-laning project
4. **Cape Girardeau, Perry and Pemiscot Counties** - Interstate 55 improvements
5. **Kansas City** - Interstate 70 improvements
6. **Jefferson City** - U.S. 54 Eastbound/U.S. 63 Northbound Missouri River Bridge
7. **Franklin County** - Lane additions and improvements on Interstate 44 between Pacific and Route 100
8. **Crawford County** - Interstate 44 resurfacing
9. **Andrew County** - Interstate 29 Overpass (Safe & Sound bridge)
10. **Chillicothe** - Resurfacing Route 65 from Route 36 at Chillicothe to Iowa

For details of the work being done on these projects, go to www.modot.org or contact the MoTA office for a copy. ▲

Joe Boyd Retirement

Mr. Joe Boyd, FMCSA Division Administrator, has retired effective June 25, 2010. Mr. Boyd wanted to acknowledge that because of his staff's dedication, the Missouri Division received the Strides for Safety Award twice, something no other Division has done. He also wanted to recognize the relationships he developed with the Motor Carrier industry and the Motor Carrier Safety Assistance Program agencies. Even though once or twice there may have been some friendly differences of opinion, there were countless times when everyone came together to participate in joint activities and cooperative endeavors to ensure the agency goals were achieved. One of the truly great things he loved about his job was the understanding that everyone was always interested in reducing serious crashes and saving lives. He will be greatly missed.

Transportation Security Workshops Scheduled

Local hazardous material carriers and shippers, as well as local first responders, are encouraged to attend a Transportation Security Administration workshop in the coming year. Some of the topics to be covered include security planning and training, personnel security, unauthorized access, en-route security and other recommended security action items. All participants will receive free planning resources and tools to incorporate into your organization's security program. These are one-day workshops from 8:30 a.m. to 4 p.m., but are being presented twice at each location: July 14-15, 2010 - Pittsburgh, Pa. / Aug. 17-18, 2010 - Boston / Sept. 28-30, 2010 - Anchorage, Alaska / Oct. 19-20, 2010 - Chicago / Nov. 16-17, 2010 - Long Beach, Calif. / Dec. 7-8, 2010 - Houston-Galveston, Texas / Jan. 11-12, 2011 - Charleston, S.C. / Feb. 15-16, 2011 - St. Louis / March 15-16, 2011 - Denver, Colo. / April 5-6, 2011 - Minneapolis. For more information, go to http://www.tsa.gov/what_we_do/tsnm/highway/trucking_hazmat.shtm#news. ▲

Member Cancellations June / July 2010

Name of Company	Class	Dues
All Freight Systems Inc.	For Hire	\$452.00
A T C Leasing Company	For Hire	\$383.00
Bivens & Associates	Allied	\$300.00
Hopper Medical Clinic Inc.	Allied	\$250.00
Leo O'Laughlin Inc.	Private	\$414.00
Meyer Logistics	For Hire	\$660.00
Midwest Collection Specialists Inc.	Allied	\$200.00
Midwest Grain Transport Inc.	For Hire	\$300.00
Padgett Business Services	Allied	\$250.00
Purpose Wrecker LLC	Allied	\$350.00
Schweigert Brothers Inc.	For Hire	\$300.00
Tracker Marine LLC	Allied	\$880.00

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FEDERAL GOVERNMENT

Senate Legislation would crack down on Brokers

Senators Olympia Snowe (R-Maine) and Amy Klobuchar (D-Minn.) have introduced the Motor Carrier Protection Act, bipartisan legislation that would beef up regulatory oversight of brokers and freight forwarders in the trucking industry.

The legislation is meant to prevent brokers from abusing the system and defrauding motor carriers. The Snowe-Klobuchar initiative is aimed at small trucking companies and owner-operators, in particular, as they typically have little to no legal recourse to recoup losses incurred from fraudulent brokers.

If passed, the bill would:

- Increase the broker bond from \$10,000 to \$100,000 and expand that bond requirement to freight forwarders.
- Ramp up requirements and disclosures for any person or company seeking to obtain broker or freight forwarder authority.
- Establish significant penalties for violations of broker regulations, including unlimited liability for freight charges for conducting brokerage activities without a license or bond.
- Create a requirement for brokers and freight forwarders to renew their operating authority annually and require the Federal Motor Carrier Safety Administration to revoke operating authority that is not renewed annually.
- Clarify that trucking companies must have a broker's or freight forwarder's license and an appropriate bond in addition to their motor carrier operating authority to arrange freight for another carrier for compensation. ▲

'Roadability' Rule Effective June 30

The Federal Motor Carrier Safety Administration's "roadability" rule on intermodal container chassis went into effect June 30.

FMCSA extended the deadline for compliance with the rule last year. In response to a petition for reconsideration of the final rule, the FMCSA has also amended the rule to allow for a fifth intermodal equipment marking option. The amendment advanced the Global Intermodal Equipment Registry (GIER), an industry sponsored solution that was developed by the Intermodal Association of North America (IANA).

The rule also calls for Driver Vehicle Inspection Reporting. Earlier this month, IANA launched a DVIR Processing System, which helps motor carriers, intermodal equipment providers, facility operators, and maintenance and repair vendors with regulatory compliance and identification of defective equipment.

IANA's DVIR Processing System supports IEPs that have registered with the GIER and authorized IANA to process equipment condition reports on their behalf.

IANA has been conducting a series of DVIR processing webinars to get motor carriers, IEPs, facility operators, and maintenance and repair vendors up to speed on the system.

For more information, visit www.DVIR.Intermodal.org. ▲

Labor Department Publishes Rule Requiring Posting of Employee Rights

The U.S. Department of Labor published a final rule in the May 20 edition of the *Federal Register*, requiring federal contractors and subcontractors to post notice to their employees of their rights under the National Labor Relations Act (NLRA). The required notice at workplaces lists employees' rights under the NLRA to form, join and assist a union and to bargain collectively with their employer; provides examples of unlawful employer and union conduct that interferes with those rights; and indicates how employees can contact the National Labor Relations Board, the federal agency that enforces those rights, with questions or complaints.

The rule implements provisions of Executive Order 13496, which was signed by President Barack Obama on January 30, 2009. The requirement for posting this employee notice must be included in every covered federal contract and subcontract. Under the rule, employees will have the right to file complaints with the Department of Labor about contractors that do not comply with the prescribed requirements. Contractors that violate the requirements of the regulations may be subject to sanctions, including suspension or cancellation of the contract. Two Labor Department agencies, the Office of Labor-Management Standards and the Office of Federal Contract Compliance Programs, are responsible for administering and enforcing the rule's requirements. ▲

Form to Claim Payroll Tax Exemption for Hiring New Workers Now Available

May 18, the Internal Revenue Service (IRS) announced it had issued the newly revised payroll tax form that most eligible employers can use to claim the special payroll tax exemption that applies to many new workers hired during 2010. The payroll tax exemption and the related new hire retention credit were created by the Hiring Incentives to Restore Employment (HIRE) Act signed by President Barack Obama on March 18.

Employers who hire unemployed workers this year (after February 3, 2010 and before January 1, 2011) may qualify for a 6.2-percent payroll tax incentive, in effect exempting them from the employer's share of Social Security tax on wages paid to these workers after March 18. This reduction will have no effect on the employee's future Social Security benefits. The employee's 6.2 percent share of Social Security tax and the employer and employee's shares of Medicare tax still apply to all wages.

In addition, for each qualified employee retained for at least a year whose wages did not significantly decrease in the second half of the year, businesses may claim a new hire retention credit of up to \$1,000 per worker on their income tax return.

Details on both the tax credit and the payroll tax exemption can be found in a recently expanded list of answers to frequently asked questions at <http://www.irs.gov/businesses/small/article/0,,id=220745,00.html>. ▲



FEDERAL GOVERNMENT

FMCSA's CSA Plans for Missouri

At the formal conclusion of the CSA 2010 Operational Model test period – the plan is for Missouri to become a 100% CSA 2010 state.

FMCSA is developing the following plan:

- Training the remaining of Missouri's "control group" Safety Investigators. Missouri's training is scheduled for August.
- Carriers currently considered "control group" carriers will begin receiving CSA Warning Letters in September.
- Control group carriers in Missouri will also gain access to CSI through the use of a PIN number in September.

ALSO: The following update was provided during the last CSA Federal/State working group conference call. This is a step toward addressing concerns tied to using power units only for peer grouping in the Unsafe Driving and Crash Indicator BASICS.

SMS Update – FMCSA reported that the algorithm for normalizing carriers for the Unsafe Driving and Crash Indicator BASICS would be changed to align more closely with crash involvement versus size. FMCSA noted that both VMT and Power Units had biases that had to be overcome. A hybrid drawing from both VMT and Power Units has been developed. A distinction is being made by truck type, long haul (combination trucks) vs. short haul (straight trucks), and then will be looking at VMT and Power Units to create a utilization factor. In conjunction with these changes, new threshold levels will be created along with high risk definitions. Changes are scheduled to be completed in June for the August preview. ▲

FMCSA Issues Final Rule Regarding Cargo Insurance for Property Loss or Damage

U.S. DOT's Federal Motor Carrier Safety Administration (FMCSA) has issued a final rule eliminating the requirement for most for-hire motor common carriers of property and freight forwarders to maintain cargo insurance in prescribed minimum amounts and file evidence of this insurance with FMCSA. Household goods motor carriers and household goods freight forwarders will continue to be subject to this cargo insurance requirement. The effective date of this final rule is March 21, 2011. The rule may be accessed online at: <http://edocket.access.gpo.gov/2010/2010-14866.htm>. ▲

FMCSA Issues Guidance and Policy Change on Retention of Supporting Documents and Use of Electronic Tracking Technology for HOS Compliance

The Federal Motor Carrier Safety Administration (FMCSA) has issued a Notice of Regulatory Guidance and Policy Change regarding the retention of supporting documents and the use of electronic mobile communication/tracking technology in assessing motor carriers' and commercial motor vehicle drivers' compliance with the hours of service regulations. This change in policy is effective July 12, 2010 and the notice as published in the June 10, 2010 Federal Register may be accessed online at <http://edocket.access.gpo.gov/2010/2010-13901.htm>. ▲

Federal Court Holds Crane Operator Subject to FMCSRs

The U.S. Court of Appeals for the Tenth Circuit has held that the operator of cranes that were permanently mounted on truck chassis and traveled to job sites in that fashion was subject to the Federal Motor Carrier Safety Regulations on vehicle inspections and driver drug and alcohol testing. FMCSA argued that the cranes fell under the definition of a "commercial motor vehicle," over which the agency had authority. The crane operator countered that the definition was inapplicable, since the cranes carried no "property," as the definition required. The court upheld the FMCSA's rejoinder that the cranes themselves were the "property" transported, making the operator a private motor carrier subject to the federal motor carrier requirements. *Midwest Crane & Rigging, Inc. v. Federal Motor Carrier Safety Administration*, docket no. 09-9520, decided April 27, 2010. ▲

~The State Laws Newsletter~

FMCSA Issues Guidance for Retention of Scanned Logs

On June 10, the Federal Motor Carrier Safety Administration (FMCSA) issued regulatory guidance simplifying the record keeping and retention requirements for drivers' records of duty status (logs). Previously, the agency held that drivers must create logs in duplicate. In response to a petition for an exemption (filed by an ATA member) to allow drivers to electronically send a scanned copy of the log back to the carrier, FMCSA issued new guidance allowing this practice for all motor carriers. Effective immediately, drivers may scan and transmit an electronic copy of each log to the motor carrier and retain the original log – thus creating two copies. Drivers must still retain their logs for the current and previous seven days when on-duty; motor carriers relying on this guidance must retain electronic copies of the logs and supporting documents for six months. A copy of the guidance is available at <http://edocket.access.gpo.gov/2010/pdf/2010-13900.pdf>. ▲

Reminder - Hazmat Registrations due June 30

Motor carriers that transport placarded quantities of hazardous materials must register with the DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) on or before June 30, 2010. PHMSA recently increased the registration fees from \$1,000 to \$2,600 (\$2,575 plus a \$25 administrative fee) for registrants that do not qualify as a small business. Fees for small businesses (defined as having annual revenue less than \$25.5 million) and not-for-profit organizations will remain at \$275 (\$250 plus a \$25 administrative fee). The increased registration fees are necessary to fund the Hazardous Materials Emergency Preparedness (HMEP) grants program, which helps provide hazardous materials training to emergency responders. Those carriers that have preregistered for the 2010-2011 registration cycle or the 2011-2012 cycle will have to supplement the payment they have already made. Motor carriers may obtain additional information on PHMSA's registration requirements and may register on-line through the following link: <http://www.phmsa.dot.gov/hazmat/registration>. ▲



FEDERAL GOVERNMENT

CSA 2010 BASICS: Driver Fitness

Driver Fitness is the third Behavioral Analysis & Safety Improvement Category (BASIC) of the Federal Motor Carrier Safety Administration's Comprehensive Safety Analysis 2010 (CSA 2010) program.

The Driver Fitness BASIC includes violations to Parts 383 and 391 of the Federal Motor Carrier Safety Regulations – in other words, those violations having to do with your commercial driver's license or your overall qualifications to do the job. If it's CDL related, the driver either doesn't have a valid CDL or is driving a class of vehicle not covered by that driver's CDL or endorsement, or he/she is in violation of a restriction or operating while disqualified. If qualifications related, the driver may be driving with a medical condition prohibited by law, or without a medical examiner certificate, or without a medical waiver if required. Under CSA 2010, driver violations are counted heavily against the employing motor carrier. Therefore, the carrier has not only the responsibility but a very real incentive to help a driver become qualified/compliant and eliminate the driver fitness risk.

Here's a short summary of what FMCSA expects under Parts 383 and 391. As it applies to the Driver Fitness BASIC, Part 383 (1) prohibits drivers from having more than one CDL; (2) requires CDL drivers to notify their employer and State of domicile of certain driver violations and all CDL suspension; (3) requires CDL drivers to provide previous employment information when applying for a CDL driver job; and (4) requires CDL drivers to have certain basic skills (for example, how to shift, start, stop, and move the vehicle forward and backward safely; proper visual search methods; appropriate use of signals; speed control for weather and traffic conditions; ability to position the CMV correctly when changing lanes or turning – space management; hazard perception; emergency maneuvers; skid control and recovery; relationship of cargo to vehicle control; and how to safely operate airbrakes, drive at night, and operate under extreme driving conditions). Part 383 also requires that you carry a valid CDL and have the proper endorsement for the equipment or load being hauled, as applicable.

The portions of Part 391 that apply to the Driver Fitness BASIC require drivers to: (1) be in good health and physically able to perform all duties of a driver; (2) speak and read English well enough to understand highway traffic and signals, respond to official questions, and make legible entries on reports and records; (3) provide their employer with a list of all motor vehicle violations or a signed statement that they have not been convicted of any motor vehicle violations during the past 12 months; (4) pass a driver's road test or equivalent; (5) complete an application for employment; and (6) possess a valid medical certificate. Medical qualifications and disqualifying conditions are detailed, but the basic requirements include: no loss of foot, leg, hand, or arm; no established medical history or clinical diagnosis of diabetes requiring insulin for control, disqualifying heart disease, high blood pressure or epilepsy; 20/40 vision or better with corrected lenses; distant binocular acuity of at least 20/40 in both eyes; the ability to recognize red, green and amber of traffic signals; hearing to perceive a forced whisper; no history of drug use (as specified under the FMCSRs) or any other substance identified in FMCSR Appendix D; and no clinical diagnosis of alcoholism. We know you're working hard every day to remain safe and compliant and we appreciate it. ▲

CSA 2010 BASICS: Vehicle Maintenance

Proper pre-trip inspections are one of the most important tools for preventing violations that will impact the Vehicle Maintenance BASIC in CSA 2010. Specifically, this BASIC involves violations covered under Parts 393 and 396 of the Federal Motor Carrier Safety Regulations which generally include mechanical defects. These violations can range from brakes out of adjustment to multiple out of service defects, from a missing or expired annual inspection to operating an out of service vehicle.

Professional drivers know that they cannot drive a commercial vehicle unless they are certain parts and accessories that would affect the safe operation of their vehicle are in good working order and are otherwise satisfied that the vehicle is in safe operating condition.

Given that drivers are responsible for detecting and reporting some of the most often cited violations, they play a vital role in the carrier's CSA 2010 scores. The driver should always conduct a thorough pre-trip inspection before driving away. Check again every three hours or 150 miles, or as the carrier requires, and be sure to properly complete the post-trip inspection report and note anything and everything that is not working correctly. ▲

FMCSA Delays CSA 2010

The Federal Motor Carrier Safety Administration said in early April that its prior plan to be implementing the Comprehensive Safety Analysis 2010 program in July 2010, with every state participating by year end, will be delayed to allow more time to review public comments and data collected in the nine pilot states. Full implementation of the CSA 2010 program will not be completed until spring, possibly summer of 2011, when it is anticipated to coincide with full-scale national enforcement.

On November 30, FMCSA is planning to: 1) Replace its current measurement system, SafeStat, with the Carrier Safety Management System; 2) mail out warning letters nationwide to deficient carriers; and 3) implement a revised nationwide Inspection Selection System for roadside inspectors based on the CSMS.

The nine CSA 2010 pilot states will implement the complete menu of CSA 2010 interventions in June 2010, following the testing phase. For the remaining 41 states, the new CSA 2010 interventions will be phased in during 2011.

ATA was generally supportive of the phase-in period and noted that FMCSA is "considering refinements" to its measurement system in accounting for crash responsibility, weighing how an individual violation counts against a carrier's score and defining a fleet's exposure to crashes, all areas that need addressed. ▲

DOT Projects Expanded EOBR Rule Release

The Department of Transportation (DOT) recently announced plans to publish on December 17, 2010 a follow-up proposal to require more fleets to use electronic onboard recorders (EOBRs). The Federal Motor Carrier Safety Administration already had issued a final rule requiring carriers with poor hours-of-service compliance to use an EOBR but noted that future regulations could require more fleets to use the device. ▲

DOT delays Mandatory Use of New Alcohol Test Form

The compliance date for using a new alcohol test form will likely be moved from August 1, 2010, to January 1, 2011. The Department of Transportation Office of Drug Policy learned from vendors and users that there was still a large supply of the old forms that won't be used up by August. (The office had to issue a proposed rulemaking in order to extend the deadline to January, but it's unlikely that there will be a flood of negative comments.) ▲

UCRA Enforcement Set for July 15

The Commercial Vehicle Safety Alliance, the organization of state law enforcement personnel involved with truck safety and enforcement, has sent out a reminder to its membership that enforcement of the Unified Carrier Registration Agreement program is to begin July 15 this year. Not every UCRA state may start writing tickets that day, since it's only a recommended enforcement date – but many states certainly will. It's also probable that some states may begin UCRA enforcement on their own carriers even before July 15. So far, states have collected about a third of the total of what they expect from this year's increased fees. There's no word yet on when the states may try to start collecting the 2011 UCRA fees. The UCRA Board may make that decision in August or September. ▲

~The State Laws Newsletter~

Kansas City and St. Louis on ATRI and FHWA Bottleneck Analysis

On May 27, 2010 the American Transportation Research Institute (ATRI) and the Federal Highway Administration (FHWA) released the findings of their *2009 Bottleneck Analysis of 100 Freight Significant Highway Locations*. The research, which assesses the level of truck-oriented congestion at 100 locations on the National Highway System, utilizes GPS technology and truck-specific information, as well as sophisticated software applications, to assess the level at which truck-based freight was affected by traffic congestion throughout 2009. While the general impact of congestion on freight is most significant during AM and PM peak travel times at a majority of the locations, there are several areas included in the study that experience slower than free flow speeds (which is 55 mph for this research) 24 hours per day. There are also locations that, when averaged annually, have little or no congestion. This research is one of the expanded capabilities of the Freight Performance Measures (FPM) initiative, which is sponsored by FHWA's Office of Freight Management and Operations and operated by ATRI.

"The continued monitoring of freight-significant highways by ATRI and FHWA provides both the private and public sectors with the ability to identify and address deficiencies in the freight system," said Chad England, President of C.R. England North America. "As this research moves forward, the myriad system performance measures that FPM generates will allow decision makers to prioritize highway investment in a way that targets critical needs. Additionally, the private sector can use this research to identify opportunities for routing through congested areas." For access to the full report, including detailed information on each of the 100 monitored locations, please go to the following link: http://www.atri-online.org/index.php?option=com_content&view=article&id=248&Itemid=75. ▲

ATRI Finds 87% of Commercial Vehicle Crashes Occur in First Eight Hours

The American Transportation Research Institute (ATRI) recently released the results of its analysis of motor carrier safety performance under the current Hours-of-Service (HOS) rules. As part of ATRI's ongoing analysis of HOS-related safety impacts, this latest research included data from nearly 260 motor carriers, representing over 127,000 commercial drivers.

ATRI's analysis compared 2009 safety data to 2004 data collected as part of a previous HOS study. From 2004 to 2009, the total collision rate decreased 11.7 percent and preventable collisions decreased 30.6 percent. Using 2009 data, the analysis found that 87 percent of commercial motor vehicle crashes occurred within the first eight hours of driving, with just 12 percent occurring in the 9-11th hours of driving. ATRI also examined driver use of the 34-hour restart provision, finding that in general it is used an average of three or fewer times per month. ▲

For-Hire Carriers: Please Share Vital Data!

Aggregated data on the trucking industry is critical to effectively represent the industry's interests on Capitol Hill, in court cases and with federal agencies. It is also useful as a benchmarking tool. Unfortunately, in 2005, the U.S. Department of Transportation (DOT) stopped distributing the information it gathers from you on the annual Form M financial and operating statistics report. Because having the aggregated data is so important, the American Trucking Associations (ATA) has begun collecting the same financial and operating statistics, with one important condition: ATA will not publish any individual company data. ATA requests your participation in this year's survey. Each participating for-hire carrier will receive a complimentary copy of the aggregated results. Go to www.trucksurveys.com and click on the red link to register for this year's survey. Once registered, you will be emailed a secure username and password to gain access to the survey. ▲

OSHA Proposes Walking Working Surfaces and Fall Protection Rule

On May 24, the Occupational Safety and Health Administration (OSHA) published a 300-page notice of proposed rulemaking to revise its walking working surfaces and fall protection standards. OSHA is specifically requesting comments on whether additional regulations are needed to cover falls from commercial motor vehicles at heights greater than 4 feet.

Due to the lack of information in this area, OSHA did not propose specific requirements applicable to rolling stock and commercial motor vehicles. Instead, the agency will wait to receive comments and then may issue a separate proposed rule on this subject. Comments on the proposal are due Aug. 23. Copies of the proposed rule are available at <http://edocket.access.gpo.gov/2010/pdf/2010-10418.pdf>. ▲



Safety is Primary . . . So is the Seat Belt Law for CMVs

The most recent survey of commercial motor vehicle safety belt use – in 2008 – resulted in an overall commercial motor vehicle usage rate of 73.4 percent. That was an increase of almost six percent over the 2007 usage rate, but is surprisingly low because by federal law, CMV drivers can be pulled over for failure to use a seat belt and no other reason.

Commercial vehicle drivers' safety belt use was worst among dump truck drivers – 53.3 percent for straight trucks and 58.2 percent for combination dump trucks. Bus drivers had the highest usage rate among straight vehicles with a 78.2 percent usage rate. Single trailer drivers had the highest usage rate among combination truck drivers at 80.8 percent.

No matter how many accident-free miles you have, no matter how big the truck you operate, no matter your opinion about the seat belt law, the safest place for you to be in a crash is behind a buckled safety belt. Besides keeping you from smashing around the cab – or ejecting and being crushed – during a crash, it keeps you in a position to possibly regain control and avoid secondary collisions – so even more travelers get to Arrive Alive.

CMV Drivers' Safety Belt Use

Straight Truck

Vehicle Type 7 Straight Frame	Restrained		Not Restrained	
	Frequency	Percent	Frequency	Percent
Van	989	68.5	455	31.5
Tanker	176	76.5	54	23.5
Dump	305	53.3	267	46.7
Flat Bed	415	57.5	307	42.5
Bus	401	78.2	112	21.8
Other	493	62.7	293	37.3
Total	2779	65.1	1488	34.9

Type 7 vehicles generally had six or more tires and a straight frame.

Combination Vehicles

Vehicle Type 8 Combination Vehicle	Restrained		Not Restrained	
	Frequency	Percent	Frequency	Percent
Box Trailer	8807	75.9	2800	24.1
Single Trailer	942	80.8	224	19.2
Double Trailer	985	80.1	245	19.9
Flat Trailer	1435	74.0	505	26.0
Car Hauler	331	75.7	106	24.3
Bobtail	342	74.0	120	26.0
Dump	373	58.2	268	41.8
Other	171	61.3	108	38.7
Total	13386	75.4	4376	24.6

Type 8 vehicles had 10 or more tires and were combination vehicles.

Source: "Missouri Commercial Motor Vehicle Safety Belt Survey Final Report," Missouri Safety Center, September 2008

Study Sheds Light on Slips/Falls

There are 15,000 slip and fall injuries to truck drivers each year, found the University of Michigan Transportation Research Institute and Center for Ergonomics Industrial and Operations Engineering. Of the 107 drivers interviewed in their study (median age 46, median experience 12 years), 50% of falls happened on the tractor, with 21% slipping while getting out of the cab, 8% while trying to take a seat. Noted contributing factors involved the steps (57%), no solid footing on the ground (20%) and the handholds (7%). Falls/injury from the trailer, including hooking up, came in at 7%. Other factors that played into a fall were obesity, improper footwear and using one hand in exiting cab. In covert observation, drivers were seen jumping from the first or second steps 4.4% of the time and not using a supporting hand in 10% of the egresses. For a results summary, go to: http://cre-msd.uwaterloo.ca/Documents/Conferences/Transportation%202009/UMTRI_truck.pdf. ▲



States to Reopen Rest Areas for the Summer

Arizona and Maryland have announced plans to reopen several highway rest areas this summer. The Arizona Department of Transportation (ADOT) will reopen five rest areas by the end of July, while Maryland will reopen two rest stops on Interstate 70, which have been closed for renovations since April 2008.

Last fall, ADOT announced plans to temporarily close 13 highway rest areas as part of efforts to address a \$100 million budget shortfall. The five stops that will reopen this summer include Ehrenberg, Sacaton and San Simon, all along I-10, Canoa Ranch on I-19, and Meteor Crater on I-40. Another four rest areas will undergo repairs in an effort to open in the fall, bringing the total to 14.

According to ADOT, some of the rest areas can be reopened now because of a stabilizing - but not yet improving - financial situation, and through careful planning and budgeting by ADOT.

Maryland said it will reopen the east and west bound South Mountain stops in late August. The two facilities were upgraded to be more environmentally-friendly, and will now include geothermal heating and air conditioning, bathrooms that use less water, and a waste-water treatment facility. ▲

CARB Seeks Information from On-Road, Off-Road Fleets

The California Air Resources Board is seeking information and ideas from fleets on possible amendments to the truck and bus regulation and off-road regulation. CARB is asking fleets to share information by June 1st.

On-road fleets are asked to fill out the Truck Fleet and Financial Information Survey. This fleet data and financial information will help CARB evaluate the impact of the economy on individual businesses subject to the truck and bus regulation. The survey also requests the DOORS ID for fleets that have off-road vehicles as well.

This survey can be accessed by visiting www.arb.ca.gov/msprog/or diesel/meetings.htm.

CARB is also seeking off-road operating hours and fuel data for vehicles. For fleets that have not already provided operating hours data to DOORS to receive reduced activity credit, CARB would like additional activity data. To submit this data, log into DOORS, go to the green bottom portion of the DOORS Reporting home screen, select Survey from the menu, and click Take Action.

The board would also like to have off-road diesel vehicle load factor data from fleets, dealerships or manufacturers that are willing to share the information. Data may be shared without indication of owner, serial number, etc. CARB is interested in any information that could help demonstrate what load factors are for various types of equipment, but also specifically at the engine control unit (ECU) downloads that display either an average load factor or a table of time spent in different load factor bins. If you're willing to share this information, e-mail ndolney@arb.ca.gov.

The board has posted a video of the presentations given at the May 6 workshops that covered proposed amendments to the two regulations. To view the recording, go to www.arb.ca.gov/msprog/onrdiesel/workshops.htm. ▲

TWIC Stakeholders

The St. Louis TWIC Enrollment Center will temporarily close on Wednesday, July 28, 2010, Thursday, July 29, 2010, and Friday, July 30, 2010.

For additional information and updates on the TWIC program and on the TWIC Enrollment Center, please visit <http://twicinformation.tsa.dhs.gov>.

Illinois Bill Restores Vehicle Access Provision for Length

The Illinois Senate unanimously voted recently to amend the Illinois Vehicle Code, providing trucks up to 65 feet in length access to local roads to points of delivery or for food, fuel, rest and repair, according to the Mid-West Truckers Association.

The new bill amends the Illinois Vehicle Code; the access provision was accidentally deleted from the code last year. The change takes effect immediately.

The bill, which was sponsored in the Senate by Transportation Committee Chairman Martin Sandoval (D-Chicago), passed by a vote of 58-0. It now moves to Gov. Pat Quinn for signing. In the House, the bill was sponsored by Rep. Dan Beiser (D-Alton), chairman of the House Transportation Committee. ▲

Illinois Announces Changes

We have learned of several changes affecting specialized carriers operating in Illinois:

- On July 1, the Illinois Department of Transportation (IDOT) began issuing annual Limited Continuous Operation permits again.
- Motor carriers can now determine whether a road in Illinois is under state or local jurisdiction by viewing the Illinois Department of Transportation's online map. Click on Designated Truck Route, then Over-Weight Truck Routes.
- IDOT now has several bridges on state roadways that cross over toll roads. In the past, the state owned these bridges. With the rebuilding taking place on a large number of toll roads, the Toll Road Authority is taking over ownership of many of these bridges. This means that the state may issue a permit for travelling on state owned roadway, but because they are using a toll road owned bridge, motor carriers will need to get permission from the Toll Road Authority. This can be necessary even if they are not actually getting onto or off of the toll road, but simply crossing the bridge. ▲

Iowa establishes Higher Weight Limits off the Interstate

Beginning July 1, 2010, commercial vehicles in Iowa traveling off the Interstate highways will have higher weight limits. Commercial vehicles with six axles will be allowed from 80,500 to 90,000 pounds, and seven-axle trucks will be allowed up to 96,000 pounds. ▲



Kansas Outlaws Texting While Driving

Kansas has become the 26th state to pass a texting while driving ban, as Gov. Mark Parkinson signed an anti-texting bill into law recently. The new law outlaws texting by all drivers.

"Distracted driving is a dangerous practice that kills thousands and injures hundreds of thousands each year," said Transportation Secretary Ray LaHood. "By signing this texting ban, Governor Parkinson has helped save lives and will make Kansas roads safer for everyone."

Drivers caught texting will receive warnings until Jan. 1, 2011, after which law enforcement will issue \$60 fines for violations. Because it is a primary law, police officers can stop motorists suspected of this offense alone.

The U.S. Department of Transportation released a sample bill for state legislatures to use as a starting point to craft measures to ban texting. Last year, more than 200 distracted driving bills were under consideration by state legislatures, and the pace is expected to increase this year, the DOT says.

For more information about the DOT's efforts to combat distracted driving, visit www.distraction.gov. ▲

Kansas Calls for Truck Hikes

The 10-year \$8.2 billion transportation plan approved by the Kansas Legislature the week of May 10 contains a \$135 hike in truck registration fees for trucks weighing more than 54,000 pounds and \$100 for trucks weighing less than 54,000 pounds. The fees would come in stages and would commence in 2013. ▲

Cell Phone Use Cited before Crash

Kentucky State Police said in a May report that truck driver Kenneth Laymon of Jasper, Alabama, was using his cell phone before a crash that killed him and 10 others, March 26. The National Transportation Safety Board continues to investigate, while FMCSA continues its review of the motor carrier, Hester Inc. of Fayette, Ala. In inspections of Hester's drivers (conducted 30 months before the crash), 21 drivers were placed out of service for log book violations, driving more than 11 hours, or exceeding the 14-hour on duty limit. ▲

Louisiana Trip Permit Information

Effective immediately, the Port of Entry Scales will no longer sell Louisiana trip permits. Companies requiring trip permits must now purchase the permits through a permitting service prior to entering Louisiana.

The Louisiana Office of Motor Vehicles is currently working on providing another procedure for companies to obtain the permits and will notify the jurisdictions once this procedure is in place.

If there are any questions, please contact Debbie Palazzo with the IRP section of the Louisiana Office of Motor Vehicles at (225) 925-6270. ▲

Minnesota Drops Hazmat Permits & Program

By 2010 legislation effective August 1 this year, Minnesota has repealed its hazmat permits and is withdrawing as a member of the Uniform State Hazardous Materials Transportation & Registration Program. The Program is a uniform base-state method for interstate carriers of hazmats to fulfill their permitting and registration requirements. Although a most worthwhile effort, the organization has never attracted more than seven member states. Hazmat carriers that have been based for the Program in Minnesota will need to switch their base state by the end of July to the remaining member state in which their fleet mileage is the greatest. ▲

~The State Laws Newsletter~

More than 100 New Spaces coming to I-55

The Steele Rest Areas, located along Interstate 55 in Missouri at mile marker 3 were closed when the American Recovery and Reinvestment Act (ARRA) pavement rehabilitation started last summer. MoDOT is re-purposing both locations to serve as truck parking areas. Plans call for a reopening in the fall with 11 truck parking spaces available on each side of I-55.

In addition to offering truck parking, MoDOT is building two new I-55 welcome centers. The Marston Welcome Center is under construction at I-55 South mile marker 42.4. On the northbound side, the Hayti Welcome Center is underway at mile marker 20.4. Both are expected to open in November 2010 with 124 new parking spaces – 60 at Hayti and 64 at Marston – for commercial trucks and recreational vehicles. ▲

Virtual Weigh Station is Virtually Invisible

Want to have some fun with Interstate 55 travelers? Ask them to spot the new weigh station. This spring, MoDOT opened a weigh facility like no other in the state of Missouri.

The first unique feature is the location. It is built into the ramp that takes traffic from I-55 South to U.S. 67 South near Barnhart, Mo. However, the most exciting news is that the site is completely electronic.

A weigh-in-motion scale built into the ramp weighs moving vehicles. Weights above a certain threshold cause special cameras to snap images of truck license plates and the USDOT number on the cab door. These images are processed instantly and information about the carrier is pulled from state and federal databases. If all is well, the truck moves on. If the truck is overweight or a problem such as a stolen license plate or unlawful operation is discovered, law enforcement officers who monitor the location remotely can dispatch someone to stop the vehicle.

Images can be captured day or night, in clear, rainy and snowy weather – helping keep your workplace safe. ▲



Court allows False Claims Case to go Forward

A New York state court has refused to dismiss a case brought under the state's new False Claims Act against a motor carrier. The Act allows private parties to sue on behalf of the state in actions alleging that a person has presented a false or fraudulent claim to the state. In this case, a private party alleged that an air/ground package delivery company had submitted false claims to the State related to fuel surcharges it collected for various delivery services. The Court found that the Act was not pre-empted by the Airline Deregulation Act, which contains the forerunner of the rates, routes and services pre-emption provision now applicable to motor carrier operations. The Court determined that because the state was procuring the service, it was acting as a market participant and not a regulator, thus excepting itself from possible pre-emption. These types of private attorney general actions threaten to become more prevalent as state legislators succumb to trial lawyer pressure to create more private causes of action against businesses. *Grupp v. DHL Express*, 2010 WL 2246382 (N.Y. Sup. Ct. April 26, 2010). ▲

Ohio Court Upholds Objection to Fees

The Ohio Court of Common Pleas for Franklin County has held that increased fees charged by the state for providing certified abstracts of driving records violated the state constitution because the proceeds were to be used for purposes other than highways or highway safety. The Ohio constitution specified that all proceeds from highway user fees had to be used for such purposes. The fees were challenged by associations representing motor carriers and the insurance industry, whose members bought the abstracts from the state. The court held that the associations had standing to sue, and that the fees were closely enough related to the use of the roads to qualify as highway user fees. *Ohio Trucking Ass'n, et al. v. Director, et al.*, docket no. 09CVH-07-10813, decided June 8, 2010. It is expected that the state will appeal this decision. For more information, contact Sherri Warner at OTA at 614-221-5375. ▲

~The State Laws Newsletter~

Judge Rules in Favor of Operators, Finds Murray Amendment Unconstitutional

Judge Huvelle of the U.S. District Court in the District of Columbia ruled today that the Murray Amendment, which prohibits the Federal Transit Administration from using any funds to enforce the charter rules against King County Metro in Seattle, is unconstitutional. In a case brought by ABA and UMA, the court held that Sen. Patty Murray's Amendment violates both the First Amendment right to petition the government and the Fifth Amendment Equal Protection Clause. The court rejected the government's argument that the Murray Amendment was a valid economic regulation and issued an order requiring the FTA to enforce the charter rule against King County Metro.

ABA is now preparing a complaint against King County Metro's provision of charter service to Seattle Mariners baseball games and Seattle Sounders soccer games. The complaint will be filed with the FTA in the next several days, and will seek a cease and desist order as well as the withholding of federal funding as the transit agency has knowingly violated the rule for several months. ▲

Wisconsin becomes 25th Anti-Text State

On May 5, Wisconsin became the 25th state to put a texting ban on the books, following Michigan, April 30. Michigan's law takes effect July 1 and allows police to issue a \$100 citation to a driver without first seeing the operator commit a traffic violation. A second offense earns a \$200 fine. Wisconsin's, like Michigan's, is a primary enforcement law but its texting ban takes effect in December.

Not all states have the same language regarding what constitutes a texting ban or when it can be enforced (primary versus secondary law), which may prompt a national standard rather than a patchwork of laws in the future. The Governors Highway Safety Association (GHSA) said that of the 25 states with texting bans, 20 are considered primary enforcement. ▲

More State Amnesties

States continue to run tax amnesty programs as a means of collecting some quick cash, despite the effects the practice may well have on voluntary compliance. Pennsylvania's recent amnesty, which ran 54 days and ended last week, brought the state more than a quarter of a billion dollars and took 60,000 delinquents off the hook. Pennsylvania hadn't had an amnesty for fourteen years. While Pennsylvania's program was going on, New Mexico began one of its own, and legislatures in Florida and Kentucky authorized amnesties in those states during the coming months. New Mexico's amnesty runs through September, and promises a waiver of penalties and interest for those who pay unreported taxes that were due before the current year. It's been eleven years since New Mexico last had an amnesty, and this one is only predicted to yield \$7 million. According to a list published by the Federation of Tax Administrators, a dozen states held amnesties last year – as opposed to only two in 2008 – and, including the states mentioned above, at least six have already run or authorized programs in 2010. ▲

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