



## President's Message

### New Members

#### Alcoa Wheel Products

8420 West 131st Place  
Overland Park, KS 66213  
Mr. Abhishek Bharadwaj  
(216) 440-2036

#### Central Marketing Transport LLC

3830 W Willoughby Drive  
Edinburgh, IN 46124  
Mr. Jerry Johnson, Jr.  
(812) 526-6454

#### Chesterfield Valley Power Sports

17501 N Outer Forty Road  
Chesterfield, MO 63005  
Mr. John Williams  
(314) 566-7704

#### Grote Industries

2600 Lanier Drive  
Madison, IN 47250  
Mr. Jon Clements  
(913) 375-5654

Welcome  
New Members!

I hope you are making plans to join us later this month in Branson for our Safety & Maintenance Conference and Awards Banquet. If you are a motor carrier and have not been to this event before, you are in luck as we have generous sponsors who believe so much in the value of the programming that they are paying your attendance fee!

That's right – first time motor carrier attendees may attend this year's conference for free! Bring yourself, your safety person and your maintenance person (even if they all are the same person) and make plans to attend today. We are looking forward to this event, and it is one you won't want to miss.

New to the schedule of events this year is the SuperTech competition. As you work your way to the Exhibit Hall, you will be able to observe 20 of the best technicians in the state as they compete in 10 separate stations to determine the "best of the best" in Missouri. These 20 competitors were the top 20 scores from the written exam given to nearly 50 competitors earlier this year. If you have not had an opportunity to see one of these competitions before, it is something you have to see to believe. Hopefully, you will leave the competition in Branson and encourage your technicians to attempt to qualify to compete in the hands-on competition in 2015!

We look forward to seeing you in Branson for this event April 22-24. Please make plans to attend today!



2013 SuperTech Competition



2013 Expo Hall



2013 Awards Banquet

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## Top-Selling Driver Books Now Available in Convenient Compliance Kits

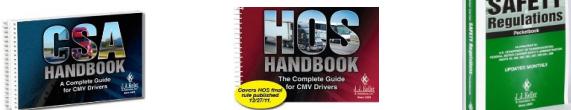
Provide fast access to regs and best practice info with popular driver books. All kits come with durable portfolio with four clear pockets — perfect to keep important information together, visible and protected. Kits with three handbooks come with an open pocket for extra storage.

Need a book combination that isn't available? Create one to meet your specific needs. You can even get your company logo imprinted on the portfolio!

### CMV Essentials Kit - 37657

#### **Easy access to critical reg and best practice info**

Includes: CSA Handbook: The Complete Guide for CMV Drivers, FMCSR Pocketbook, HOS Handbook: The Complete Guide for CMV Drivers, & Portfolio

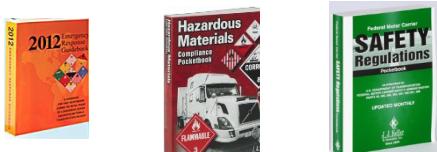


Each Kit: 25-49 - \$30.00 ea. 10-24 - \$35.00 ea. 1-9 - \$42.00 ea.

### Regulatory Essentials Kit - 37651

#### **Key regulatory information every driver needs**

Includes: Emergency Response Guidebook, FMCSR Pocketbook, HazMat Compliance Pocketbook, & Portfolio



Each Kit: 25-49 - \$27.00 ea. 10-24 - \$31.50 ea. 1-9 - \$38.00 ea.

### Compliance Handbook Portfolio - 37658

#### **Keep compliance books and documents handy, together, and protected**

25-49 - \$17.50 ea. 1-24 - \$20.00 ea.



#### **~ Or Build Your Own Kit ~**

Contact MoTA to place your order:

Phone: (573) 634-3388 Fax: (573) 634-4197

Email: [darla@motrucking.org](mailto:darla@motrucking.org)

Mail: Missouri Trucking Association  
P O Box 1247  
Jefferson City, MO 65102-1247

## America's Road Team Offers Work Zone Safety Tips

America's Road Team Captains are urging motorists to slow down and pay attention while driving through work zone areas. National Work Zone Awareness Week started on Sunday and runs through Friday, April 11. To learn more on how to stay safe in the work zones, go to <http://www.trucking.org/article.aspx?uid=aa357a48-7490-43e5-91a7-d3706822a6c5>. ▲

## ATRI Seeks Driver Input on Two Critical Industry Studies

The American Transportation Research Institute has launched two separate online surveys targeting commercial driver input on critical operational issues – impacts from the new Hours-of-Service rules and detention time impacts on safety and productivity. The first on HOS impacts is designed to further quantify impacts on commercial drivers from the rules changes which went into effect July 1, 2013.

The second survey is a first step in ATRI's study on Detention Time Impacts on Safety, Productivity and Compliance. The driver survey seeks to evaluate the impact that shippers and receivers may have on truck drivers' safety, productivity and hours-of-service compliance. The online version of the surveys will remain open through early May. The online surveys are available at [www.atri-online.org](http://www.atri-online.org). ▲

## Urgent Help Needed With Survey on Truck Parking Shortage

The Federal Highway Administration has asked for America Trucking Associations' (ATA's) help in getting a survey on the truck parking shortage out to carriers and drivers. The survey is a critical part of a study requested by Congress on the truck parking shortage. They hope to use the results of the survey to focus federal and state resources on addressing the shortage. There are two surveys: one geared to carriers (labeled "Trucking Industry Professionals"), and one targeted at drivers. Please fill out the Trucking Industry Professionals survey and distribute the driver survey to your employees. Feel free to distribute the surveys elsewhere as appropriate. The survey is due by April 18. Go to <https://www.surveymonkey.com/s/TruckingIndustryProf> for the Trucking Industry Professionals Survey. Go to <https://www.surveymonkey.com/s/JasonsLaw-TruckDrivers-ATA> for the Driver survey. ▲

## Member Cancellations March 2014

Name of Company	Class	Dues
Broadreach Transportation LLC	For Hire	\$300
G F S Transportation Inc	For Hire	\$360
Journagan Construction Co Inc	Private	\$676
Insurica Insurance Mngt Network	Allied	\$350
Machinery Link Transport LLC	For Hire	\$1,210
Sprague Excavating Co Inc	Private	\$350
TruckOp, LLC	Household	\$350
Weathercraft Inc Roofing	Private	\$350



### FMCSA Officially Publishes Supplemental Notice of Proposed Rulemaking on Electronic Logging Devices

On March 28, FMCSA officially published its Supplemental Notice of Proposed Rulemaking to mandate the use of electronic logging devices in the Federal Register. The agency had released a preview of the proposal on March 13. Comments on the proposal will be accepted until May 27. An ATA summary of the proposal is available on their website at [http://www.truckline.com/News\\_and\\_Information.aspx](http://www.truckline.com/News_and_Information.aspx). Also, a recording of a recent ATA webinar and the corresponding presentation slides are available at <http://www.trucking.org/article.aspx?uid=f96266e0-857f-4738-a966-52a7fd73f794>. Finally, ATA Vice-President of Safety Policy Rob Abbott explains the proposal in a video - <http://www.trucking.org/article.aspx?uid=7197eea2-0af4-447f-a828-a434904f0aac>. ▲

### ATA Urges Members & Affiliates to File Comments on FMCSA's Drug and Alcohol Clearinghouse Proposal

On February 20, 2014, the Federal Motor Carrier Safety Administration (FMCSA) published a Notice of Proposed Rule Making (NPRM) to create a Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (the Clearinghouse). Though ATA supports the Clearinghouse proposal, we have some significant concerns with some proposed details of its design and operation. In order to stress the importance of these issues, ATA is asking ATA members and other interested parties to also file comments discussing them. To help do so, ATA has created a document (available at <http://www.trucking.org/article.aspx?uid=ea9323e2-d590-46de-a367-7a44d91ab391>) outlining key discussion points and concerns on FMCSA's proposal including an executive summary of the NPRM. Comments on the proposed rule will be accepted till Monday, April 21, 2014 and can be electronically submitted to [www.regulations.gov](http://www.regulations.gov). ▲

### Weights and Measures Committee to Vote on Standard for Nat Gas, Diesel-Gallon Equivalent

A special steering committee of the National Conference on Weights and Measures has recommended that compressed and liquefied natural gas be sold in terms of gasoline and diesel gallon equivalents.

The recommendation will be put to a vote this July at the NCWM annual meeting in Detroit.

"These standards are of extreme importance to provide national uniformity," said Aahesh Albuquerque, steering committee chairman and director of the Colorado Department of Labor and Employment's Division of Oil and Public Safety. "A uniform method of sale allows consumers to compare cost and quantity and allows equipment manufacturers to design systems to meet just one set of requirements."

The NCWM is a nonprofit association of state and local weights and measures officials, federal agencies, manufacturers, retailers and consumers that developed national weights and measures standards since 1905. ▲

~ Transport Topics ~

### President Signs Hours-Of-Service Exemptions for Propane Haulers into Law

On March 21 President Obama signed into law a bill that extends waivers of the federal hours-of-service (HOS) regulations to help ease the nationwide shortage of propane and home heating fuels caused by distribution problems and high winter demands. The "Home Heating Emergency Assistance through Transportation" or "HHEATT" Act (H.R.4076) provides guaranteed extensions of HOS waivers issued after February 5, 2014 until May 31, 2014 for 35 states and the District of Columbia. The DOT, in consultation with state Governors, may terminate the guaranteed extensions prior to May 31 but only if current emergencies subside. The law comes on the heels of former ATA Chairman Charles "Shorty" Whittington's March 6 testimony before the U.S. House of Representatives' Subcommittee on Energy and Power, Committee on Energy and Commerce, requesting the need for such HOS exemptions. ▲

### FMCSA Gathers Input on New-Entrant Testing, ELDs

Anne Ferro and other Federal Motor Carrier Safety Administration officials listened to the public on knowledge testing for new transportation companies, but also heard from truck drivers on the new electronic logging device rule in Louisville, KY last week.

Owner-operators generally supported testing as a way to improve highway safety, and brokers were opposed to testing.

Two drivers also spoke about the ELD proposal, which would require commercial drivers to log their work hours electronically. One veteran driver described himself as "computer illiterate" and said he must use paper logs if he is to remain in the industry.

Another driver said he has used ELDs and does not like them, but conceded they do certain things well.

Ferro, FMCSA's administrator, headed a five-member delegation from her agency that sought public comment on how to write a rule that Congress ordered created.

New companies seeking a Department of Transportation number to operate as motor carriers or freight brokers or forwarders must be tested to see if they understand federal regulations on those industries. ▲

~ Transport Topics ~

### Trucking Exec Testifies about Hazmat Reauthorization

On April 2, Bill Downey of The Kenan Advantage Group testified for the trucking industry at a hearing held by the House Subcommittee on Railroads, Pipelines, and Hazardous Materials. He educated the committee about ATA's priorities for reauthorizing the Hazardous Materials Transportation Act: reforming the background check requirements for the Hazardous Materials Endorsement, banning PHMSA from issuing an unjustified wetlines rule, ensuring that carriers are not held responsible for shipper hazmat violations, and reforming the state hazmat permit process. Downey's testimony was well received and an entire video of the hearing is available at <http://transportation.house.gov/calendar/eventsingle.aspx?EventID=374285>. His testimony begins at the 20:30 mark. ▲

## ATA Urges Senate to Extend Tax Credits for LNG, CNG and Propane

On March 21, ATA wrote to Senate Finance Committee Chairman Ron Wyden (D-Ore.) and ranking member Orrin Hatch (R-Utah) seeking extension of tax credits for LNG, CNG and propane that expired at the end of 2013. In its letter co-signed by the National Propane Gas Association, ATA also requested that the Committee make the credits retroactive until the beginning of this year. The 50 cent per gasoline gallon equivalent credit applies to fuel sold by a taxpayer for use in a motor vehicle or fuel used by a taxpayer. When taking over the gavel at the Finance Committee earlier this year, Wyden said extending the dozens of expired tax credits would be one of his highest priorities. The Chairman is currently preparing a tax extenders package. ▲

## National Academy of Sciences Releases Long-Awaited Report on Phase II Truck Fuel Economy Standards

The National Academy of Sciences (NAS) released a new report on the second round of truck fuel economy standards for trucks, commonly referred to as "Phase II." The NAS reports are required under the Energy Independence and Security Act of 2007 every 5-years to assess strategies for reducing fuel consumption from medium and heavy-duty trucks. The findings and recommendations contained in the first report issued in 2010 were used by EPA and NHTSA in developing the first-ever truck fuel consumption and greenhouse gas emission standards for the trucking sector in 2011. The new report offers guidance for the Phase II Rule currently under development which is directed at technologies and programs in the post-2018 time frame. Expanding the use of natural gas as a transportation fuel and greater use of aerodynamic devices on trailers are among the strategies recommended for reducing fuel consumption. The report recommends that NHTSA and EPA develop a separate standard for natural gas vehicles as is presently the case for diesel- and gasoline-fueled vehicles. It adds that the agencies should begin to consider the "well-to-tank" energy consumption and greenhouse gas emissions associated with natural gas vehicles as well as for other vehicle and energy technologies that include biofuels, dimethyl ether, and hydrogen fuel cells. The report further recommends that the agencies adopt a regulation requiring that all new 53-foot or longer dry van and refrigerated van trailers meet performance standards that will reduce fuel consumption and CO<sub>2</sub> emissions. The NAS will expand upon the work contained in this report and issue a final report in 2016 that will cover a broader range of technologies and approaches that address the 2025-2030 time frame. To read individual chapters of the report free of charge, go to [http://www.nap.edu/openbook.php?record\\_id=18736](http://www.nap.edu/openbook.php?record_id=18736). ▲

## Chairmen Shuster (R-PA) and Petri (R-WI) ask GAO to Examine HOS Restart Regulations

House T&I Committee Chairman Bill Shuster (R-PA) and Highways and Transit Subcommittee Chairman Tom Petri (R-WI), on Monday, sent a letter to the Government Accountability Office (GAO), requesting they evaluate the studies FMCSA relied on to justify changing the hours of service (HOS) regulations for commercial motor vehicle drivers. Noting that "it is important that federal regulations be based on full and fair scientific research,

proper data and analyses, and operational testing" Shuster and Petri asked GAO to review the studies FMCSA has cited to make its case for the new HOS regulations and report back to the House T&I Committee their findings.

ATA, having worked closely with Members of Congress to address this flawed regulation, applauds Chairmen Shuster and Petri for their request to the GAO. Their action closely mirrors that of Congressman Hanna's True Safety Act (H.R.3413), which requested the GAO review of the studies used to justify the new restart provisions, and would stay the restart provisions until GAO reports back to Congress its findings. Moving forward, ATA will continue to work with members of the House and Senate to pursue efforts to stay the current HOS Restart Regulations so that the GAO can conduct its review, and Congress can act on the GAO's findings. ▲

## Supreme Court Holds that Federal Law Preempts State Law Relating to Air and Motor Carriers

Recently, the United States Supreme Court issued a unanimous decision coming down strongly in favor of preemption under federal statutes prohibiting state laws that relate to the prices, routes, and services of air and motor carriers. In Northwest, Inc. v. Ginsberg, the Court clarified that preemption extends to state common-law rules as well as state legislative enactments, and emphasized that the preemptive effect must be construed broadly. In particular, the Court ruled that claims for breach of a state-law "implied covenant of good faith and fair dealing" are preempted if the state law enlarges the contractual bargain between the parties to the dispute. ATA participated in the case with an amicus brief urging the Court to reject the narrow conception of federal preemption applied by the Ninth Circuit below. Last year, the Supreme Court similarly rejected the Ninth Circuit's constrained view of preemption in ATA's case against the Port of Los Angeles. ▲

## New Biodiesel Rule to Reduce Greenhouse Gas Emissions takes Effect in Ontario, Canada

A new rule that took effect April 1 in Ontario, Canada mandates specific biodiesel blends be sold in the province to reduce greenhouse gas emissions. The rule is phased in over a three-year period and requires a 2% biodiesel content between April 1, 2014 and December 31, 2015; a 3% blend from January 1, 2016 to December 31, 2016; and no less than a 4% blend beyond December 31, 2016. Home heating oils and aviation fuel are exempt from the new requirements and northern Ontario will be exempt from the new rule until 2017. This is not the first effort to reduce greenhouse gases by mandating the use of low-carbon fuels. California's low carbon fuel standard, part of the state's comprehensive greenhouse gas law, requires fuel providers reduce greenhouse gas emissions associated with all transportation fuels sold in the state 10 percent by 2020. ATA recently filed a petition with the U.S. Supreme Court to review and overturn the California law. If the LCFS remains in effect, transportation fuels sold in the state will likely experience a marked increase. The Supreme Court will issue a decision on the petition request this summer. ▲



### AL to Get Tax Tribunal

By legislation (H.B. 105) signed into law by Governor Bentley on March 11, 2014, and effective October 1 this year, Alabama will finally get an independent tax tribunal to hear tax appeals. Alabama is one of the last states to have such an independent agency. The new body will have jurisdiction over decisions of the state department of revenue and those of local governments on their sales taxes, unless a locality opts out. Many localities in Alabama employ their own sales tax auditors or use contract auditors, and this has evidently resulted in conflicting practices and interpretations of the law. The first chief judge of the tribunal is expected to be current chief administrative law judge Bill Thompson, whose decisions are highly regarded. The legislation also adds to taxpayers' procedural protections under the state's taxpayer bill of rights. ▲

~ State Laws Newsletter ~

### California wants Refrigeration Unit Buyers to be Aware

The California Air Resources Board wants buyers of transport refrigeration units equipped with engines manufactured in 2013 and 2014 to be aware some of these TRUs will only be able to legally operate in California through 2019 rather than the typical seven year operational life allowed under the state's TRU Regulation. The affected TRUs are those equipped with 25 horsepower or greater engines and federally certified under flexibility provisions to Tier 4 interim emission standards (i.e., Tier 4i flexibility engines). Alternatively, TRUs equipped with 25 horsepower or greater engines and federally certified to Tier 4 final emission standards comply with the most stringent CARB requirements and may operate indefinitely in California. For TRUs equipped with engines less than 25 horsepower, seven years of operational life is the maximum available under the regulation. For more information, see CARB's notice regarding Tire 4i flexibility engines at <http://www.arb.ca.gov/lispub/rss/displaypost.php?pno=7467>. ▲

### OH Court Holds Locals Can't Tax Carriers

The Ohio Supreme Court has held that towns and cities in the state, some 600 of which levy income taxes, can't apply those taxes to for-hire motor carriers. This should have been settled law, since the state statute that exempts carriers had not changed, and it created a stir when the state Supreme Court took jurisdiction of the case to look at decisions below that had upheld the exemption. The local government here pointed out that the carrier whose taxes were at issue had a history of filing and paying them, which, the village argued, indicated a "general understanding" that the taxes were not preempted by statute. The court started with the state constitutional provisions that granted home-rule powers to localities in Ohio, and noted that the constitution also gave the legislature powers to limit home rule, although statutory limitations had to be explicit. Looking next at the statute, the court found that it did successfully extend preemption to all generally applicable local taxes (apart from the property tax), and was not limited to regulatory fees and the like. In sum, said the court, "The General Assembly could not have expressed itself more clearly: all monetary 'exactions' of any kind, be they regulatory or ordinary tax measures, are declared to be 'illegal' and 'superseded' by state-law regulatory provisions." So carriers doing business in Ohio are spared. *Panther II Transportation, Inc. v. Village of Seville Bd. of Income Tax Review, et al.*, docket nos. 2012-1589 and -1592, decided March 19, 2014. The Ohio Trucking Association filed an amicus brief in the case, and was otherwise active in the litigation.

~ State Laws Newsletter ~

### ATA Seeks U.S. Supreme Court Review of California Low Carbon Fuel Standard

ATA and other groups on March 20 petitioned the U.S. Supreme Court to re-hear the 9th Circuit decision upholding California's low carbon fuel standard, part of the state's comprehensive greenhouse gas law. ATA and fellow petitioners contend the LCFS discriminates against out-of-state renewable fuels and oil and biofuel refiners, and violates the Commerce Clause of the U.S. Constitution. In its prior decision upholding the LCFS, the three-judge panel of the 9th Circuit ruled that the state had developed an "innovative, nondiscriminatory regulation to impede global warming." California's LCFS requires fuel providers reduce greenhouse gas emissions associated with all transportation fuels sold in the state 10 percent by 2020 for specific fuel types (i.e., gasoline, diesel, etc.). A "carbon intensity" is estimated for each different transportation fuel and, to comply with the LCFS, fuel providers in California must keep the average carbon intensity of their total volume of fuel sold within the state under the LCFS's annual established limits. If the LCFS were to remain in effect, transportation fuels sold in the state will likely experience a marked increase. The Supreme Court will issue a decision on the petition request this summer. ▲

### Court Rules Challenge to CO TABOR Can Proceed

The U.S. Court of Appeals for the Tenth Circuit has held that an unusual challenge to Colorado's Taxpayer Bill of Rights may proceed in federal court. This decision upholds a district court ruling almost two years ago. TABOR, as the bill of rights is known, requires a popular vote to approve either an increase in taxes or a major change in state tax policy. The plaintiffs here argued that this violates the Guaranty Clause of the U.S. Constitution, the provision that guarantees a "republican form of government" to each state of the union, because TABOR, they said, unduly restricts what the legislature may do. In defense, the state argued that the matter is a political question and the plaintiffs lacked standing to make the challenge. The appeals court held that at least the plaintiff legislators had standing, and that although the people of Colorado had made a political decision when they approved TABOR in the first place, it wasn't one that the courts couldn't rule on in this connection. *Kerr, et al. v. Hickenlooper*, docket no. 12-1445, decided March 7, 2014. Observers have pointed out that although the decision does not rule on the merits of the case, the appeals court may nonetheless have invalidated some of the defense's arguments. More than half the states have limits of one kind or another on legislative taxing powers. Prior interpretations of the Guaranty Clause have been few and far between. ▲

~ State Laws Newsletter ~

### MN Repeals Warehouse Sales Tax

By legislation (HF 2395/SF 2107) signed into law by Governor Dayton on March 21, 2014, Minnesota has repealed a sales tax imposed on warehousing and storage services. The tax was imposed by legislation enacted in 2013, but not effective until April 1 this year. So the new levy never went into effect. The repeal of this burdensome tax was one of the top priorities of the Minnesota Trucking Association this legislative session. ▲

~ State Laws Newsletter ~



# Planning Your Next *IT and Finance Move*

June 16-18

Lincolnshire Marriott Resort

Lincolnshire, IL

Information Technology & Logistics Council

National Accounting & Finance Council

American Trucking Associations, Inc.

950 N. Glebe Road, Suite 210

Arlington, VA 22203

2014



**ATA BUSINESS SOLUTIONS**

# MOTA Photo Album



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