



New Members

Dana Corporation
19301 Bellbrook Blvd
Gretna, NE 68028
Mr. Michael Spaulding
(734) 516-6631

Fontaine Fifth Wheel
7574 Commerce Circle
Trussville, AL 35173
Mr. Chuck McCann
(734) 395-1941

UMB
1010 Grand Blvd
Kansas City, MO 64106
Ms. Shawn Thomas
(816) 860-3823

Welcome
New Members!



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President's Message

"Sometimes the questions are complicated and the answers are simple."

~ Dr. Seuss

For decades in Missouri we have collectively wrung our hands to come up with the "best" solution to improve our highway and infrastructure funding problems. Perhaps it is time we take guidance from Dr. Seuss and take the simple answer – raise the fuel tax.

Does it solve all of our problems? No, but the failure to address the issue, and take the simple answer for nearly 20 years, has put MoDOT in a situation where we will be unable to come up with enough state dollars to match federal funds.

In the future, due to increasing fuel efficiency, alternative fueled vehicles, and fewer miles being traveled, we may have to look beyond the simple answer. But for the immediate future, we are probably better off following Dr. Seuss' advice.

MoTA Calendar of Events

June 12 & 13

Truck Driving Championships

Holiday Inn ~ Joplin, MO



- Registration Deadline - May 22nd
- Big Rig Pinewood Derby Deadline - May 22nd
- Submit Sponsorship Form
- Order Banquet Tickets
- Order Concession Stand Tickets
- Sign up for Spouse Course Competition

June 23

Sitton-Babcock PAC Golf Tournament

Old Kinderhook Golf Club ~ Camdenton, MO



October 7-9

Annual Convention

Chateau on the Lake ~ Branson, MO





Enter the American Trucking Associations Truck and Industrial Safety Contest!

All ATA and ATA Safety Management Council members are encouraged to enter ATA's National Truck and Industrial Safety Contest. Entry forms can be accessed by going to <https://ata.nonprofitcms.org/a>. If you entered the contest last year, login to the website with your 2014 credentials, click the name of the award you wish to enter and complete the form. If you are new to the online application process, click on the name of the award you wish to enter, create a username, and complete the form. Please note submissions are due by April 20. For questions, contact Jacob Pierce at Jpierce@trucking.org. ▲

Step It Up in the ATA Healthy Fleet Challenge!

Earlier this year ATA joined forces with Truck News and Healthy Trucker to bring the Healthy Fleet Challenge to the United States. To date there are over 65 Fleets, Associations, Allied Members and driver teams that are stepping it up. The Healthy Fleet Challenge measures the steps you take each day with a FitBit device (wearable technology) or downloading the MOVES Application to your iPhone or android phone. Our goal is to help improve the overall health of your drivers and staff. If you haven't formed a team yet – join the other ATA members to become more active and form a team in the expanded competition by visiting www.healthyfleet.com or send their request to info@healthyfleet.com. ▲

ATA Explains FMCSA Bulletin to Medical Examiners on Obstructive Sleep Apnea

The American Trucking Associations recently published a white paper explaining a bulletin issued by the Federal Motor Carrier Safety Administration intended to clarify medical examiners' responsibilities when screening drivers for obstructive sleep apnea. The bulletin encouraged examiners to use their own "judgment and expertise" in determining if a driver exhibits OSA risk factors and if treatment is required. Additionally, it "encouraged" examiners to consider a list of risk factors, testing and treatment protocols.

The bulletin followed Congressional inquiry into whether or not medical examiners were being improperly trained to require screening and testing for OSA, in violation of legislation enacted in 2013. ▲

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Tom Crawford, President and CEO
PO Box 1247
102 E High Street
Jefferson City, MO 65102
573-634-3388
mota@motrucking.org



ATA Releases March Madness Infographic

With the annual NCAA basketball tournament tipping off this week, ATA has released an infographic showing how many basketballs (888) are delivered by trucks for both the men's and women's tourneys.

According to the NCAA, each site – 20 for the women's bracket and 13 for the men's – is shipped 24 balls and the Final Four sites are shipped 48.

For other ATA infographics, go to: <http://www.trucking.org/article.aspx?uid=7398c813-353a-419f-9f3a-f22cba17c43f> And if you have ideas for future graphics, please send them to media@trucking.org. ▲

ATRA Issues Two Tort Reform Updates in Busy Week

The American Tort Reform Association, which counts ATA among its long-time members, has issued two editions of its Legislative Watch to keep up with all of out of state legislatures during the first week of March. The first was ATRA's regular weekly release, and includes civil-justice reform measures – and some trial attorney initiatives – introduced or considered in the states; and the second includes the results of actions in numerous states just on March 5, an unusually busy day. The news in that update is almost entirely positive. Note in particular West Virginia's abolition of the doctrine of joint and several liability, a reform that has been one of the major focus areas of ATA's Insurance Task Force. Similarly, in South Dakota, a bill that would have taken the state back toward joint-and-several was defeated. Both ATRA and the South Dakota Trucking Association were involved in that effort. In the regular edition of the Watch, note the introduction of a bill on phantom damages in Florida, the progress of a similar bill in Oklahoma, and the progress of a bad insurance bill in Georgia. ▲

ATA Urges EPA to Retain Current Ozone Standards

In comments filed on March 17, 2015, ATA urged the U.S. Environmental Protection Agency to retain the current ozone standards to provide more time for existing programs to accrue their full benefits. EPA has proposed to lower the nation's ozone standard from 75 parts per billion (ppb) to 70 or 65 ppb. In the comments, ATA notes that states are just beginning to determine what additional actions are needed to meet the current standards. While ozone-forming emissions have been cut in half since 1980, adopted national programs affecting heavy-duty and light-duty vehicles, as well as other industrial sources, will provide additional reductions well into the future. ATA reminds EPA of the unintended consequences which have occurred from past efforts to reduce ozone-forming NOx emissions from heavy-duty trucks and the potential to adversely affect fuel economy and greenhouse gas emissions. For more information, contact Mike Tunnell at mtunnell@trucking.org. ▲

Member Cancellations March 2015

Name of Company	Class	Dues
Eidson & Ussery Inc	For Hire	\$390.00
JP Transport LLC	For Hire	\$420.00



FMCSA Clarifies Guidance on Third Party Driver MVR Services

Today, FMCSA issued new guidance clarifying a long standing agency interpretation regarding the use of employer notification systems to satisfy annual driver record check requirements. The new guidance makes clear that motor carriers are compliant with federal annual inquiry and review of driving record regulations through the use of a third party employer notification systems. The system can either automatically provide updates from State systems (push-system) or regularly access the system to check for updates (pull-system) as long as checks occur at least once per year. Motor carriers can maintain these files electronically and satisfy the annual review requirements provided the notification system records the identity of the motor carrier's representative who conducted the review. The previous guidance, in place since 2003, was confusing in some respects, so ATA requested that FMCSA provide clarification. For more information, contact P Sean Garney at sgarney@trucking.org. ▲

FMCSA Guidance: Aggressive, Fraudulent or Misleading Marketing of Motor Carriers

The FMCSA has recently released additional guidance on the latest misleading or fraudulent robo-calling.

As a reminder, FMCSA Officials DO NOT:

- Ask for credit card or banking information data by telephone
- Utilize auto or "robo dial" when contacting carrier officials

Carrier Officials who have:

- Provided credit card numbers to businesses while under the false impressions they were providing the information to FMCSA could immediately challenge credit card charges as fraudulent or deceptive and have the credit card provider cancel and reissue the card with new numbers.
- Given banking information such as bank account and routing numbers could notify their bank or financial institution immediately and seek recovery and/or disallow future unwanted withdrawals.

For the complete list of guidelines, go to: <http://files.ctctcdn.com/6d489f69001/3fe0afe5-f646-4880-8998-3a46aee1c4b6.pdf>. ▲

ATA, GAO Warn Against Using New FMCSA CSA Score App

The Federal Motor Carrier Safety Administration recently issued an app for mobile phones to allow the public easier access to the scores produced by the agency's Compliance, Safety, Accountability system.

In a statement to reporters and on social media, ATA immediately warned the public not to use the app, and days later, Susan Fleming, director of physical infrastructure at the Government Accountability Office said in a radio interview that publishing the scores at all, whether on a website or an app was giving the watchdog agency "heartburn" because the data and scores produced by CSA were not "reliable."

ATA has repeatedly pressed the agency to make changes to CSA and remove scores until the data is improved. ▲

FMCSA Issues Guidance on Aggressive and Fraudulent Marketing

The FMCSA has issued a guide to aggressive and fraudulent marketing for carriers to reference when receiving suspect or questionable communications from anyone claiming to be working on behalf of the federal government. The guide explains in detail what practices the FMCSA does and does not engage in, to help carriers readily identify fraudulent activity, particularly when done in a professional manner. ▲

FMCSA Moves Up Projected Publication Date for Final ELD Rule

The Federal Motor Carrier Safety Administration has issued a supplemental report restoring Sept. 30 as the expected publication date of its final electronic logging device rule, moving it up from Nov. 9.

FMCSA spokesman Duane DeBruyne said the supplemental report was issued to correct "a simple administrative error." The rule will be effective two years after its publication date.

The agency typically has published its "significant rulemaking report" once a month, and most often changes in projected dates are delays.

In February the agency published its monthly report and moved the date from Sept. 30 to Nov. 9. It then issued the supplemental rulemaking report Feb. 27, changing it back to Sept. 30. ▲

~ Transport Topics ~

ATA: FMCSA Should Heed Calls to Fix CSA

On March 5, 2015, the American Trucking Associations called on the Federal Motor Carrier Safety Administration (FMCSA) to make important changes to its Compliance, Safety, Accountability system following criticisms from a key senator and the Government Accountability Office (GAO).

In a hearing before the Senate Commerce Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, the GAO chided FMCSA for ignoring its criticisms about the quality and quantity of data used to generate CSA scores, and recommended "FMCSA revise the SMS methodology to better account for limitations in available information when drawing comparisons of safety performance across carriers."

During the hearing, FMCSA was also criticized by Chairman Deb Fischer (R-Neb.) for disregarding "the views of Congress, stakeholders and several independent agencies with its current agenda-driven approach to regulating our nation's truckers."

GAO's testimony dramatically makes the point that "FMCSA's method does not effectively identify high risk carriers," yet the watchdog noted that FMCSA "has not taken action to address our recommendations to better account for the limitations in the CSA program."

"Yesterday, the flaws in CSA were again highlighted and again the agency insisted it will do nothing to correct them," ATA President & CEO Bill Graves said. "FMCSA should not just hear the concerns expressed by Sen. Fischer and the GAO, but address them with real action."

ATA has previously called on FMCSA to change how it uses crash history in CSA, as well as to remove CSA scores from public view until the system is improved. ▲



ATA-Backed Hair Testing Legislation Introduced

On March 19, 2015, legislation that would give trucking companies the option of using hair testing to screen drivers for drug use was introduced in both the House and Senate.

The bill, called the Drug-Free Commercial Driver Act of 2015 was introduced in the Senate by Sens. John Boozman (R-Ark.), Joe Manchin (D-W.Va.) and Sen. Heidi Heitkamp (D-N.D.) and in the House by Rep. Rick Crawford (R-Ark.), Del. Eleanor Holmes Norton (D-D.C.), would give fleets the option of using hair tests, as an alternative to traditional urine tests, to meet federal requirements.

"ATA is committed to improving highway safety, including doing all we can to prevent individuals who use drugs or alcohol from driving trucks," ATA President and CEO Bill Graves said in a press release. "ATA was an early advocate of mandatory drug and alcohol testing of drivers before it was required, and has since promoted improvements such as hair testing and the creation of a national test results clearinghouse. ATA's advocacy has resulted in a steady decline in the small percentage of drivers who use drugs, and hair testing is the next logical step." ▲

Supreme Court Overturns Lower Court's Railroad Fuel Tax Discrimination Decision

Last week, in a case in which ATA filed an *amicus* brief on behalf of Alabama's appeal of an 11th Circuit decision, the U.S. Supreme Court held that courts considering a discrimination claim brought by a railroad are required to look at comparable taxes to determine whether there is sufficient justification for a state treating a railroad differently. The decision in *Alabama Dep't. of Revenue v. CSX* addressed a claim by CSX that it is being discriminated against because its competitors (in Alabama, motor carriers and water carriers) are exempt from sales and use tax on diesel fuel and the railroads are not. In looking at comparable taxes (i.e., the excise tax that motor carriers paid in Alabama on diesel fuel), the Court held there would be sufficient justification for the differing treatment as long as the taxes were roughly equivalent. The trial court below had established that on average over the period in dispute, motor carriers actually paid more than the railroads, thus sufficient justification. The decision is an important victory for motor carriers and opens the way for states that had previously exempted railroads from paying sales and use tax because of similar challenges to reinstate them. ▲



Tip of the Month . . .

Anyone who drives a CMV must be qualified.

Anyone who operates a CMV (commercial motor vehicle) is required to be qualified by you, the motor carrier. Regardless of whether they operate a vehicle that requires a CDL or not, if it meets the definition of a commercial motor vehicle in 390.5, they must be qualified.

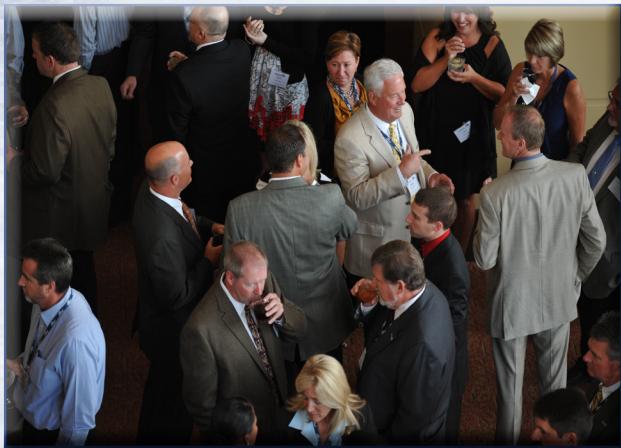
Part 391.51 of the Federal Motor Carrier Safety Regulations requires a motor carrier to maintain a driver's qualification file for each commercial motor vehicle (CMV) driver it employs. The DQ file must be complete with all forms filled out properly, current with all annual or time-expiring updates and are qualified through a medical certificate or through the status of their license. Mechanics and temporary drivers must also have a DQ file if they are going to drive a CMV for the motor carrier even if it is only once a year or to test a piece of equipment after fixing it.

Other states have driver qualification requirements for intrastate operations. Missouri has adopted the federal regs on driver qualifications. Call Jason Ahten to find out other states' requirements.

If you need help with the driver qualification requirements or driver investigation requirements as required by Federal regulation, give Missouri Truck Services a call today. Ron, Jason, Jerry or Rose can help you get all of your files and records in great shape so that you are prepared for a DOT audit or if one of your drivers is involved in a crash.

Missouri Truck Services
P.O. Box 1247
Jefferson City, MO 65102
Phone: 573-634-3388
email: mts@motrucking.org

MoTA Photo Album



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



Updated 49 CFR Parts 100-199: COMING SOON!



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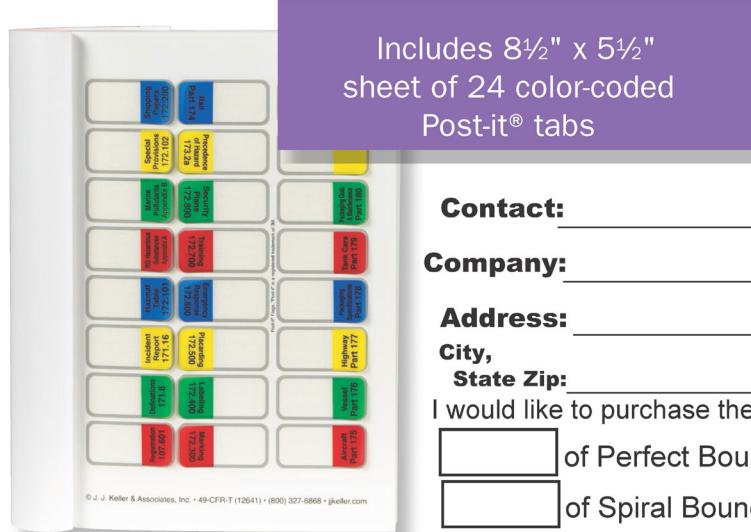
**The 2014 revisions to the
Code of Federal Regulations
will be available starting in
April, 2015!!**

2014 revision includes:

- Word-for-word reprint of DOT's Regulations for Hazardous Materials & Oil Transportation (49 CFR Parts 100-199)
- Elimination of ORM-D markings
- Single-sided worded
- Harmonized 49 CFR Hazardous Materials Table

Book Details:

- Sold as a two-book set:
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 - Book two includes Parts 178-199
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