



New Members

Bendix Commercial Vehicles Systems

2521 West Arlington St.
Springfield, MO 65810
Mr. Robert S. Eldridge
(417) 209-2266

Connell Insurance, Inc.

1691 South Business 65
Hollister, MO 65672
Mr. Casey Chastain
(417) 973-0819

Horton, Inc.

1906 South Honeysuckle Ave.
Kearney, MO 64060
Mr. Monte Griffey
(816) 628-9040

Katz, Sapper & Miller, LLP

800 East 96th St.
Indianapolis, IN 46240
Mr. Timothy W. Almack
(317) 580-2068

Pana-Pacific

6031 Hamilton St.
Omaha, NE 68132
Ms. Amanda Schuier
(402) 457-9001

Stoughton Trailers, LLC

1623 Garden Valley Dr.
Wildwood, MO 63038
Mr. Jim Frueh
(636) 751-5396

Transwest Trailers

1251 Century Ave.
Kansas City, MO 64154
Mr. David Bowe
(816) 454-7340

President's Message

The era of term limits has necessitated a change in how interest groups and lobbyists interact with the legislative branch. I will leave the discussion for whether it is "good" or "bad" for another day! Groups that have learned and adapted to the new system are able to see some success while others seem to be lost at the starting gate.

Fortunately, the Missouri Trucking Association has adapted and is a leader in the new era. Our 24 Hour Program has provided the right amount of local interaction with the right leaders in a way that is beneficial to all sides involved. It is no wonder that members who have participated in this program in the past are, without exception, the first ones to sign up for the next year's program. I encourage you to begin thinking now about your visit in 2013!

As much as we would like to pat ourselves on the back for our past achievements, in the era of term limits, we cannot afford to do so! Next session will see new leadership teams in both houses, including new chairs in the Transportation Committees in both houses as well. Look for more on these individuals and the importance of your involvement in the coming months.

As I look back on the 2012 Legislative Session, a couple things stand out. First, is our ability as an industry to play defense. We saw this skill set evolve in our ability to defeat the effort to toll I-70, with the support of long time, term limited legislative friends such as Sen. Bill Stouffer. This also is an effort that will be dependent on our ability to adapt in the era of term limits, as the lead sponsor of this year's bill is likely to become the next chair of the Senate Transportation Committee. In addition, the other 2 cosponsors of the bill will likely remain on the Transportation Committee. (Please give serious thought to your 24 Hour visit in 2013!)

The second observation that stands out is our ability as an industry to play offense. Again, your visits helped solidify this position of strength and provided specific examples by members who were negatively impacted by the current law. As one who has lobbied on various issues for nearly two decades, this ability does not happen overnight, is not enjoyed by many groups, and is fleeting even within a certain group or industry from year to year. With that background, the passage of the language (3 times!) to clarify our industry's sales tax exemption was particularly satisfying given the "in your face" discussions that took place with the Department of Revenue toward the end of the 2011 Session.

For a more detailed rundown of the 2012 Legislative Session and the passage of the sales tax exemptions, please read Ross Nichols' Legislative Bulletin attached to the Mo Memo.

Finally, the defeat of the toll road bill is not the end of the debate on highway funding. The need to come up with a solution for the next funding package is pressing and most groups interested in the topic are looking to 2013 as the first realistic opportunity to submit a solution to the voters.

To that end, Speaker Steve Tilley appointed a "Blue Ribbon Citizens Committee on Missouri's Transportation Needs." The panel was appointed from citizens from around the state with the purpose to examine current and future transportation needs, and explore possible solutions. After completing a tour of the state to listen to MoDOT officials, business leaders and local citizens concerning their highway needs and funding ideas, the committee will submit a report of our findings and our response.

I am honored to have been appointed to the committee as a representative of the trucking industry, and look forward to continuing the discussion on how to fund infrastructure in Missouri. We have included a schedule of the upcoming Blue Ribbon Committee meetings in the Mo Memo (page 2).

Finally, it is not too early to be thinking about attending the MoTA 75th Annual Convention being held this year at the historical Chase Park Plaza in St Louis MO, on September 26-28. Mark your calendars now for what promises to be a great event!

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~ Upcoming Events ~

- June 8-9 Truck Driving Championships
Holiday Inn KCI Airport & KCI Expo Center
Kansas City, MO

- June 25 MoTA Board Dinner
Old Kinderhook Trophy Room
Camdenton, MO

- June 26 MoTA Board Meeting
Old Kinderhook Conference Center
Camdenton, MO

- June 26 Motor Carrier Public Affairs
Sitton - Babcock Golf Tournament
Old Kinderhook Golf Club, Camdenton, MO

- Sept. 26-28 MoTA Annual Convention
Chase Park Plaza Hotel, St. Louis, MO



**For registration information and more details,
visit the Missouri Trucking Association website ~ www.motrucking.org
or call the MoTA office ~ (573) 634-3388.**

**2012 MoTA
Drivers of the Month**

- January* **Steven Fields**
YRC, Inc.
Kansas City, Missouri

- February* **Danny Womack**
D & D Sexton, Inc.
Carthage, Missouri

- March* **Jerry Pate**
Walmart Transportation
St. James, Missouri

**Blue Ribbon Citizens Committee
on Missouri's Transportation Needs**
(Refer to President's Message on page 1)

2012 Meeting Schedule

- June 1 **Springfield** ~ Springfield Chamber Office,
1:00 p.m.

- June 29 **Cape Girardeau** ~ Show-Me Center, 10:00 a.m.

- July 9 **Columbia** ~ ARC City Activity Center, 10:00 a.m.

- July 23 **Hannibal** ~ General Mills Plant, 10:00 a.m.

- August 6 **Kansas City** ~ Gamber Center in Lee's Summit,
10:00 a.m.

Member Cancellations May 2012

Name of Company	Class	Dues
B D C Trucking, Inc.	For Hire	\$300.00
Custard Insurance Adjusters	Allied	\$200.00
D & L Transportation Inc.	Motor Coach	\$441.00

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FMCSA to Review Tank Truck Definitions after ATA Raises Concerns Over Costs

The Federal Motor Carrier Safety Administration has agreed to consider changing a regulation it published last year that redefined tank trucks to include trucks carrying almost any tanks that total 1,000 gallons of capacity or more.

In a March 30 letter, FMCSA Administrator Anne Ferro recognized concerns raised by American Trucking Associations, which said the change would require costly commercial driver license endorsements.

The agency will initiate a rule-making process soon to solve the issue, Ferro said.

A regulation published last year defined a tank truck as a truck carrying liquids or gases in cylinders and intermediate bulk containers with an "aggregate capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or chassis."

That definition, included as part of a May 2011 rule that changed CDL testing procedures, defined many trucks as tanks that were not included before, ATA said. For example, a truck carrying four 250-gallon bulk containers is considered a tank truck under the new definition, even though the containers are small and removable, ATA said.

Tank trucks require a special CDL endorsement because of the specific safety concerns involved with tank trucks, including the "slosh" factor of a partially loaded tank, said Boyd Stephenson, ATA's manager of safety and security policy.

Some states have adopted the new definition, though FMCSA gave states three years to comply with it, he added.

Citing the concerns about some states implementing the change before others, FMCSA said the rulemaking process "will be initiated as expeditiously as possible." ▲

~ Transport Topics ~

Five IFTA Amendments Submitted

The repository of the International Fuel Tax Agreement has posted five proposed ballots to amend the agreement. These may be commented on from now until the middle of May; they'll be discussed at the IFTA annual meeting in July; and then they'll be posted for comment again before finally being voted on by the IFTA membership late in the year. The first ballot, sponsored by two of IFTA's standing committees, would specify the elements of an acceptable IFTA tax report that's submitted to a tax agency on-line. The second ballot, sponsored by Colorado, suggests a way of setting the rate of interest charged under IFTA for overdue taxes. Ballot number 3, sponsored by the IFTA Board, would formally establish the IFTA information technology advisory committee, a body that's actually been in existence for several years. The fourth proposal, sponsored by Alabama, makes a change to the definition of the types of vehicle subject to IFTA reporting, with the intent only to clarify the present language. And the final ballot, sponsored by Ontario, would require states and provinces to update their exceptions from IFTA filing on a timely basis. For the text of these proposals, and to file comments on them, go to www.iftach.org. ▲

~ State Laws Newsletter ~

FMCSA Publishes Medical Examiner Registry Rule

On April 20, 2012, the Federal Motor Carrier Safety Administration published a final rule establishing its National Registry of Certified Medical Examiners (NRCME).

According to an implementation schedule published on FMCSA's official NRCME website, on May 21, 2012 the agency will begin the process to allow accredited private companies to test and certify medical examiners for inclusion on the NRCME. Beginning May 21, 2014, all medical certificates must be issued by a certified medical examiner and contain his/her Medical Examiner Registration Number.

Medical certificates issued before May 21, 2014 will still be valid until their expiration, even if that date is after May 21, 2014. On that date, motor carriers will also be required to verify that a medical certificate is valid by checking a driver's medical certificate against the examiner's registration number in the NRCME.

Even after being examined by an examiner registered in FMCSA's database, a driver will still need to transmit a copy of the medical certificate to his or her state licensing agency.

ATA has long advocated that, both to reduce fraud and possible processing errors, medical examiners should transmit this data directly to the licensing agencies for inclusion in the Commercial Driver's License Information System (CDLIS). ATA has urged FMCSA to issue a proposed rule that would require medical examiners to send such information and states to be able to directly add it to a CDLIS record.

Based upon the Department of Transportation's regulatory agenda, FMCSA is scheduled to publish a notice proposing such a rule change in August 2012.

The final rule can be found at this link - http://nrcme.fmcsa.dot.gov/documents/National_Registry_Rule.pdf.

The implementation schedule can be found at this link - <http://nrcme.fmcsa.dot.gov/schedule.aspx>. ▲

FMCSA Changing Flatbed, Hazmat Rules

The Federal Motor Carrier Safety Administration (FMCSA) announced a slate of changes to its safety rating system designed to ratchet up enforcement of hazardous materials carriers and mitigate an inspection bias against flatbed haulers.

"Motor carrier industry and enforcement stakeholders have noted that motor carriers predominantly operating open deck trailers (e.g., flatbeds) have significantly higher Cargo-Related BASIC percentiles than those for other groups of operators, because load securement issues for these types of carriers are more readily apparent during roadside inspections," the agency said in a posting in the Federal Register.

As a result, the agency said it was strengthening the Compliance-Safety-Accountability (CSA) program's Vehicle Maintenance BASIC by moving cargo/load securement violations from the Cargo-Related BASIC to the Vehicle Maintenance BASIC.

The agency also said it was renaming the Cargo-Related BASIC the Hazardous Materials BASIC, which will better identify hazmat-related safety problems and change how hazmat carriers are classified to allow for increased intervention scrutiny.

"The presence of [hazmat] can greatly exacerbate the consequences of crashes and cargo spills," FMCSA said. ▲



Sleep Apnea Guidance Withdrawn

FMCSA said it is studying the sleep apnea recommendations made by its two medical advisory bodies – the Medical Review Board and Motor Carrier Safety Advisory Committee (MCSAC) – as regulatory guidance for a possible future rule-making. FMCSA did not provide a timeline for when that might occur when it withdrew regulatory guidance due to a “clerical error.” The recommendations made in February include a body mass index (BMI) of 35 or greater and an Apnea Hypopnea Index (AHI) of 20 or more (moderate to severe sleep apnea) as the triggers for testing and treatment with a Positive Airway Pressure (PAP) machine. FMCSA said in a *Federal Register* notice that it “proposes to adopt the recommendations as regulatory guidance after reviewing and evaluating comments received from the public.” ▲

FMCSA Extends Comment Period for Planned CSA Changes

The Federal Motor Carrier Safety Administration has extended the comment period on its planned changes to the Compliance, Safety, Accountability program, originally published on March 27. The comment period has been extended until July 30 to allow motor carriers additional time to review the impact of the planned changes on their scores and offer suggestions for improvement.

Some of the planned changes include: renaming the Cargo-Related BASIC as the Hazardous Materials BASIC; moving cargo/load securement violations to the Vehicle Maintenance BASIC; assigning of certain vehicle violations identified on equipment offered by intermodal equipment providers to the motor carriers/drivers operating them; and changes to how the system’s website depicts results for carriers with insufficient data in the system to generate scores. Comments can be filed at www.regulations.gov. Reference docket no: FMCSA 2012–0074. ▲

PHMSA Registration

The deadline to register with the Pipeline and Hazardous Material Safety Administration is July 1, 2012 for anyone who transports or offers for transportation in commerce a shipment of any of the following hazardous materials:

- A highway route controlled quantity of Class 7 radioactive material;
- More than 55 pounds of a Division 1.1, 1.2, or 1.3 explosive material in a motor vehicle;
- A hazardous material including hazardous waste in a bulk packaging with a capacity equal to or greater than 3,500 gallons for liquids or gases or more than 468 cubic feet for solids;
- A shipment in other than bulk packaging of 5,000 pounds or more of any one class of hazardous materials (including hazardous waste) for which placarding is required; or
- A quantity of hazardous material that requires placarding. Materials transported or offered for transport in direct support of a farming operation are exempted.

Registration may be done online at: https://hazmatonline.phmsa.dot.gov/services/haz_reg_1.aspx or individuals may call (800)467-4922 for information and assistance in registering by mail. ▲

NHTSA Proposes Electronic Stability Control for Large Trucks

This week the National Highway Traffic Safety Administration (NHTSA) issued a notice of proposed rulemaking ([docket number NHTSA-2012-0065](#)) to require original equipment manufacturers to install electronic stability control (ESC) systems on all new class 7 & 8 tractors. ESC systems are designed to reduce rollover and mitigate severe under and over steer conditions that lead to loss of control crashes. NHTSA believes that ESC systems would prevent between 1807 to 2329 crashes, 649 to 858 injuries, and 49 to 60 fatalities annually while generating positive net benefits. NHTSA estimates that the average cost of ESC is \$1,160 per unit. NHTSA plans to hold a public hearing in the summer of 2012 and will accept comments to the rulemaking at the hearing and through mid-August 2012. ▲

PHMSA Extends ORM-D Phaseout Deadline & Clarifies Overpack Rules

On May 25, the Pipeline and Hazardous Materials Safety Administration issued a notice of proposed rulemaking extending the expiration date for usage of the ORM-D marking on consumer quantities of hazardous materials shipped by highway, rail, or vessel until December 31, 2015. This extension allows the usage of the ORM-D marking for an extra two years in all modes except air. The proposed rule also clarifies some extra areas where ORM-D markings may continue to be used, such as marking materials of trade. Finally, PHMSA clarified the rules for ORM-D, limited quantities and excepted quantity materials shipped in an overpack, noting that the overpack does not need to display the word ‘OVERPACK’ if all required markings for the packages inside the overpack are printed on its exterior. ▲

FMCSA Issues Tank Vehicle Definition Guidance

On May 24, 2012, the Federal Motor Carrier Safety Administration (FMCSA) issued regulatory guidance clarifying its definition of a tank vehicle to declare that the definition does include intermediate bulk containers. The current definition, adopted in May 2011, required that all vehicles moving cargoes of bulk (capacity greater than 119 gallons) tanks that were permanently or temporarily attached to the vehicle’s chassis and with an aggregate capacity of more than 1,000 gallons should be considered tank vehicles. The guidance also clarified that any tank that is properly secured in a vehicle should be considered “attached” to the chassis, regardless of the manner of securement. Finally, the guidance states that bulk tanks that are manifested as empty or as residue do not count toward the 1,000 gallon threshold to become a tank vehicle. This guidance was spurred by calls from the industry, including an ATA petition for rulemaking on this issue. FMCSA granted ATA’s petition and will initiate a rulemaking at a later date. This guidance does not represent a final rule to revise the tank vehicle definition in response to ATA’s petition, but rather a clarification of the existing definition. ▲



ATA Insists on CSA Changes

Trucking's leading advocacy group signaled growing unhappiness with the Federal Motor Carrier Safety Administration's handling of its new safety regime, and told the agency it needed to be more responsive to the industry.

After a meeting of its top leadership, American Trucking Associations said the agency needs to fix issues that carriers have raised over various portions of the Compliance, Safety Accountability program, and to correct errors in its fleet safety ratings.

And unless improvements are made, the group warned that it would "explore all avenues" to get CSA modified.

ATA President Bill Graves said that after supporting the agency and its safety program through several years of planning and implementation, "recently our members have become concerned that the agency has become increasingly unresponsive, even in the face of data and logic."

The group stressed that it continued to support the goals and objectives of CSA but is concerned that FMCSA is focusing on issues that are not true indicators of safety performance.

However, FMCSA Administrator Anne Ferro disputed ATA's claims in an interview May 23 with a reporter for *The Trucker* newsletter, saying, "We have been very open about what we are doing and about accepting input from industry stakeholders, law enforcement and drivers."

In its statement, ATA said one of its primary issues concerns FMCSA's failure to follow through on promised changes to crash accountability rules, which the industry contends penalizes fleets' safety records for crashes their drivers had no part in causing, such as when they are legally parked (3-19, p. 1).

Ferro had told the industry that FMCSA would make changes to the crash accountability standards but later backed off after some advocacy groups complained. She has ordered a further review of the issue.

Carriers have complained that their safety records are harmed when they are cited for crashes that occur through no fault of their drivers (5-14, p. 1).

ATA said it is also concerned about FMCSA's lack of research backing its claim that carriers that violate some parts of CSA's provisions are more likely to be involved in crashes and about publishing carriers' scores in those categories until that research is completed and analyzed.

ATA also has raised concerns with FMCSA over various aspects of CSA, as the agency works with the fledgling program.

Among those outstanding issues are how the agency oversees hazardous materials shipments, how it continues to use citations that have been dismissed against fleets' safety ratings and the severity it attaches to some violations that the industry believes are not truly indicative of a carrier's safety performance. ▲

~ Transport Topics ~

FMCSA Releases New Shipper, Broker and Insurer Resources

The Federal Motor Carrier Safety Administration's (FMCSA) Compliance, Safety, Accountability (CSA) program is now providing resources specifically geared towards shippers, brokers, and insurers about the agency's publicly available data. FMCSA makes three sources of safety and compliance data available to the public. These sources are the Safety and Fitness Electronic Records system; the Licensing and Insurance Online Website; and CSA's Safety Measurement System (SMS). The new resources for shippers, brokers, and insurers consist of two fact sheets and one PowerPoint presentation.

FMCSA developed these new resources in response to feedback from safety stakeholders. One of the fact sheets identifies and clarifies all three of FMCSA's publicly available data sources and the other fact sheet offers important facts about CSA's SMS. In addition, the PowerPoint presentation gives an overview of FMCSA's publicly available data sources that includes screenshots from each of those sources. All three resources can be found at this link: <https://csa.fmcsa.dot.gov/resources.aspx?locationid=115>.

FMCSA will continue answering questions and feedback about its CSA program. The CSA Website publishes new information regularly, so make sure to visit it to keep up-to-date. Also, stay connected to CSA by subscribing to the RSS feed and signing up for the email subscription service (<http://csa.fmcsa.dot.gov/StayConnected.asp>). ▲

FMCSA Formally Withdraws EOBR Rule

The Federal Motor Carrier Safety Administration has formally withdrawn its regulation that would have mandated electronic onboard recorders for some carriers.

The action comes nine months after an appeals court blocked the mandate, which would have required EOBRs for about 5,700 carriers with the worst hours-of-service violations.

A supplementary proposal for the universal mandate, one that fits the harassment requirements, will come in late 2012 or early 2013, the agency said in February (2-12, p. 3). ▲

~ Transport Topics ~

Make plans to attend . . .

Truck Driving Championships

June 8 & 9, 2012

**Holiday Inn KCI Airport & KCI Expo Center
Kansas City, MO**



New Research Identifies Large Truck Rollover Locations

The American Transportation Research Institute (ATRI) has released findings from the first phase of a three-part research effort aimed at mitigating costly large truck rollovers. ATRI's first phase produced a database of locations with the highest frequency of large truck rollovers using over 50,000 crash records from a nine-year period. The database, which covers 31 states, provides valuable insight into the location of high frequency rollover locations to both public transportation officials and the trucking industry.

ATRI will continue this important research by investigating the identified locations further to better understand rollover causal factors. Subsequent phases of ATRI's research will focus on rollover mitigation strategies, such as a real-time in-cab notification system and outreach to public sector officials who have the ability to address potential problems related to roadway design and signage.

The full report, state-specific summary reports and an online interactive map are available on the ATRI website at www.atri-online.org. ▲

Beware of Scam Letters

The USDOT is once again instructing carriers and drivers to beware of scam letters that have been sent out asking for financial information.

The fraudulent letters indicate they are from the "U.S. Department of Transportation Procurement Office" and are signed by "Julie Weynel, Senior Procurement Officer," a fictitious person. ▲

THE truckersStore *for DOT Compliance*

New 2012

Emergency Response Guide Pocketbook

Item #14ORS-2



If you have not ordered the new 2012 Emergency Response Guide Pocketbook, it is time to order now. This book updates only every four years. **Special pricing for pre-orders:**

- 1-49 books - \$3.00 each
- 50-99 - \$2.75 each
- 100-249 - \$2.50 each
- 250+ - \$2.25 each

Be sure to take advantage of these low prices by reserving books now. Sale ends when the books become available.

Order by:

Email - darla@motrucking.org

Fax - (573) 634-4197

Phone - (573) 634-3388

(This special pricing is not available online.)

Roadcheck Set for June 5-7

About 10,000 federal, state, provincial and local truck and bus inspectors will fan out at more than 1,500 locations from June 5-7 across North America for the annual "Roadcheck" inspections on commercial vehicles.

During the 72-hour event, inspectors will conduct comprehensive North American Standard Level I Inspections, according to the Commercial Vehicle Safety Alliance (CVSA).

This year's focus will be on vehicle brake systems and preventing driver fatigue by conducting hours-of-service compliance checks, said CVSA, which represents law enforcement personnel who conduct truck safety inspections in the U.S., Canada and Mexico.

Maryland State Police will host the Roadcheck kickoff event to underscore the importance of comprehensive driver and vehicle safety inspections of trucks and buses and on enforcing safety belt use. ▲

TIMTC, USDOT to Sponsor Webinar

Trucking industry stakeholders are invited to participate in a free webinar to hear senior economic experts including Steve Tam, Vice President, Commercial Vehicle Sector, ACT Research and Tavio Headley, Associate, Equity Research, Jefferies & Company, share their information and insights on the critical trends that are shaping the trucking industry. This webinar will cover current economic indicators such as truck freight volumes, supply and capacity issues, fuel prices, truck and trailer sales, driver employment figures and wages, as well as provide an outlook on the national economy. To register, you may visit www.freightmobility.com. ▲

ATA Submits Comments to USDOT on Harmonizing U.S.-Canada Hazmat Issues

On April 25, 2012, ATA submitted its recommendations on high level U.S.-Canada cross-border hazmat issues such as tank truck specifications, placarding and tank truck repairs, among others. The comments were filed as part of the Beyond the Borders Regulatory Cooperation Council efforts to harmonize regulations and requirements between the U.S. and Canada. View comments here at <http://www.trucking.org/Miscellaneous%20Documents/DOT-RCC-TDG-april2012.pdf>. ▲

ATRI Asks For-Hire Motor Carriers to Participate in Operational Costs Survey

The American Transportation Research Institute (ATRI) has launched a survey to update the 2011 Operational Costs of Trucking report. The brief online survey seeks to capture basic cost information from for-hire carriers such as driver pay, fuel costs, insurance premiums and lease or purchase payments. Carriers are asked to provide full year 2010 and 2011 cost per mile and cost per hour data.

In combination with the previous Operational Costs of Trucking reports, the results of this research will yield four full years (2008 – 2011) of trucking financial information derived directly from fleet operations. This research provides carriers with an important benchmarking tool and government agencies with an accurate dataset for infrastructure improvement analyses. The survey is available from ATRI at www.atri-online.org. ▲



Federal Appeals Court Allows California to Enforce Low Carbon Fuel Standard

The Ninth Circuit U.S. Court of Appeals yesterday overturned an injunction blocking enforcement of the California Low Carbon Fuel Standard (LCFS). The 2007 LCFS requires oil refineries and distributors to reduce the carbon intensity of transportation fuels at least 10 percent by 2020 to curb greenhouse gas emissions in the state. On December 29, the U.S. District Court for the Eastern District of California ruled that the state's LCFS was unconstitutional and violated the "dormant" commerce clause of the U.S. Constitution (*National Petrochemical & Refiners Ass'n v. Goldstene*, E.D. Cal., No. CV-F-10-163, Dec. 29, 2011, as consolidated into *Rocky Mountain Farmers Union v. Goldstene*, E.D. Cal., No. CV-F-09-2234, Dec. 29, 2011). The case, brought by the National Petrochemical & Refiners Association, ATA, and others against the California Air Resources Board (CARB), argued that California's LCFS discriminates against out-of-state and foreign crude oil sources. The judge in the lower court also found that CARB failed to establish that there are no alternative methods to advance its goals of reducing greenhouse gas emissions and certified judgment on the dormant commerce clause claims to allow an immediate appeal to the U.S. Court of Appeals for the Ninth Circuit. The Ninth Circuit will next consider CARB's appeal of the lower court's decision. ▲

Registration for California Trailer Aerodynamics Phase-In to End

Fleets that operate pre-2011 53-foot box-type trailers in California are required to comply with specific aerodynamic requirements by January 1, 2013. Alternatively, fleets with more than 20 trailers have the option of registering these trailers with the California Air Resources Board (CARB) by June 1, 2012 in order to phase-in compliance over a 5-year period. Fleets registering under this option will need to bring 20% of these trailers into compliance by June 1 and achieve 40% compliance by the end of the year. Fleets with 20 trailers or less have until July 1, 2012 to register for a 4-year phase-in that begins January 1, 2014. Reporting can be done online through the CARB trailer reporting website at https://ssl.arb.ca.gov/ssltrucrs/trucrs_reporting/reporting.php. ▲

Illinois Highway/Tollway Work Zones Camera Enforcement

Starts in July! Illinois will begin using photo radar in highway/tollway work zones in July.

Beginning July 1st, the State of Illinois will begin using the speed cameras in areas designated as "Work Zones" on major highways/tollways. Anyone caught by these devices will be mailed a \$375.00 ticket for the FIRST offense. The SECOND offense will cost \$1,000.00 and comes with a 90-Day suspension. Drivers will also receive demerit points against their license, which allow insurance companies to raise Insurance rates.

This is the harshest penalty structure ever set for a governmental unit involving PHOTO speed enforcement. The State already has two camera vans on line issuing tickets 24/7 in work zones with speed limits lowered to 45 MPH. Photos of both the driver's face and license plate are taken. ▲

IL Designates Funds to ATRI's #1 Truck Bottleneck

On April 23, 2012, Illinois Governor Pat Quinn announced a major reconstruction project to add "much-needed capacity to the Circle Interchange in the heart of Chicago." The Governor's press release specifically cited the 2010 ATRI/FHWA freight bottleneck list, which "identified the Circle Interchange as the No. 1 bottleneck among highways crucial to the nation's freight transportation system, operating at well below ideal speeds for more than 14 hours a day."

According to the press release, approximately 26,000 of the 300,000+ vehicles that use the interchange each day are commercial trucks. Preliminary analysis by the Illinois Department of Transportation estimates that building additional lanes on some of the key ramps in the Circle Interchange will reduce congestion by as much as 30 percent. Contact: ATRI at (770) 432-0628 or atri@trucking.org. ▲

Kansas: Turnpike Shelters

Kansas officials are reminding drivers that they are encouraged to ride out dangerous weather in nearly 30 public tornado shelters along the Kansas Turnpike.

The shelters are located in service areas and toll plazas along the 236-mile turnpike, which links Kansas City, Kan., to the Oklahoma border south of Wichita.

Most of the shelters are in the restroom of the main buildings in the turnpike service areas. The turnpike has service areas in Bell Plaine, Towanda, Matfield Green, Emporia, Topeka and Lawrence.

Most of the shelters are underground and are accessed by opening a hatch and climbing down a short ladder. At least 20 people can fit comfortably in the smallest shelters, and more if circumstances require it.

No storm shelters are available along Interstate 70 or any highways controlled by the Kansas Department of Transportation. ▲

~ *Transport Topics* ~

KS Eliminates Motor Carrier Property Tax

By legislation (H.B. 2557) signed into law by Kansas Governor Brownback on April 6, Kansas has repealed the motor carrier property tax, effective in 2014. The tax, which has been in effect since 1956, subjects for-hire motor carriers operating in Kansas, whether or not based there, to an *ad valorem* tax on the value of their rolling stock. This is paid by a separate return, and is at best a compliance nuisance for carriers. Lately, it has also become expensive. It's hard to tell what proportion of carriers that travel in Kansas actually pay the tax, but every year this writer speaks to trucking companies that are hearing about the tax for the first time. In its place, the new legislation imposes an additional registration fee (called a commercial vehicle fee), to be paid by intrastate and interstate carriers operating in Kansas, the latter to pay it through the International Registration Plan. The additional fee, unlike the repealed property tax, will apply equally to for-hire and to private carriers. For vehicles over 54,000 pounds registered weight, the fee will be \$400 a year (apportioned, of course, for those registering under IRP). That should represent a savings for a great many for-hire carriers that have been paying the property tax. Note, however, that the property tax will still be in effect for the 2012 and 2013 tax years. ▲

~ *State Laws Newsletter* ~



KY and TX to Run Amnesties

By legislation (H.B. 499) enacted in *Kentucky*, that state will mount a tax amnesty of from 60 to 120 days sometime in its next fiscal year (the one that ends June 30, 2013). The program will cover all taxes and fees administered by the Kentucky Department of Revenue, except property taxes and cigarette tax penalties. (The operating taxes and registration fees on motor carriers are administered by the Kentucky Transportation Cabinet.) All liabilities arising after December 1, 2001, and before October 1, 2011, are covered. Taxpayers who take advantage of the amnesty will have to pay the tax due before the end of next May, but will have all penalties and half the interest waived.

In *Texas*, the amnesty will run from June 12 through August 17 this year, and covers most of the taxes administered by the office of the comptroller of public accounts, apart from property taxes and taxes already under audit or investigation by the state. Payment of overdue taxes under the terms of the Texas amnesty will result in the waiver of all applicable penalties and interest. Since Texas does not impose a personal income tax, most of the taxpayers eligible for relief under this amnesty will be businesses. For more, see www.freshstart.texas.gov. ▲

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Massachusetts Bans Daytime Hazmat Trips

Massachusetts state officials last week approved a policy to ban HAZMAT trucks from traveling through Boston during most daytime hours. The decision follows a years-long fight between the city and the industry over hazmat trucks that travel through Boston. Responding to an ATA petition, the Federal Motor Carrier Safety Administration overturned Boston's previous ban on daytime hazmat moves in 2010 as well as the ban on hazmat trips through the city that did not originate or conclude there. FMCSA said at the time that Boston did not follow proper procedures in instituting the ban. A consultant concluded in a study last year that Boston should ban hazmat trucks all day. Boston Mayor Thomas Menino praised last week's decision by the Massachusetts DOT, calling it a "victory for the people of Boston." According to the Boston Globe, MassDOT will consider extending the ban through the night, citing a statement from Mayor Menino's office. ATA is currently reviewing the legality of the new ban to determine the next course of action for the industry. ▲

Massachusetts IFTA Decals Going Bad

The Massachusetts Department of Revenue reports that it's having quality problems with the decals it issued this year to carriers based in Mass. for purposes of the International Fuel Tax Agreement. Seems the decals are fading badly. Massachusetts says it will reissue the stickers to carriers that need them, and has asked the other IFTA members to go easy on its carriers if they display defective decals. For more information, you can call the department at 617-887-5080. This is the second IFTA jurisdiction that's reported decal problems this year. ▲

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More on NJ Tolls

There's been a lot in the media recently about the enormous planned increases in truck tolls on the bridges between New York and New Jersey. By the time those increases are fully phased in, several years from now, a truck will pay \$105 to cross the Hudson. Although it must be somewhat easier to collect a toll on a bridge than on a toll road, information put out by the New Jersey Turnpike

Authority indicates that agency hasn't been doing a great job of collecting tolls on its road. Under a "pilot program" begun earlier this month, the state motor vehicle commission will suspend the registration of vehicles whose owners have more than a hundred outstanding toll violations. More than 130 companies and individuals are covered by the pilot, and are said to owe more than \$2.5 million in evaded tolls. The worst of these, which happens to be a trucking company, was reported to have 2,652 violations, and to owe more than \$116,000. Doesn't do much good to impose high tolls for the use of a facility if you don't pay attention to enforcement. ▲

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Throgs Neck Bridge Weekend Road Closures Begin June 1

One Throgs Neck Bridge approach roadway lane to the Bronx and the Cross Island Parkway ramp to the Bronx will be closed for six weekends beginning Friday, June 1 in order to replace roadway asphalt.

Roadway closures include:

- One Bronx-bound approach roadway lane closed all weekend from 10 p.m. Friday to 5 a.m. Monday.
- One lane closed on the Clearview Expressway approach from 10 p.m. Friday to 5 a.m. Monday.
- Bronx-bound Cross Island Parkway ramp closed to all traffic 10 p.m. to 7 a.m. Friday and Saturday nights, and 10 p.m. to 5 a.m. on Sunday night.

The work is being done on weekends to minimize traffic disruptions. Motorists should expect delays and use the Bronx-Whitestone or Robert F. Kennedy Bridge as an alternate. ▲

NC Town First to Issue Complete Ban of Cell Phones

This past month, Chapel Hill, NC became the first township to completely prohibit the use of cell phones, including hands-free devices, while driving. ATA believes this move is significant since other local jurisdictions may soon follow, creating an additional challenge for drivers in tracking the various laws of each jurisdiction in which they operate. The town ordinance does not prohibit the use of fleet management systems, Citizen Band radios, or GPS devices. Also, the ordinance provides exemptions for emergency calls and calls made to immediate family members. Violation of the ordinance is considered a secondary offense and is subject to a \$25 fine. For a copy of the approved ordinance which goes into effect June 1, 2012, go to http://www.trucking.org/AdvIssues/Safety/Documents/Ordinance_on_Cell_Phones_for_March_12_Council_Meeting.pdf. ▲

OTA Sues Oregon Over Fee Increase

The Oregon Trucking Associations has sued a couple of Oregon state agencies over a 450 percent increase in the fee the agencies charge for a driver's record. OTA has been joined in its suit by the local AAA and several insurance organizations. Currently, the fee for a driver's record is \$2, but the departments of transportation and administrative services want to raise that to \$9.68 in order to fund what are termed "electronic commerce services" provided by the latter department. The Ohio Trucking Association recently brought a challenge to similar scheme by that state. There, the association has prevailed in the early stages of litigation, which is still going on. For more on the Oregon challenge, contact Debra Dunn at the Oregon association at dunn@otrucking.org or 503-513-0005. ▲

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