



New Members

A C Trucking, Inc.
2 Commerce Drive
O'Fallon, MO 63366
Mr. Christopher Athanasiadis
(636) 278-5666

Broadreach Transportation LLC
5859 Wellington Farm Drive
Saint Charles, MO 63304
Mr. David Reed
(636) 284-0467

Driving Ambition, Inc.
1311 North Shadeland Ave
Suite D
Indianapolis, IN 46219
Mr. Jeremy Reymer
(317) 352-0306

EDCO Transportation LLC
1351 North Belcrest
Springfield, MO 65802
Mr. John Elkins
(417) 447-3362

Old Dominion Freight Line, Inc.
500 Old Dominion Way
Thomasville, NC 27360
Mr. Sam Faucette
(336) 822-5332

T N T Sales
3107 Highway 100
Villa Ridge, MO 63089
Mr. Bill Weiss
(636) 451-2100

World Business Lenders
120 West 45th Street
New York, NY 10036
Mr. John Lee
(212) 293-8206

President's Message

You have no doubt heard the phrase "all politics is local." Have you ever stopped to apply that phrase to your company? Or more precisely, how have you applied the phrase to your responsibility to the process?

I am confident that most readers of this column at least participate in the political process by voting. Sadly, that puts you in the minority for most election cycles.

Certainly your membership in the Missouri Trucking Association contributes to your involvement, at least vicariously, in attempting to better the industry through the political and regulatory process.

Last week, a group of dedicated men and women from Missouri converged on our nation's Capital to participate in the ATA Call on Washington. For some, it was their first time to participate in this event in Washington DC. For others, they are making it part of their annual "To Do" list for keeping their trucking business, and the business environment in general, healthy.

I would encourage you to add political responsibility to your "To Do" list as well. A great place to start is to make plans to actively participate in the process by setting a day aside next year between January 9 and the end of April to come to Jefferson City and visit your legislators. Once again, MoTA has set a goal of having a trucker in the Capitol every week of the legislative session. Don't worry if you've never done this before – we plan on having several participate this year for their first time as well, and we really do make it easy for you to participate.

In addition to your visit to Jefferson City, this year we are asking members to also invite their legislators to visit their trucking company. Show them your facilities; invite them to sit in on an all-employee meeting, or a driver meeting, or to help hand out safety awards. Perhaps the best idea is to put them in a truck & let them see what the drivers see. Whatever it is, get involved to help educate your legislators about your company and your industry. With so many new legislators in Jefferson City, it is important for you to reach out and become involved this year. Even if you have made your visits in the past, it is likely you will have to meet a new legislator again this year!

We know many companies do many of these things already. Great! Keep it up! Let us know about them, and let us know if we can help provide statistics or support in any way.

If you have never been to Jefferson City, give us a call. We promise to make it painless – and if you prefer we can coordinate your visit with someone who has been here before. We will make it work for you. Judging by the repeat business we are seeing, if you are not here, you are missing out!

Maintenance Spotlight



New Technology Elicits Additional Maintenance

SCR Emissions Technology not only adds to the cost of the tractor, but additional maintenance is required to keep the system running within performance specifications. Many of us in the maintenance world find ourselves on the grinding blocks for our cost per mile and/or cost per unit. With the addition of the SCR system on heavy duty diesel engines, many in operations and accounting who are key in asset purchasing are quick to acquire the new technology, and rightfully so with the increased MPG. However, as most of us have been taxed with, the additional maintenance cost associated with SCR systems get no offset from the operations side for the MPG gain.

With the new technology, we find ourselves faced with additional expenses. If we look at the Cummins Filtration and Detroit's BlueTec System, both require additional preventive maintenance. This increases our costs on preventive maintenance several hundred dollars to a thousand dollars. When we look at the addition of the DEF filter systems, doser cleanings, and crank case filter changes, all these add up and very quickly. In fact, the additional maintenance is normally realized with the call from accounting inquiring why our maintenance costs are going up on a new truck. The one point that all of us have worked on is education: accountants, operations, and the driver body and many others. We have to explain that, with new technology, the cost of getting better MPG is paid in part by additional maintenance. In fact, some revenue sharing on behalf of operations to maintenance is not out of line. ▲

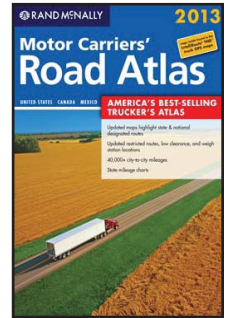
*Nick Forte, Vice Chairman
Technology & Maintenance Council*



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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
April	Ronald Hoover Prime, Inc. Springfield, Missouri
May	Henry Grider TCSI-Transland Springfield, Missouri

June	Remy Braun D & D Sexton, Inc. Carthage, Missouri
July	Daniel Willett Walmart Transportation Harrisonville, Missouri
August	Glen Horack Prime, Inc. Springfield, Missouri
September	Thomas E. Miller Prime, Inc. Springfield, Missouri
October	Darvin Campbell Elmer Buchheit Logistics, Inc. Friedheim, Missouri



President Signs Military CDL Act of 2012

On October 19, 2012 the President signed into law the Military CDL Act of 2012 which relaxes the domicile requirements for service members applying for a CDL. Previously, like other drivers, a member of the armed forces was only permitted to take the CDL test in his/her home state, even if stationed elsewhere. The Military CDL Act lifts that restriction for members of the military and allows them to test for the CDL in the state to which they are posted. ATA supported the Military CDL Act of 2012 and Congress introduced and ratified it in only 17 days. ATA actively supports simplified licensing procedures for veterans, provided the simplified procedures do not reduce the safety requirements of the CDL. Other ATA initiatives to ease veteran driver employment include support for veteran-hiring tax credits and ensuring that truck driving schools remain eligible institutions for students using G.I. Bill funds and Department of Education loans. ▲

IRS Waives Dyed Fuel Penalty

The federal Internal Revenue Service has announced that due to the shortage of fuel in areas hit by Hurricane Sandy, IRS will not penalize the use of dyed diesel fuel on the highway in New Jersey, New York, and Pennsylvania from October 30 through November 20, 2012. For more information, see here: <http://www.irs.gov/uac/Newsroom/IRS-Waives-Diesel-Fuel-Penalty-Due-to-Hurricane-Sandy>. *Motor carriers, be careful.* This IRS notice, along with the fuel shortage in the Northeast, means there may be a greater chance than usual that suppliers of highway fuel may be selling dyed fuel. Once the dye gets in a fuel tank, it can persist for quite a long time. Motor carriers may acquire dyed fuel without being aware of it, and may be penalized after the waiver period ends due to residual dye in a fuel tank. And of course once the truck leaves the three-state free area, the dyed fuel would be fair game for enforcement. The penalties are severe! ▲

~ State Laws Newsletter ~

FMCSA Planned New Direct Tank Truck Definition

The Federal Motor Carrier Safety Administration had planned to quickly post a new direct tank truck definition rule that would erase a requirement for drivers who transport storage container tanks that are empty or contain residue to obtain a hazardous materials endorsement.

But Bill Quade, FMCSA's associate administrator, said because there was a single negative comment to the May 24 rule posting, federal law requires the agency to move through the rulemaking process, which could take 15 to 24 months to complete.

In the meantime, Quade said that no matter how painful the delay, truckers must comply with the current definition, or risk putting their CSA scores in jeopardy. ▲

~ Transport Topics ~

Reply Brief is Filed Challenging HOS Changes

On Tuesday, Oct. 23, ATA filed its reply brief in its challenge to changes in the 2011 hours-of-service rule in the U.S. Court of Appeals for the D.C. Circuit. In its brief – joined by interveners TCA, NIT League, NASSTRAC, and OOIDA – ATA explained that FMCSA failed to adequately demonstrate any net benefit to new restrictions on the restart provision (requiring that it include two consecutive 1 a.m. to 5 a.m. periods, and limiting its use to once per week); misunderstood the science on which it purported to justify the requirement that the mandatory half-hour break be completely off-duty; and failed to adequately notice or explain its decision to apply that rest break to short-haul delivery drivers. Also last Tuesday, Public Citizen and its co-petitioners filed a reply brief in support of their challenge to the existence of the restart and to the 11-hour driving day. These filings complete the briefing in both challenges; the court has not yet scheduled oral argument. ▲

CVSA Presses DOT to Gauge Effect of Heavier Weights on Vehicle Parts

The Commercial Vehicle Safety Alliance asked Transportation Secretary Ray LaHood to consider the safety effects of heavier weights on vehicle components such as axles and suspension and brake parts as part of a congressionally mandated truck size and weight study.

A study of heavier trucks was mandated in the new transportation law signed by President Obama in July.

The bill, titled the Moving Ahead for Progress in the 21st Century, or MAP-21, also calls for a compilation of existing state truck size-and-weight laws.

"The Alliance believes that this study should be a top priority for DOT, and we urge you to begin work on it immediately, so that it can be completed within the time frame dictated by MAP-21," said the Oct. 1 letter to LaHood, approved here by CVSA's executive committee on Sept. 27 during the group's annual conference.

The group also asked LaHood to study whether adequate funding is available for size-and-weight enforcement. ▲

~ Transport Topics ~

CVSA Approved Out of Service Recommendation

CVSA's executive committee on Sept. 27 approved a recommendation by the organization's vehicle committee that will require inspectors to place a vehicle out of service if the sidewall of a tire is repaired with a plug or plug patch.

Instead, tires must be fixed with a "section repair" that will keep moisture from seeping into the tire and corroding the steel belt inside.

Plugs will, however, continue to be permitted on the tire tread, the executive committee said. ▲

~ Transport Topics ~



Fraudulent DOT Letter Strikes Again

Julie Weynel is claiming to be a Senior Procurement Officer with DOT. It says so on official looking stationery. All she needs from you, Mr. Trucking Executive, is certain banking information about your business. Plain and right to the point, right? Wrong, says DOT.

First of all, there is no such person at DOT. And secondly, the latest letter is similar to others which have been received in the past, said a DOT spokesperson. DOT did not say if anyone had been ripped off or if they have any suspects.

Motor carrier officials and their employees – as well as government and law enforcement officials, should be vigilant and on the lookout for fraudulent attempts to gather financial (or other Personal Identifiable Information – PII) data by fax, e-mail, or telephone, said DOT. Here are some helpful sites, courtesy of DOT, to learn more go to these web sites: www.dot.gov/ost/m60/fraudulent_letters.htm and www.oig.dot.gov/fraud-alert. ▲

FMCSA Enhances Driver Screening

The Federal Motor Carrier Safety Administration (FMCSA) announced in early October that it has introduced an expanded version of its Pre-Employment Screening Program (PSP), making it easier for more motor carrier companies, with the driver's consent, to access PSP records. A PSP record includes three years of crash history and five years of roadside inspection history for a CDL driver. PSP is now available to eligible intrastate motor carriers and companies directly involved in the pre-employment screening and hiring of commercial drivers. The program expansion means important driver safety data is now more easily available to companies that are responsible for hiring such drivers.

FMCSA has also launched an iPhone application for PSP. Account holders can now securely access a PSP dashboard on an iPhone or iPad, and easily review a PSP record in a mobile-friendly format. The application may be downloaded at no charge by searching 'DOT PSP' in the Apple iTunes store. For details on PSP visit www.psp.fmcsa.dot.gov. ▲

Roadside Inspectors Randomly Verifying Medical Cards by Calling Medical Examiners

On Tuesday, November 13, FMCSA announced a recently implemented plan to address fraudulent medical certificates. Roadside inspectors recently began random verification of the validity of drivers' medical cards, according to an FMCSA email notice received by ATA on Nov. 13th. During inspections (and carrier audits), enforcement officials are requesting the driver's medical card and are calling the medical examiner's office to verify the driver's name, date of birth, date the medical certificate was approved and any restrictions that might be attached to it. Although enforcement officials' access to CDL records from some States already contain driver medical information, all drivers are still required to maintain a copy of their medical card on them at all times when driving or on duty. ▲

Freight Network to be Established

The current highway bill that was signed this past summer establishes a new National Freight Network and requires the Department of Transportation to create a national freight plan.

That plan must include an assessment of the condition and performance of the national freight network and identification of highway freight bottlenecks which is of particular importance since volumes are projected to grow significantly. Since trucks have to have a smoother access to pick up and deliver the freight or, for that matter, deliver it to rail, the efficiency of such a network will have far reaching effects.

For example, it is anticipated that reforms to planning and meeting environmental requirements of projects built with federal-aid money will enable overall costs to come down. Some of the goals of the \$2.1 billion National Freight Program are: to reduce congestion; improve the safety, security, and resilience of freight transportation; use advanced technology to improve the safety and efficiency of the freight network. ▲

FMCSA Seeks Ability to Suspend Operating Authority of Unsafe Carriers

On November 13, the Federal Motor Carrier Safety Administration (FMCSA) issued a notice of proposed rulemaking that would enable the agency to suspend or revoke the operating authority registration of motor carriers that "have shown egregious disregard for safety compliance or that permit persons who have shown egregious disregard for safety compliance to act on their behalf." FMCSA will accept public comments on the proposed regulation until January 13. Go to <http://www.regulations.gov/#submitComment:D=FMCSA-2011-0321-0001> to view the proposed rule and to submit a comment. ▲

FMCSA Eliminates 10-Day Extension for Carriers to Appeal Order to Close

The Federal Motor Carrier Safety Administration announced that bus and truck companies no longer will be allowed to request a 10-day extension to resolve an appeal after they are ordered to cease operations for unsafe business practices.

Transportation Secretary Ray LaHood pledged to change the practice last year. FMCSA issued a final rule last month.

Most motor carriers have 60 days to complete the appeal process. Truckers that haul hazardous materials and passenger bus lines have 45 days.

The new final rule stems from a May 31, 2011, fatal bus crash in Virginia, which occurred during a 10-day extension period. The bus operator, Sky Express Inc., had been ruled unsafe by FMCSA.

FMCSA is required by law to review a motor carrier's corrective actions within 30 days after the date the carrier makes a good faith request that its operating authority be reinstated.

The rule said that, if FMCSA issues a proposed unsatisfactory safety fitness rating, the carrier should submit its evidence of corrective actions within 15 days to ensure adequate time for review. ▲

~ Transport Topics ~



DOT Office of Drug & Alcohol Policy and Compliance Notice

Recently, some states passed initiatives to permit use of marijuana for so-called “recreational” purposes. We have had several inquiries about whether these state initiatives will have an impact upon the Department of Transportation’s longstanding regulation about the use of marijuana by safety-sensitive transportation employees – pilots, school bus drivers, **truck drivers**, train engineers, subway operators, aircraft maintenance personnel, transit fire-armed security personnel, ship captains, and pipeline emergency response personnel, among others.

We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation’s regulated drug testing program. The Department of Transportation’s Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason.

Therefore, Medical Review Officers (MROs) will not verify a drug test as negative based upon learning that the employee used “recreational marijuana” when states have passed “recreational marijuana” initiatives. We also firmly reiterate that an MRO will not verify a drug test negative based upon information that a physician recommended that the employee use “medical marijuana” when states have passed “medical marijuana” initiatives. It is important to note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation’s drug testing regulations to use marijuana.

We want to assure the traveling public that our transportation system is the safest it can possibly be. ▲

*Jim L. Swart, Director
Office of the Secretary of Transportation
Office of Drug and Alcohol Policy and Compliance
Department of Transportation*

IRS Opines on FET Relative Imported Vehicle

The federal Internal Revenue Service has published a Chief Counsel memorandum -- which it labels “non-taxpayer specific legal advice,” and which it says may not be used or cited as precedent – concerning the federal excise tax treatment of a foreign truck imported to the United States and there leased for a specific term. The truck was leased by a U.S. company from a foreign company for 6 months, during which it would be used in movements within this country. Its re-exportation from the U.S. was secured by a customs bond.

For tax purposes, says the IRS, the truck has been imported. It is, moreover, subject to the 12 percent FET, since, although it has not been subject to a retail sale in the U.S., it is being used in this country, which is also a taxable event for the FET. The tax is therefore owed by the lessee, on the basis of the price for which the truck would be sold in the U.S. IRS notes that whether the registration is in the name of the lessee or lessor makes no difference to its conclusions as to the tax liability. It also notes that this memo has nothing to do with the tax treatment of a truck that enters the U.S. under load in international commerce.

You may see the letter here: <http://www.irs.gov/pub/irs-wd/1245018.pdf>. ▲

Reid Ribble Proposes Hair Follicle Testing

The American Trucking Associations has applauded Rep. Reid Ribble (R-Wisc.) for his introduction of a bill requiring the U.S. Department of Transportation to conduct a pilot program to evaluate the use of hair samples to test commercial drivers for illicit drug use.

“For many years, ATA has supported improving drug and alcohol testing procedures for commercial drivers,” ATA President and CEO Bill Graves said. “From advocating for the first drug and alcohol test standards, to pushing for the creation of a clearinghouse of drug and alcohol test results, to ensure fleets are hiring only safe, clean drivers, ATA has been at the front of the process improvement line.”

“Hair testing, which research and experience shows can be much more effective than current, conventional sampling and testing methods, is the next logical step in this process and we thank Congressman Ribble for introducing this important legislation.” The WMCA has endorsed the hair follicle testing proposal during its annual Call on Washington. ▲

2013 Standard Mileage Rates Released

The IRS has released the 2013 optional standard mileage rates that employees, self-employed individuals, and other taxpayers can use to compute deductible costs of operating automobiles (including vans, pickups and panel trucks) for business, medical, moving and charitable purposes. Generally, the 2013 mileage rates are an increase of 1 cent per mile from the 2012 rates. The updated rates are effective for deductible transportation expenses paid or incurred on or after January 1, 2013. ▲

UCR Fees Won’t Change for 2014

At its meeting yesterday by conference call, the board of directors of the Unified Carrier Registration Agreement voted not to recommend any changes for 2014 in the level of UCR fees paid by motor carriers and other entities. Under federal law, the U.S. Secretary of Transportation sets the UCR fees upon recommendations from the UCR board. The level of the fees will therefore remain for 2014 what it has been since 2010. ▲

Member Cancellations November/December 2012

Name of Company	Class	Dues
Aurora Leasing & Rental-Parts	Allied	\$350
F & C Truck Sales & Service	Allied	\$350
Flexway Trucking Inc.	For Hire	\$1,595
K C Bobcat Inc.	Private	\$300
McVay Consulting Inc.	Allied	\$300
The Truck Store	Allied	\$250

Drivers and Carriers Asked to Weigh in on Navigation Units

The American Transportation Research Institute (ATRI) launched a new survey on October 24 that explores the use of navigation systems by commercial drivers. This brief online survey, which seeks both commercial driver and motor carrier input, will capture information on the attitudes of both groups toward navigation systems including perceived benefits and risks.

While navigation systems are becoming increasingly commonplace in the nation's commercial vehicles, the impact that these devices have on driver behavior, decision making and safety is not fully understood. Mounting anecdotal evidence indicates that GPS navigation units designed for passenger vehicles are being used by commercial vehicle drivers and have resulted in "bridge strikes" and other related accidents.

The results of this survey will provide further insight on the use of these systems and their impact in commercial trucking operations, as well as the impacts that other methods for providing directions to drivers might have on fleet safety and operations. Drivers and carriers are encouraged to complete the confidential survey, available on [ATRI's website](#). ▲

Correcting Errors on Drivers Logs is Risky Business

The temptation for someone other than the driver to correct even the slightest of errors on a driver's record of duty status, log should be avoided under any circumstance. Section 395.8(e) specifically states that "making false reports in connection with such duty activities shall make the driver and or carrier liable to prosecution." Further, §395.8(f)(2) goes on to state that the entries must be made by the driver only, must be legible, and in the driver's own handwriting.

As clear as this regulation reads, some carriers find it to be a painstaking process to get drivers back to the home office solely to correct mistakes they made when filling out their logs. This is when company policy and procedures must be in place and strictly enforced so that all employees, including administration staff, know what steps to take when this situation arises.

The regulations do not address the manner in how to manage this problem. However, guidance is offered in that motor carriers can accept a corrected copy of a driver's record of duty status at any time. The carrier should mark the second submission "CORRECTED COPY" and staple it to the original log. These two logs must be retained for the required period of time.

Correcting form and manner type of errors such as forgetting to total hours, or using the wrong date, or even neglecting to report total miles may not require a corrected copy to be created. As long as the driver makes the correction in his/her own handwriting (initialing that they made the change is also advised) should be sufficient in satisfying an auditor's examination of these records. Most auditors do not expect perfection of these documents. They do, however, expect these errors to be limited. They may also request to see a documented process in place to prevent any further occurrences of this nature. ▲

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ATRI Surveying Carriers on HOS Restart Changes

The American Transportation Research Institute is asking trucking executives to weigh in on changes to the 34-hour restart provision of the federal hours-of-service rule, set to take effect in July.

In a survey released Oct. 31, ATRI asks fleets what effect the changes to the restart would have on their operations, such as forcing them to hire more drivers, buy more equipment or decrease the size of operations.

The changes dictate two new restrictions on drivers who use the 34-hour restart to reset their weekly driving limits: The restart span must include two rest periods, each from 1 a.m. to 5 a.m., and drivers can use the restart only one day every seven days. American Trucking Associations, which owns ATRI, has sued to overturn the regulation (10-29, p.6).

Executives can take the survey at ATRI's website, www.atri-online.org. ▲

~ Transport Topics ~

DOT Announces Drug Testing Rule

The Department of Transportation announced a final rule that will amend parts of its drug testing procedures for 6-acetylmorphine (6-AM), a unique metabolite of heroin.

Under the rule, laboratories and medical review officers will no longer be required to consult with one another regarding the testing for the presence of morphine when the laboratory confirms the presence of 6-AM.

This rule is intended to streamline the laboratory process for analyzing and reporting 6-AM positive results and will facilitate medical officers' verification of 6-AM positive results, DOT said. ▲

~ Transport Topics ~

Fake Med Certs are Being Targeted

The National Registry of Certified Medical Examiners released a notice this week about medical certifications. The notice says that federal safety investigators and roadside enforcement officers have started conducting random "spot checks" to validate driver medical certificates. They are contacting a driver's medical examiner using the phone number on the certificate. They ask the medical examiner's office to confirm that his or her records match what's on the medical certificate. The information being confirmed is driver's name, date of birth, date of issuance of the certificate and any restrictions on the certificate. The stated purpose of these random checks is to eliminate faked medical certificates, "not to evaluate the driver's medical fitness." ▲

Military Veterans Could Stem Driver Shortage

Military veterans could help alleviate an alarming shortage of truckers and avoid costly impacts, according to Truck Jobs Today, a placement firm specializing in truck driver recruitment. The Military Commercial Driver's License (CDL) Act of 2012 signed by President Obama in October makes it easier for veterans and active service personnel to obtain a CDL required for a trucking career.

The act permits states to issue CDL licenses to service members domiciled in another state. In 2011, the Federal Motor Carrier Safety Administration finalized the Commercial Learner's Permit rule, which enabled veterans with two years of safe driving experience in military equivalents of commercial motor vehicles to waive the CDL skills test. ▲



Arkansas: Cable Barriers

The Arkansas State Highway and Transportation Department said it will begin installing cable median barriers on nearly 400 miles of Arkansas freeways over the next three years.

The agency said crews will begin installing the barriers early next year. The projects will be paid for with \$74 million in federal funds.

The agency said crashes where a vehicle crosses into oncoming traffic are among the most dangerous and difficult to predict. The agency said a before-and-after analysis of traffic fatalities showed a sharp decrease in median crossover deaths after the barriers were installed.

The highway department now has cable median barriers in place on 37 miles of Arkansas highways. An additional 68 miles are currently under construction. ▲

~ Transport Topics ~

CARB Grants Extension for Open-Shoulder Retreads

Recently, the California Air Resources Board (CARB) announced they will continue to allow the installation of non-SmartWay verified open-shoulder drive retreads through the end of 2013. ATA had sought this extension in order to enable fleets that use open-shoulder drive tires to continue to purchase retreads; since SmartWay verified open-shoulder products are currently only available as new tires. Under the CARB requirements, after January 1, 2013, when new tires or retreads are installed on tractors that pull 53-foot box-type trailers in California, these tires or retreads need to be SmartWay-verified products. Existing non-SmartWay tires and retreads can be worn out on these tractors. For a chart showing the California tractor tire requirements, go to <http://www.trucking.org/Miscellaneous%20Documents/11%2013%2012%20--%20Summary%20of%20CARB%20Tire%20Req's%20final.pdf>. Additional CARB guidance for both tractor and trailer tires is expected shortly. ▲

Changes For California Refrigerated Equipment Users

Beginning January 1, 2013, brokers, freight forwarders, shippers, and receivers may now be cited for using transport refrigeration units (TRUs) that fail to meet the in-use emission standards established by the California Air Resources Board (CARB). Citations had previously been limited to motor carriers and drivers. A guidance document which spells out these requirements and how to ensure compliance is available online at http://www.arb.ca.gov/diesel/tru/documents/guidance_broker-shipper-receiver.pdf. In addition, CARB will limit the California operating life of certain new TRUs that do not meet the more stringent federal non-road engine emission standards set to take effect in 2013. An advisory detailing how new TRUs will be subject to the CARB requirements is also available online at http://www.arb.ca.gov/diesel/tru/documents/advisory_12_24.pdf. ▲

ATA Files an Amicus Brief on Break Requirements

On November 16, ATA filed an amicus brief in the Ninth Circuit in *Dilts v. Penske*, a case that will consider whether the federal law prohibiting states from regulating motor carrier prices, routes, and services precludes imposing California's meal- and rest-break requirements on the trucking industry. ATA's brief argues that to allow California (and 49 other states) to each impose their own break requirements would defeat the uniformity of the federal hours-of-service regulations, and would substitute a burdensome, conflicting patchwork of rules for the competitive market forces Congress sought to promote in the industry. ▲

Indiana: Speed Guns

Indiana State Police have a new tool to determine whether drivers are tailgating and should get a ticket.

Laser speed guns used by troopers can capture the time elapsed between the back bumper of one vehicle and the front bumper of the one behind it. The guns also take an accurate image of the license plate and driver's face.

Two of the guns, which cost \$5,500 apiece, have been deployed along the Borman Expressway, the Post-Tribune recently reported.

Sgt. Ann Wojas said every Indiana State Police district will eventually receive a gun.

Anyone travelling within 2 seconds of the nearest vehicle is considered too close and can be ticketed. Wojas said the fine for following too closely is about \$140, including court costs.

State police said the guns remove the need for troopers to make judgment calls about what's too close.

"It's awfully hard to dispute this in court," Wojas said.

Troopers can use the gun on an overpass or along a shoulder of the road. ▲

~ Transport Topics ~

Kansas: E-Citations

Kansas Highway Patrol troopers will be issuing electronic citations instead of written ones starting next week.

The system will first be used in the northwest part of the state, with the other six regions to make the switch in a few months.

District courts throughout the state support the move because it is expected to reduce lag time in getting ticket information to the courts and help law enforcement track violations.

A statement from the Highway Patrol said motorists being issued a ticket won't see much of a delay, and their signature won't be required.

The system also won't allow fine amounts to be changed.

The patrol said no new hardware was required to implement the system in patrol vehicles. ▲

~ Transport Topics ~

Missouri: Road Opened

More than 16 months after flooding swamped northwest Missouri in the summer of 2011, the last road closed by the water was reopened.

The Missouri Department of Transportation said October 12 that Holt County Route 111 is open to all traffic.

More than 70 miles of Missouri roads were closed in 2011 because of flooding and the debris that the waters brought into the area.

MoDOT noted that the water stayed in some places for months and often had a current as strong as the Missouri River.

The transportation department estimated it spent \$17 million to repair the flood-related damage. ▲

~ Transport Topics ~



Missouri: I-70 Option

A four-lane alternative to Interstate 70 across Missouri is inching a little closer to completion.

State highway officials broke ground Oct. 15 for the widening of nearly seven miles of U.S. 50 in Osage County, from the U.S. 63 junction to west of Linn. The \$25.5 million project is scheduled to be completed by September 2014.

U.S. 50 is the primary alternative to I-70 in central Missouri. The highway is currently a four-lane road between Sedalia and the Kansas City area and on either side of Jefferson City.

But even after the newest project is completed, there still will be 91 miles of two-lane road on U.S. 50. The Missouri Department of Transportation said no funding is available for an additional expansion of the highway. ▲

~ Transport Topics ~

Ohio: Traffic Camera

People aren't smiling about being pictured on a new camera system that has led to thousands of speeding citations in a small village near Cincinnati.

Some 6,600 notices carrying fines of \$105 each have been sent out in less than a month since Elmwood Place began using the system. That's in a village of 2,200 people.

Village officials said they contracted for the system because of speeding problems and lack of manpower. They said they are already seeing a drop in speeding.

But people complain they have been cited for going only a few miles per hour over the limit.

The private company that operates the system gets 40% of the revenue. ▲

~ Transport Topics ~

New Variable Speed Limit Signs in Wyoming

The Wyoming Department of Transportation is now able to change speed limits in five mile-per-hour increments on another section of roadway. A 34-mile stretch of Wyoming Highway 28 between Farson and Lander will now have variable speed limit signs to tailor the speed limit to road conditions in an area known for severe wind and surface conditions. Four sections of Interstate 80 in Wyoming are also equipped with the variable speed signs. ▲

2013 MoTA Events

- March 27-28 ~ **Safety & Maintenance Conference**
Country Club Hotel & Spa
Lake Ozark, MO
- April 17 ~ **Super Tech Competition**
Ramada Oasis
Springfield, MO
- June 7-8 ~ **Truck Driving Championships**
Holiday Inn Hotel & Convention Center
Joplin, MO
- June 26 ~ **Sitton-Babcock PAC Golf Tournament**
Old Kinderhook Golf Club
Camdenton, MO
- Sept. 25-27 ~ **MoTA Annual Convention**
Chateau on the Lake
Branson, MO



**Best Wishes for a
Safe and Merry Christmas
&
Good Health & Prosperity
in the New Year!**

... MoTA Staff

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