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Welcome New Members!



President's Message



Thank you to those Missouri carriers who answered the call and participated in the recent ATRI survey of the Top Industry Issues. Because of your responses, ATRI was able to compile the information that proves to be so helpful to us as we contact policy makers on your behalf. From local elected officials to Washington bureaucrats, and everywhere in between, our advocacy on your behalf is made better because we know your concerns.

Below is an article describing the results of the 2016 Top Industry Issues Survey from Rebecca Brewster, President & CEO of ATRI. In addition to her article and the national ranking of top issues, because MO once again had more than enough responses, ATRI was kind enough to run a top 10 list specifically for Missouri based carriers. Those results are included. Enjoy!

2016 Top Industry Issues	2016 Top Missouri Issues
1. ELD Mandate	1. Driver Shortage
2. Hours-of-Service	2. ELD Mandate
3. Cumulative Economic Impacts of Trucking Regulations	3. Driver Retention
4. Truck Parking	4. Hours-of-Service
5. Economy	5. Economy
6. CSA	6. Transportation Infrastructure/ Congestion/Funding
7. Driver Shortage	7. Driver Distraction
8. Driver Retention	8. CSA
9. Transportation Infrastructure/ Congestion/Funding	9. Cumulative Economic Impacts of Trucking Regulation
10. Driver Distraction	10. Food Transportation Safety

ELECTRONIC LOGGING DEVICE MANDATE TOPS THE LIST OF CONCERNS IN ATRI'S ANNUAL TRUCKING INDUSTRY SURVEY

Rebecca M. Brewster
President and COO
American Transportation Research Institute

Over the past year there have been a number of legislative and regulatory actions which have directly and indirectly impacted the trucking industry. In December 2015, Congress passed the long-awaited Fixing America's Surface Transportation (FAST) Act, which directed attention and resources to a number of the trucking industry's top concerns. The FAST Act mandated reform of the Federal Motor Carrier Safety Administration (FMCSA) Compliance, Safety, Accountability (CSA) program, allocated \$225 billion over five years to the highway program, and established a pilot program for younger veteran drivers among other items.

December 2015 also saw the issuance of FMCSA's final rule on electronic logging devices (ELDs), which set a time line of two years for fleets and drivers using paper logs to convert to ELDs for hours-of-service (HOS) tracking. Among its provisions, the rule grandfathers in existing ELDs until at least December 2019, and sets provisions to prevent the harassment of drivers using ELDs. However, concerns exist over the productivity impacts the industry may experience from ELDs, and at least one legal challenge has yet to be settled.

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MISSOURI Memo

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More recently, the U.S. Department of Transportation's (U.S. DOT) National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) issued the Phase 2 final rule on Greenhouse Gas Emissions and Fuel Efficiency Standards for medium- and heavy-duty engines and vehicles. And, in late-August, FMCSA and NHTSA issued the proposed rule on speed limiters for heavy trucks. Combined, these regulatory actions have many in the industry concerned about rising vehicle costs, compliance costs, and impacts to the supply chain.

In addition to myriad legislative and regulatory changes, issues internal to the industry continue to impact fleet operations. With an aging workforce and lack of new entrants to fill open positions, the industry is still challenged by a growing shortage of commercial drivers and diesel technicians, with no viable solution in sight for addressing the pervasive staffing challenges faced by the trucking industry.

Given these and numerous other issues impacting the nation's freight system, the American Trucking Associations (ATA) and its Federation partners in the State Trucking Associations (STA) continually seek opportunities to identify and prioritize the industry's most pressing concerns.

For the past 12 years, the industry has relied on the American Transportation Research Institute's (ATRI's) annual industry survey to better understand trucking's most critical issues as well as to identify preferred strategies for addressing these issues.

The annual survey, which generated more than 3,200 responses from motor carriers and commercial drivers this year, identifies the top ten critical issues facing the North American trucking industry. The results were released in October at the American Trucking Associations' 2016 Management Conference and Exhibition in Las Vegas. The ATRI Top Industry Issues report also includes prioritized strategies for addressing each issue. The respondents were predominantly commercial drivers (64.5%), with motor carriers making up 27.8 percent of the respondent pool, and other industry stakeholders accounting for 7.7 percent. Recognizing that the top industry issues impact motor carriers and commercial drivers differently, this year's report includes separate "Top Ten" lists specific to commercial drivers and motor carriers, in addition to the overall ranking. The looming implementation date of the federal mandate on the use of Electronic Logging Devices (ELDs) topped the list of trucking industry concerns, with more than 65 percent of respondents concerned about productivity impacts the industry may experience from full deployment of ELDs.

Although it dropped one position from its top ranking, Hours-of-Service stayed near the top of the list due to ongoing uncertainty of a final HOS rule. Ranking third in this year's survey - Cumulative Economic Impacts of Trucking Regulations - is new to the annual list and reflects the industry's collective frustration with increasing and often costly regulatory requirements.

Truck parking moved up this year to fourth place overall on the top issues list. The growing scarcity of available truck parking creates a dangerous situation for truck drivers who are often forced to drive beyond allowable HOS rules or park in undesignated and, in many cases, unsafe locations. ATRI's Research Advisory Committee similarly identified truck parking as the top research priority for ATRI in 2015 and since then a member of research activities have commenced at ATRI focused on identifying solution to the truck parking challenge. The Economy rounds out the top five concerns on the list. Stagnant economic growth in the fourth quarter of 2015, as well as slow growth thus far in 2016 caused concern over the state of the nation's economy to climb three positions to fifth overall. This has generated significant concern among industry stakeholders, who for the past two years have ranked the economy much lower in the list of annual concerns, thanks to the strong post-Great Recession period between 2011 and 2014.

The drop in ranking to sixth place for FMCSA's Compliance, Safety, Accountability (CSA) program signals some good news for the industry. With the passage of the FAST Act in December 2015, a number of trucking industry concerns with FMCSA's regulatory framework were addressed, at least temporarily. Among the reforms included in the FAST Act were a study of CSA data accuracy and reliability, removal of carrier CSA scores from public view and a requirement that FMCSA initiate a pilot program to review non-preventable crashes. As such, CSA fell out of the top five issues for the first time since its addition to the survey in 2010. However, the industry still has issues with elements of CSA and as such, it retained a top 10 ranking in the 2016 survey. The workforce issues of the Driver Shortage and Driver Retention ranked lower on the 2016 list than in recent years, most likely reflecting concern over the softening freight market. However, despite the lower ranking this year, it is unlikely that either issue will drop out of the top ten list for the foreseeable future until real solutions are identified for the industry's staffing challenges.

Though the passage of the FAST Act provided some much needed funding for transportation infrastructure and specifically for freight-focused projects, there is still significant concern in the industry over the state of the nation's transportation infrastructure and how to generate long-term, secure funding for the transportation system. ATRI research quantified the cost of congestion to the trucking industry at nearly \$50 billion in 2014. This is another issue that is likely to stay in the top ten ranking for years to come.

The final issue in the top ten ranking this year was Driver Distraction, a concern which impacts the safety of all motorists on the road. According to 2014 statistics, 3,179 people were killed, and 431,000 were injured in all vehicle crashes involving distracted drivers. Further, 13 percent of distracted driving crashes were directly attributed to cell phone use. The top ranked strategy for addressing distracted driving was to encourage harsher penalties and more aggressive enforcement of distracted driving violations for drivers of all vehicle types.

The annual survey was launched in late-July 2016 and was open for responses through mid-September. Based on the timing of the 2016 survey, a large majority of the responses had been received by ATRI when FMCSA and NHTSA issued the speed limiter rule on August 26, 2016. Given industry reaction to the proposed rule – which seeks input on three different speed limiter settings at 60, 65 and 68 miles per hour – it is likely that the rule may have been selected by survey respondents as one of their top concerns had the timing of the survey been more in line with the issuance of the proposed rule. The 2016 report, Critical Issues in the Trucking Industry, is available from ATRI's website at www.atri-online.org. The report includes the results of the annual survey from its beginning in 2005, providing an indicator of rising, falling, and emerging priorities in the trucking industry.

Entry-level Driver Training Rule Clears Final Hurdle

The Federal Motor Carrier Safety Administration's final rule on Entry-level Driver Training has been approved by the White House Office of Management and Budget, the last stage before being published. The proposed rule, issued last March and based in large part on the recommendations of a negotiated rulemaking committee of which ATA was a part, sought to require all drivers seeking a commercial driver's license to first complete thorough training. The proposal established comprehensive curriculum dictating topics to be covered both in the classroom and through hands-on behind-the-wheel training. The proposal also required trainees to spend a minimum number of hours training behind-the-wheel. ATA has been supportive of the proposal but strongly prefers a performance-based strategy for behind-the-wheel training rather than one that merely requires drivers spend a specified amount of time behind-the-wheel of a big rig without requiring demonstrated competence. The final rule is expected to be published in the coming weeks.

~ATA Dispatch~

EPA Finalizes Increase in Renewable Fuel Volumes

On November 23, EPA finalized the volume requirements and associated percentage standards that apply under the federal Renewable Fuel Standard program in calendar year 2017 for cellulosic biofuel, biomass-based diesel, advanced biofuel, total renewable fuel, and volume requirement for biomass-based diesel for 2018.

Of particular interest to the trucking industry, the amount of biodiesel blended into the nation's supply of diesel fuel is set to increase from 1.9 billion gallons in 2016 to 2.0 and 2.1 billion gallons in 2017 and 2018 respectively. The Clean Air Act requires EPA to set annual RFS volume requirements to promote energy security and help mitigate the impacts of climate change.

EPA implements the RFS program in consultation with the U.S. Department of Agriculture and the U.S. Department of Energy.

~ATA Dispatch~

President-elect Trump Selects Elaine Chao as DOT Secretary

Today, President-elect Trump Donald Trump is expected to, according to media reports, name former Labor Secretary Elaine Chao as his nominee to be Secretary of Transportation.

In a statement, American Trucking Associations Chris Spear praised the choice:

"I had the privilege of serving with and working closely with Secretary Chao during my time at the Department of Labor, and I am extremely pleased that she will be taking on this new challenge," Spear said. "President-elect Trump could not have picked a more qualified, experienced and dedicated individual to serve in this important role."

In addition to her experience at the Labor Department, Chao previously served as Deputy Transportation Secretary under President George H.W. Bush.

~ATA Dispatch~

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Injunction of OSHA's Enforcement of Employee Rights Provisions Denied

On November 28, a federal judge in Texas denied a request from business groups for a preliminary injunction to halt the enactment of anti-retaliation provisions in the OSHA's new recordkeeping rule.

The section of the recordkeeping rule that was being challenged (§1904.35) requires that employers: (1) inform each employee of how he or she is to report a work-related injury and illness; (2) provide access to their injury and illness records for employees and their representatives; and (3) not discharge or in any manner discriminate against any employee for reporting a work-related injury or illness. In the order denying the motion, Judge Sam Lindsay wrote that the business groups failed to prove that they would suffer "irreparable harm" if the rule were not immediately enjoined.

"Plaintiffs' evidence is based almost entirely on unsupported beliefs, unfounded fear, and speculation regarding the general efficacy of mandatory post-accident drug testing and incident-based safety incentive programs," the judge wrote.

For more information on OSHA's Injury and Illness Rule, here is ATA's [summary](#) and [FAQ's](#).

~ATA Dispatch~

ATA Submits Comments to OMB on "Category Management"

The ATA Government Freight Conference submitted comments Monday to the Office of Management and Budget's Office of Federal Procurement Policy regarding a new federal-wide initiative to consolidate all federal purchasing of goods and services into ten groups by category of service or commodity. Dubbed "Category Management," the idea is to identify which agency is best at procuring a given type of product or service and assign that category to the most expert agency. Such agency would become the procurement center for that item or service for the entire federal government. Freight and logistical services are assigned to Category Team #7, "Transportation and Logistics Services," with \$25.6B under spend. The Department of Defense was identified by the Category Management Leadership Council as the best agency for freight transportation procurement. CM seeks to consolidate contracting and procurement redundancies and to compel savings by volume leveraging. The GFC comments urged that a tender-based system vs federal Acquisition Regulations and the Service Contract Act would take the OMB much farther towards its goal to save taxpayer money. GFC comments can be found [here](#).

~ATA Dispatch~

New Research from ATRI Identifies Autonomous Vehicle Impacts on Trucking Industry

The American Transportation Research Institute has released its report identifying potential impacts of autonomous vehicle technology on the trucking industry, which include significant safety and productivity benefits that may result from autonomous technology adoption.

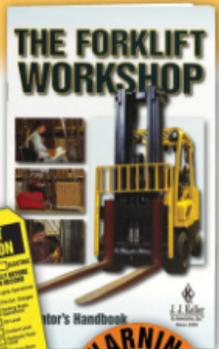
The analysis mapped potential autonomous vehicle impacts to the trucking industry's top ten issues as surveyed annually by ATRI. From hours-of-service to the driver shortage to driver health and wellness, benefits and challenges to commercial drivers and motor carriers were identified across the top ten issues.

"ATRI's research underscores how critical it is that the trucking industry have a seat at the table as autonomous vehicle issues are debated," said Chris Spear, president and CEO of the American Trucking Associations. "These impacts will be real and have significant consequences for the entire supply chain if they are not deliberately and thoughtfully approached with input from all stakeholders."

You can download a copy of this report on ATRI's website at www.atri-online.org/.

~ATA Dispatch~

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OSHA's Enforcement of Employee Rights Provisions Go Into Effect

On Dec. 1, after two delays and a court challenge, OSHA's employee rights provisions within the [new electronic reporting final](#) rule go into effect. The section now being enforced (§1904.35) requires that employers:

- (1) inform each employee of how he or she is to report a work-related injury and illness;
- (2) provide access to their injury and illness records for employee and their representatives;
- (3) not discharge or in any manner discriminate against any employee for reporting a work-related injury or illness.

For further information on OSHA's Injury and Illness Rule, here is ATA's [summary](#) and [FAQ's](#).

~ATA Dispatch~

FMCSA Proposes Alternative Certified Medical Examiner Training Requirements for VA Doctors

Today, Dec. 1, the Federal Motor Carrier Safety Administration [published a proposed rule](#) intended to ease the process by which physicians employed by the U.S. Department of Veterans Affairs can become certified medical examiners and perform driver physicals. Currently, to be listed on FMCSA's National Registry of Certified Medical Examiners, applicants must attend an accredited training program and pass a certification exam to demonstrate knowledge of FMCSA's driver physical qualification standards. Under today's Notice of Proposed Rulemaking, VA-employed physicians would be required to become familiar with the standards, complete a Web-based training course hosted by FMCSA, and pass a comparable certification test provided by FMCSA. Comments on the proposed rule will be accepted through January 3, 2017.

~ATA Dispatch~



New York Enacts Motor Carrier Anti-Indemnification

On Nov. 4, Governor Cuomo of New York signed into law statutory language that, effective immediately, makes provisions in contracts for motor carrier transportation that require the carrier to assume liability for the shipper's negligence void and unenforceable in the state. New York is the forty-fifth state to enact such legislation, which has spread across the country very quickly. The enactment of anti-indemnification measures is a focus area for the ATA Insurance Task Force. Arkansas, New Jersey, and Ohio enacted this kind of law last year. Our congratulations to the Trucking Association of New York and to its executive director, Kendra Hems! The state legislature had passed the new law unanimously some months ago. Contact Kendra at khems@nytrucks.org, or ATA's Bob Pitcher at rpitcher@trucking.org.

~ATA Dispatch~

ATA Comments on Southern California Clean Air Plan

Yesterday, ATA expressed concerns over the South Coast Air Quality Management District's proposal to expand its regulatory authority over mobile sources. The District's Revised Draft 2016 Air Quality Management Plan, which covers the greater Los Angeles region, proposes to limit emissions at specific facilities such as sea ports, intermodal facilities and warehouses. The plan also considers enacting restrictions on the types of vehicles private fleets can purchase. In total, these proposals could establish access restrictions at freight facilities and unique vehicle purchasing requirements on the fleets located in the region. In its letter to the District, ATA notes that these actions represent an unprecedented, and legally questionable, expansion of the District's authority. ATA will continue to work with our affiliated state partner, the California Trucking Association, to address the ongoing development of this plan.

~ATA Dispatch~

Member Cancellations November 2016

Name Of Company	Class	Dues
-Midwest Railroad Maintenance & Const.	For Hire	\$840
-Lakeland Pharmacy & Pronto Pharmacy	Allied	\$350
-United Shippers Express LLC	For Hire	\$350
-T N T Sales	Allied	\$1,200
-Clean Energy Fuels	Allied	\$700



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