



New Members

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(314) 725-4118

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Mr. Ray Taylor
(816) 221-3411

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Mr. Mark Nienhueser
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Mr. Terry Raby
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MissouriMemo

October 2014

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President's Message

One of the challenges facing our industry, particularly after the defeat of the effort to increase funding for our infrastructure in August, is the lack of interest or excitement about the political process and the players in it. I encourage you to not let yourself lose sight of the challenges and opportunities that are facing your industry and profession!

Your next opportunity to engage in a meaningful way comes next Tuesday, November 4, 2014 when you will cast your ballots to decide issues and elect men and women to represent you in local, state and national offices.

If past statistics hold true, just over half of the eligible citizens in Missouri will cast their vote on Tuesday, November 4. If we get to 6 out of every 10 voters, it will be a "large" turnout. Kind of sad when you think about the sacrifices made by many to afford us the right to have a say in the governance and policy positions concerning our future. I sincerely hope that you will not be on the wrong side of those statistics!

As a service to our members, below I am listing all the candidates supported by MoTruckPAC during this campaign cycle. Please take a moment to check and see if your legislator is on this list. Reach out and thank them for their support of the trucking industry, and VOTE for them! If you have any questions or concerns about our contributions, please do not hesitate to contact us and let us know. We welcome your input and look forward to continuing to elect a pro-trucking and pro-business legislature in Missouri!

Candidates receiving a contribution from our PAC include:

(Contributions accurate as of October 31, 2014)

Senate (district)		
* Tom Dempsey (23)	Robert Cornejo (64)	Dave Muntzel (48)
Bob Dixon (30)	Sandy Crawford (129)	Charlie Norr (132)
Dan Hegeman (12)	Charlie Davis (162)	Don Phillips (138)
Mike Kehoe (6)	John Diehl (89)	Craig Redmon (4)
* Doug Libla (25)	Shamed Dogan (98)	Holly Rehder (148)
* Jamilah Nasheed (5)	Vicki Englund (94)	Bill Reiboldt (160)
Bob Onder (2)	Scott Fitzpatrick (158)	Shawn Rhoads (154)
Mike Parson (28)	Tom Flanigan (163)	Todd Richardson (152)
Ron Richard (32)	Lyndall Fraker (137)	Jeanie Riddle (49)
* Gary Romine (3)	Michael Frame (111)	John Rizzo (19)
* David Sater (29)	Don Gosen (101)	Jeff Roorda (113)
* Scott Sifton (1)	Elijah Haahr (134)	Caleb Rowden (44)
* Ryan Silvey (17)	Dave Hinson (119)	Dave Schatz (61)
Jay Wasson (20)	Denny Hoskins (54)	Ed Schieffer (41)
	Lincoln Hough (135)	Jill Schupp (88)
	Jacob Hummel (81)	Sheila Solon (31)
	Caleb Jones (50)	Chrissy Sommer (106)
	Glen Kolkmeier (53)	Rick Stream (90)
	Bart Korman (42)	Kathy Swan (147)
	Jeremy LaFaver (25)	Noel Torpey (29)
	Mike Lair (7)	Stephen Webber (46)
	Bill Lant (159)	Bill White (161)
	Gail McCann Beatty (26)	Paul Wieland (112)
	TJ McKenna (114)	
	Jeffrey Messenger (130)	
	Rocky Miller (124)	
House (district)		
Sonya Anderson (131)		
Kevin Austin (136)		
Mike Bernskoetter (59)		
Eric Burlison (133)		
Bob Burns (93)		
Mike Cierpiot (30)		

* Not up for re-election this cycle.



**ATRI Names New Chair;
HELP Inc. Names New Regional Director**

Judy R. McReynolds, president and chief executive office of ArcBest Corp. was named chair of the board for the American Transportation Research Institute. McReynolds succeeds Steve Williams, chairman and CEO of Maverick Transportation, who recently completed his term. McReynolds was first appointed to the ATRI Board in June 2010. For more information, go to <http://atri-online.org/2014/10/20/judy-r-mcreynolds-named-atri-chairman/>

HELP Inc., the growing non-profit public/private partnership that provides PrePass weigh station bypass and other truck safety and efficiency services, has announced the appointment of Terry Maple as the new regional director who will cover several northern and Midwestern states.

Maple completed a distinguished 32-year career with the Kansas Highway Patrol (KHP), retiring as Superintendent in January 2011. In 2007, he was appointed to the Federal Motor Carrier Safety Advisory Committee, the select nationwide panel that makes recommendations to the FMCSA Administrator on critical highway safety issues involving commercial motor carriers. Maple served on the advisory body until retiring from KHP. He also represented Kansas as the public sector member on HELP's Board of Directors 2003-2011. To read more, go to <http://www.helpinc.us/help-inc-appoints-new-regional-director>. ▲

Safety in the trucking industry is about equipment, commitment and company culture. But most importantly, safety starts with the professional truck driver whose fitness and subsequent judgment make the biggest difference in crash prevention and overall highway safety.

Recently, more is being made about not only the number of hours a driver rests, but also the quality of sleep they get. The issue of sleep apnea has caused quite a bit of discussion and the result is - there are no easy answers.

We know there is no formal rule clearly delineating when a driver must obtain therapies for sleep apnea in order to get or keep their medical certificate. The FMCSA regulations clearly give the Certified Medical Examiners (CME's) the authority to insist upon treatments if, in their judgment, sleep apnea is a concern. The problem with this is that different CME's can use different judgment and some might use their own subjective variables to determine which drivers need to be considered for treatment.

To make matters worse, there are stories from other states where their CME's have received formal training on neck circumference, BMI and blood pressure thresholds with the distinct impression that drivers exceeding certain markers are required to get treatment before they can be given a medical card. Trucking groups in other states, sometimes with help from the ATA, have worked with CME's and the appropriate government agencies to clarify the fact that there are no current rules governing sleep apnea.

So what does a driver do if they can't get a medical card due to a suspected apnea problem? Typically, the CME (or their Primary Care Physician) will order a sleep study and most times this is ordered through a sleep clinic. (Editor's note: be careful, we are also hearing from other states that there are unscrupulous doctors who have made financial arrangements with sleep clinics which incentivizes them to send more drivers for sleep tests.)

An option that is being developed is in-home sleep studies. If a CME/PCP orders a sleep study, the driver can ask for it to be done at their house and in the comfort of their own bed. The theory behind this service is that one of the biggest distracting factors against doing a sleep study in a sleep lab is that usually people don't sleep as well away from home in a clinical setting and that you are much more likely to get into proper sleep cycles when sleeping in your own bed in familiar surroundings. In-home studies can be quite a bit cheaper and more effective and we encourage drivers to explore this option if the need arises.

There are still a lot of questions to be answered about the topic of sleep apnea and treating professional truck drivers. Who pays the cost of the study, the CPAP and the supplies? What happens if a CME finds a driver who has been prescribed a CPAP machine isn't using it enough? Will the CME accept the in-home sleep study? What happens if the in-home study finds severe sleep apnea?

These answers will become clear in time but as MoTA members know, the impact this issue can have on highway safety is something to take seriously. ▲

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Member Cancellations October 2014

Name of Company	Class	Dues
MINK Heavy Duty Sales	Allied	\$350
Pike Medical Clinic Inc	Allied	\$350
Sleep Pointe	Allied	\$350
TAS Insurance Group	Allied	\$350
Triad Manufacturing Inc	Private	\$300



IRS Holds DPF Regen Fuel Exempt

A memorandum issued by the Office of the Chief Counsel of the Internal Revenue Service says that diesel fuel used for the regeneration of a diesel particulate filter installed on a highway vehicle is not subject to the federal fuel tax on diesel. The IRS memo is in the form of advice issued to a taxpayer who inquired about the tax treatment of such fuel, and IRS says that the memo may not be used as precedent.

However, other motor carriers have recently received the same ruling from IRS on fuel used in regen, and have been issued fuel tax refunds. IRS has made its decision on the ground that regen fuel is not used in the propulsion of the vehicle, and is therefore exempt under the tax law. The memo is available online at <http://www.irs.gov/pub/irs-wd/1421017.pdf>. IRS Chief Counsel Advice Memo 201421017, dated October 31, 2013, but apparently not released publicly until May 2014. ▲

CSA Safety Measurement System (SMS) Updated, Reflects Adjudicated Citations

The CSA Safety Measurement System (SMS) Website has been updated with the **September 26, 2014** snapshot. Starting with this snapshot and then all subsequent snapshots, the SMS integrates the results of adjudicated citations associated with inspections conducted on or after August 23, 2014 that have been processed through DataQs. Check your safety assessment now at: <http://ai.fmcsa.dot.gov/sms>.

For more information on the adjudicated citations policy, check out a fact sheet at: http://csa.fmcsa.dot.gov/Documents/Adjudicated_Citations_Factsheet_GRS_Final_508.pdf, a glossary of key terms at http://csa.fmcsa.dot.gov/Documents/Adjudicated_Citations_Glossary_GRS_Final_508.pdf and, most recently posted to the CSA Website, a presentation (https://csa.fmcsa.dot.gov/documents/SMS_Display_Changes_Adjudicated_Citations_Webinar_Aug2014_Final_508.pptx) from the August webinars on the adjudicated citations policy and SMS display changes.

NOTE TO CARRIERS: There are two ways to access and view all of your safety data, including any results of adjudicated citations for inspections conducted on or after August 23, 2014 that have been processed through DataQs. Log into your Portal account (<https://portal.fmcsa.dot.gov/login>) or log into the SMS website with your FMCSA-issued U.S. DOT Number Personal Identification Number (PIN) (NOT a Docket Number PIN). If you do not know or have forgotten your PIN, you can request one via <http://safer.fmcsa.dot.gov/> and follow the instructions on the page. ▲

FMCSA's DataQs Fixes CSA Score Issue

In late August, the Federal Motor Carrier Safety Administration's DataQs portal began giving carriers and drivers a way to improve their CSA scores through the submission of court documentation concerning roadside inspection violations that were either dismissed or pled to a different charge.

The move was a result of a request for comments in early December 2013 in the Federal Register, which announced the FMCSA's plans to improve roadside inspection data quality.

The updated policy will enable carriers and drivers to request, through the DataQs system, the removal of violations that were previously uploaded into FMCSA's Motor Carrier Management Information System by state enforcement agencies when a driver is found not guilty or if a violation is dismissed in court.

In the comments, some agencies felt to the change could affect how many violations are decided under review. ▲

Vision-Impaired Drivers See Waivers

A group of drivers who have clear vision in one eye but are blind or partially blind in the other are asking a federal regulator to allow them to drive commercial vehicle on interstate highways.

The Federal Motor Carrier Safety Administration announced Sept. 30 it received the applications of 33 drivers who are seeking exemptions because they are unable to meet vision guidelines in one eye.

The agency posted the drivers' request in the Federal Register, and the public may offer input through Oct. 30. FMCSA said any exemptions will be issued the day after the comment period closes. ▲

~ *Transport Topics* ~

PHMSA Grants Reverse Logistics Docket Extension for ATA Feedback

On Sept. 25, the Pipeline and Hazardous Materials Safety Administration issued a notice in the Federal Register extending the docket for comments about its reverse logistics notice of proposed rulemaking. The reverse logistics NPRM would relieve shippers and carriers of many training, hazard declaration, and packaging requirements for shipments of consumer commodity hazardous materials from a retailer back to a distribution center or to a manufacturer. Although the reverse logistics rule considers easing regulations, it also creates safety concerns for drivers. ATA requested that PHMSA extend the docket so that ATA's Hazardous Materials Policy Committee can discuss how best to respond to PHMSA's proposal. The docket was initially scheduled to close on October 10, but PHMSA has extended that to Nov. 10, "to ensure that ATA and other stakeholders have sufficient time to review the proposals in the NPRM." ▲



House Bill Moves to Prohibit CSA Scores on Website Until FMCSA Retools System

The U.S. House is considering legislation that would stop the Federal Motor Carrier Safety Administration from publishing safety scores for truck and bus operators on the agency website until it designs a new safety measurement system to Congress' liking.

The measure was introduced on Sept. 18 by Rep. Lou Barletta (R-Pa.), who said the current system for scoring and ranking carriers under the Compliance, Safety, Accountability program is flawed.

The bill also would prevent the scores from being used as evidence in liability cases until the CSA system is fixed, Barletta said.

Titled the Safer Trucks and Buses Act, the legislation would require FMCSA to send Congress what Barletta called "an improvement plan."

The CSA program was "rushed into usage and often does not reflect changes made by carriers to improve their approaches to safety," Barletta said in a statement.

After the scoring system is improved, he said, safety information on carriers would again be available.

FMCSA told *Transport Topics* on Sept. 22 that CSA's Safety Measurement System has been "a game-changer in improving safety by making company violations and safety records" available to the public, law enforcement and businesses.

Carriers have said the system is hurting them because information on crashes is being posted on the website without any indication whether the carrier is to blame in the crash.

In August, American Trucking Associations sent a letter asking Transportation Secretary Anthony Foxx to remove the scores from public view.

The letter said the data processing has been widely criticized, including in a report by the Government Accountability Office.

On Sept. 17, an additional 10 trade associations, including the National Association of Small Trucking Companies and the Auto Haulers Association of America, also wrote Foxx to ask for removal of the scores.

"U.S. DOT did receive both letters to Secretary Foxx and we will respond directly to the trade groups," said Foxx spokeswoman Susan Hendrick. ▲

~ *Transport Topics* ~

FMCSA Expected to Ask Questions about Liability Insurance Limits

Based on discussions ATA staff have had with FMCSA, the agency will soon issue an Advance Notice of Proposed Rulemaking on the issue of minimum public liability insurance limits. An ANPRM is not a rule. It is not even a proposed rule as some media outlets have inaccurately reported. It is a series of questions on which a federal agency asks for public input before choosing a course of action. It can take years for the questions asked in an ANPRM to become part of a new or revised rule, and it is possible that after receiving public input, an agency may choose not to issue or revise a rule. When FMCSA publishes its ANPRM, ATA will review and respond to the questions posed by the agency. ATA will also summarize the questions for its members in the event some may want to respond to them as well. ▲

CVSA Seeks Clarity on Fatigue, Language Rules from FMCSA

Truck safety inspectors meeting in Buffalo, New York, elected a new president and told the Federal Motor Carrier Safety Administration that they want clarification on rules concerning driver fatigue and English-language proficiency, but an FMCSA official outlined a different set of priorities for the agency.

The Commercial Vehicle Safety Alliance believes that enforcement of federal rules on fatigue and language proficiency is uneven because quick and objective measures of the two topics are not obvious, CVSA Executive Director Stephen Keppler said after the group's annual meeting.

But these items were not among the FMCSA priorities outlined by Bill Bronrott, the agency's deputy administrator, during a speech at the event. Recounting the speech, Keppler said Bronrott listed implementation of electronic-logging rules and the launch of a third phase of the Compliance, Safety, Accountability program as key issues.

An FMCSA spokesman confirmed the accuracy of Bronrott's five points.

FMCSA issued a proposed electronic-logging mandate in March, that drew more than 2,000 public comments. Keppler said the agency wants implementation to occur next year.

Keppler said Bronrott also listed completion and implementation of the Unified Registration System, an online census of trucking companies, freight forwarders and brokers, and other companies, as a priority. URS requires companies to update entries every 24 months.

At the meeting, CVSA asked the state administrators to develop online receipts systems so drivers can check to make sure they have proper medical certification. Keppler said there have been enforcement problems concerning health certifications for commercial drivers. Sometimes, he said, drivers have valid paper medical certificates but state licensing authorities do not recognize that.

He said CVSA has asked the American Association of Motor Vehicle Administrators to notify its members to make receipt systems available during 2015.

Separately, CVSA's vehicle committee heard a presentation on 6x2 powertrains from Volvo Trucks, Keppler said. The configurations have been controversial among regulators because they now often use weight-shifting devices to improve traction.

For a standard tractor with three axles, a 6x2 transmits all power through a single drive axle in the back-half of the vehicle.

The shifting is done by temporarily deflating one suspension air bag relative to another. CVSA standards usually consider a deflated bag to be an out-of-service violation. ▲

~ *Transport Topics* ~



Ebola and the Transportation Industry

The Federal Motor Carrier Safety Administration (FMCSA) has issued the following advisory regarding the Ebola Virus Disease and the transportation industry:

The safety of the traveling public is our highest concern at the Federal Motor Carrier Safety Administration and the U.S. Department of Transportation. We continue to closely work with the U.S. Department of Health and Human Services (HHS), specifically the Centers for Disease Control and Prevention (CDC), and other federal and local partners in responding to and preventing the spread of the Ebola Virus Disease (EVD).

Information is made available to the public about the EVD. Here are some resources that we encourage you to share with your associates:

- Basics of Ebola Virus Disease (EVD): <http://www.cdc.gov/vhf/ebola/index.html>
- Public Guidance for the Movement and Behavior of Persons with Possible Exposure: <http://www.cdc.gov/vhf/ebola/hcp/monitoring-and-movement-of-persons-with-exposure.html>
- Joint CDC-PHMSA Guidance on Handling and Movement of Waste Pre-Transport: <http://www.cdc.gov/vhf/ebola/hcp/medical-waste-management.html>
- PHMSA's toll-free hotline (operated Monday - Friday 9am to 5pm ET) 1-800-HMR-4922 / 1-800-467-4922 / 202-366-4488 / phmsa.hm-infocenter@dot.gov
- Detailed information on the Administration's response to Ebola: <http://www.whitehouse.gov/ebola-response>

Battling EVD is a shared responsibility. We ask you to stay in close communication with your local, state authorities and emergency medical services. ▲

ATA'S CFATS Comments: Leave Regulating Transportation Security to the Experts

On Oct. 17, ATA filed comments responding to an inquiry from the Department of Homeland Security about how it should structure its Chemical Facility Anti-Terrorism Standards (CFATS) program. CFATS has been in operation since 2007, but the program is currently undergoing congressional reauthorization. The Department of Homeland Security issued a notice asking for input about how the program can be improved.

The CFATS program is designed to protect chemical facilities rather than chemical transportation, which is managed by the Pipeline and Hazardous Materials Administration (PHMSA) and the Transportation Security Administration (TSA). But, many CFATS rules end up affecting drivers transporting chemicals.

ATA's comments encouraged DHS to recognize that PHMSA and TSA already have a strong hazardous materials transportation security program. Rather than place duplicative security requirements on drivers, DHS should rely on PHMSA and TSA's program to regulate the transport of chemicals being transported to and from the facilities that CFATS is designed to regulate. ▲

FMCSA Aiding Vets by Sending Driver-Training Grants to Community Colleges

The Federal Motor Carrier Safety Administration is awarding \$1 million in grants to nine technical and community colleges to help train returning military veterans as bus and truck drivers.

"Those that we entrust to protect and serve our nation deserve opportunities that utilize the skills and training they received on the job on military bases overseas and at home," Transportation Secretary Anthony Foxx said in the Oct. 21 announcement.

"We can think of none more appropriate to safeguard our highways as commercial vehicle drivers than the thousands of veterans who have already proven they can safely handle large vehicles under extremely stressful circumstances."

FMCSA acting Administrator Scott Darling said, "These unique grants are designed to help recruit, train and place veterans and their spouses in good jobs that are in high demand and in an industry that is vitally important in keeping our national economy moving forward."

Those who graduate from the training programs go on serving the nation by delivering needed goods "professionally, efficiently and, most importantly, safely," Darling said.

Congress created the grant program in 2005 to increase the supply of those holding commercial driver licenses who would have what FMCSA described as "enhanced operator safety training to help reduce the severity and number of crashes on U.S. roads involving large trucks and buses."

The grants to underwrite training for nearly 400 new students went to the following institutions and groups:

- South Florida State College, Avon Park, FL, \$58,003
- Joliet Junior College, Joliet, IL, \$165,800
- Century College in White Bear Lake, MN, \$91,080
- Crowder College, Neosho, MO, \$72,160
- Metropolitan Community College, Omaha, NE; \$47,614
- Northampton County Area Community College, Bethlehem, PA, \$134,400
- The Sage Corp., Camp Hill, PA, \$249,968
- Lone Star College-North Harris, Houston, TX, \$73,704
- Tidewater Community College, Norfolk, VA, \$107,271 ▲

~ Transport Topics ~

FMCSA Extends Hours-of-Service Exemptions during Fuel Shortages

The Federal Motor Carrier Safety Administration on Oct. 22 issued a final rule allowing states to extend hours-of-service exemptions up to 90 days in times of acute fuel shortages.

The rule was issued in response to legislation signed into law by President Obama in June after the nation experienced severe shortages of propane last winter.

The rule provides for the extension if the governor of an affected state determines that a second or third 30-day period must be allowed to enable motor carriers to provide residential heating fuel expeditiously.

U.S. propane haulers were greatly stressed by last year's harsh winter that brought shortages of the fuel, spikes in prices and a "historic transformation" in transporting propane, experts told a congressional panel in March. ▲

~ Transport Topics ~



New ATRI Research Finds Industry's Operational Costs on the Rise Again

The American Transportation Research Institute has released the findings of its 2014 update to *An Analysis of the Operational Costs of Trucking*. The research, which identifies trucking costs from 2008 through 2013 derived directly from fleets' financial and operational data, provides motor carriers with an important high-level benchmarking tool and government agencies with real world data for future infrastructure improvement analyses. In addition to average costs per mile, ATRI's report documents average costs per hour and includes cost breakouts by industry sector. Also new this year, ATRI is publishing a one-page fact sheet with the key findings of the report. A copy of this report and the fact sheet are available from ATRI at www.atri-online.org. ▲

Groups Sue Over Lack of Driver-Training Rule

Two public interest groups and the Teamsters Union have sued the Department of Transportation over its failure to develop entry-level driver-training requirements for commercial motor vehicle operators.

Advocates for Highway and Auto Safety, Citizens for Reliable and Safe Highways and the Teamsters asked the U.S. Court of Appeals for the District of Columbia Circuit on Sept. 18 to order DOT to publish proposed regulations within 60 days of a court order and a final rule 120 days later.

Congress told DOT in 1991 to implement requirements by 1993, the lawsuit said. ▲

~ Transport Topics ~

IRS Provides Guidance on Like-Kind Exchanges

The federal Internal Revenue Service has held that a taxpayer, who engaged in a series of like-kind exchanges (LKE) under Section 1031 of the Internal Revenue Code, where some of the properties were later found ineligible for such treatment, was allowed to rematch eligible properties. The taxpayer here sold and rented equipment, and regularly replaced the pieces it rented, using LKEs under Section 1031 in order to postpone capital gains. An IRS audit found that certain equipment the taxpayer replaced in its LKEs was ineligible because it had been held primarily for sale rather than for use in the business. The taxpayer, since it had eligible equipment it had not been able to match in LKEs in that time period, sought to rematch those pieces. IRS's examination division argued it could not do so, but was bound by its earlier choices. IRS has now ruled that a rematch is not only possible, but that Section 1031 requires it, provided there are eligible properties available, as there were here. The section, IRS points out, is mandatory (always provided the circumstances meet the section's detailed criteria for an exchange); the benefits of the section are the taxpayer's no matter how the taxpayer actually reported the transaction. IRS Technical Advice Memorandum no. 201437012, released September 12, 2014, and available on-line here: <http://www.irs.gov/pub/irs-wd/201437012.pdf>. ▲

States Get Grants for Worker Classification Efforts

On September 15, 2014, the U.S. Department of Labor announced grants of more than \$10 million to be given to the agencies of nineteen states in charge of those states' unemployment tax programs, for the agencies to work on better enforcement of worker classification rules – that is, to find workers being treated as independent contractors who should instead be treated as employees. Most of the grants were at or near \$500,000, and there were also four “bonus” grants to states to reward them for their past efforts in this area. Those states were Maryland, New Jersey, Texas, and Utah. There was no indication in the DOL announcement that independent contractors in the trucking industry were a particular target of these efforts, either past or future. The DOL release may be found here: <http://www.dol.gov/opa/media/press/eta/ETA20141708.htm>. ▲

~ State Laws Newsletter ~

ATRI's Top Ten Industry Issues

The operational impacts across the supply chain from last year's changes to the hours-of-service rules propelled HOS to No. 1 on the American Transportation Research Institute's list of the top 10 critical issues facing the North American trucking industry.

The growing driver shortage comes in a close second, replacing FMCSA's Compliance, Safety, Accountability program as the number two issue. But challenges still exist with CSA, which ranked third overall on the 2014 list.

The HOS concerns center around the 34-hour restart, explained Rebecca Brewster, ATRI president and COO, in a press conference Monday at the ATA Management Conference and Exhibition.

Related to the driver shortage, driver retention moved to fourth place from seventh place in 2013 as trucking fleets work to retain their most experienced and qualified drivers.

Finally, industry concern over the timing and specifics of the pending FMCSA Final Rule on electronic logging devices (ELDs) caused this issue to make the top five industry issues of 2014.

The Top Ten list:

1. Hours-of- Service
2. Driver Shortage
3. CSA
4. Driver Retention
5. ELD Mandate
6. Truck Parking
7. Infrastructure/Congestion/ Funding
8. Driver Health/Wellness
9. Economy
10. Driver Distraction

The ATRI survey, now in its 10th year, comprises the responses of more than 4,000 trucking industry stakeholders, about 70 percent carriers, 30 percent drivers.

The ATRI Top Industry Issues report also solicited and tabulated specific strategies for addressing each issue. And the report includes a round-up of the lists from the first 10 years.

The 2014 list also has a first-time issue, Driver Distraction, which debuted in 10th place amid industry concern over the safety impacts of car driver use of cell phones while driving.

The full ATRI survey is available at <http://atri-online.org/2014/10/06/critical-issues-in-the-trucking-industry-2014-report-request/>. ▲



CA Enacts Sick-Leave Law

On September 10, 2014, Governor Brown of California signed legislation (A.B. 1522) that requires those employing a worker in the state to give the worker at least three paid days of sick leave in a calendar year if he works at least 30 days in that year. The law takes effect next July. It is estimated that 40 percent of California's workforce has not had paid sick leave. California is the second state to pass a law of this kind. Connecticut was the first, several years ago, and several cities in other states have similar laws, most only a year or so old. ▲

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IN Toll Road Operator Goes Bust

In 2006, Indiana leased the Indiana Toll Road for 75 years to a syndicate of banks based in Australia and Spain. The state received a payment up front of \$3.8 billion. Last Sunday, the company formed by the banks filed for bankruptcy, done in, according to press reports, by its initial optimistic traffic estimates and its heavy load of debt. The company will either sell its assets or in effect sell itself to its creditors. The state says that operations on the toll road will be unaffected. This isn't the first time that overblown estimates of traffic have tripped projects such as Indiana's. ▲

~ State Laws Newsletter ~

U.S. Court of Appeals Makes Decision in Massachusetts Independent Contractor Law

On Tuesday, Sept. 30, the US Court of Appeals for the First Circuit handed down a decision in *MDA v. Coakley*, a case challenging the "B" prong of Massachusetts' extremely restrictive "ABC" independent contractor law as preempted by the Federal Aviation Administration Authorization Act, a federal law prohibiting state laws that relate to a motor carrier's prices, routes, and services. The court emphasized that Congress expressly gave the FAAAA an expansive reach, and thus even a "background" labor law is preempted if its effect on carrier prices, routes, or services is more than "tenuous, remote, or peripheral." The First Circuit's decision is firmly rooted in controlling Supreme Court decisions broadly interpreting the FAAAA, and roundly rejected the argument that the Supreme Court's *Dan's City* decision signaled a new limitation on FAAAA preemption. This week's decision stands in stark contrast to decisions of the Ninth Circuit that have taken a restrictive view of FAAAA preemption, including the recent meal-break decision in *Dilts v. Penske*. A copy of the decision is available at <http://media.ca1.uscourts.gov/pdf/opinions/13-2307P-01A.pdf>. ▲

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2014 MoTA Drivers of the Month

January	Howard Hall Buchheit Trucking Service Scott City, MO
February	Leon Heater TCSI-Transland Springfield, MO
March	Byron Bramwell YRC Freight Kansas City, MO
April	Kevin Flick Buchheit Trucking Service Scott City, MO
May	Darin Haggett Buchheit Trucking Service Scott City, MO
June	Allan Raffay Prime Springfield, MO
July	Roger Friedrich Buchheit Trucking Service Scott City, MO
August	Charles Ross TCSI-Transland Springfield, MO
September	Don McCrite St James Transports LLC St James, MO
October	Russell Smith Transport Distribution Company Joplin, MO

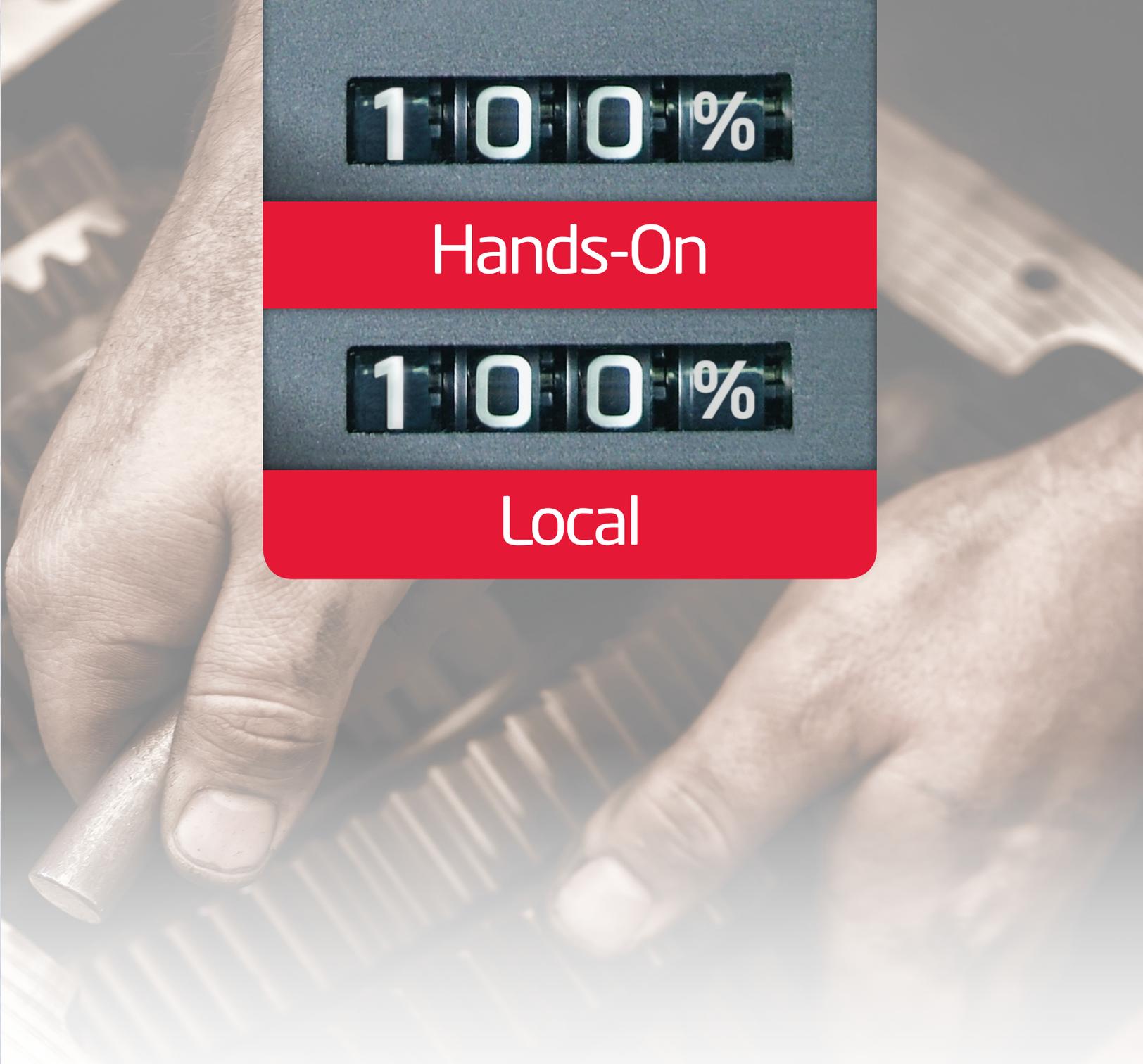
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