



New Members

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Mr. Mark Goldberg
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ODACS, Inc.

1122 East Main St.
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*Welcome
New Members!*

President's Message

Thank you for those who were able to attend our convention at Big Cedar Lodge, south of Branson. If you were able to attend, please take a moment to give us feedback on the location, educational programming and speakers. Your opinion is important information for our convention committee to consider as we continue our efforts to improve your experience at our meetings. And if you were not able to attend, please give us feedback on why you were unable to attend as well. No, your survey results don't go to a circular file in the corner! We read them too, and try to put together an event and coax you to attend the next one. This is your Association; please tell us how to serve you better!

To that end, we are looking for members to help us develop our next policy on how to fund our transportation infrastructure in Missouri. With the failure of Amendment 7 in August, a look at our current MoTA policy is frankly a little dated. For the past decade or so, the focus of transportation funding had been on a sales tax or a mix of a fuel tax and sales tax. With the failure of both of those proposals, it is time for us to re-examine our policy to reflect our current membership and your thoughts. Please let us know if you have an interest in serving on this task force, and be on the lookout for an opportunity to provide your feedback on the next proposal we can support for highway funding in Missouri.

Another area we need to address comes with our board governance and some of our bylaws. Chairman Jim Wingfield will be forming a task force of members to help guide our decisions on how best to organize and direct our Association for the years ahead. If you have an interest in serving on this task force, please let us know. It is anticipated the task force will complete its work and have recommendations for adoption by the membership at our Annual Convention in 2015.

As you can see just from the two topics addressed by this month's article, we will have much ahead of us in 2015. Never mind the challenges presented by a driver shortage that most are predicting will be with us and growing for quite some time. Be on the lookout for some questions on that topic in the upcoming survey as well.

Thanks again to those who could make it to Convention! If you couldn't make it, we look forward to having you join us at an event in the near future.

In This Issue

- 2 2015 MoTA Events
- 2 2014 - 2015 MoTA Officers
- 3 Governmental and Regulatory News
- 4 News from the Industry
- 5 News from State & Provinces

Attachments:

- Convention Wrapup
- Convention Sponsor Thank You
- Safety Rest Stop Pictures



**2015
Missouri Trucking Association Events**

March 10-11 **Safety & Maintenance Conference & SuperTech Competition**
Hilton Branson Convention Center ~ Branson, MO

June 12-13 **Truck Driving Championships**
Holiday Inn ~ Joplin, MO

October 7-9 **Annual Convention**
Chateau on the Lake ~ Branson, MO



Mark your calendars!



Reasonable Suspicion Testing:
What Supervisors Need to Know - *Online Training*



Helps fulfill supervisors' required drug and alcohol training.

This training is for one person.

Item #38763 - \$40.00 per each individual

Note: The trainee will receive login information for Interactive Online Training by email.

After completing this course, learners will be able to:

- Describe the regulations that apply to reasonable suspicion testing, including the alcohol and drug prohibitions;
- Identify the five steps in the reasonable suspicion process and explain how to successfully execute each step; and
- Recognize the signs and symptoms of alcohol abuse and drug use and describe what to look for when determining reasonable suspicion.

2014 - 2015 MoTA Officers

Elected at the MoTA Convention held at Big Cedar Lodge on September 16-18, 2014.

Chairman: **Jim Wingfield**
Tri-State Motor Transit Co., Joplin, MO

1st Vice Chairman: **Rocky Griffith**
Walmart Transportation, St. James, MO

2nd Vice Chairman: **Michael Gully**
Gully Transportation, Inc., Quincy, IL

3rd Vice Chairman: **Greg Swift**
Swift Carriers, Inc., Marshall, MO

Treasurer: **Larry Morgan**
Gencom, Inc., Marshall, MO

ATA Vice President: **Danny Opie**
Opies Transport, Inc., Eldon, MO

***Congratulations to all the officers . . .
we look forward to working with you!***

Member Cancellations September 2014

Name of Company	Class	Dues
Bell & Company PA	Allied	\$350.00
H A Cover & Son Wholesale Lumber	Private	\$350.00
Midwest Aerials & Equipment Inc	Private	\$382.50
NationWide Towing & Recovery Group	Allied	\$350.00

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EPA Likely to Lower National Ozone Standard

EPA released a nearly 600-page report on August 29 recommending to lower the current ozone level of 75 parts per billion (ppb) to somewhere in the range of 60 to 70 ppb. The recommendations in EPA's Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards mirror those of the agency's Science Advisory Committee which earlier this year endorsed setting a lower ozone standard. EPA is required by court order to decide by December 1 whether to propose lowering the current ozone standard last set in 2008. When the agency tried to make a similar rule a few years ago, it estimated it would cost up to \$90 billion a year, making it one of the most expensive environmental regulations ever proposed. After industry and Republicans in Congress criticized it, President Obama withdrew the proposed standard in 2011. Critics of a new ozone rule state that such regulation would now cost up to \$270 billion a year. The report findings are a clear indication that the agency will again seek White House approval for lowering the present ozone standard. A copy of the EPA report can be viewed at <http://www.epa.gov/ttn/naaqs/standards/ozone/data/20140829pa.pdf>. ▲

FMCSA Exploring Classroom Training Requirements for Entry-Level Truck Drivers

The Federal Motor Carrier Safety Administration said it is exploring the feasibility of a "negotiated rulemaking" to include minimum federal behind-the-wheel and classroom training requirements for entry-level truck drivers.

In a notice of intent posting in the Federal Register scheduled for Aug. 19, the agency said it has hired an attorney "convener" to speak with interested parties including driver organizations, commercial motor-vehicle training organizations, motor carriers and industry associations, state licensing agencies, state enforcement agencies, labor unions, safety advocacy groups and insurance companies.

The interviews will be conducted by Richard Parker of the University of Connecticut School of Law.

The plan for a negotiated rulemaking follows a 2007 FMCSA proposed rule that included classroom and behind-the-wheel driver training requirements. However, after receiving stakeholder written and oral comments, the agency withdrew the proposal in September 2013.

"If a consensus is reached, the agency would then publish the proposal for public comment under customary regulatory procedures," FMCSA said. "FMCSA believes this cooperative problem-solving approach should be given serious consideration." ▲

~ *Transport Topics* ~

FMCSA now Accepting DataQ Requests to Correct Adjudicated Citations

The Federal Motor Carrier Safety Administration has implemented its plan to adjust motor carrier and driver data in the event the citation is adjudicated in court. Motor carriers and drivers who have been found not guilty or have had a citation dismissed or reduced in court can now file a request for data review via the DataQs system to have the data be removed or appended. Citations dismissed or found not guilty will be scrubbed from both the safety measurement system and the pre-employment screening program. Citation reduced to a lesser offense will be noted and their SMS severity weight will be changed to 1. The process only applies to citations received after August 23, 2014. Click here to access the federal register notice: <http://www.gpo.gov/fdsys/pkg/FR-2014-06-05/pdf/2014-13022.pdf>. ▲

DHS Seeks Comments on Chemical Facilities Anti-Terrorism Standards Program

On August 19, the Department of Homeland Security issued an advance notice of proposed rulemaking seeking comments about how DHS can improve its Chemical Facilities Anti-Terrorism Standards program. An ANPRM indicates that a federal agency intends to make changes to a regulation.

Instead of proposing specific changes, the ANPRM asks questions about what specific changes the agency should consider. DHS is asking about coordination with other government programs and about regulatory overlap, among other things. ATA will file comments demonstrating that truck and truck terminal security is already regulated by the Federal Motor Carrier Safety Administration, the Pipeline and Hazardous Materials Safety Administration, and the Transportation Security Administration. Because trucking industry security is already regulated by three other agencies, ATA will suggest that DHS can best leverage its resources and improve security by exempting trucks and truck terminals from the CFATS program. ▲

IRS Reports Case of HVUT Fraud

The federal Internal Revenue Service reports the indictment of a woman in Florida for fraudulent handling of payments of the federal heavy vehicle use tax. Over several years, or so it's reported, the woman accepted HVUT payments from motor carriers by way of checks made out to her rather than to the government, and marked the carriers' Form 2290s with a counterfeit IRP stamp. And kept their payments. IRS warns that when you're paying federal taxes, always make out your check to the U.S. Treasury. There's more on the case here: <http://www.wctv.tv/home/headlines/Tallahassee-Woman-Indicted-for-Using-Fraudulent-IRS-Stamp-273660161.html>. ▲

~ *State Laws Newsletter* ~



Broad Coalition Calls for FMCSA to Restrict Access to CSA Scores

In a letter to Transportation Secretary Anthony Foxx, American Trucking Associations-led coalition of transportation trade groups urged that the scores produced by the Federal Motor Carrier Safety Administration's Compliance, Safety, Accountability fleet monitoring system be removed from the agency's website, citing recent government research that found the scores unreliable.

"Given the results of this research we urge you to direct FMCSA to remove motor property and passenger carriers' CSA Safety Measurement System scores from public view," wrote ATA President Bill Graves and representatives of nine other industry groups. "Also, recognizing the merits of raising public awareness of fleets' true safety performance in the future, we also call on you to direct FMCSA to make CSA improvements a high priority."

Specifically, the letter cites research by the Government Accountability Office that found that, with respect to most motor carriers, "FMCSA lacks sufficient safety performance information to reliably compare them with other carriers. The report went on to say that the lack of data "creates the likelihood that many SMS scores do not represent an accurate or precise safety assessment for a carrier."

"Given the many identified data sufficiency and reliability issues outlined by the Government Accountability Office, we urge you to direct FMCSA to remove carriers' SMS scores from public view," the letter concludes. "Doing so will not only spare motor carriers harm from erroneous scores, but will also reduce the possibility that the marketplace will drive business to potentially risky carriers that are erroneously being painted as more safe."

In addition to ATA, the letter was signed by representatives of the American Bus Association, American Moving and Storage Association, the National Private Truck Council, National School Transportation Association, the National Tank Truck Carriers, the Owner-Operator Independent Drivers Association, Specialized Carriers and Rigging Association, Truckload Carriers Association and United Motorcoach Association. ▲

Technical Safety Bulletin Issued for Natural Gas Temperature Compensation

The Clean Vehicle Education Foundation has issued a technical bulletin -- Reliable Temperature Compensation Is Critical to CNG Vehicle Safety -- addressing potential hazards that may be created by the failure of compressed natural gas dispensers to accurately compensate for temperature. Proper temperature compensation is essential to safe fueling of CNG vehicles as serious incidents have resulted from the overfilling of CNG containers at both fast-fill and time-fill facilities. The bulletin explains that the temperature of the gas in a CNG container may increase after fueling if the temperature of the environment increases before the fuel is used. This may occur with warming outdoor temperatures or when parking vehicles indoors. These situations may result in a complete venting of the fuel load if temperature was not properly compensated for during fueling. This issue is especially important to address prior to the cold temperatures many parts of the country will experience during upcoming months. CVEF and Natural Gas Vehicles of America are coordinating efforts to disseminate this bulletin to inform station owners, operators, and other parties of this issue. The bulletin can be viewed at http://www.ngvamerica.org/pdfs/Temperature_Compensation_Critical.pdf. ▲

ATA Issues Guidance to Motor Carriers Regarding Sleep Apnea Screening

On Tuesday, the ATA issued guidance designed to assist motor carriers and drivers when discussing obstructive sleep apnea with medical examiners.

The guidance informs motor carriers about recent changes to the medical examiner certification process and provides suggested questions trucking companies and drivers can use to frame a discussion with doctors about reasonable expectations for the OSA screening and treatment. Also included in the guidance is an explanation of what is required of the medical examiner under current regulations and clarification of many common misconceptions on the issue. ▲

IRP/IFTA Manager's & Law Enforcement Workshop Coming Up

This year's Manager's and Law Enforcement Workshop, sponsored by the International Registration Plan and the International Fuel Tax Agreement, is coming up soon in Kansas City, Missouri, October 15 to 17. The program of the meeting is quite varied, fitting with the double focus of the workshop, and the initial registration numbers promise a large turnout. A good industry attendance is both welcome and desirable, in order to give motor carrier feedback to the assembled state and provincial officials. For more information, and to register for the workshop, see the IRP, Inc., website here: www.irponline.org. ▲

~ State Laws Newsletter ~

OSHA Extends Comment Period on Injury-Tracking Rule

The Occupational Safety and Health Administration (OSHA) announced on Aug. 13 that it will extend the comment period on the proposed rule to improve tracking of workplace injuries and illnesses to Oct. 14. The proposal, published on Nov. 8, 2013, would amend the agency's recordkeeping regulation to add requirements for the electronic submission of injury and illness information that employers are already required to keep.

During the public meeting held on the proposal, many participants expressed concern that the proposal may create motivation for employers to under-record injuries and illnesses, since each covered establishment's injury and illness data would become publicly available on OSHA's website. Participants also expressed concern that the proposal would lead to an increase in the number of employers who adopt practices that discourage employees from reporting recordable injuries and illnesses. OSHA is concerned that the accuracy of the data collected under the new proposal could be compromised if employers adopt these practices.

Individuals interested in submitting comments may do so electronically at <http://www.regulations.gov/#/home>, the federal e-Rulemaking Portal. Comments may also be submitted via mail or facsimile. Visit <http://www.gpo.gov/fdsys/pkg/FR-2014-08-14/html/2014-19083.htm> to see the Federal Register notice for details. ▲



AR Changes Position on Sale of Warranties

The Arkansas Trucking Association reports that the state's department of finance and administration has reconsidered the position it took earlier this year that sales tax applies to the sale by a vehicle dealer of an extended warranty, even when the warranty applied to and was sold at the same time as a tax-exempt truck tractor. Arkansas's tax exemption for rolling stock is only a couple of years old, and the association worked hard to get it. It protested the department's change in position and this reconsideration followed last week. The state is now examining its records to determine which transactions – that is, in which the vehicle sold was exempt but the extended warranty for it was taxed – may now be eligible for a refund. ▲

~ State Laws Newsletter ~

Engine Labels Required in California

Recent instances of motor carriers being fined by California Air Resources Board inspectors for missing or damaged engine emission labels emphasizes the need to ensure these labels are properly maintained when traveling in California. Under CARB's Emission Control Label Regulation, a truck with a missing or unreadable engine emission label can be issued a citation for up to \$800. If labels are found to be missing or unreadable, carriers should contact their engine supplier who can verify the identity and emission characteristics of the engine to ensure the replacement label matches the engine hardware. More information is available on CARB's Heavy-Duty Diesel Emission Control Label Inspection Program website: <http://www.arb.ca.gov/enf/hdvp/bip/bip.htm>. ▲

CA Bill on Corporate Pay Fails Again

California legislation (S.B. 1372) that would have tied the state's corporate tax rate for public corporations to the amount a company pays its highest-paid employee has once again failed to pass the state senate, where it needed a two-thirds majority to advance. A similar bill failed last year. The bill would have raised the top corporate rate from 8.84 percent – already one of the highest rates among the states – to as much as 13 percent if the ratio of median to highest employee pay exceeded 400 to 1. Various business groups opposed the bill; unions, of both public and private employees, supported it. ▲

~ State Laws Newsletter ~

IL Bars Ticket Quotas

By 2014 legislation (S.B. 3411) effective January 1 next year, Illinois has prohibited any state, county, or local law enforcement agency from requiring any of its employees to issue a certain number of traffic citations in a given period, or to evaluate an employee's performance on the basis of any ticket quotas. The new law passed both houses of the state legislature by extremely large margins. It may be an issue on which legislators are especially sensitive. ▲

~ State Laws Newsletter ~

NJ Congratulates Itself on Collections from Carriers

For many years now, motor carriers doing pick-ups and deliveries in New Jersey have been warned that if they are not registered

for the state's corporate business tax their trucks may be stopped, their drivers harassed, and truck, driver, and cargo may be held by agents of the state taxation department until the carrier wires money to pay off the agents' seat-of-the-pants tax "assessment." Every few weeks, however, despite the continued warnings, we hear of trucking companies who are held up in this fashion. In fact, in the summer issue of The New Jersey State Tax News, the department brags it has since July of last year collected \$1.2 million from its stops of trucks. See the details here: <http://www.state.nj.us/treasury/taxation/pdf/pubs/stn/summer14.pdf>. Yes, the state has trouble balancing its budget, but burdening interstate commerce in this way doesn't seem to us to be the right answer. The ultimate answer is federal legislation to prevent this sort of abuse, from New Jersey or any other state. ▲

~ State Laws Newsletter ~

NJ Court Rules on Depreciation, Throw-Out

The New Jersey Tax Court, a part of the state's regular court system, has ruled for a taxpayer in a case involving (1) New Jersey's decoupling from the federal rules on bonus depreciation, (2) "phantom income" arising from New Jersey's statutory disallowance of net operating loss carryovers, and (3) the application of New Jersey's throw-out rule. The taxpayer here was a finance company of a major auto manufacturer that was engaged in holding and managing car leases entered into by the manufacturer's car dealers. As a part of its business, the taxpayer took depreciation on the leased cars, including, for federal purposes, bonus depreciation. New Jersey did not allow bonus depreciation, and a part of the case, entirely specific to New Jersey law, concerned when that decoupling began. The court ruled for the taxpayer on that issue of timing. The next issue in the case arose out of the use by the taxpayer of its federal net operating losses (some \$2 billion, stemming from depreciation deductions) as carryovers under federal rules, to offset capital gains from cars it sold. New Jersey calculated the taxpayer's income in the absence of the disallowed carryovers, and the taxpayer argued that it should be permitted to increase the basis in the cars it sold to reflect depreciation it could not take under state law. The court agreed, finding, in effect, that state tax law did not envision the taxation of more than a taxpayer's actual federal income. Finally, the court ruled that in apportioning the taxpayer's income, the state could only remove (that is, throw out) from the denominator of the taxpayer's receipts factor receipts attributable to states where, by reason of a lack of nexus the taxpayer *could not be* taxed. The state wanted also to remove the receipts attributable to states in which there was nexus but no tax was levied. *Toyota Motor Credit Corp. v. Dir., Divn. of Taxn.*, docket no. 002021-2010, decided August 1, 2014 ▲

~ State Laws Newsletter ~

NYS Issues Guidance on Sales Taxes

The New York State Department of Taxation & Finance has issued a bulletin with information on the extent of the state's sales and use tax exemption for motor carrier rolling stock, including buses, and the exemption form needed to claim it. There seem to be no surprises here, or any changes in the state's policies, but the guidance may provide a check for carriers on whether they've been following all the right procedures in New York. *Tax Bulletin TB-ST-890*, issued August 7, 2014, and available on-line here: http://www.tax.ny.gov/pdf/tg_bulletins/sales/b14_890s.pdf ▲