



## New Members

### Battery Outfitters, Inc.

Highway 86  
Golden, MO 65658  
Mr. David Waller  
(417) 271-3801

### Broadway Wrecker LLC

5321 Business 50 West  
Jefferson City, MO 65109  
Mr. Donald G. Archer, Jr.  
(573) 635-9962

### C1 Truck Driving Training

6395 East State Hwy OO  
Strafford, MO 65757  
Mr. Rich Campbell  
(417) 831-0500

### CIMC Vanguard Trailer Co.

12009 Pawnee Lane  
Shawnee Mission, KS 66209  
Mr. Jerry Lozier  
(913) 217-7239

### Con-Agg of MO LLC

2604 North Stadium Blvd  
Columbia, MO 65202  
Mr. Alan Barnes  
(573) 446-0905

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## Missouri Trucking Association 2011 Annual Convention

The 74<sup>th</sup> Missouri Trucking Association Annual Convention was held on September 28-30 at the Hilton Convention Center in Branson, Missouri. The following officers were elected to serve during the 2011-2012 year.

**Chairman:** Tom Kolb, Midland Transports, Jefferson City, MO

**1<sup>st</sup> Vice Chairman:** Brett Sheets, Steelman Transportation, Inc., Springfield, MO

**2<sup>nd</sup> Vice Chairman:** Troy Robertson, Con-way Truckload, Joplin, MO

**3<sup>rd</sup> Vice Chairman:** Jim Wingfield, Tri-State Motor Transit Co., Joplin, MO

**Treasurer:** Larry Kallmeyer, Kallmeyer Enterprises, Inc., Hermann, MO

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

**Alt. ATA Vice President:** Tom Kretsinger, Jr., American Central Transport, Inc., Liberty, MO

During the three-day event, MoTA members attended educational seminars, heard comments from national speakers that included Anne Ferro, FMCSA Administrator, as well as Dan England, ATA First Vice Chairman. Keynote speaker, Sam Silverstein delivered a motivational message to convention attendees. At the Candlelight Banquet, members were entertained by humorist, Damian Mason.

The prestigious "Frank G. Campbell Award for Outstanding Service" was awarded to Ron Breau for his 30 years of service and dedication to the trucking industry.

David Gach, Dave's Diesel Service, St. Joseph, MO received the "G. Findley Reed Award" - the allied industry's highest service award.

The Ursel G. Lewellen Scholarship was awarded to Leslie Hall, a graduate of Missouri State University in Springfield and a current freshman at the University of Missouri-Columbia Law School.

The Missouri State University Logistics and Transportation Scholarship was awarded to Dustin Warren, a senior studying for a bachelor degree in Logistics and Supply Chain Management.

The convention concluded with a golf tournament at the beautiful Payne Stewart Golf Course.

**Attached are pictures from the 2011 MoTA Annual Convention.**

***Next year's 75<sup>th</sup> Annual Convention will be held in St. Louis, Missouri.  
If you would like to serve on the Planning Committee,  
please contact the MoTA office at 573-634-3388.***

## Continued Assistance for Joplin

In September, the Missouri Trucking Association received a request for assistance from a school in St. Louis. Babler Elementary in Wildwood, Missouri collected 4,600 books for Joplin students as a part of their service learning project. The Association put the word out and immediately had several offers to help out. Above Par Transportation made the delivery and company representative, Scott Cooper commented, "Angie at Babler was awesome and had everything in order and got us loaded quickly. She even sent a thank you card, which was very nice. Glad we could help and thanks for directing us to the right person for the project."

Here are some pictures they shared with us.



## In This Issue



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## New Members

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### D T C Calhoun Trucking Inc.

2117 Highway 215  
Pleasant Hope, MO 65725  
Ms. Tammy Calhoun  
(417) 267-3191

### Davco Technology

1600 Woodland Drive  
Saline, MI 48176  
Mr. John E. Garrison  
(734) 707-5308

### Greensfelder, Hemker & Gale

10 South Broadway  
St. Louis, MO 63102  
Mr. Ted Agniel  
(314) 241-9090

### Hartzler Equipment Company

30211 S East Outer Road  
Harrisonville, MO 64701  
Mr. Steve Honomichl  
(816) 884-2551

### KTRR Services

9100 West Liberty Drive  
Pleasant Valley, MO 64068  
Mr. Marc Kalwei  
(816) 204-0451

### M F R Tire Service

5475 Brown Avenue  
St. Louis, MO 63120  
Mr. Everett Slimp  
(314) 383-7300

### Neosho Box & Wood Products

850 Malcolm Mosby Drive  
Neosho, MO 64850  
Mr. Jeff Werneke  
(417) 451-4600

### Pat Stuart & Son Trucking LLC

4234 County Road 4100  
West Plains, MO 65775  
Mr. Pat Stuart  
(417) 293-3762

### Premium 2000+ Extended Warranties

321 North Spring Street  
Winston Salem, NC 27101  
Mr. Lynn Murphy  
(336) 759-3352

### RubinBrown LLP

One North Brentwood Blvd #1100  
St. Louis, MO 63105  
Mr. Mark Conrad  
(314) 290-3425

### S L C Leasing LLC

39 Old Elam Avenue  
Valley Park, MO 63088  
Ms. Teresa Brown  
(636) 861-3364

### Sellenriek Construction Inc.

313 North Gladstone Avenue  
Jonesburg, MO 63351  
Mr. Jeremy Davenport  
(573) 474-2065

### Shrock Trucking LLC

1926 East Dale Street  
Springfield, MO 65803  
Ms. Gloria Shrock  
(417) 832-0660

### Twenter Trucking LLC

123 Main Street  
Pilot Grove, MO 65276  
Mr. Kevin C. Twenter  
(660) 834-4681

## MoDOT Wins National Highway Safety Award

Engineering ...Enforcement ...Education ...These three things are used successfully by the Missouri Coalition for Roadway Safety to keep traffic fatality levels at a level not seen since 1950. Today, the Governor's Highway Safety Association recognized MoDOT as a leader in that success.

MoDOT received the Peter K. O'Rourke Special Achievement Award for spearheading the safety coalition that has realized a decrease in traffic fatalities and disabling injuries for the past five years. Traffic fatalities in Missouri have decreased by 35 percent since 2005 and the trend continues downward. To date in 2011, traffic fatalities are down by 11 percent.

For more information on how MoDOT has worked to improve highway safety in Missouri, visit [www.savemolives.com](http://www.savemolives.com). ▲

## MoDOT's Goal is to Re-open Flooded Roads by End of 2011

The Missouri Department of Transportation announced its goal is to get flooded routes open as quickly and safely as possible by the end of 2011.

One of the first big steps to accomplish this goal began on September 21<sup>st</sup> with the start of emergency contract repairs in Atchison County on Route 136. Leavenworth Excavating & Equipment Company, Inc., of Leavenworth, Kan., is repairing the 1.7-mile section of roadway that runs from Route D almost to Interstate 29.

This is the first of a two-phase project that will be necessary to restore access completely across Route 136 where four large gaps in the pavement exist due to the summer flooding. The purpose of this first emergency repair project is to fill three of the four gaps, as well as other shoulder repair work. The target completion for this project is Oct. 15, and the contractor is anticipating working 24 hours a day/ seven days a week. Once this phase is complete, access will be restored to Phelps City, as well as Route U and Route D.

The second phase of the project will be to repair the largest of the gaps in the pavement, a 600-foot scour hole. Several options are being considered to repair this section, but damages cannot be assessed and staff cannot determine how deep the hole has become until waters recede. ▲

## Member Cancellations September/October 2011

Name of Company	Class	Dues
Hays Companies of MO	Allied	\$350.00
Independent Concrete Pipe Co of MO	Private	\$300.00
Nucor-LMP Inc	Private	\$440.00
Robertson-Williams Transport Inc	For Hire	\$550.00
Union Transfer & Storage	Household	\$300.00

## MISSOURIMemo

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## FMCSA Launches Improvements to CSA Website

Since the Compliance, Safety, Accountability (CSA) website launched in August of 2008, FMCSA has directly responded to more than 6,500 questions from motor carriers, drivers, and others in the commercial vehicle safety industry. In response to visitors' feedback, FMCSA improved several areas on the CSA website in order to support stakeholders' efforts to increase safety on the nation's roads

- The "Your Role" pages have been enhanced and a new section specifically for drivers has been added. Each role page now contains a stakeholder specific toolkit of CSA materials, links to important FMCSA websites, and a comprehensive list of questions and answers specific to each major stakeholder group.
- A new Resources page, where stakeholders can download a toolkit customized to their role, has replaced the previous news and media page. A new search feature allows visitors to customize their searches using keywords or simple checkboxes. The search results provide the most relevant documents as well as a list of the top five relevant Frequently Asked Questions (FAQs).
- Functionality on the FAQs page has been improved. In addition to being able to search by keyword, website viewers can now also filter their searches by stakeholder and topic.

For more information, please check out the improved CSA website at <http://csa.fmcsa.dot.gov/>. ▲

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## GAO Assesses CSA: Cites Improvements Needed

In a 52-page report, the Government Accountability Office (GAO) predicted that the FMCSA's CSA truck safety enforcement program will be an improvement over the previous enforcement system, but points out that it is missing critical pieces and is far behind schedule.

While the agency acknowledges the successes of CSA, it recommended that FMCSA finish work on the rulemaking to establish carrier safety fitness ratings. The proposed safety fitness rule is scheduled to be published in February but is not likely to be finished until 2013.

The GAO recommended that the Secretary of Transportation direct the FMCSA Administrator to develop a plan for implementing driver fitness ratings that prioritizes steps that need to be completed and includes a reasonable timeframe for completing them. The plan should also address the safety implications of delayed implementation of driver fitness ratings, the agency said.

The GAO also recommended that the Secretary of Transportation direct the FMCSA Administrator to regularly report to Congress on CSA's status; the problems that FMCSA has encountered during the implementation of CSA and the risks they pose to full implementation of CSA; its strategy for mitigating these risks; and a timetable for fully implementing CSA and reporting the progress made in developing and implementing CSA performance measures.

The CSA truck safety enforcement program is missing pieces and is behind schedule, so it's too soon to tell how effective it will be, but data gathered so far suggests that it will be an improvement over the old enforcement system, says the Government Accountability Office. ▲

## New Research Reveals Truck Driver Concerns with CSA

The American Transportation Research Institute (ATRI) released a report detailing the extent to which CSA has exerted an influence on the daily lives of commercial drivers. ATRI's report also describes and analyzes driver attitudes toward and comprehension of FMCSA's new regulatory program, based on survey data collected from 4,555 U.S. truck drivers.

While findings reveal that truck drivers continue to have myriad concerns related to CSA, ATRI discovered that drivers may not have a solid understanding of what CSA is and does. Among the findings, over 77 percent of drivers incorrectly believe that a trucking company inherits past violations from new hires. Job security concerns still exist, with nearly two-thirds of drivers somewhat or extremely concerned that they will lose their jobs as a result of CSA.

These areas are explored in full depth, and recommendations are presented for enhancing driver knowledge and support through multiple training and education sessions, as well as other sources of familiarization.

"ATRI's study clearly points out that motor carriers, state trucking associations and FMCSA collectively need to do more to educate drivers about CSA and what it does and doesn't mean for their jobs," commented Ed Crowell, Georgia Motor Trucking Association President and CEO.

ATRI currently has a similar motor carrier survey underway which can be accessed online at ATRI's website.

To obtain a copy of the ATRI CSA Driver Survey Report, visit [www.atri-online.org](http://www.atri-online.org). ▲

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## FMCSA Revises Hazmat Carrier Definition in CSA

FMCSA made an underlying change to how its new CSA system defines and identifies "Hazmat Carriers" for the purposes of applying lower intervention thresholds.

Previously, any carrier that had identified itself on its biennial MCS-150 Motor Carrier Identification Report form filing as one that transports hazmat (in any quantity) was considered a hazmat carrier. Now, the agency only applies the lower CSA intervention thresholds to carriers that transport placarded quantities of hazmat, based on records of roadside inspections, results of recent compliance reviews, and hazmat permit registrations.

Conversely, carriers that only transport hazmat in small quantities that do not require placarding are no longer subject to the lower intervention thresholds. ▲

~ Truckline ~



## Court Decision puts EOBR Rule on Hold

The Federal Motor Carrier Safety Administration's (FMCSA) 2010 final electronic on-board recorders (EOBR) rule, scheduled to become effective in June 2012, has been put on hold until it can address the issue of driver harassment.

The U.S. Circuit Court of Appeals for the Seventh Circuit said the rule did not appropriately consider the issue of how to prevent the use of EOBRs to harass vehicle operators.

Within the rule, the FMCSA must "consider what types of harassment already exist, how frequently and to what extent harassment happens, and how an electronic device capable of contemporaneous transmission of information to a motor carrier will guard against (or fail to guard against) harassment." ▲

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## FMCSA Warns of Aggressive Sales Tactics for Supervisor Training, Products

The Federal Motor Carrier Safety Administration (FMCSA) issued an updated alert on August 30 concerning numerous inquiries the agency had received regarding companies using aggressive marketing tactics to sell both supervisor training and products, such as logbooks, to carriers. Although FMCSA requires drivers to keep a record of their duty status and outlines a format for that record, the agency neither sells nor endorses companies that market products, such as logbooks, to employers.

FMCSA also noted that, while some employers may also be required to ensure that supervisors attend mandatory drug and alcohol training, the agency does not certify trainers or training companies and it does not pre-approve the curriculum presented. FMCSA pointed out that independent companies may try to market to companies, using information made available on the agency's public website as part of the application process for obtaining operating authority. Carriers that receive an advertisement that improperly asserts an association with the Department of Transportation or the FMCSA, or attempts to obtain personal banking or credit card information not related to a purchase, are encouraged to call Tom Frazier, FMCSA investigator (540) 504-6436. ▲

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## International Registration Plan

A new amendment to the International Registration Plan (IRP) will provide motor carriers more flexibility in record-keeping, stop states from imposing penalties for records that they can, in fact, audit, and give much better guidance to both states and carriers on what electronic records are acceptable under the Plan. For the states, the amendment sets more professional auditing standards and clarifies Plan language considerably. The changes are effective for audits performed after July 1, 2013, in order to give states time to alter their systems. As these changes are implemented, we'll keep you informed. ▲

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## Old CCFs OK until November 30

The Department of Transportation has published technical amendments to the final rule on new drug testing custody-and-control forms (CCFs). The final rule now extends the deadline for use of the old CCF until November 30, 2011, and finalizes procedures for use of the new one. ▲

## FMCSA Backs Port Authority Rather than Carriers in Port Sticker Dispute

The Federal Motor Carrier Safety Administration (FMCSA) has ruled against the New Jersey Motor Truck Association (NJMTA) concerning its petition filed late last year, which asked the agency to stipulate that a requirement imposed by the Port Authority of New York and New Jersey on motor carriers entering its facilities was preempted under federal law.

The authority had established a requirement that vehicles coming into its areas be registered with it, and issued decals to the operators of registered vehicles showing that they had complied. When the authority argued that carriers were not in fact required to bear the stickers, just that they would be held up while their registration was verified, NJMTA countered that, given the nature of motor carrier operations, the need to avoid delays indeed rendered the stickers mandatory.

FMCSA's ruling, published in the September 2 *Federal Register*, stated that the authority issued the stickers only to assist carriers, and there was no actual requirement to display them. "The agency did appear to weigh the circumstances of the case, however, and restricted its ruling to this particular issue alone," according to the September 2 issue of *The State Laws Newsletter*. ▲

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## Registrant-Only Elimination Postponed

Some years ago, for purposes of its PRISM motor carrier enforcement program, the federal Motor Carrier Safety Administration introduced registrant-only DOT numbers, which were issued to entities other than motor carriers that registered trucks in their own name under the International Registration Plan. Since that time, the PRISM states have issued more than 200,000 registrant-only numbers, mostly to owner-operators under lease to motor carriers.

The numbers help the states and FMCSA to tie the IRP plates on these trucks to the motor carrier responsible for the vehicles' safety under PRISM. The special numbers also cause confusion, however. In a given year, a large proportion of the entities denominated as registrants-only are cited by law enforcement with safety violations or reported as involved in traffic incidents. And some entities with registrant-only numbers have behaved as if the possession of such a number confers federal interstate operating authority, which it does not.

Last year, in response to these troubles, FMCSA announced that it would stop using registrant-only numbers in PRISM on September 1, 2011. The agency recently extended that deadline another year, in order for states and other parties to make the changes needed in their systems. FMCSA promised guidance on the process in the meantime. ▲

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## 2012 UCRA Registration Set

At a recent meeting of the board of directors of the Unified Carrier Registration Agreement, the board recommended that states participating in the UCRA program begin registering carriers and collecting the UCRA fees for 2012 on October 1, 2011, and that roadside enforcement of the fees start February 1, 2012. The UCRA fees for 2012 – and for 2013 – will be the same as for 2011. ▲

~ *The State Laws Newsletter* ~



## To Use Chocks or Not

The question of wheel chock requirements for commercial motor vehicles has been raised due to an OSHA citation received by a Maine trucking company. Several interpretations and compliance documents have been written and published over the years attempting to clarify this issue. However, as long as the vehicle in question meets the definition of a CMV (Commercial Motor Vehicle) under the FMCSA regulation 49 U.S.C. 31132(1), then OSHA is preempted by Section 4(b)(1) of the OSH Act from enforcing their regulations because the workplace condition is being regulated by another applicable Federal agency.

Three specific instances can be found in various regulations that require the use of wheel chocks:

1. In the FMCSA regulations, Part 393.41(b) specifically states "An agricultural commodity trailer, heavy hauler or pulp-wood trailer shall carry sufficient chocking blocks to prevent movement when parked." (emphasis added) These types of trailers have different braking systems, so therefore still require the use of wheel chocks to secure the loaded trailers when parked.
2. In the event that a trucking company is delivering a piece of equipment on a low-bed trailer, and the trailer is detached from the truck in preparation for off-loading of the equipment, wheel chocks may be required due to the slope of the terrain on which the trailer is parked. 29 CFR 1926.600(a)(3)(ii) states "Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set." This situation falls under OSHA's jurisdiction due to the unloading area being a fixed workplace.
3. Finally, the National Fire Protection Association (NFPA) regulations also reference the usage of "chock blocks". NFPA 58 Section 9.4.8 states "Each cargo tank vehicle and trailer shall carry chock blocks, which shall be used to prevent rolling of the vehicle whenever it is being loaded or unloaded or parked." This particular section of the NFPA regulations deals with cargo tanks hauling LP gas.

Keep in mind that OSHA regulations, as well as NFPA regulations are the bare minimum safety requirements enforced in the workplace today. If a company sees fit to create a policy for their drivers to use wheel chocks in other situations over and above those listed in this article, the company is entitled to establish such a policy. ▲

## NLRB Delays Effective Date for NLRA Notice-Posting Requirement

The National Labor Relations Board (NLRB) announced on its website yesterday that it was delaying the effective date of its recent rulemaking requiring employers to post notices of employee rights under the National Labor Relations Act. The posting requirement will now go into effect on January 31, 2012 instead of the original November 14, 2011 date. The NLRB claims the delay is intended to enhance education and outreach to employers to ensure broad voluntary compliance. The announcement follows the recent filing of lawsuits challenging the notice-posting requirement by several industry groups, including the Coalition for a Democratic Workplace, of which American Trucking Associations (ATA) is a member. ▲

## IRS Provides Guidance on HVUT Filing

On July 20, 2011, the IRS published temporary regulations that postpone the due date for Heavy Highway Vehicle Use Tax Return Form 2290 (HVUT) returns and payment. Here's what you need to know:

- IRS will release HVUT Form 2290 for the taxable period July 1, 2011 in late October 2011. The IRS will start accepting this form on November 1, 2011.
- During the period November 1, 2011 thru November 30, 2011 you must provide, either a paid Schedule 1 (Form 2290) for the taxable period July 1, 2010 or a paid schedule 1 (Form 2290) beginning July 1, 2011.
- After November 30, 2011, either a paid Schedule 1 (Form 2290) for the taxable period beginning July 1, 2011 must be presented, or you may provide a photocopy of the Form 2290 along with schedule 1 that was filed with the IRS along with proof that the tax was paid. For example the front and back of check, money order, etc. cleared to the IRS.

If you have questions please contact Motor Carrier Services at 1-888-831-6277. ▲

## IRS Issues Guidance on Depreciation

The federal Internal Revenue Service has issued informal guidance on a question involving depreciation of business property for income tax purposes.

The question concerned a business that, among other things, provided full-service truck leasing and contract maintenance. For this part of its operation, the business maintained a building that was primarily taken up by truck-service bays and truck washing facilities. The building was surrounded by a large parking lot, in which there was a fuel island. The business regularly sold fuel from its pumps there.

The IRS concluded that the building was a "motor vehicle service station," eligible for depreciation over fifteen years, rather than ordinary nonresidential property that had to be depreciated over 39 years. Our readers are cautioned that this guidance is informal and may be quite fact-specific.

IRS provided this contact for further questions: Douglas Kim at 202-622-4930. ▲

## FMCSA issues Final Rule on Brake Regulation

In response to a petition from the Automobile Carriers Conference (ACC), on September 13 Federal Motor Carrier Safety Administration issued a final rule, effective October 13, 2011, that eliminates the requirement to have rear brakes activated in a triple saddlemount combination, unless there is a fullmount. Triple saddlemount combinations, in which 4 trucks are piggybacked on the back of each other, previously had a requirement to have an active brake on the rear most axle of the combination. In ACC's petition, it was pointed out that this was a potential deterrent to highway safety as that last axle – the lightest axle – had a tendency to lock up and thus hinder stopping ability. FMCSA agreed with the science and testing data submitted by ACC and granted the request. ▲

## Commercial Motor Vehicle Campaign

Oct. 16-23 is Operation Safe Driver – a week to increase awareness of driving safely around big trucks. Nearly 70 percent of all crashes involving commercial motor vehicles are caused by the automobile driver.

FMCSA has provided funding to purchase advertising - digital billboards, pump toppers, Facebook ads which will link to website with videos and information.

Two messages aimed at two audiences:

1. Those driving around trucks
2. Commercial motor vehicle drivers ▲



## Fraudulent USDOT “Procurement” Letters

Another new round of fraudulent USDOT letters dated August 3, 2011 are starting to circulate among motor carriers. The letters appear to be from the “U.S. Department of Transportation Procurement Office” and signed by a fictitious name of “Robert Mendez – Senior Procurement Officer”. The letters are attempting to obtain banking information from the targeted companies.

Please advise your local carriers and law enforcement agencies of the possibility of this fraudulent financial data collection activity beginning again and to be suspicious when being asked for banking information from anyone.

You can also direct them to the USDOT OIG Website below for more information:

[http://www.dot.gov/ost/m60/fraudulent\\_letters.htm](http://www.dot.gov/ost/m60/fraudulent_letters.htm) OR <http://www.oig.dot.gov/fraud-alert> ▲

## Running on High; ATA Warns of Danger

Police in Colorado are stopping more drivers who are stoned, or in possession of marijuana which they contend is for “medical purposes,” based on state DOT and police figures. 35% more drivers tested positive from 2009 to 2010.

Methylenedioxypyrovalerone (MDPV – a substance with the street names: bath salts, Ivory Wave, plant fertilizer, plant food, Vanilla Sky, and Energy-1) is a stimulant with properties similar to those of cocaine or an amphetamine but is not yet a federally controlled substance. So, a driver using MDPV is not in violation of the prohibitions under Part 382 and is thus not subject to the mandatory substance abuse professional referral, evaluation and treatment process under Part 40 Subpart O. That said, a driver would still be medically unqualified to drive under §391.41(b) (12)(i) which prohibits a driver from using a controlled substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or any other habit-forming drug.

Accordingly, ATA suggests that motor carriers treat drivers using MDPV like any other driver who has a condition that is medically disqualifying (e.g., loss of a limb’s use). Specifically, ATA recommends sending the driver to a physician of the carrier’s choice for a new DOT physical; and alerting the physician to the driver’s condition. The physician will likely declare the driver unqualified until the driver can demonstrate non-use. A specialist may weigh in, too. The specific steps are outlined at: [http://nrcme.fmcsa.dot.gov/mehandbook/sub\\_abu4\\_ep.htm](http://nrcme.fmcsa.dot.gov/mehandbook/sub_abu4_ep.htm). DEA’s Drug & Chemical Evaluation Section plans to temporarily place MDPV as a Schedule I controlled substance. Drivers are banned from using all Schedule I drugs. Other placements include JWH-018 and JWH-073 (synthetic marijuana). Finally, MDPV is banned in 23 states, listed online at [www.ncsl.org/default.aspx?tabid=22432](http://www.ncsl.org/default.aspx?tabid=22432). ▲

## Tire Prices Rise; Assn. Predicts Casing Shortage

The Retread Tire Association is warning of a severe shortage of retreadable truck tires, also known as casings, as the first week of July saw another round of tire price hikes.

There are a number of reasons tire makers have recently been raising prices, including volatile market conditions, supply pressures and escalating raw materials costs.

Last month, Bridgestone, Continental, Michelin, Toyo and Yokohama announced price hikes on commercial truck tires ranging from 8% to 12%. In June, Double Coin, Falken and Hankook raised prices. ▲

## 2011 MoTA Drivers of the Month

January .....	<b>Robert Miller</b> Transport Distribution Company Joplin, Missouri
February .....	<b>Henry Grider</b> TCSI-Transland, Inc. Springfield, Missouri
March .....	<b>Ronald Hoover</b> Prime, Inc. Springfield, Missouri
April .....	<b>Chester Surface</b> Jack’s Truck Rental Holts Summit, Missouri
May .....	<b>Mark Bramel</b> O & S Trucking, Inc. Springfield, Missouri
June .....	<b>Glen Horack</b> Prime, Inc. Springfield, Missouri
July .....	<b>Charles Mason Conlee</b> Prime, Inc. Springfield, Missouri

*Nominate a driver . . .  
Send in a nomination form today!*



## CARB Extends Trailer Phase-In Registration

The California Air Resources Board (CARB) has issued an advisory extending the registration deadline for fleets wishing to phase-in trailer aerodynamics. Fleets with 21 or more box-type dry van and/or refrigerated 53-foot or longer trailers that operate in California had until August 1, 2011 to register with CARB. Under CARB's Tractor-Trailer Greenhouse Gas (GHG) Regulation, affected pre-2011 trailers must be brought into compliance with aerodynamic requirements by January 1, 2013 unless a fleet has registered to phase-in compliance. The phase-in option requires 20 percent of these trailers to be brought into compliance annually beginning January 1, 2012.

The complete advisory can be found at <http://www.arb.ca.gov/enf/adv/adv429.pdf>. ▲

## New Truck Emission Requirements to Take Effect in California

Companies that operate Class 7 and 8 trucks with 1996 – 1999 model year engines in California will face new statewide emission requirements at the beginning of 2012. Unless they qualify for an exemption, affected trucks will need to be retrofitted with diesel particulate filters (DPFs) in order to legally operate in the state. Alternatively, fleets with affected trucks can file a compliance report with the California Air Resources Board (CARB) to demonstrate that 30 percent of their overall California-operating fleet is equipped with DPFs. Compliance reports are due no later than January 31, 2012. Detailed information is available online on CARB's website <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>. ▲

## Colorado Chain Law Now in Effect

All commercial vehicles traveling on I-70 in Colorado between milepost 133 (Edwards exit) and milepost 259 (Morrison exit) must now carry sufficient chains to be in compliance with the Colorado chain law.

The law requires commercial vehicles to carry chains on this segment of I-70 from Sept. 1 to May 31. Colorado's chain law applies to all state, federal and interstate highways and was initially enacted in 1996. It includes two levels for commercial vehicles.

Chain Law Level 1 requires all single drive axle combinations commercial vehicles to chain up. All four drive wheels must be chained; cables are not permitted as an alternate traction device. All other commercial vehicles must have snow tires or chains. Level 1 may be implemented any time there is snow covering any part of the traveled portion of pavement on an ascending grade.

Chain Law Level 2 requires all commercial vehicles to chain up. Auto transports must comply to the extent possible without causing damage to hydraulic lines. Buses must chain two drive wheels to comply. Level 2 may be implemented any time there is snow covering the entire traveled portion of pavement on an ascending grade or when driving conditions dictate this level is necessary to protect safety and minimize closures.

To help ensure that commercial vehicles have a safe location to chain up or down, CDOT has 21 chain stations along the I-70 west corridor, many of which have been improved over the last several years and provide more parking and a safer environment. Truck drivers are advised to watch for yellow signs indicating exact chain station locations.

The 11 chain stations on eastbound I-70 are located at mileposts 178, 183, 184 (shoulder), 187 (shoulder), 195, 203 (scenic area), 205, 219, 228, 241 and 251. The ten chain stations on westbound I-70 are located at mileposts 263, 260, 254 (Buffalo Overlook), 228, 223, 221, 219, 213 (brake check area) and 197 (scenic area) and 179.

In addition, CDOT has a few chain stations on the I-70 east corridor at mileposts 289 and 343 eastbound and milepost 358 westbound. There is also a chain station located on northbound I-25 at milepost 157 (near Monument) and southbound at milepost 172 (near Larkspur).

The alternate traction control device known as the AutoSock remains an approved device in Colorado. Commercial vehicles (both single and double axle) exceeding 26,000 Gross Vehicle Weight or vehicles carrying 16 passengers or more will have the option of using AutoSock rather than chains. This traction control device is a fabric that slips over a vehicle's outer driving wheels, providing extra traction on snowy and icy roads. It also can be installed over the tire in less time than traditional chains.

To help keep the highways clear and traffic moving, CDOT will continue its heavy tow program for the fifth year in a row. The program is designed to promptly clear disabled heavy trucks from the highway in order to open the road more quickly.

Heavy tow coverage will begin around Thanksgiving and will continue each weekend through late March or early April 2012. Typical hours of operation are Saturdays from 6 a.m. to 2 p.m. on westbound I-70 and Sundays from 2 p.m. to 10 p.m. on eastbound I-70. Other coverage days include Martin Luther King Jr. Day and President's Day. Other days may be added for inclement weather if CDOT deems it necessary.

CDOT also offers the chain assistance program, which allows vendors to assist commercial vehicles when the Colorado Chain Law is in effect by selling and installing chains and other approved equipment. Vendors will be on site at chain stations where the chain law is currently in effect. The service will be available starting around Thanksgiving, depending on weather.

For more information: [www.cotrip.org](http://www.cotrip.org) ▲

## Georgia Shifts Truck Inspections to State Inspectors

After September 30, all truck inspections in Georgia will be conducted by state inspectors. The Georgia legislature voted earlier this year to end a system that resulted in as many as 20 local police departments having state contracts to handle inspections in their jurisdictions. MoTA welcomes the change and believes the state will benefit from more consistency in reporting on drivers and trucks and on citations and violations. ▲

## Georgia Fuel Tax Frozen for 2011

On September 22, Governor Deal of Georgia signed legislation (H.B. 2EX) that keeps the state's fuel taxes at 20.4 cents a gallon through the end of the calendar year. Georgia's fuel tax rate includes a sales tax component, and because of the increases in the price of fuel toward the beginning of the year, the rate had been due to rise to 21.9 cents on July 1. In June, however, the governor suspended the increase until the legislature could meet to ratify this step. The legislature, acting in special session, has now done so, and the rate will remain 20.4 cents until 2012. ▲

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## Georgia Escort Vehicle Operators Certification

Since July 1, the Georgia Department of Transportation has begun enforcing a requirement for all escort vehicle operators to obtain an approved certification before performing the duties of an oversize/overweight load vehicle operator in Georgia. Although the regulation became effective January 1, the state said it had provided additional time for escort vehicle drivers to meet requirements and attend training classes.

Qualified applicants are required to complete eight classroom hours of Georgia Department of Transportation Oversize/Overweight Permit Unit's Escort Vehicle Operator Certification Program offered by the Georgia Technical College System with an examination score of at least 80 percent to obtain the official certification of the state. The certification, which costs about \$80, lasts four years.

Georgia also recognizes escort vehicle operator certifications from other states whose programs meet or exceed the objectives of the Georgia program for operators that currently have a valid out-of-state driver's license and certification. The programs accepted include those in Colorado, Washington, Oregon, Utah, and Arizona. Additionally, the Georgia program reciprocates with North Carolina, Florida, and Oklahoma.

For further information, call the Georgia Oversize Permit Unit at 1-888-262-8306. ▲

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## Illinois Will Provide Timely Truck Route Info Online in 2012

An Illinois law that goes into effect on January 1 will require local governments to provide the most up-to-date truck route information for the Illinois Department of Transportation to post online. Navigation and mapping companies will be able to use the data in their devices.

"This law will make it easier for truck drivers to pick routes that comply with local ordinances and provide the most efficient way to transport goods, said state Senator Kwame Raoul, who sponsored the legislation. "A more productive and efficient transportation industry will help ease congestion and minimize wear on roads throughout Illinois." ▲

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## Truck Speeds Equalized

Illinois Gov. Pat Quinn on July 27 signed into law SB 1913 that equalizes the speed limit for semi-trucks on four-lane highways outside the Chicago-land area. Beginning Jan. 1, trucks will be able to travel 65 mph – like other vehicles. ▲

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## Outstanding MS DOT Certifiable Roadside Inspections Uploaded

The Mississippi Trucking Association (MTA) reports that the Mississippi Department of Transportation has officially completed uploading the backlog of over 44,200 MCSAP roadside safety inspections. There was recently an announcement that the MS DOT and the Mississippi Highway Safety Patrol Motor Carrier Division had ended their dispute over the Memorandum of Understanding (MOU)

that allows MDOT MCSAP roadside safety inspections to be uploaded. Prior to the agreement motor carriers operating in Mississippi were being penalized for not having all roadside inspections recognized. Congratulations as well as thanks go to the MTA for their successful efforts in brokering the agreement between the two state commercial motor vehicle enforcement agencies. The end result is the CSA records of good motor carriers accurately reflect all roadside inspections. ▲

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## Court Tells Minnesota State Patrol to Stop Violating Truckers' Rights

On September 21 a judge from the U.S. District Court for the District of Minnesota issued an order instructing the Minnesota State Patrol (MSP) to refrain from violating the Fourth Amendment Rights of truck drivers with its fatigue enforcement program. The Owner-Operator Independent Drivers Association (OOIDA), along with truck driver Stephen K. House, previously filed suit against the MSP in May 2009 alleging that the patrol's controversial fatigue management program violated truckers' Fourth Amendment rights against unreasonable search and seizure. In January 2011, a judge ruled in favor of OOIDA and House, but left it up to both sides in the lawsuit to work out, under mediation, how the program would be changed. They weren't able to reach an agreement however which led to this latest court ruling. ▲

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## Text Bill Goes Over; NY Takes Action

In New York, Gov. Andrew Cuomo signed a bill July 12 that allows police to fine a driver \$150 for texting. Previously, police needed the driver to commit a motor vehicle violation first. On July 17, he also signed a bill requiring convex mirrors be positioned outward on trucks 26,000 pounds and greater to eliminate blind spots directly in front of the truck. The law applies to those trucks that are registered in the state and driven in NYC. Kendra Adams, executive director of the New York Motor Truck Assn., said the mirrors lose their effectiveness when the trucks are in motion. ▲

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## Ohio Court Rules Fees Unconstitutional

The Ohio Court of Appeals has upheld a lower court ruling to the effect that increased fees charged by the state for providing certified abstracts of driving records violated the state constitution because the revenues were used for purposes other than highways or highway safety. The state constitution specified that all proceeds from highway user fees had to be used for highway purposes. The fees were challenged by associations representing motor carriers and the insurance industry, whose members bought the abstracts from the state. The state argued that the associations lacked standing to sue, and that the fees were unrelated to the use of the roads. The court disagreed. It found that the members of the associations could have sued in their own names, and the associations' representation of those members conferred standing on them too. And, as had the lower court, the appeals court found there was a close enough connection of the fees with the operation of motor vehicles for the former to fall afoul of the constitutional prohibition. *Ohio Trucking Ass'n, et al. v. Stickrath, et al.*, docket no. 10AP-673, decided August 30, 2011. It is believed the state will appeal this ruling to the Ohio Supreme Court. ▲

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## New Oklahoma Permitting System

On October 1, 2011, the Oklahoma Corporation Commission launched a new web-based trip, fuel, and unladen permit processing system. This new system will allow carriers to purchase Oklahoma 72-hour trip, 120-hour fuel, and Unladen permits directly from the Oklahoma Corporation Commission via the web. The address <http://www.occeweb.com/tr/TempPermits.htm> will contain the link. All carriers will need is an internet connection, a printer, and a MasterCard or Discover credit card.

The permits generated by this system will be rendered using the Adobe Acrobat .pdf file format. The advantage of this format is, once the permit is created, you can save it to your personal computer and email to wherever the vehicle is located. Then it can be printed on a standard 8 1/2 x 11 sheet of paper. Questions regarding this new system may be directed to the Transportation Division at (405) 521-3036. ▲

## Oregon Court Rules Driver Taxable

The Oregon Tax Court has ruled that the employee of an interstate motor carrier who lived in Washington State and worked in Oregon was subject to Oregon's personal income tax. Under federal law (49 U.S. Code §14503) a truck driver or other employee of an interstate motor carrier who is regularly assigned duties in two or more states is subject to the personal income tax laws of his state of residence only. (Washington levies no income tax.) The employee here was regularly assigned to make deliveries in both Oregon and Washington, generally using his pickup truck. On occasion, however, when other drivers weren't available, he used the company's flatbed. The court noted that the federal law defined the term "employee" for purposes of the exemption in such a way as to require that the employee's regularly assigned interstate duties involved the safety of a commercial motor vehicle. The state admitted that the flatbed was a commercial motor vehicle, but there was no evidence that under the federal motor carrier safety regulations the employee's pickup was one too. The court agreed, and held that since the employee here did not regularly use a commercial motor vehicle in his interstate duties, he was not exempt under the law. *Lucas v. Dept. of Revenue*, docket no. TC-MD 100722B, decided June 30, 2011 ▲

## Texas Begins Process of Raising Speed Limits

When Texas House Bill 1353 took effect on September 1, the Texas Department of Transportation (TxDOT) gained authority to create a 75-mile per hour speed limit on any state highway found to be reasonable and safe through a speed study. TxDOT will be reviewing existing 70-mile per hour speed limits to determine where a 75-mile per hour speed limit may be safely posted.

HB 1353 also eliminates the 65-mile per hour nighttime speed limit and all truck speed limits. The existing nighttime and truck speed limits have been repealed and no longer enforceable.

TxDOT awarded maintenance contracts in August to remove the nighttime and truck speed limit signs and is also in the process of hiring consultants to perform the required speed studies needed to implement the higher speed limits. Speed limit increases are not effective until the new speed limit signs are actually installed.

TxDOT said the existing 65-mile per hour night and truck speed limit signs should be removed by the end of this year. The complete evaluation of the state highway system and posting of all new 75-mile per hour speed limits should be complete by early 2013.

Texas motorists may notice some changes to speed limit signs in the next several months, as new laws regulating speed limits on the roadways of the state highway system begin to take effect. ▲

## Texas Tax Affecting Trucking Companies Challenged in State Supreme Court

The Texas franchise tax (also known as the Texas margins tax) has been challenged in the state's Supreme Court. The challenge is based on the grounds that, as applied to the earnings of a natural person from a partnership, the tax is an income tax, which, under the state constitution, must be approved by popular vote. "The margins tax, in many respects a gross receipts tax, tends to be hard on businesses such as trucking companies that have low margins and may have pass-through receipts," according to an article in the August 26 issue of the *State Laws Newsletter*. ▲

## Virginia Contemplates Tolls on Parts of I-95

Under a pilot program, the Federal Highway Administration (FHWA) announced on September 14 that it had granted preliminary approval to Virginia to turn parts of Interstate 95 south of Fredericksburg into toll roads. The state estimates it would collect \$250 million in tolls in the first five years of operation and more than \$50 million a year after that. Under federal rules, toll money would have to be used to improve or expand capacity on the highway where it is collected.

To win final federal approval of the I-95 tolling plan, the state must conduct an environmental review, outline improvements that will increase capacity, determine where tolls will be collected and defend that determination, and certify that toll revenue will replace all other federal funding that otherwise would have been used for maintenance or improvement of the tolled portions. ▲

## Personal Liability Sought in Highway Accident Case

The Supreme Court of Wisconsin dismissed personal liability claims made against a trucking company official alleging negligence based on an allegation that the official assigned a driver an illegal route. The claim asserted that the driver involved could not have completed the assigned route within allowable hours of service and that the assignment was therefore illegal. Although the Court refused to dismiss the claim as against public policy or otherwise broadly limit corporate officers' exposure in such instances, it did dismiss the claim in this case on the grounds that the official's action even if negligent, were too remote from the plaintiffs' injuries to make him personally liable. A dissenting opinion argues that the question of whether the officer's actions were too remote to cause the injury should have been allowed to go to a jury. *Casper v. American International South Insurance Co.*, 2011 WL 2820530 (Wis. S. Ct. July 19, 2011). ▲

~ Truckline ~

