

TRUCK'N HOT NEWS

WEEKLY UPDATE FOR UTAH TRUCKING ASSOCIATION MEMBERS

www.utahtrucking.com

MARCH 28 – APRIL 03, 2011

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UPCOMING EVENTS:

Mar. 28 UTA SAFETY AWARDS RECOGNITION FORMS E-MAILED OUT

Mar. 30-SUTA Scholarship Golf Tournament-Sunbrook G.C.-St. George, UT

Mar. 31 Driver of the Month Nominations Due

Apr. 06 NUTA Luncheon, Prairie Schooner, Ogden UT

Apr. 07 USMA Luncheon, Old English Grille, WVC, UT

REGISTER, REGISTER, REGISTER

Just a friendly reminder to register for this year's outstanding UTA Management Conference & Trucking Expo, May 11th thru May 13th, in sunny St. George, Utah. Registration packets have been sent out and are posted on UTA's website. Registration cost hasn't changed and we now offer a bargain on bringing additional staff to this great event. Under one roof you can get training, a complete update on the industry, meet with key suppliers, network, and have great meals and entertainment. "Elvis Live" is a show you will not want to miss! Please take a minute and register and if you can promote our conference with a friend.

UDOT/UHP ADVISE DRIVERS TO PULL OVER ON I-15

The Utah Department of Transportation (UDOT) and the Utah Highway Patrol (UHP) have joined efforts to install a sign unique to the state on the I-15 Corridor Expansion (I-15 CORE) project. The signs installed over the weekend state, "Fender Bender: Move Vehicles from Travel Lanes" to instruct drivers within the 24-mile construction project to proceed to the nearest full shoulder, emergency pull out, or pull off the freeway at the nearest exit after a minor traffic incident. The majority of Interstate 15 between Lehi Main and Spanish Fork Main has reduced shoulders for construction and lanes are narrowed. Leaving vehicles in travel lanes or attempting to exit a vehicle while in a travel lane are unnecessary safety hazards following a fender bender incident. It is of special concern when drivers pull over on the side of the freeway where there is little or no shoulder. UDOT installed the signs in four strategic locations through the I-15 CORE project:

- SB I-15 just south of University Pkwy in Orem
- SB I-15 between American Fork 500 East and Orem 1600 North
- NB I-15 between U.S. 6 in Spanish Fork and University Ave in Orem
- NB I-15 after the Orem University Parkway on-ramp

If a vehicle experiences car trouble or is incapacitated in the I-15 CORE construction zone, UDOT and UHP recommend for safety that drivers wait in their vehicle. The I-15 CORE Courtesy Patrol, UDOT Incident Management and UHP patrol the area and can offer assistance. The Courtesy Patrol drives the project area 24-7 and is a free service to help motorists with things like flat tires. These drivers work with UHP dispatch to get help to the location as needed. Drivers are encouraged to check the I-15 CORE website (udot.utah.gov/i15core) for the latest information. Stay informed by signing up for weekly e-mail updates at udot.utah.gov/i15core, following the project on [facebook.com/i15core](https://www.facebook.com/i15core) and twitter.com/i15core and receiving text updates by texting "i15" to 53535.



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SILENT AUCTION FOR IMPORTANT TRUCKPAC FUNDS

After major legislative victories this year it is time once again to raise funds for a separate UTA fund that is only used to support industry friendly candidates. TruckPAC Chairman, Kim Robinson (Robinson Transport) asks all companies if they would donate items for our silent auction. The successful items have been guns, I-Pads, Jazz or other tickets, collectibles, golf clubs, rounds of golf, trips, hotels, services, art, NASCAR or Harley stuff, Jackets and many other great items donated by you. Please coordinate with UTA or Kim to donate items. Then come and have fun bidding high to support the TruckPAC.

ATA MULLS SUIT OVER HOS RULE

American Trucking Associations is "poised" to file a lawsuit against the Federal Motor Carrier Safety Administration if the agency adopts a proposed rule that would cut driver time to 10 hours a day, ATA Chairman Barbara Windsor said. "The question is, what should be ATA's next step if FMCSA comes back with no changes to its current hours-of-service proposal?" Windsor said. "In that case we would be poised to file suit." But, she added, "We hope things wouldn't go in that direction [and] are trying to work together with FMCSA through all of this." The proposed HOS rule, announced late last year, adds one hour of off-duty time within the 14-hour workday limiting consecutive driving hours to seven and allowing two 16-hour work days a week if the daily driving limit has not been met. It also could reduce the maximum allowable daily driving time to 10 hours from the current 11-hour limit. ATA and the trucking and retail industries have opposed the rule and asked the agency to withdraw it. Robert Digges, ATA's vice president and chief counsel, said he already has put the organization's executive counsel on notice that he could at some point recommend taking FMCSA to court if the agency's proposed rule becomes final this summer.

NAFTA SURFACE TRADE ROSE 24.3% LAST YEAR

Surface transportation trade among the United States, Canada and Mexico rose 23.4% last year from 2009, the Department of Transportation said last week. Trade among the North American Free Trade Agreement (NAFTA) partners increased to \$791 billion, DOT's Bureau of Trade Statistics said. The total was lower than 2007 and 2008, DOT said. U.S. surface transportation imports increased 25.1% last year, while exports gained 23.3%. U.S.—Canada rose 22.1% year-over-year to \$471 billion. U.S.—Mexico surface transportation trade rose 27.6% to 320.3 billion. Surface transportation consists largely of freight movement by truck, rail and pipeline. Almost 90% of U.S. trade among NAFTA partners moves by land.

INDUSTRY LAUDS CONGRESS FOR TAX PROVISION REPEAL

Trucking industry officials have hailed congressional action to repeal an unpopular Internal Revenue Service reporting requirement contained in the 2010 health-care reform law and said they were confident Congress would approve repeal. The provision requires businesses to issue an IRS Form 1099 to every vendor from whom they buy goods worth \$600 or more in a year. Current rules require reporting only on payments for services, such as the use of independent contractors and truck owner-operators. Beginning in 2012, the health-care bill expands the reporting requirement to include payments made for property and payments made to corporations, which have been interpreted to include payments for any type of goods. Although the bill is scheduled to take effect next year, the Senate voted 81-17 in February to approve repeal, and the House of Representatives took similar action. The expansion of Form 1099 reporting requirements are very unpopular, and the lopsided vote in the Senate means that repeal is expected before the requirements take effect. The Obama administration has signaled its support for repeal, saying the 1099 requirement would place an unnecessary bookkeeping burdens on small businesses.



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CIVIL PENALTY ARBITRATION GUIDANCE MAY CHANGE

You have until April 20, 2011, to file comments on whether or not the use of "Night Baseball" arbitration should be continued when negotiating civil penalties with the Federal Motor Carrier Safety Administration. The agency is proposing to eliminate this form of settling disputes because it seems to incentivize strategy rather than the actual merits of the claim. In "Night Baseball" arbitration, each party presents its case to the arbitrator, and then presents a sealed envelope suggesting what the civil penalty for the case should be. Before opening the envelopes, the arbitrator writes down what he or she thinks the penalty should be, and then opens the envelopes. The penalty assessed is the one closest to the figure the arbitrator chose. (This method apparently comes from the way salary disputes are arbitrated in Major League Baseball.) (!)In real life, here's a case where the carrier certainly took it in the wallet as a result of this method: Carrier proposes \$6,630 penalty; FMCSA proposes \$34,090. Arbitrator wrote down \$28,000. Carrier had to pay \$34,090, the number closest to the arbitrator's figure. Ouch.

TRUCKING TIP OF THE WEEK

§382.305 Random testing. Interpretations

Is the driver who is on-duty, but has not been assigned a driving task considered to be ready to perform a safety-sensitive function as defined in §382.107 subjecting the driver to random alcohol testing?


A driver must be about to perform, or immediately available to perform, a safety-sensitive function to be considered subject to random alcohol testing. A supervisor, mechanic, or clerk, etc., who is on call to perform safety-sensitive functions may be tested at any time they are on call, ready to be dispatched while on-duty.

TRUCKING ADDS 11,200 JOBS DURING FEBRUARY

The U.S. economy added 192,000 jobs in February, including 11,200 in trucking, the largest monthly gain for the industry since 1995, the Department of Labor reported. The total transportation and warehousing sector gained 22,000 jobs in February, and trucking accounted for 11,200 of those jobs. "This was not unexpected," Brian Davidson, Bureau of Labor Statics (BLS) economist said. "Trucking has been good the last couple of months, with all indicators such as freight volume moving upward, so that the businesses have been adding workers." Davidson said trucking gained jobs in February, even when BLS considered seasonally adjusted employment, which the sector hasn't done since the 1990s. Bob Costello, chief economist of American Trucking Associations, said the February report had "the largest month-to-month gain since May 2010." "Excluding the public sector, private-sector payrolls jumped by 222,000 in February and have increased for 12 consecutive months," Costello said. "Over that year, private-sector employment was up 1.5 million, although we still have a long way to go to make up for the 8.8 million jobs lost during the recession."


MORE RECORDKEEPING PROPOSED

Should you be required to verify the medical registry number of your driver's medical examiner and keep a record of that verification on file? The public comment period on this recordkeeping proposal is open until May 16, 2011. *Background:* The Federal Motor Carrier Safety Administration is required by law to set up a national registry of medical examiners who are certified to perform Department of Transportation physicals. In order to appear on the registry, your driver's medical examiner will have to complete specific training requirements. FMCSA is in the process of developing those training requirements and figuring out how the registry will be structured. None of this is in place yet. But when it is, should you be required to verify that your driver used a certified medical examiner? That's the question in this proposal under consideration.



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