



# TRANSTRENDS

THE TRANSLAW GROUP, INC.

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## CVSA'S ROADCHECK 2013 PLANNED FOR JUNE 4-6

Ladies and gentlemen mark your June calendars. The CVSA Roadcheck 2013 is just one month away. The annual inspection event – the Commercial Vehicle Safety Alliance's 72-hour safety blitz – is scheduled for June 4-6.



CVSA sponsors Roadcheck with participation by the Federal Motor Carrier Safety Administration, Pipeline and Hazardous Materials Safety Administration, Canadian Council of Motor Transport Administrators, Transport Canada, and the Secretariat of Communications and Transportation (Mexico).

CVSA provides a Roadcheck checklist for drivers. Included in it are tips such as:

- Buckle up.
- Pre-inspect the condition of your vehicle and check for load securement issues.
- Check your brakes.
- Inspect coupling devices.
- Ensure all required lamps are the proper color and operational.
- Check for loose fuel tank mountings, leaks, etc.
- Look over your tires and check for proper inflation, cuts, bulges, etc.

Each year, approximately 10,000 CVSA-certified local, state, provincial and federal inspectors at 1,500 locations across North America perform the truck and bus inspections. Be ready and be

prepared. Make sure the simple items are in check such as physical forms, log book updates, brakes, eye glasses worn when required, etc.

### **PROPOSED RULE ON SPEED LIMITERS ON THE MOVE AFTER 19-MONTH STALL**

A proposed rule that would require the installation of speed limiters on commercial vehicles weighing more than 26,000 pounds is on the move at the federal level following 19 months of inactivity.



The National Highway Traffic Safety Administration set an initial goal of August 2011 to advance its notice of proposed rulemaking on speed limiters to the Office of the Secretary of Transportation, or OST. The agency delivered the document to OST on March 4.

The next internal step for the agency is to deliver the proposed rule to the Office of Management and Budget. The agency projected delivery to OMB on March 26, but that date has come and gone.

Specifically, the notice of proposed rulemaking would grant petitions by the American Trucking Associations and Roadsafe America that call for the installation of speed limiters on heavy commercial vehicles. The NPRM is a proposal and not a final rule.

The agency proposed the rule in March 2011, nearly five-and-a-half years after the ATA and Roadsafe America filed their petitions in November 2005. Those petitions call for the maximum road speed for trucks to be set at 68 mph.

### **CONNECTICUT BILLS COVER TOLLS, PROTECTING ROAD MONEY**



**WEST HAVEN CT TOLL BOOTH**

Connecticut lawmakers are moving forward with plans to bring back tolls to boost sagging transportation dollars. A "lockbox" is also in the works for road-related revenue. *Where have we heard that phrase before?*

Tolls have been off-limits in the state since the mid-'80s when state officials removed tolls from the Connecticut Turnpike. Concerns about safety and congestion spurred the state to remove toll booths.

Advocates for charging highway users to access existing roads say that the state's road-funding needs warrant revisiting tolls.

Apparently, safety and congestion are no longer an issue in the Nutmeg State. Currently, Connecticut has one of the highest gas and diesel tax rates in the nation.

State estimates put the cost to repair and maintain transportation infrastructure during the next few years at as much as \$5 billion. Fuel tax revenues that have fallen as vehicles become more fuel-efficient and people drive less are blamed for a shortfall in money available to keep up.

Multiple bills winding their way through the statehouse would authorize tolling along Connecticut's borders and on state Route 11 in the southeast portion of the state. Awaiting consideration on the House floor is a bill to authorize a study on adding tolls. HB6051 would require the commissioner of transportation to also analyze the DOT's ability to limit toll revenue for transportation purposes only.

Rep. David Scribner, R-Brookfield, said that he is opposed to tolls and the consequences they create for local economies. "I find this study to be a much more sensible approach than hastily implementing a potentially very damaging system," Scribner said in a news release.



**SOME DRIVERS CAN'T WAIT TO PAY THEIR FAIR SHARE!**

The project has a price tag of as much as \$1.5 billion. The state would pay 20 percent of the cost through bonding. The federal government would cover the rest of the cost.

A provision in the bill prohibits tolls from being collected once all bonds for the project are paid. *Again, where have we heard that before?*

## **MARYLAND PATROL BLITZ ISSUES 127 CITATIONS OF COMMERCIAL VEHICLES**



Be careful when traveling through Maryland. A stepped-up enforcement campaign at three locations around the Baltimore area netted 127 citations issued against commercial vehicle drivers.

The Maryland State Patrol said it conducted 562 inspections during its blitz enforcement at the end of March. The inspections resulted in 114 vehicles being ordered out of service, including seven trucks hauling hazardous materials; 21 drivers out of service; 11 overweight loads; 58 safety repair orders; and 402 warnings issued. Two persons wanted on warrants were also arrested.

Capt. Norman Dofflemyer of the state patrol's Commercial Vehicle Enforcement Division said the patrol used a mixture of targeted and random stops during its operation. "Some were stopped

because troopers observed obvious violations; others were stopped randomly,” he said. “Some were stopped so we could check permits or lack thereof.”

Dofflemeyer said some of the more serious violations included drivers operating without CDL licenses, and vehicles in extremely poor condition.

A 10-year veteran of the Commercial Vehicle Enforcement division, Dofflemeyer said the state patrol does at least a couple of stepped-up enforcement operations each year around the state, particularly on the Capitol Beltway and other high-traffic areas. This was the first time in six years, however, that the patrol organized an operation in the Baltimore area.

### **CHEECH AND CHONG WITH A LITTLE SPICOLI**



For highway patrol officers, there's no such thing as a routine traffic stop. That adage was again proven true when a Texas Highway Patrol trooper pulled over a gas tanker to perform a routine visual inspection and discovered the tanker was carrying 3.9 tons of marijuana. It's unclear how the trooper was able to make the discovery.

In a news release, the Texas Department of Public Safety estimated the value of the confiscated pot at around \$3.4 million. The truck driver was arrested and charged with possession. He's being held on \$1 million bond.

### **MARYLAND LAWMAKERS APPROVE NEARLY DOUBLING FUEL TAX**

Maryland lawmakers moved to Gov. Martin O'Malley a five-year, \$3.4 billion transportation funding plan. One provision could result in truckers and other drivers paying about twice as much in state taxes at the fuel pump.



Initiated by the governor, HB1515 would raise about \$830 million annually for state and local road, bridge and transit work. O'Malley said that passage of the bill will allow the state to continue to be competitive at attracting companies to invest, grow and create jobs.

Here's how the tax increase will work... Starting July 1, new revenue would be generated through a 1 percent sales tax applied to fuel purchases at the wholesale level. The change is expected to equate to a 3.8-cent-per-gallon rate increase for gas and diesel. The sales tax rate would later rise to at least 3 percent. The tax would increase to 5 percent if Congress fails to act on legislation

allowing states to tax Internet sales. In addition, the state's 23.5-cent-per-gallon excise tax on gas and 24.25-cent tax on diesel would be indexed to inflation, which would allow for regular increases. The tax rate has remained unchanged since 1992.

### **POLICE NAB EASY TARGETS, RIGHT IN THEIR OWN PARKING LOT**



**THIS PICTURE HAS NOTHING TO DO WITH THIS STORY, WE JUST LIKED IT!**

We just love dumb criminal stories and with a New Jersey origin it just makes it better. Tony Soprano would be aghast.

Police say four men in their early 20s pulled into the parking lot of the state police barracks in Totowa, north of Newark, so that one of them could get his car out of the police impound lot.

While he was inside, the other three lit up marijuana cigarettes.

Patrol spokesman, Sgt. Brian Polite, says that proved unwise. "Because a trooper who was going through a personal vehicle, in the parking lot actually smelled the marijuana and responded to that vehicle ... and the four guys were quickly placed under arrest," Polite told "Land Line Now."

Sgt. Polite says they confiscated 15 bags of marijuana from the car along with about a dozen pills that looked suspiciously like ecstasy.

### **NEW ENGLAND STATES MOVE AHEAD WITH FUEL TAX INCREASE PLANS**

Officials in two New England states are considering their options to raise revenue to benefit road and bridge work. Citing fewer tax dollars available from the state's fuel tax, Vermont lawmakers are looking at multiple methods to generate about \$600 million for transportation work.

The Vermont House Ways and Means Committee voted 10-1 to advance a bill to apply a 2 percent sales tax on fuel. The change would add nearly 7 cents to the per-gallon tax rate.

Across the state line in New Hampshire, a bill under review in the state's House would nearly double fuel taxes to pay for road and bridge work. One project that would benefit is widening work on Interstate 93. The state's 18-cent-per-gallon tax has not increased since 1991.

*It would be nice if we as businessmen could simply tell customers that more money was needed because of spending more than anticipated or worse money was squandered on "fun" things. That is not how it works and government should learn the same lessons.*

### GAO SAYS PO MUST DELIVER ON SATURDAY



*Who really cares if you get mail on a Saturday? I can't think of one time that I sat by my mail box waiting for that special ORVIS Catalogue or for a notice from one of my many "benefactors". Think of the cost if private businesses were required to stay open on Saturday. The costs would take from the bottom line and add nothing to enhance revenues.*

*It reminds me of all the malls that open 7 days a week with late night hours each day. In the old days, and I hate to even write that phrase, but, stores in Springfield, Massachusetts only opened on Thursday nights and were closed on Sunday.*

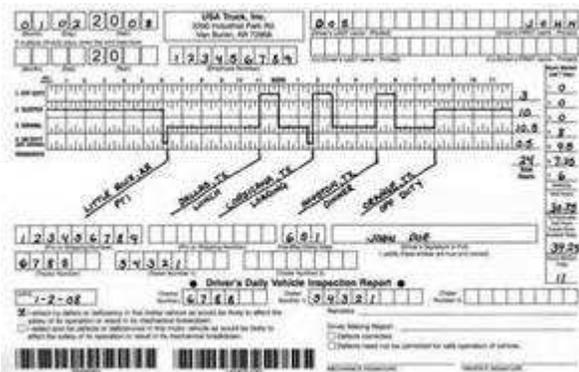
*The General Accounting Office states that the Post Office must provide Saturday deliver because that is the law. I hope that someone in authority will realize that Saturday Deliver is stupid and will come up with a plan to make sure the Post Office can save some money by eliminating the Saturday service. Or better yet, how many people would be willing to pay a fair share of the cost of the Saturday service. My guess would be **NONE**.*

### LAWMAKERS CALL FOR A HOLD ON NEW HOS REGS

Three more lawmakers have joined the call for the Federal Motor Carrier Safety Administration to hold off on implementing the new hours-of-service regulations in July.

The three latest voices in the chorus belong to Sen. Susan Collins, R-ME, who serves on the Senate Appropriations Committee, and Reps. Tom Latham, R-IA, and Ed Pastor, D-AZ, who are on the House version of that committee. The three sent off a letter to the FMCSA on Thursday, March 21.

They join several members of the House Transportation and Infrastructure Committee – including Chairman Bill Shuster, R-Pa, and ranking member Nick Rahall, D-WV – who sent a letter to Transportation Secretary Ray LaHood earlier in the week.



At the bottom of it all is a petition for review filed by the American Trucking Associations in the U.S. Court of Appeals late last week. The ATA claims that the new rules will cost the industry nearly half a billion dollars a year and that they won't improve safety.

The Court of Appeals for the DC Circuit is expected to rule on the case in June.

However, Ann Ferro Administrator of the Federal Motor Carrier Safety Administration said recently that key provisions that are to go into effect on July 1 will go into effect and enforcement will begin. The court rulings will have to be sorted out at a later date.

### **IOWA FREIGHT HAULER TO PAY \$160,073 IN BACK WAGES TO DRIVERS**



A Des Moines carrier has agreed to pay 201 truck drivers a total of \$160,073 in back wages and fringe benefits after failing to pay drivers for delay time during trips.

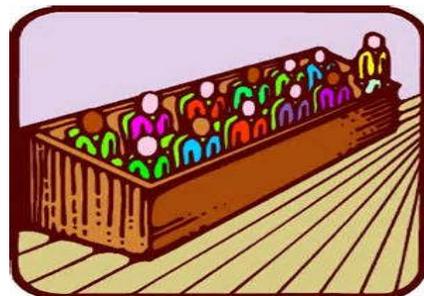
Contract Transport Inc., which has a contract to haul mail for the U.S. Postal service, was investigated by the U.S. Department of Labor for violating provisions of the McNamara-O'Hara Service Contract Act. The Labor Department announced the details of the investigation in a news release issued earlier this week. A spokesman for the Labor Department said the agency's policy is not to disclose the reasons investigations are undertaken.

The investigation determined that the company paid drivers for a predetermined number of hours per trip, regardless of how long the trips took. Delays brought on by weather, construction or other factors resulted in hours worked by employees going unpaid. As a result, 115 employees at Contract Transport's headquarters facility in Des Moines are due \$64,217 in back wages, and 86 employees who operate out of the company's Kansas City, MO, facility are due \$95,856.

We are sure that the carrier is sorry – for getting caught!

### **JURY AWARDS \$58.5 MILLION**

The jury in a wrongful death lawsuit in Santa Fe, NM, has awarded the family of a crash victim \$58.5 million, saying the driver of a tanker truck that made a left turn in the path of the victim's oncoming vehicle did not have adequate training. The bulk of the responsibility for the crash lies with the management company that contracted with the trucking company, the jury said.



A special verdict from the jury holds management company Bergstein Enterprises of Lubbock, TX, 70 percent accountable for the March 2010 crash that killed Kevin Udy.

Twenty percent of the liability falls to oilfield trucking company Standard E&S, also of Lubbock, while the owner of the tanker truck, Zia Transport of Hobbs, NM, was 9 percent responsible, the jury said. The driver of the truck, Monte Lyons, was 1 percent responsible.

The award consists of \$11.5 million in actual damages and \$47 million in punitive damages to Santa Fe Trust, a fund set up for Udy's family. The attorney representing the trust said in a release that the evidence he presented demonstrated inadequate training of the truck driver and repeated violations of federal and state trucking regulations by management and trucking company. Remember, a look at your CSA file can tell a lot about your operations. Safety must be taken seriously when one can see what a jury can do to your business. Big judgments are very common.

### ATLANTA FREIGHT HAULER SHUT DOWN FOR SAFETY VIOLATIONS



An Atlanta trucking company has been ordered to shut down after it stopped cooperating with an investigation by the Federal Motor Carrier Safety Administration. Southern Transportation Inc. failed to provide copies of company safety records to investigators, the FMCSA announced in a press release.

On March 25, FMCSA started an investigation, which remains open to determine the carrier's compliance with federally mandated safety guidelines. That investigation has so far uncovered violations "so widespread as to demonstrate a continuing and flagrant general disregard" for compliance and safety, according to a shutdown order

issued with the release.

The company does not require drivers to prepare and submit records of duty status or copies of driver qualification files, including proof of CDL, reviews of driving records and medical certificates. It also has not implemented a drug and alcohol testing program or a vehicle maintenance program. In addition, the company was found to have dispatched its vehicles to receive loads grossly exceeding weight limits. Last week, FMCSA declared General Transportation Inc., a trucking company operating out of the same location and with the same business model as Southern Transportation, to be an imminent hazard to safety, shutting down the company.

***General, apparently, was considered a "clone" of Southern Transportation. The practice of cloning or regrouping just does not work when it is done for the wrong reasons. Certainly, it is legal to own multiple carriers but you have to have a clean safety history to be able to operate multiple companies.***

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