



TRANSTRENDS

THE TRANSLAW GROUP, INC.

EDITOR: JAMES M. BURNS

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SHORT HAUL TRUCKERS EXEMPT FROM 30 MINUTE BREAK RULE

A recent court ruling on the hours-of-service regulations essentially solidifies the current regulations with the exception of the 30-minute break rule and how it applies to short haul drivers.

The rule will be finalized in a notice in the Monday October 28, 2013 Federal Register.

Specifically, the final rule exempts all drivers whether they hold a CDL or not who operate within 100 air miles of their normal work reporting location and satisfy the time limitations and recordkeeping requirements.

Further, the rule also exempts all non-CDL drivers who operate within a 150 air-mile radius of the location where the driver reports for duty and who satisfy the time limitations and recordkeeping requirements.

TIMES ARE TOUGH IN RHODE ISLAND



The Sakonnet River Bridge began collecting a 10-cent toll – that is right 10 pennies to cross the new span.

However, that toll rate is only temporary until April of next year. Currently EZ Pass works well and nearly one million users have paid the dime, automatically. However, there is no toll collection system other than transponder use.

Unfortunately, users without transponders are on the honor system but the problem is nearly 400,000 people have crossed and have not paid the dime as they are supposed to on-line.

There appears to be little honor in Rhode Island with that many people failing to “pony up” the ten-cent toll.



The toll in April of 2014 is expected to be raised to as much as \$2.00 per crossing.

A bargain at twice the price when you look at other bridges in the Northeast.

LOSING FAITH



A recent poll by Bloomberg National Poll indicates that the public is losing faith in a total economic recovery. Most respondents feel that things will remain the same. The outlook in the job market is about the same.

Washington must take a direct hit for this prevailing attitude. Government has done little to help the situation; rather, they have done much to exacerbate the entire state of affairs.

To add insult to injury, those government employees who have been furloughed will receive all of their back pay. In private industry when there is not enough money to keep operating, it's called a layoff and there are no paychecks. DC just does not get it.

The only thing left to do is work harder to pay all of the new taxes and hidden taxes or we could use our power at voting time!

CHAMPLAIN (VT) PARKWAY



That is an unusual name for a Vermont highway. One would expect something like Evergreen By Pass, or, Lake View Road but Vermont is going to call it a Park Way. Reminds me of the Merritt Parkway with the 30 foot on-ramps.

However, this project has been in the works for nearly 50 years! The Champlain Parkway would connect the south end of Burlington with I-89.

Nevertheless, do not start routing traffic to the Parkway just yet. There are still several court challenges to the project and history has

taught us one thing for sure, when environmentalist are involved things get bogged down, no pun intended.

RENEWAL TIME IS HERE

By now, you should have received renewal notices for your base state IFTA, UCR and the Highway Use Tax permits for Kentucky, New Mexico and Oregon. The current NY HUT decals are good until January 1, 2016. All permits must be renewed by January 1, 2014.

Remember, if you call the office between Christmas and New Year's looking for your permits or to apply for the renewal there is not one single state employee who will care about your dilemma. Trust me; we go through this every year.

Call the office and speak with Joyce for further information if you have any questions.

SCAMS



From time to time clients call the office with bogus scams that they have received that tell them they must do this or that! Many of these scams look fairly official.

However, most are just trying to generate business in one form or another. If you have a scam letter simply email a copy to the office and we will tell you if it is legitimate or not.

Don't get taken!

DELAYED, AGAIN

Carrier Fitness Determination Rule has again been postponed until mid-April of 2014 and we are going to guess that it will not hit that target date either!

The fitness rule will explain how the agency will use a carriers' performance under CSA to determine whether a carrier is Satisfactory, Conditional or Unsatisfactory.

We can only imagine what the public comments will look like during this proceeding. This is all happening while the Inspector General is asking DOT to fix the flaws in CSA.

The goal in the final analysis should allow CSA to make the determination on a carrier's safety rating without the need for an on-site inspection. A carrier with multiple areas of concern (scores over the allowable threshold) most likely will result in a forced closure of the carrier.

KANSAS PROPERTY TAX RENDITION

Effective January 1, 2014 the state of Kansas will cease collecting the Property Tax Rendition. This is a 57-year-old tax and I am sure it is tough for Kansas legislators to let go.

However, the revenue they will lose will be made up in higher registration fees that any carrier listing Kansas on their IRP will be paying. Doing away with the tax will eliminate the need for carriers to fill out the confusing and labor intensive forms.

COURT CHALLENGE TO NY HUT TAX



The Owner Operators Independent Drivers Association aka OOIDA has filed a class action complaint in the Supreme Court of New York State – Good Luck.

The action challenges the constitutionality of the taxes that impose a \$15.00 charge for a Certificate of Registration Decal (HUT tax) and a \$4.00 charge for a certificate of registration for fuel carrying tank vehicles.

The HUT tax has been in place for many years and it certainly will be interesting to see how this challenge plays out in court.

BRIBERY JUST DOESN'T WORK LIKE IT USED TO



Irfan Dushku is probably having second thoughts about his compliance program. He has been charged with bribing a FMCSA inspector while trying to avoid a negative safety review.

A thousand dollars just does not buy you what it used to!

Mr. Dushku agreed to waive indictment and plead guilty to the bribery charge. In his plea agreement the US Attorney of the District of Massachusetts recommended 12 months of probation, with the first six months to be served in the dreaded “home” confinement environment replete with internet, flat screen media room, gourmet foods, and, most important, privacy, 24 months of supervised release and the outrageous mandatory special assessment of \$100.00. Not a bad result for bribing a Federal official!

PRIVATE TOLL ROADS GOING BUST



Moody's Investor Service downgraded the first leg of the SH 130 toll road to Caa3 status on October 15, 2013. The Caa3 rating is considered to be in poor standing and is subject to very high credit risk.

Or, as Moody's puts it the company, Cintra of Spain could default on its financial obligations as soon as 2014, just two years after opening the highway. The SH 130 is an alternative to I-35 in the Austin Texas region.

One attractive feature of the SH 130 is its 85 miles per hour speed limit. However, that has not attracted the vehicle count Cintra had hoped for. Cintra is involved with many private toll roads in the US as well as internationally.

COMMERCIAL DRIVERS PUT OUT OF BUSINESS



Yes, it can happen. The Feds shut down three long haul drivers and declared them an imminent hazard to public safety. The three drivers were ordered not to operate commercial vehicles. Commercial vehicles are those vehicles that weigh 10,001 pounds or more.

The drivers are Illinois licensed Stewart G. Snedeker, Michigan licensed Tracey A. Ferrell and Texas licensed Scotty G. Arnst. All three were involved in serious vehicle accidents along with other violations. The three men or not related in any way, they just have very poor records and have disregarded the rules and regulations.

Remember: This can happen to your drivers. It would not hurt to let your drivers know that the Feds are going after drivers as well as motor carriers. Since the beginning of 2013, there have been 10 drivers prohibited from operating commercial vehicles.

TRANSTRENDS sees much re-training for these gentlemen!

TAPPAN ZEE BRIDGE TO COST MORE



The Tappan Zee bridge replacement will cost the state of New York a considerable amount of additional money due to the Feds backing off loaning 49% of the cost of construction.

The Feds will now loan only 33%. The balance will probably be left to the users of the bridge through higher tolls. The new toll was pegged at \$14.00 but will most likely be increased.

The NY Thruway Authority is in tough financial shape and will find it economically difficult to borrow funds based on their past record.

Good luck to the state of New York.

SO MUCH FOR ELECTRIC CARS



Tesla's stock hit an all-time low after this picture was recently published.

The vehicle suffered the severe fire as the result of some road debris damaging the batteries. It was not the result of an accident.

Back to the drawing board.

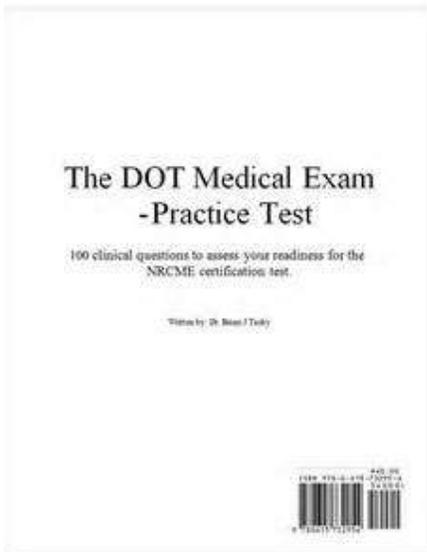
SOUTHERN HOSPITALITY



Two Alabama trucking company owners have been sentenced for their role in a chameleon carrier arrangement. A chameleon carrier is one that is opened up for the express purpose of dumping another carrier through a joint ownership arrangement. It is not illegal to own two carriers but the purpose cannot be for evading compliance, etc.

Isaac McWilliams got 4 months in the Pen and Herondo McWilliams received 24 months hard time. These two men opened not one chameleon carrier but three carriers while they were under orders not to have anything to do with motor carrier operations. Well you can't keep a good man down. Can we at least give them credit for their work ethic? They could have chosen SSI disability like some 20% of the American population!

MEDICAL REGISTRY



Beginning with May 21, 2014 all medical exams for recertification with respect to DOT medical cards must be performed by doctor/medical personnel that have been certified through training and placed on the Medical Registry. Of course they will also have to pay a fee for this privilege.

Now, we all know that a DOT physical is not the most sophisticated medical procedure to come down the pike, however, that has not stopped the DOT from pursuing this requirement. Obviously, it will add costs to the exam since all doctors will have to pay to be certified and placed on the registry.

This program is tied into the Self Certification program in that after May 21, 2014 the examining doctor/medical personnel will be transmitting your exam results to your base state of licensure.

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The program needs 40,000 doctors nationally for the program to work and the DOT has to figure out how the registry will address rural locations such as North Dakota, Wyoming, Vermont, etc.

Initially, the registry will have 14,000 doctors signed up but not trained or certified. The DOT estimates that they really need 20,000 but that will not be happening.

There are hints of Obamacare with this program. The DOT has been working on this issue for many years. And, remember, Big Brother in the name of your base state registry will have access to your DOT medical information. I know they will probably say that it's confidential, etc., but that really does not help.

-THE END-

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