



DUMP TRUCK CARRIERS CONFERENCE

NEWSLETTER

VOL. 63

June 2014

BUREAUCRATIC SIMPLIFICATION

The following anecdote may serve to illustrate the struggle that is created when a professional in the art of semantics attempts to convey to an ordinary mortal, vital information.

A New York City plumber wrote to the Bureau of Standards in Washington, D.C. saying he had found that hydrochloric acid was good for cleaning out clogged drains. The Bureau wrote him: "The efficacy of hydrochloric acid is indisputable, but the corrosive residue is incompatible with metallic permanence."

The plumber wrote again saying that he was glad the Bureau agreed with him. The Bureau tried again, saying "We cannot assume the responsibility for the production of toxic and noxious residue with hydrochloric acid, and suggest you use an alternative procedure."

Again the plumber wrote that he was pleased that the Bureau agreed with him. Finally, the Bureau wrote to the plumber: "DON'T USE HYDROCHLORIC ACID. IT EATS THE HELL OUT OF THE PIPES."

DID YOU KNOW?

Out-Of-Service Order

A CDL holder who is convicted of violating an out-of-service order (moving vehicle from point of out-of-service) will be subject to a penalty of not less than \$2,100 nor more than \$37,500.

The employer of the CDL holder who knowingly allows, requires, or authorizes violation of an out-of-service order, is subject to a penalty of a minimum of \$3,750, nor more than \$16,000.

Ohio Intrastate DOT Number

When you apply for an Ohio Intrastate DOT number, as you may be required to do, you will NOT be subject to the New Entrant Safety Audit that applies to carriers with interstate operations.

QUOTABLE

"A little rebellion now and then is a good thing."

...Thomas Jefferson

GENERAL INFORMATION

HOW BIG IS THE DRUG/ALCOHOL PROBLEM?

Federal and state safety inspectors conduct about 3.5 million random roadside inspections each year and find thousands of drug- and alcohol-related violations. The FMCSA cites the following statistics as evidence of a need for the clearinghouse with other government agencies:

- In 2013, about 2,100 inspections resulted in the CDL driver being immediately placed out-of-service and cited for violating federal alcohol prohibitions. For drug-related violations, about 1,250 drivers were placed out-of-service.
- In 2012, there were about 2,500 alcohol-related out-of-service violations and 1,140 drug-related out-of-service violations.

CURRENT RECORDKEEPING REQUIREMENTS

The following are the current recordkeeping requirements related to CDLs, permits, and medical cards.

For Drivers:

- Interstate CDL holders must carry their paper medical cards until January 30, 2015.
- Interstate commercial learner's permit (CLP) holders must carry their paper medical cards until July 8, 2015.
- Interstate CDL/CLP holders must submit each new medical card to the state licensing agency, preferably within 5 days of receipt.

For Motor Carriers:

- As of January 30, 2012, for interstate CDL or CLP drivers whose driving record (MVR) shows their current medical certification status, the motor carrier must keep a copy of the MVR in the driver's qualification file, in place of a medical card. A new MVR must be obtained within 15 days after the driver receives a new medical card. A copy of the new card must be on file during that 15-day interim period.
- For interstate CDL or CLP drivers whose MVR does not yet contain medical information, the motor carrier must keep a copy of the medical card in the driver's file until the MVR does contain such information. After January 30, 2015, for CDL holders, or July 8, 2015 for CLP holders, if the MVR still doesn't contain medical information, the driver is considered disqualified.

DUMP TRUCK CARRIERS CONFERENCE NEWSLETTER

Published quarterly by
Dannemiller Associates, Inc.
7792 Olentangy River Road, Suite F-2
Columbus, Ohio 43235
(614) 431-8740
Fax: (614) 431-8742
Website: Dannemiller.US
E-mail: larry@dannemiller.us

Material in this Newsletter may not be reprinted without permission.

Submissions by members and interested parties are welcome.

Dump Truck Carriers Conference is a registered trade name of Dannemiller Associates, Inc.

GENERAL INFORMATION

DON'T FORGET YOUR BIENNIAL UPDATE!

Companies that forget to update their registration every two years could find their USDOT numbers inactivated.

On March 1, 2014, the Federal Motor Carrier Safety Administration (FMCSA) began deactivating the USDOT numbers of interstate motor carriers that fail to meet the biennial deadline to update their registration information. **An update is required even if no changes are needed.**

Deadlines can be found in 49 CFR 390.19. A carrier's update deadline is based on the last two digits of its USDOT number. The FMCSA will issue a warning letter 30 days in advance of a carrier's biennial update deadline. If the company fails to meet the deadline, the FMCSA will begin deactivating the company's USDOT registration and may consider imposing civil penalties.

USDOT numbers are being deactivated one month after the missed update deadline. For example, carriers that were due to update their registration in February 2014 but failed to do so will be deactivated beginning April 1, 2014.

Motor carriers are prohibited from operating in interstate commerce without an active USDOT number. Ohio also is now requiring carriers to have a DOT number.

WHISTLEBLOWER PLAN IS IN THE WORKS

OSHA is finalizing a plan that will help it collaborate with the Federal Motor Carrier Safety Administration (FMCSA) on whistleblower claims.

OSHA is charged with investigating claims that motor carriers and other employers have

discriminated or retaliated against employees who "blow the whistle" on safety violations.

According to a recent report from the Government Accountability Office (GAO), OSHA and the FMCSA are drafting a "memorandums of agreement" that should help the agencies collaborate on whistleblower-related efforts and take a more consistent approach to handling whistle-blower investigations.

The number of transportation-related whistleblower claims filed with OSHA has increased from 508 in fiscal year 2008 to 821 in fiscal year 2013, the GAO says but most of that increase came from the rail sector. In the truck and bus sector claims have held at around 310 to 350 claims per year over that time.

Half of all claims in the truck and bus sector were dismissed in fiscal year 2013, while one-quarter were found to have merit (3%) or were settled (22%), the GAO reported.

Under whistleblower laws, motor carriers are prohibited from discharging or retaliating against drivers for filing complaints related to safety violations or cooperating with safety investigators.

HOW I LEARNED TO MIND MY OWN BUSINESS:

I was walking past the mental hospital the other day, and all the patients were shouting, "13...13...13."

The fence was too high to see over, but I saw a little gap in the planks, so I looked through to see what was going on.

Some idiot poked me in the eye with a stick, then they all started shouting, "14...14...14."

GENERAL INFORMATION

2013 DRIVER ROADSIDE VIOLATIONS

Last year, there were over 3.4 million commercial driver inspections resulting in over one million violations of motor carrier safety regulations.

Of the 1 million violations more than 192,000 resulted in driver out-of-service (OOS) violations in the order shown below:

Overall, 32,885 people died in U.S. motor vehicle traffic crashes in 2010, representing a 2.9-percent decline since 2009 and the lowest level of highway fatalities since 1949. The record-breaking decline in traffic fatalities occurred even as American drivers travel nearly 46 billion more miles during the year, an increase of 1.6 percent over the 2009 level.

RANK	VIOLATION DESCRIPTION	NUMBER OF VIOLATIONS	PERCENTAGE OOS
1	Logs - general violation/form & manner	156,968	0.09%
2	Log not current	98,585	0.14%
3	Non-English-speaking driver (interesting!)	88,115	4.39%
4	State/local speeding violation: 6-10 mph over	64,715	0.01%
5	Failing to use seat belt	55,643	0.01%
6	No valid medical certificate	52,320	1.81%
7	Driving beyond 14-hour limit	51,919	43.23%
8	Failure to obey traffic control device	41,947	0.06%
9	Driver not in possession of medical certificate	41,088	6.07%
10	False log(s)	35,719	75.23%
11	No log(s)	28,840	88.24%
12	Driving beyond 11-hour driving limit	28,212	44.42%
13	Failure to retain previous 7 days' logs	26,696	84.49%
14	State/local speeding violation: 1-5 mph over	26,428	0.01%
15	State/local speeding violation: 11-14 mph over	24,367	0%
16	Expired medical examiner's certificate	23,074	3.37%
17	Using a hand-held mobile phone while driving	15,985	0.03%
18	State/local speeding violation: 15+ mph over	15,066	0.03%
19	Operating without a CDL	14,835	94.14%
20	Lane restriction violation	13,592	0.01%

GENERAL INFORMATION

2013 OSHA VIOLATIONS FOR TRUCKING INDUSTRY

OSHA has released a list of the top most frequently cited OSHA violations in the trucking industry from fiscal year 2013.

There were a total of 833 citations over 246 inspections, with penalties totaling just over \$1 million, or about \$1,200 per citation on average. The following are the top 15 most-cited standards:

RANK	DESCRIPTION	NUMBER OF CITATIONS	PENALTY AMOUNT
1	Powered industrial trucks (forklifts)	114	\$145,574
2	Hazard communication	108	\$58,794
3	Electrical wiring, equipment	48	\$47,697
4	Abrasive wheel machinery	46	\$56,575
5	Electrical, general requirements	43	\$49,521
6	Guarding floor/wall openings, holes	40	\$58,583
7	Exit route maintenance, safeguards	35	\$37,312
8	Portable fire extinguishers	32	\$21,641
9	Respiratory protection	28	\$24,125
10	Personal protective equipment	25	\$35,823
11	Oxygen-fuel gas welding and cutting	22	\$24,110
12	Permit-required confined spaces	19	\$48,305
13	Lockout/tagout	16	\$33,223
14	General Duty Clause	15	\$47,548
15	Liquefied petroleum gas, storage/handling	14	\$16,240

GENERAL INFORMATION

DO YOU UNDERSTAND CSA?

The following is the CSA test that ATRI administered to drivers and enforcement personnel. See how well you would perform.

True or False?

1. When a trucking company hires a new driver, the company inherits that driver's past violations.
2. A trucking company can remove a bad driver's inspection and crash data from its Safety Measurement System (SMS) scores by terminating the driver.
3. State-issued convictions are part of the SMS formula for calculating CSA scores
4. CSA gives FMCSA the authority to revoke a driver's CDL.
5. As part of CSA, FMCSA evaluates the physical fitness of drivers and penalizes drivers with high body mass indices (BMIs).
6. The content of the Federal Motor Carrier Safety Regulations has changed as a result of CSA.
7. Under CSA, only out-of-service violations are counted in the measurement system.
8. Clean roadside inspections can actually improve a driver or carrier's CSA scores.
9. CSA takes into consideration tickets and warnings drivers receive when operating their personal vehicles.

Check All That Apply:

10. Which BASIC scores are publicly accessible:
 - Hours-Of-Service
 - Crash Indicator
 - Driver Fitness
 - Controlled Substances/Alcohol
 - Hazardous Materials
 - Vehicle Maintenance

- Unsafe Driving

11. Who has access to official driver CSA scores?

- All trucking companies
- The company that currently employs the driver
- The driver him/herself
- FMCSA enforcement staff during motor carrier investigations
- Insurance companies
- Third party logistics companies
- Third party vendors who market driver scorecards

12. CSA scores are weighed by:

- Time (older events are weighted less than recent ones)
- Severity (events closely linked with crash risk or crash severity are weighed more)
- Nothing

13. Which of the following does the FMCSA take into account in order to compare among carriers with different levels of exposure in various BASICs?

- Number of power units
- Vehicle miles traveled
- Number of inspections

14. Under CSA, BASIC scores higher than the specified threshold:

- Identify potentially at-risk carriers and help prioritize them for intervention
- Indicate that a carrier is unsafe and should not be used
- Accompany fines if the scores do not drop lower than the threshold in a pre-specified amount of time

Answers: (1) F, (2) F, (3) F, (4) F, (5) F, (6) F, (7) F, (8) T, (9) F, (10) Hours of Service, Driver Fitness, Controlled Substances/Alcohol, Vehicle Maintenance, Unsafe Driving; (11) FMCSA enforcement staff during motor carrier investigations; (12) Time, Severity; (13) Number of power units, Vehicle miles traveled, Number of inspections; (14) Identify potentially at-risk carriers and help prioritize them for intervention.

Answers:

MY TURN

"THE EMPEROR HAS NO CLOTHES"

(by Larry Dannemiller)

Just by chance yesterday, I ran across a video of Barack O'Bama's 1984 keynote speech to the Democratic Convention. And I watched it, not all, but enough. There is no doubt the man is a gifted orator. I acknowledge his skills; and he seemed authentic about his vision for a greater America. He spoke passionately of his gratitude for this country, but also of the pitfalls that confronted us, like deficits and a ballooning national debt, Religious freedom, honesty, transparent government, rule of law, escalating health care costs and accountability. He was concerned and believable. He got it!

Where is this man now? There is no resemblance to our current President, who is smug, arrogant, and a proven liar. Since his election, Barack O'Bama has presided over the most corrupt, wasteful and divisive administration in the history of the United States. We seem helpless in the face of it. Congress complains about his actions, holds hearings, gets facetime, and nothing changes. No matter what laws are broken, it's a sure thing the perpetrator, if a democrat, will not be prosecuted by Eric Holder's Justice Department. Certainly not participants in "fast and furious", the IRS scandal, the Veterans Administration scandal, the Benguzi nightmare, "Obamacare", illegal immigration, Acorn, and on and on.

Everything seems upside down. This President would shut down the coal industry because of "the environment" but thinks nothing of jumping in Air Force One, at \$180,000 per hour with a huge carbon footprint, for a fund raiser in Hollywood, California, after which he will make a speech about nothing in San Diego, just to justify the cost.

If we lie to government, it's a felony; if they lie to us, it's just politics; if a white person dislikes a black person, their racist, if a black dislikes whites, it's their 1st amendment right; in public schools you can teach that homosexuality

is o.k. but you better not mention God in the classroom; you can kill an unborn child but it's wrong to execute a mass murderer; we have no problem protecting the 38th parallel in Korea, but we are unable to close our border with Mexico; if you protest against this President's policies your a racist and maybe a terrorist, but if you burn an American flag, or George Bush in effigy, it was your 1st Amendment right.

You can't have a nativity scene in the public square; but you can have pornography on T.V.; we can use a human fetus for research, but it's wrong to use animals.

We take money from those who work hard for it and give it to those who don't want to work; and the successful people in this country, who pay a majority of the taxes to support those who don't want to work, and the mess which is our present government, are vilified.

We all know this, so the politicians must also know this, as they throw our money down a thousand ratholes: *We are constantly stealing from our grandchildren.* We are changing their lives as you read this. When I turned twenty-one there was 100 billion dollars of debt. Now 17 trillion, which no one expects is the end total, or that will ever be paid back.

Even though they must know the President has been a disaster, he is pampered by the press. Henry Cate VII, King Of England, around 1500 A.D., quipped: "The problem with political jokes is they get elected." I say forget another nice guy,...orator, celebrity, populist. What we need is a real, down-to-earth "son-of-a-bitch" who will follow the constitution, and simply will not spend above our income and will prosecute those in government who commit crimes, no matter who cries or what is said about him or her. If we continue to elect people with no management skills or ethics or backbone we may soon be past the tipping point of insolvency to which all democracies in history have eventually succumbed.



DUMP TRUCK CARRIERS CONFERENCE

MEMBERSHIP LISTING

CARRIER MEMBERS

Mr. Aaron Jones
AARON JONES TRUCKING
P. O. Box 186
Spring Valley, Ohio 45370
(937) 488-2075

Mr. Leroy J. Robbins
AUGUST ROBBEN SONS, INC.
6500 Bender Road
Cincinnati, Ohio 45233
(513) 941-7500

Mr. Abu Bundu
BAKARR ENTERPRISES, INC.
935 Wake Drive
Westerville, Ohio 43082-8539
(614) 898-7214

Mr. Jim Knisely
BERNER TRUCKING, INC.
P. O. Box 660
Dover, Ohio 44622
(330) 343-5812

Mr. Thomas Boyd
BOYD BROS., INC.
Box 118
Fredericktown, Ohio 43019
(614) 694-5916

Mr. Bill Berger
CTS, INC.
420 Howard Street
Mt. Vernon, Ohio 43050
(740) 397-9191

Mr. Daniel Zarlenga
C-Z TRUCKING CO.
9495 Harvard Boulevard
Youngstown, Ohio 44514
(330) 758-2313

Mr. Christopher A. Scala
CRYSTAL SPRINGS
MATERIALS, INC.
9500 Forty Corners Road NW
Massillon, Ohio 44647
(330) 494-6455

Mr. Gary Nye
FA NYE & SON'S
ENTERPRISES
P. O. Box 398
Bettsville, Ohio 44815
(419) 986-5400

Mr. Shawn Henderson
HENDERSON TRUCKING, INC.
124 Henderson Court
Delaware, Ohio 43015
(740) 369-6100

Mr. Bari Henning
HENNING TRUCKING
3618 Bootjack Road
Williamsburg, Ohio 45176
(513) 724-2994

Mr. Todd Hiney
HINEY TRUCKING LTD.
1101 S. Columbus Street
Xenia, Ohio 45385
(937) 372-9960

Mr. John Grattino
J.T. TRUCKING, INC.
19070 Haskins Road
Chagrin Falls, Ohio 44023-605
(216) 663-7002

Mr. Joe Stenger
J.W. STENGER TRUCKING, INC.
61485 Professional Drive
Barnesville, Ohio 43713
(800) 837-8364

Mr. Dick Jones, President
THE JONES FUEL CO.
350 Frank Road
Columbus, Ohio 43207
(614) 443-4611

Mr. Richard E. Jones, Jr.
JONES TRANSPORTATION CO.
2610 Crescentville Road
West Chester, Ohio 45069
(513) 326-6000

Mr. Bill Kerr
KERR TRUCKING, INC.
705 State Route 302
Ashland, Ohio 44805
(419) 289-9275

Mr. Bryan Monesi
MONESI TRUCKING &
EQUIPMENT REPAIR, INC.
1715 Atlas Street
Columbus, Ohio 43228-9648
(614) 921-9183



DUMP TRUCK CARRIERS CONFERENCE

MEMBERSHIP LISTING

CARRIER MEMBERS

Mr. Tim Patrick
PATRICK INCORPORATED
5839 S.R. 5
Ravenna, Ohio 44266
(330) 296-7706

Mr. Rick Kuntz
RICK KUNTZ TRUCKING, INC.
9056 State Route 88
Winham, Ohio 44288
(330) 296-9311

Mrs. Suzette Hamlin
VIKING TRUCKING, INC.
Box 25, 19-929 Rd. T
Ridgeville Corners, Ohio 43555
(419) 267-3319

Mr. Paul Adelman
PAUL ADELMAN TRUCKING
P. O. Box 370
1250 Hartville Road
Randolph, Ohio 44265
(330) 325-7470

Mr. Ben Morabito, Jr.
S.B. MORABITO TRUCKING
COMPANY
3560 East 55th Street
Cleveland, Ohio 44105
(216) 441-3070

Mr. Dan Vorst
VORST PAVING & LEASING,
INC.
14373 Road 23M
Cloverdale, Ohio 45827
(419) 453-3166

Mr. Mark Carrocce
R & J TRUCKING
8063 Southern Boulevard
P. O. Box 9454
Youngstown, Ohio 44513
(330) 758-0841

Mr. Brad Smith
SMITH MATERIAL SUPPLY,
INC.
1571 N. Main Street
Marion, Ohio 43302
(740) 382-4148

Mr. Michael D. Hodson
W.A. HODSON, INC.
P. O. Box 412
Leesburg, Ohio 45135
(937) 780-4272

Mr. Dave Jackson
REDBANK TRANSPORT, INC.
910 U.S. Route 50
Milford, Ohio 45150
(513) 831-5491

Mr. Kim Testa
TESTA TRUCKING, INC.
4381 Newhouse Road
Ostrander, Ohio 43061
(740) 666-1920

ASSOCIATE MEMBERS

Legal Services:

John Alden, Esquire
ALDEN LAW
One East Livingston Avenue
Columbus, Ohio 43215-5700
(614) 221-1306

Legal Services:

Mr. L. Christopher Bobbit
SANBORN, BRANDON, DUVALL
& BOBBITT CO., L.P.A.
2515 West Granville Road
Columbus, Ohio 43235
(614) 889-2531

Medical Services:

Ms. Lorri Smith
INTEGRITY TESTING &
SAFETY ADMINISTRATORS
6015 19 Mile Road
Sterling Heights, Michigan 48314