



DUMP TRUCK CARRIERS CONFERENCE

NEWSLETTER

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JOY RIDE

When I was in elementary school and high school, I attended a boarding school near San Antonio, Florida and would travel home to Washington, D.C. by train at least twice a year. It was sometimes boring but I loved the train. I remember it the way George F. Scheer III, describes it, which follows:

"What I discovered journeying across the U.S. by train is remarkable because it is not new. A railroad sleeping car is simply the best place to sleep: the tidy coziness of the compartment, the gentle, insistent rocking; the wide window on the dark countryside.

America remains different as seen by train than it appears by other means. To ride by train is to feel invisible; the train passenger travels through the backyard of the country.

The constant motion, the inability to slow, stop, or turn, induces a trance, a passivity, even a meditation. A long train trip becomes a circle within a circle within a circle, each moving at its own charmed speed.

There is a saying that God does not subtract from a person's allotted hours time spent fishing. It seems equally likely that time aboard trains is granted exemption. A few hours or days of

train time are enough to make us believe we have them to spare".

- Booked on the Morning Train: A Journey through America (1991)

DID YOU KNOW?

2014 Heavy Truck And Tractor-Trailer Truck Driver Fatalities

Total fatalities: 725

- Transportation incidents: 565 (78%)
- Contact with objects equipment: 64 (9%)
- Slips, trips, and falls: 36 (5%)
- Exposure to harmful substances/ environments: 29 (4%)
- Injuries cause by persons or animals: 22 (3%)
- Fires/explosions 9 (1%)

QUOTABLE:

"I found that the prayers work best when you have big players"

- Knute Rockne, Notre Dame

GENERAL INFORMATION

PROPOSED DRIVER TRAINING RULE

A draft rule containing new standards for the training of entry-level drivers was projected to be released for public comment around November 16, 2015.

The proposed rule is expected to contain mandatory standards for the training of any new driver who is seeking a new or upgraded commercial driver's license (CDL).

Persons applying for new or upgraded CDLs will not be allowed to take their skills test until they first complete classroom, range, and behind-the-wheel training from a training provider listed on a national registry, the Federal Motor Carrier Safety Administration (FMCSA) says.

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Submissions by members and interested parties are welcome.

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DRUG USE AMONG DRIVERS SERIOUS!

A new report says drivers in fatal wrecks are almost as likely to be under the influence of marijuana or pills as alcohol and it urges states to take action to detect and prevent drug impaired driving.

The report is from the Governors Highway Safety Association (GHSA), a non-profit organization representing state and territorial highway safety offices, in conjunction with the Foundation for Advancing Alcohol Responsibility (Responsibility.org).

"The percentage of fatally-injured drivers testing positive for drugs - 40 percent - is almost the same as those testing positive for any alcohol," the GHSA noted in a statement.

UNIFIED REGISTRATION SYSTEM DELAYED

Implementation of the Unified Registration System (URS) has been delayed beyond the original October 23, 2015, compliance deadline.

The URS rule issued in 2013 will eventually result in a new online system that will replace a variety of registration forms and processes from the Federal Motor Carrier Safety Administration (FMCSA).

In a memo to staff, the agency's acting head, T. Scott Darling, said details about the URS rollout will be made public soon.

"It is important that we get this right," Darling wrote. "As such, we will move forward with a new phased implementation that will ensure a successful launch".

GENERAL INFORMATION

DRIVER COERCION RULE EFFECTIVE IN JANUARY; FINES UP TO \$16K

The U.S. DOT published November 30 a Final Rule that sets up new fines for carriers, brokers, shippers and others for pressuring truck drivers to operate outside of federal safety regulations. Such coercive acts generally come in the form of threatening truck drivers with fewer miles, fewer loads or other economic harm.

The rule goes into effect January 29, 2016... 60 days from its publication date in the Federal Register, and enacts fines of up to \$16,000 for any carrier, broker, shipper, receiver or anyone else in the supply chain who attempts to force drivers to operate their vehicles when it would violate federal rules to do so, such as when a driver is out of hours.

The rule defines coercion as: "A threat by a motor carrier, shipper, receiver, or transportation intermediary, or their respective agents...to withhold business, employment or work opportunities from or to take or permit any adverse employment action against a driver in order to induce" the trucker to drive "under conditions which the driver stated would require him or her to violate one or more of" FMCSA regulations.

The \$16,000 penalty is \$5,000 higher than the \$11,000 proposed last year by the Federal Motor Carrier Safety Administration in the proposed version of the rule. The DOT cited inflation and concerns of Commenters as its reason. (Inflation ??)

The rule also establishes protocol for drivers to report instances of coercion to FMCSA for a follow-up investigation and minimum criteria for FMCSA to investigate such claims. Drivers must file their complaints with the agency

within 90 days of the occurrence of any alleged coercion acts and must provide FMCSA with any evidence they may have, such as messages or recorded phone conversations.

The rule is at least in part related to the agency's coming electronic logging device mandate, though it stands alone in its own right and was required by Congress in its 2012-passed MAP-21 highway bill.

FMCSA REMOVES PROPERTY CSA DATA FROM PUBLIC DISPLAY

As of December 4, 2015, pursuant to the FAST Act of 2015, much of the information previously available on the Federal Motor Carrier Safety Administration's (FMCSA) CSA website related to property carrier's compliance and safety performance will no longer be displayed publicly.

While the agency is not prohibited from displaying all of the data, no information will be available for property carriers while appropriate changes are made. This also applies to information provided to the public through the QCMobile app.

FMCSA is working to return the website and app to operation as quickly as possible. All information on passenger carriers remains available, and enforcement users and motor carriers can view safety data by using their login information.

If you are a motor carrier and do not have login credentials, you can log into (FMCSA.dot.gov/registration) request - pin - number for more information on how to obtain your PIN.

GENERAL INFORMATION

SUMMARY OF CLOSED ENFORCEMENT CASES IN OHIO

Shown below is a listing showing the total fines resulting from DOT audits in the State of Ohio for years 2012, 2013, 2014, and 2015. The amounts shown represent the final amount actually assessed against the carrier or agreed to by the carrier:

Subject	FY 2012		FY 2013		FY 2014		FY 2015	
	# Cases	Amount Settled	# Cases	Amount Settled	# Cases	Amount Settled	# Cases	Amount Settled
Carrier	86	\$299,735	73	\$389,850	77	\$614,532	97	\$995,455
Freight Forwarder	3	\$78,300	1	\$25,000	1	\$25,000	1	\$7,700

The math and trajectory are interesting. In 2012, the average fine per settlement was \$3,485, in 2013 it was \$5,340, in 2014 it was \$7,980, and in 2015, which saw the highest numbers of audits, the average was \$10,262. The most striking statistic is that in the last 3 years the amount of settlement per audit has increased almost 300%. This is intentional and it will continue to increase.

Nationwide there were 5,263 cases which settled for a total of \$37,757,279, averaging \$7,174 per case.

CMV AND CDL HOLDER DISQUALIFYING VIOLATIONS

The Federal Motor Carrier Safety Regulations require a commercial driver license (CDL) holder to be disqualified from operating a commercial motor vehicle (CMV) **when convicted of certain types of moving violations in a private passenger vehicle or in a CMV.** No CDL driving authority is permitted when any driving privileges are suspended, revoked, disqualified, denied, or cancelled. The following provides an overview of disqualifying violations and is only intended to describe the key elements of State and Federal law and is subject to change without notice.

MAJOR VIOLATIONS

- Administrative per se (probable cause) for operating a CMV with a blood alcohol concentration at or above .04.
- Administrative per se (probable cause) for operating a motor vehicle with a blood alcohol concentration at or above .08.
- Operating a CMV while your blood alcohol concentration is .04 or higher.
- Operating a motor vehicle under the influence of alcohol.
- Operating a motor vehicle under the influence of a controlled substance.
- Refusal to take an alcohol test.
- Leaving the scene of an accident.

(Continued→)

GENERAL INFORMATION

CMV AND CDL HOLDER DISQUALIFYING VIOLATIONS

MAJOR VIOLATIONS (Cont'd)

- Using a motor vehicle to commit a felony (not a traffic offense).
- Causing a fatality through negligent operation of a CMV.
- Driving a CMV when as a result of prior violations committed while operating a CMV, the driver's license is revoked, suspended, disqualified, cancelled, denied, barred, or withdrawn.
- Using a vehicle in the commission of a felony involving controlled substances. (Automatic Lifetime Disqualification).

If convicted of a Major violation in a private passenger vehicle or in a CMV, your CDL will be disqualified for one year for the first offense or three years if carrying hazardous materials. If convicted of a second Major violation in a private vehicle or in a CMV, your CDL will be disqualified for life.

SERIOUS TRAFFIC VIOLATIONS

- Excessive speeding (15 mph or more above the posted limit).
- Reckless driving.
- Improper or erratic lane changes.
- Following a vehicle too closely.
- Violating state or local law relating to motor vehicle traffic control arising in connection with a fatal accident.
- Driving a CMV without obtaining a CDL.
- Driving a CMV without a CDL in the driver's possession.
- Driving a CMV without the proper class of CDL and/or endorsements.
- Texting OR using a hand held mobile telephone while operating a CMV.

If convicted of two Serious Traffic Violations in a CMV within any three-year period, your CDL will be disqualified for 60 days or 120 days if convicted of three or more Serious Traffic Violations in a CMV within any three-year period. Additionally, if convicted of a Serious Traffic Violation in a private passenger vehicle and your private passenger vehicle driving privileges are suspended as a result thereof, your CDL may also be disqualified accordingly.

FRAUD VIOLATIONS

- Misrepresentation of identity.
- Fraudulently obtaining a CDL.

The State must, at a minimum, disqualify the person's CLP or CDL or his/her pending application, or disqualify the person from operating a commercial motor vehicle for a period of at least 60 consecutive days.

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GENERAL INFORMATION

CMV AND CDL HOLDER DISQUALIFYING VIOLATIONS

VIOLATING OUT-OF-SERVICE ORDERS

If convicted of violating an Out-Of-Service Order in a CMV your CDL will be disqualified for a period of, no less than, 90 days and no more than, 1 year for a first offense. If convicted of violating an Out-Of-Service Order while transporting hazardous materials in a CMV, your CDL will be disqualified for no less than 180 days, and not more than, 2 years for a first offense. Your CDL will be disqualified for no less than one year, and no more than, 5 years for a second offense within any ten-year period. Your CDL will be disqualified for no less than 3 years, and no more than, 5 years for a second offense while transporting hazardous materials within any ten-year period. Your CDL will be disqualified for no less than 3 years, and no more than 5 years, for three or more offenses within any ten-year period.

RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS

Railroad-Highway Grade Crossing violations include violation of a federal, state, or local law or regulation pertaining to the following six offenses:

- For drivers who are not required to always stop, failing to stop before reaching the crossing if the tracks are not clear.
- For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train.
- For drivers who are always required to stop, failing to stop before driving onto the crossing.
- For all drivers failing to have sufficient space to drive completely through the crossing without stopping.
- For all drivers failing to obey a traffic control device or the directions of an enforcement official at the crossing.
- For all drivers failing to negotiate a crossing because of insufficient undercarriage clearance.

If convicted of a Railroad-Highway Grade Crossing Violation in a CMV, your CDL will be disqualified for no less than 60 days for the first offense. Your CDL will be disqualified for no less than 120 days for a second offense within any three-year period. Your CDL will be disqualified for no less than 1 year for a third offense within any three-year period.

GENERAL INFORMATION

ROADCHECK 2015

Out-Of-Service Stats

Subject	All Inspections	Level I Inspections	Haz-Mat Inspections	Bus Inspections
Driver	4.8%	3.6%	1.5%	1.9%
Vehicle	17.5%	21.6%	11.5%	7.6%

Top OOS Violation Categories For:	Percent Of Vehicle OOS Violations			Top OOS Violation Categories For:	Percent Of Driver OOS Violations		
	2015	2014	2013		2015	2014	2013
Vehicles				Drivers			
Brake Adjust.	15.5%	16.7%	19.5%	Hours-Of-Service	46.0%	46.5%	50.3%
Brake System	27.5%	29.5%	30.1%	False Logs	12.6%	13.7%	14.8%
Tires/Wheels	13.9%	13.8%	10.1%	Suspended License	**	7.8%	5.2%
Lights	12.7%	13.5%	12.6%	Expired License	**	0.0%	0.7%
Safe Loading	15.3%	11.5%	11.7%	Cancelled License	**	0.0%	1.0%
Steering	2.0%	2.4%	2.3%	Disqualified	7.6%	12.7%	10.2%
Frame	1.1%	1.3%	1.5%	Revoked License	**	0.0%	0.0%
Suspension	2.1%	5.2%	5.8%	Endorsement	*	4.3%	4.9%
Coupling Devices	0.7%	0.9%	0.8%	Age	0.0%	2.1%	0.6%

GENERAL INFORMATION

BAR STOOL ECONOMICS

Suppose that every day, ten men go out for beer and the bill for all ten comes to \$100. If they paid their bill the way we pay our taxes, it would go something like this:

- The first four men (the poorest) would pay nothing.
- The fifth would pay \$1.
- The sixth would pay \$3.
- The seventh would pay \$7.
- The eighth would pay \$12.
- The ninth would pay \$18.
- The tenth man (the richest) would pay \$59.

So, that's what they decided to do. The ten men drank in the bar every day and seemed quite happy with the arrangement, until one day, the owner threw them a curve. "Since you all are such good customers", he said, "I'm going to reduce the cost of your daily beer by \$20." Drinks for the ten now cost just \$80.

The group still wanted to pay their bill the way we pay our taxes so the first four men were unaffected. They would still drink for free. But what about the other six men - the paying customers? How could they divide the \$20 windfall so that everyone would get his "fair share?"

They realized that \$20 divided by six is \$3.33. But if they subtracted that from everybody's share, then the fifth man and the sixth man would each end up being paid to drink his beer. So, the bar owner suggested that it would be fair to reduce each man's bill by roughly the same amount, and he proceeded to work out the amounts each should pay.

And so:

- The fifth man, like the first four, now paid nothing (100% savings).

- The sixth now paid \$2 instead of \$3 (33% savings).
- The seventh now paid \$5 instead of \$7 (28% savings).
- The eighth now paid \$9 instead of \$12 (25% savings).
- The ninth now paid \$14 instead of \$18 (22% savings).
- The tenth now paid \$49 instead of \$59 (16% savings).

Each of the six was better off than before. And the first four continued to drink for free. But once outside the restaurant, the men began to compare their savings. "I only got a dollar out of the \$20," declared the sixth man. He pointed to the tenth man, "but he got \$10!" "Yeah, that's right," exclaimed the fifth man. "I only saved a dollar, too. It's unfair that he got ten times more than I!" "That's true!!" shouted the seventh man. "Why should he get \$10 back when I got only two? The wealthy get all the breaks!" "Wait a minute," yelled the first four men in unison. "We didn't get anything at all. The system exploits the poor!" The nine men surrounded the tenth and beat him up.

The next night the tenth man didn't show up for drinks, so the nine sat down and had beers without him. But when it came time to pay the bill, they discovered something important. They didn't have enough money between all of them for even half of the bill!

And that, boys and girls, journalists and college professors, is how our tax system works. The people who pay the highest taxes get the most benefit from a tax reduction. Tax them too much, attack them for being wealthy, and they just may not show up anymore. In fact, they might start drinking overseas where the atmosphere is somewhat friendlier.

David R. Kamerschen, Ph.D.

Professor of Economics, University of Georgia

LEFT BRAIN, RIGHT BRAIN?

(by Larry Dannemiller)

I am still trying to understand women. If I look at my progress to date, this late date, it's obvious that I am not much closer than when at nine years old, sitting in the coal bin under Aunt Bessie's house, my ten year old neighbor Mary Lou Richards asked me if I wanted to see her "thing". Most would agree that was a nice invitation, but I had no clue what she meant. She showed me anyway. I was grateful and never forgot it.

Obviously, the adventure with Mary Lou was not a romantic episode but more of a discovery lesson. My first kiss was at twelve with a girl named Edwina, who lived in my neighborhood, and as described in a previous Newsletter, in a truly fortunate turn of events, was forced upon me.

My first real romance, although platonic, was with a Cuban girl named Juanita who attended an all girls boarding school outside Tampa, Florida, about 50 miles from my school. Juanita would typically wear a long white or pink flowing dress, and with her angelic face, beautiful skin, brown eyes, and always with a flower pinned in her long black hair - absolutely beautiful! I was fascinated.

This was before Fidel Castro took over and when a lot of the affluent Cubans' children were being sent to prep schools in Florida. Typically, all boys or all girls schools would once or twice a month bus the children to each others' school for parties and dances.

When Juanita would come to my school, "St. Leo College Preparatory School for Boys", we were free to leave the dance or party and walk the grounds, through the orange groves, hold hands, maybe kiss, and it was magic.

Sometimes, when her parents would visit from Cuba they would bring her to St. Leo, and we would enjoy the time together, but it was not the same. The freedom of being together alone, although always proper, was missing.

It may have occurred to some that I just love the woman species - the way they look, the way they smell, the way they talk, just the way they sit beside you in the car - they are special. So special that I am always amazed that the various commercial efforts to convince them they need help to attract men actually works.

The popular womens' magazines - *Glamour*, *Vogue*, *Cosmopolitan* - are always crammed with articles with new ideas involving feminine products and suggested behavior modifications that will guarantee male attraction. Not only attraction; if you read these articles, they include detailed, sure-fire, instructions for keeping men in a constant frenzied state of desire.

Really?? If these products and technique's actually worked as advertised there wouldn't be enough energy left in the entire male population to complete a game of monopoly, much less play football or fight wars.

Is this a good thing? I have no objections; but let's be real here - we're talking about guys. You don't have to try hard. You really don't even have to try. To get them crazy in bed, all you need to do is crawl in there with them. Employing intricate, complicated (and expensive) strategies to arouse a man is like putting a silver saddle on a plow horse.

Bottom line - Women don't need *Glamour* magazine. They can be left to their natural God given wiles and pretty much rule; as long as men know (and they do!) that underneath womens' clothes, they are not wearing any clothes.



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