



DUMP TRUCK CARRIERS CONFERENCE

NEWSLETTER

VOL. 69

February 2016

ABOUT MARRIAGE

(Questionnaire - Worthington Elementary School Students)

(1) *How Do You Decide Who To Marry?*

"You got to find somebody who likes the same stuff. Like, if you like sports, she should like it that you like sports, and she should keep the chips and dip coming."

--Alan, Age 10

"No person really decides before they grow up whom they're going to marry. God decides it all way before and you get to find out later who you're stuck with."

--Kristen, Age 10

(2) *What Do Most People Do On A Date?*

"Dates are for having fun, and people should use them to get to know each other. Even boys have something to say if you listen long enough."

--Lynnette, Age 8

"On the first date, they just tell each other lies and that usually gets them interested enough to go for a second date."

--Martin, Age 10

(3) *When Is It Okay To Kiss Someone?*

"When they're rich."

--Pam, Age 7

(4) *How Would The World Be Different If People Didn't Get Married?*

"There sure would be a lot of kids to

explain, wouldn't there"?

--Kelvin, Age 8

(5) *Is It Better To Be Single Or Married?*

"It's better for girls to be single but not for boys. Boys need someone to clean up after them."

--Anita, Age 9

(6) *How Would You Make A Marriage Work?*

"Tell your wife that she looks pretty, even if she looks like a dump truck."

--Ricky, Age 10

DID YOU KNOW?

Is Your Reflective Tape Clean?

A federal study in the late 1990s revealed a good reason for making sure the reflective tape on your trailers is kept free of dirt: clean tape is twice as effective.

The study concluded that clean tape reduces rear impacts by 53% but dirty tape by only 27%, since it can't reflect as much light.

QUOTABLE:

Best Possible Answer!

Winston Churchill's response to a journalist who asked who he would like to be in a second life:

"Mrs. Churchill's second husband".

GENERAL INFORMATION

FMCSA REDUCES RANDOM DRUG TESTING RATE

Under the new policy, the minimum annual percentage rate for random drug testing for commercial motor vehicle drivers will be 25 percent of the average number of drivers positions. Only drivers who are required to hold a commercial driver's license (CDL) are subject to random testing.

It's the first change in the random drug testing rate in more than 20 years. The rate has stood at 50 percent since the random testing rules were first issued in 1988.

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Published quarterly by
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WINDSHIELD-MOUNTED CAMERA EXEMPTION

An exemption allowing motor carriers to mount lane-departure warning-system sensors lower on the windshield than regulations allow has been expanded and renewed for another two years.

The exemption allows carriers to install collision mitigation system cameras in the upper area swept by the windshield wipers.

The Federal Motor Carrier Safety Administration (FMCSA) says the exemption should help prevent accidents and save lives by encouraging more companies to install the accident-avoidance system.

Under section 393.60(e)(1), carriers are prohibited from obstructing a driver's field of view by mounting equipment or accessories more than 6 inches below the upper edge of the windshield or within the area swept by the windshield wipers.

Warning-system manufacturers argued that, to maximize driver visibility, truck manufacturers have voluntarily increased the windshield area as well as the size of the windshield wipers, making the area swept by those wipers larger than required.

The exemption for lane-departure warning systems has been in place since late 2011 and was due to expire last November, but has now been extended to late 2017.

The renewed exemption applies to any lane-departure warning-system or collision mitigation system camera that:

- Measures no more than 2 inches by 3.5 inches; and
- Is mounted no more than 50 mm (2 inches) below the upper edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals.

The exemption announcement appeared in the *Federal Register* on December 7, 2015, and took effect on November 18, 2015.

GENERAL INFORMATION

DETAILS OF HIGHWAY BILL

The recent passage of a five-year \$305 billion transportation bill means a lot of new work for the Federal Motor Carrier Safety Administration (FMCSA) and other transportation agencies.

The following is a summary of some of the major provisions found in portions of the act related to motor carriers.

Subject	Provisions
CSA	<p>Website: The FMCSA was required to immediately remove CSA scores, certain crashes, and "alerts" from the public CSA website. CSA scores and other data may still be used for enforcement purposes, carriers may access their own scores/data, and scores/data for motorcoach operators can remain public.</p> <p>CSA Study: The FMCSA has to commission a comprehensive study of CSA and report results to Congress by June 2017. Then the agency has to submit a corrective action plan to fix CSA, and carry it out. Once deficiencies have been fixed, CSA scores and alerts can be made public again.</p> <p>Accident Review: Within one year after CSA improvements are made, an FMCSA advisory committee has to review the treatment of preventable crashes under CSA and then make recommendations on a process to allow carriers and drivers to request accident preventability reviews.</p> <p>Data Accuracy: The FMCSA has to develop ways to ensure that consistent and accurate data gets entered into the databases feeding CSA.</p>
Beyond Compliance	<p>By June 2017, the FMCSA has to offer incentives, in the form of improved CSA scores or a new "safety BASIC," to motor carriers that install advanced safety equipment, use enhanced driver fitness measures, or adopt fleet safety management tools, technologies, and/or programs, among other options. The agency has to develop a process to identify what qualifies, establish technical/performance standards, and then post information online about the tools, equipment, or programs that are eligible.</p>
Commuting Time	<p>By June 2017, the FMCSA has to report to Congress on the findings of a study on the effects of commercial driver commutes exceeding 150 minutes.</p>
Hi-Rail Vehicle HOS	<p>For drivers of hi-rail commercial motor vehicles (CMVs), the maximum on-duty restrictions of section 395.3 do not include travel time to or from a duty assignment as long as it does not exceed 2 hours per day or 30 hours per month and is accurately documented. A hi-rail vehicle is an internal rail-flow-detection vehicle equipped with flange hi-rails.</p>

(Continued-)

GENERAL INFORMATION

DETAILS OF HIGHWAY BILL (Cont'd)

Subject	Provisions
Ready-Mixed Concrete	The 12-hour short-haul limit for 100-air-mile drivers is increased to 14 hours for any driver of a ready-mixed concrete delivery vehicle.
Construction	The 50-air-mile restriction on drivers using the 24-hour restart exception for the transportation of construction materials and equipment is increased to 75 air miles. States may adopt a different radius.
HOS Exemptions	The FMCSA has to issue permanent exemptions from the 30-minute break requirement to drivers hauling ready-mixed concrete, bees, or livestock.
Shipment Delays	By December 2016, the DOT has to report to Congress on the average length of time that CMV drivers are delayed during the pick-up/delivery process, and how those delays affect the economy, efficiency, and safety. A year later, the FMCSA has to adopt rules containing a process to collect data about delays.
Farm Vehicles	The FMCSA will need to revise Paragraph 390.39(b) to expand the exemption for "covered farm vehicles" in terms of any state-level requirements that might apply.
Weight Limits	Heavy-duty tow and recovery vehicles transporting disabled vehicles for repair are exempt from certain weight limitations. Also, new weight-limit exceptions were added for certain vehicles in AR, MN, TX, and WI, and for emergency vehicles and vehicles powered by natural gas.
CDLs and Medical Exams For Veterans	<p>CDLs: By 2016, the CDL rules must exempt veterans from the domicile requirement. By 2017, veterans have to be exempt from the CDL driving skills test if they had military CMV driving experience within the past year. Veterans also have to be credited for existing training and knowledge.</p> <p>Exams: The FMCSA has to allow a veteran's normal Veterans Affairs (VA) doctor to perform the required DOT physical exam, and such doctors have to be put into the national examiner registry.</p>
Haz-Mat Endorsements	States must be allowed to Waive the requirement for a Class A haz-mat endorsement if the driver is acting within the scope of his/her employment for a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder, and is operating a service vehicle transporting 1,000 gallons or less of diesel and clearly marked with a "flammable" or "combustible" placard, as appropriate.
CDL Skills Testing	By June 2017 and every year after that, the FMCSA has to submit a report to Congress on state-level delays in the skills testing (and retesting) of CDL applicants. It also has to address steps the FMCSA is taking to shorten such delays in states where the wait time is more than 7 days.
Hair Testing	By December 2016, the Department of Health & Human Services has to issue guidelines for hair testing. Once that is complete, FMCSA regulations must allow for pre-employment and random drug testing using hair samples. Only drivers who had a pre-employment hair test can have a random hair test. An exemption has to be provided for drivers whose religion prohibits the cutting or removal of hair.

(Continued-)

GENERAL INFORMATION

DETAILS OF HIGHWAY BILL (Cont'd)

Subject	Provisions
Marijuana	The DOT has to study marijuana-impaired driving and report to Congress by December 2016.
Safety Programs	State highway safety programs must include a component designed to increase driver awareness of commercial motor vehicles, including education of teen drivers.
Visible Enforcement	Each year through 2020, the DOT has to carry out three "high visibility enforcement" campaigns aimed at alcohol- or drug-impaired driving and/or seat belt use.
Accident Reports	By April 2016, the FMCSA has to convene a working group to review the data entered on accident reports for all reportable tow-away accidents and consider adding data elements (such as cause, vehicle weight, axle weights, etc.). By December 2016, the FMCSA has to review the findings and make recommendations to the states on accident reporting.
Windshield-Mounted Technology	By June 2016, the FMCSA has to revise Section 393.60(e) to allow the voluntary mounting of vehicle safety technology (such as cameras or sensors) in an area of the windshield that would otherwise be prohibited. This specifically includes any such technology that is currently allowed by exemption.
New Entrants	The FMCSA has to assess its new-entrant safety review program and report to Congress by December 2016.
High-Risk Carriers	The FMCSA has to audit the highest-risk carriers once they have been among the highest-risk carriers for 4 consecutive months. The agency has to post data about these reviews to its website.
Pilot Program For Younger Drivers	The FMCSA has to pilot the idea of allowing current/former military drivers under 21 years old to operate CMVs in interstate commerce. Participants won't be allowed to transport passengers or haz-mat, nor vehicles "in special configuration." Participants must be between 18 and 21 years old and be a member or former member of the armed forces or reserve and have CMV driving experience.
Registration Processing	By January 2016, the FMCSA has to report to Congress on the steps being taken to make sure motor carrier registration applications are processed in no more than 30 days.
Insurance	If the FMCSA proceeds with rules to increase financial responsibility, the agency has to consider a variety of factors, including the impact on safety and on the insurance and carrier industries. If changes are proposed for passenger-carrier operators, the FMCSA first has to consult with the industry. By January 1, 2017, the FMCSA has to publish a report on the minimum levels of financial responsibility required for property carriers, including federal vs. state requirements and the adequacy of coverage.
Wireless Inspections	By June 2016, the FMCSA has to report to Congress on the design, development, testing, and implementation of wireless roadside inspections systems.

GENERAL INFORMATION

ELD TIMELINE

December 16, 2015: The ELD rule is published.

February 16, 2016: The ELD rule goes into effect, making it official.

- The FMCSA begins posting a list of certified ELDs, and motor carriers may voluntarily begin using them.
- For the next 22 months, carriers and drivers may use paper logs, logging software, AOBDRS, or registered ELDs.
- Carriers using ELDs are prohibited from harassing their drivers (see p. 14).

December 18, 2017: Drivers subject to the ELD mandate must begin using ELDs in place of all other logging options.

- All carriers (other than certain short-haul operations) must comply with new supporting-document requirements.
- AOBDRS that were already installed by now may be used for another two years.

December 16, 2019: AOBDR users must ensure their devices have been upgraded to the ELD standards, or must switch to a compliant ELD.

COERCION, WHAT IS IT? (Here We Go!)

A threat by a motor carrier, shipper, receiver, or transportation, intermediary, or their respective agents, officers, or representatives, 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 driver to operate a commercial motor vehicle under conditions which the driver stated would required him or her to violate one or more of the regulations, which the driver identified at least generally, that are codified at 49 CFR parts 171-173, 177-180, 380-383, or 390-399, or Secs. 385.415 or

385.421, or the actual withholding of business, employment, or work opportunities or the actual taking or permitting of any adverse employment action to punish a driver for having refused to engage in such operation of a commercial motor vehicle.

WHEN IS THE (COERCION) LINE CROSSED?

According to the FMCSA:

"The act of coercion is complete when the attempt is made; it does not require success. ... Coercion does, however, require some kind of threat; merely asking a driver to make a trip that would violate a regulation would not constitute coercion. If the driver refused to make such a trip, a further discussion of his or her response and related issues might or might not cross the line into coercion. The answer would depend on the substance of the conversation and the existence of a threat, explicit or implied, to make the driver pay an economic price for refusing to violate an FMCSA regulation."

FAILING TO FOLLOW SAFETY PLAN

If you have a bad audit and file a Safety Management Plan (SMP) to upgrade your Safety Rating to turn things around, you'd better follow through the promises contained in the SMP.

A company, was audited in late 2013 and received an "unsatisfactory" safety rating from the Federal Motor Carrier Safety Administration (FMCSA). In June 2014 the company agreed to implement a safety management plan in exchange for having its rating upgraded to "conditional." Included in the plan were promises to implement a systematic inspection, repair, and maintenance program and to immediately terminate any driver who knowingly operated a vehicle that had been placed out-of-service before it was repaired.

GENERAL INFORMATION

FAILING TO FOLLOW SAFETY PLAN (Cont'd)

In the first five months of 2015, the company was subject to 15 vehicle inspections. During seven of those, the inspected vehicle was placed out-of-service for serious violations, including defective brakes and brake warning systems, insufficient tire tread, broken leaf springs, and exhaust leaks.

An individual driver on multiple occasions, was found to be operating an unrepaired vehicle that had been placed out-of-service. As generally described as "jumping an OOS order."

CARRIER CITED (AGAIN) FOR RETALIATING AGAINST DRIVERS

A Washington-based motor carrier has been ordered to stop retaliating against truck drivers who refuse to drive when they feel to ill or fatigued.

Early last year, the Occupational Safety and Health Administration (OSHA) had ordered the company to pay lost wages to a driver who was suspended and then fired after he reported being sick and unable to drive.

The employer was also ordered to post a notice for drivers to read about their whistleblower rights.

In July 2015, OSHA announced that the company had again suspended a commercial truck driver employee of 25 years without pay after he did not feel well enough to drive.

OSHA ordered the trucking company to pay \$20,000 in punitive damages and \$354 to the driver for his suspension.

Negative Notes

OSHA investigators also found that the company's attendance policy encouraged drivers to operate trucks while sick or exhausted. Drivers absent due to illness or exhaustion had negative notes placed in their personnel records and faced possible discipline or termination.

OSHA has also ordered the company to remove any negative comments from the driver's personnel file.

The company is a regional LTL carrier serving five Western states.

Requiring commercial drivers to drive while ill or fatigued violates the Federal Motor Carrier Safety Regulations. Retaliating against drivers who refuse to break those rules violates federal whistleblower laws enforced by OSHA.

Information on driver whistleblower rights is available at www.whistleblowers.gov.

NEW UNSAFE DRIVING VIOLATIONS ADDED TO CSA

The Federal Motor Carrier Safety Administration has expanded the list of "unsafe driving" violations tracked in the Compliance, Safety, Accountability (CSA) enforcement program.

The new violations are cited as:

- 392.2-INAT, *Inattentive Driving*; and
- 392.2-ML, *Failure to Maintain Lane*.

The new violations both carry a weight of 5 severity points in the CSA scoring system. They are among 44 total violations tracked in the Unsafe Driving category.

The 1% - What If We Took All Their Money?
(by Larry Dannemiller)

I'm not a young man, and I can honestly say this is the most bizarre race for President I have ever witnessed. The variety of skill sets of the candidates is breathtaking. As of this writing (day of voting in New Hampshire primary), we have a preacher, an acclaimed neurosurgeon, three U.S. Senators, two sitting Governors, one past Governor (whose brother and father also happened to be President), a past CEO of Hewlett Packard, a Donald Trump, and, of course, as in the past primary cycle, a woman with absolutely no known positive accomplishments, who is a known serial liar, is possibly subject to indictment, and who, because of marriage to a popular past President, was previously elected to the U.S. Senate and appointed Secretary of State.

To say the least, the cast of characters is interesting, and, to ignore "The Donald" for now, my favorite study is Bernie Sanders, who I would be glad to claim as my grandfather except that we are not that far apart in age. Bernie, in his baggy trousers, rumpled shirts and tousled hair, is just likeable and he tells the truth about his plans for America. And, among his many proposals, who wouldn't like free college, free healthcare, increased Social Security payments, paid family and medical leave, and increased minimum wages. The Wall Street Journal has estimated the cost of these programs to be an additional \$18 trillion over 10 years in addition to the current debt trajectory.

Is all this possible? No! We don't have the money; and I'm guessing Bernie knows this, as does Hillary, who, because of Bernie's success, is quickly scrambling to the left to out-Bernie, Bernie. They keep talking about the top 1%, as if we can get it all from them. The fact is the top 1% of taxpayers are already paying 38.1% of the entire U.S. tax bill, the top 10% are paying 68% of the bill, and the bottom 50% are paying 2.8%. If you took all the annual earnings (100%) from the top 1% you wouldn't pay off one year's deficit. So, it's nonsensical,

all talk,...all about votes - all about control.

Unfortunately, liberals can do this and we just accept that's what they do. Huggable grandfather types are just as dangerous as the screeching liars. Mark Twain said: *"It ain't what you don't know that gets you into trouble. It's what you know that just ain't so."* It has been suggested that liberals don't care what people do, as long as it's compulsory. Liberals are "pro-choice", but only about killing unborn babies; not about owning guns, driving SUV's, wearing fur, Christ on display at Christmas, building pipelines, school choice, or healthcare. I still don't see the value to our world that millions of Americans each week are sorting through their household trash as ordered by their local government. Control! It is obvious that H.L. Menschen was on target when he said the *"urge to save humanity is almost always a false face for the urge to rule it."*

And it's not just the democrats. They will never be able to spend as much money as they promise (because we would be bankrupt); and the conservatives will always spend more than they say they will. When I looked at the increases in deficit spending for the last six Presidents', it surprised me.

When Jimmy Carter came into office there was a deficit of \$689 billion to which (in 4 years) he added \$299 billion, an increase of 43%. Ronald Reagan (8 years) inherited a deficit of \$988 billion, added 1.8 trillion, an increase of 186%. Bush, H.W. (4 years) inherited a deficit of 2.8 trillion, added 1.5 trillion, an increase of 54%. Bill Clinton (8 years) added 1.4 trillion, an increase of 32%. George Bush (8 years), inherited 5.8 trillion, added 5.8 trillion, an increase of 101%. Barack O'Bama inherited 11.6 trillion and is estimated to add 9.2 trillion, an increase of 79%. So, we can ask, where are the good guys?

I feel I must be very careful with my vote this time. More than usual. Common sense tells us this can't continue forever. History tells us this can't continue forever. Hopefully, we don't wait until reality tells us - it didn't continue.



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