



DUMP TRUCK CARRIERS CONFERENCE

NEWSLETTER

VOL. 55

February 2012

FAVORITE ANIMAL

(I know this kid!)

Our teacher asked what my favorite animal was and I said, "Fried chicken." She said I wasn't funny, but she couldn't have been right, because everyone else laughed. My parents told me to always tell the truth. I did. Fried chicken is my favorite animal. I told my dad what happened, and he said my teacher was probably a member of PETA.

He said they love animals very much. I do, too. Especially chicken, pork and beef. Anyway, my teacher sent me to the principal's office. I told him what happened, and he laughed, too. Then he told me not to do it again.

The next day in class my teacher asked me what my favorite live animal was. I told her it was chicken. She asked me why, so I told her it was because you could make them into fried chicken.

She sent me back to the principal's office. He laughed, and told me not to do it again.

Today, my teacher asked us to tell her what famous person we admire most. I told her, "Colonel Sanders".....Guess where I am now.

DID YOU KNOW?

There have been inquiries about whether the U.S. Department of Justice advice to Federal prosecutors pursuing criminal cases will have an impact upon the DOT's longstanding regulation about the use of marijuana. The answer is no.

The DOT regulation under 49 CFR Part 40, at 40.151(e), does NOT authorize "medical marijuana" under a state law to be a valid medical explanation for a transportation employee's positive drug test result.

HOURS-OF-SERVICE

Some of the new rules are effective February 27, 2012, see Page 7.

QUOTABLE

Bum Phillips, Houston Oilers coach, when asked by Bob Costas in an interview why he takes his wife on all road trips:

"Well Bob, because she is too damn ugly to kiss goodbye."

GENERAL INFORMATION

STUDY AIMS TO LINK DRIVERS' PERSONAL TRAITS TO CRASH RISK

A new government survey of over 20,000 commercial drivers aims to study the link between drivers' personal traits and their ability to drive safely.

The Federal Motor Carrier Safety Administration says the survey is designed to "identify, verify, quantify, and prioritize commercial driver risk factors...such as demographic characteristics, medical conditions, personality traits, and performance capabilities."

Survey responses will be compared to driving records to look for links between driver characteristics and vehicle crashes.

The agency says the information will aid in development of "future safety initiatives."

DRIVERS ADMIT BEING DROWSY

Nearly all drivers (96 percent) feel that drowsy driving is an unacceptable behavior, yet almost a third (32 percent) admitted driving in the past month at times when they felt so tired that they had difficulty keeping their eyes open.

These surprising results are found in the AAA Foundation for Traffic Safety's 2011 safety culture survey. A study released last year by the AAA Foundation found that one of every six deadly crashes and one in eight crashes causing serious injury involved a drowsy driver.

CSA "CHEAT SHEETS" AVAILABLE

The Federal Motor Carrier Safety Administration has created a new "Resources Page" within the Compliance, Safety, Accountability (CSA) area of their Website. Inside that area is a grouping of fact sheets with answers to frequently asked questions regarding CSA, broken down by the seven BASICS: Vehicle Maintenance, Unsafe Driving, Crash Indicator, Fatigued Driving, Controlled Substances, Driver Fitness, and Cargo-related. Each fact sheet is available to be downloaded in PDF format. To find the fact sheets, go to <https://csa.fmcsa.dot.gov/>

IRS ISSUES MILEAGE RATES FOR 2012

The Internal Revenue Service recently issued the rates it will allow as income tax deductions for automobile miles driven after December 21, 2011, for business and other purposes. For 2012, the rate stays at 55.5 cents per mile, the same as it has been since last July. A deduction of 23 cents per mile will be allowed for medical or moving travel, and 14 cents per mile for charitable purposes.

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

DEADLINE FOR CDL/MEDICAL CARD MERGER RULE

January 30, 2012, was the deadline for states to begin identifying interstate CDL drivers, collecting their medical certificates, and entering their medical qualification status into their driving records. States have until January 30, 2014, to get all CDL drivers into the system.

January 30, 2014, is also the date when interstate CDL drivers will no longer have to carry their medical cards, and their employers will no longer need a copy of those cards in their drivers' files. Employers will instead need to obtain driving records to verify medical qualification.

All new licensees, including those applying for a commercial learner's permit and those seeking to renew or upgrade their license or permit, will need to provide their medical cards and/or other information to the state beginning January 30, 2012. Within two years after that, states will have to collect the same items from all existing licensees.

States are free to decide how they want to collect the required information from drivers. Some states are using a Website, others are using fax, mail, or in-person methods. States are also free to set their own fees.

TIPS FOR "SHARING THE ROAD" WITH DEER

(From the ATA Safety Management Council)

There are 1.5 million deer-vehicle collisions each year, resulting in 200 fatalities, tens of thousands of injuries, and over \$3.6 billion in vehicle damage. Here are some tips for drivers to keep in kind.

1. Wear your safety belt - It may not

prevent a collision, but it can help you maintain control of your vehicle and reduce injuries.

2. Take a moment to reflect - Look for the deer crossing sign and other indicators that deer might be present. Deer's eyes also brightly reflect a car's headlights. Anticipate, be ready.
3. Be super aware at dusk and dawn. Deer mating season is October to January and deer are most active at dusk and dawn - period when your vision is most compromised.
4. Watch for the rest of the gang - Deer are pack animals and rarely travel alone.
5. Stay in centermost lane if possible - On a multi-lane road, the center lane is your safest bet, as long as local traffic laws permit it. This gives deer plenty of space, and your more time to react.
6. Stay the course - If you see a deer, stay in your lane and don't swerve. Adjust speed for maximum control should you hit the animal.
7. Honk! - One long horn blast may scare deer out of the road. Don't rely on hood whistles or other deer-scaring devices. Studies show they are largely ineffective.
8. Beware of other drivers - You may know what to do but others do not. If the presence of deer is likely, slow down and be ready to stop or move over if another vehicle has hit, swerved to avoid, or stopped for a deer and/or is disabled.

GENERAL INFORMATION

NEW HEALTH COSTS HIT 81% OF CARRIERS

The recent 4th quarter national Business Expectations Survey by Transport Capital Partners (TCP) reveals over 80% of carriers report that recent health care changes will adversely affect them. "The cost pressure for driver health care and other employees' health care is just another balancing act challenging carriers this year during rate negotiations and amidst uncertainty in the general overall economy," said TCP Partner Richard Mikes.

TCP suggests that possibly the 19% who reported no effect are mostly independent contractor firms who are not seeing impacts immediately. "Ultimately, contractors must be compensated for the cost of their own health insurance or this source of capital and labor for the industry will continue to shrink," added Partner Lana Batts. "The survey continues to show less reliance on contractors, because they are simply less available."

Carriers are reacting by shifting more costs to employees (43%) and are asking employees to pay more for family coverage (37%). Twenty-nine percent are affected by increased costs, but still haven't developed an alternative plan. "With two-thirds of carriers telling us that driver wages must go up above \$60,000 to attract and retain drivers, it is likely that drivers will also put more emphasis on shipping for fringe benefit packages as part of the compensation mix in the future, especially as the effects of health care change reverberate through the economy," Mikes concluded.

OSHA ORDERS TRUCKING COMPANY TO REINSTATE WHISTLEBLOWER

A Knoxville-based motor carriers has been ordered to reinstate a driver who was allegedly fired for complaining about vehicle defects.

The company also has to pay the driver more than \$62,000 in damages plus more than two years of back wages, interest, benefits, and attorney's fees.

The U.S. Occupational Safety and Health Administration (OSHA) says the company, a contract mail carrier for the U.S. Postal Service, violated the employee's whistleblower rights under federal law.

In 2009, the employee was assigned to deliver a truckload of U.S. mail to Michigan when he found that his assigned trailer had a broken light. After complaining, the light was repaired and the delivery made. The employee had complained about similar mechanical failures in the past, so he informed his employer that he would not drive trucks with such defects in the future.

ARE YOU A HAZ-MAT CARRIER?

FMCSA has officially confirmed a change in Haz-Mat status determination. In a 2011 Safety Measurement System (SMS) release, the agency refined the criteria that determines which carriers are subject to the more stringent Haz-Mat intervention threshold, allowing FMCSA to more accurately identify those carriers that transport placardable quantities.

While your status used to be determined by what you put on your MCS-150 form, now the threshold applies under CSA if any of these criteria are met:

- You've been inspected in the past 24 months where a placardable quantity of HM was identified.
- A review or safety audit in the past 24 months showed you as carrying a placardable quantity of HM.
- You have an HM permit.

GENERAL INFORMATION

ARE YOU A HAZ-MAT CARRIER?

(Continued)

Carriers should make sure of their status because there are more stringent intervention thresholds in all seven BASICs for HM carriers, and just one inspection or investigation could change your HM status for 24 months. Check your status at <http://ai.fmcsa.dot.gov/sms>.

FMCSA ENFORCEMENT CASES

The following are some recent enforcement cases handled by the Federal Motor Carrier Safety Administration:

1. Earlier this year, a small motor carrier was charged with one count each of the following violations:

- 49 CFR 382.301(a) - Using a driver before receiving a negative pre-employment drug test result;
- 382.305 - Failing to implement a random drug and/or alcohol testing program; and
- 396.11(a) - Failing to prepare driver vehicle inspection reports.

Total civil penalty: \$1,990

2. Another small for-hire carrier was recently charged with one count each of the following violations:

- 49 CFR 382.303(a) - Failing to conduct post-accident alcohol testing;
- 382.303(b) - Failing to conduct post-accident drug testing;
- 383.5(a) - Knowingly allowing or requiring a disqualified driver to

drive a commercial motor vehicle; and

- 390.35/382.303 - Knowingly falsifying post-accident drug and alcohol testing forms.

Original civil penalty: \$19,750

Settled amount: \$11,000 for failing to conduct post-accident testing (the other 2 charges were dropped). The carrier is also required to provide training to its employees on post-accident testing.

DRIVER IN FATAL CRASH PLEADS GUILTY TO LOG FALSIFICATION

A commercial driver who caused a fatal accident on I-76 outside Philadelphia has pled guilty to 15 counts of log falsification.

The defendant allegedly falsified his records of duty status (logs) 15 times between December 20, 2008, and January 23, 2009, the date of the accident. Sentencing is set for March 13, 2012.

The driver caused a multi-vehicle crash on the Schuylkill Expressway eastbound near the Conshohocken curve during rush hour traffic when he struck another vehicle, killing the driver and seriously injuring the passenger.

SPEED TRENDS

The Commercial Vehicle Safety Alliance (CVSA) recently released results from its 2011 Operation Safe Driver campaign, which ran October 15-22. During that period, 3,805 law enforcement officers pulled over nearly 44,000 commercial and passenger vehicles and found that the top three reasons for issuing warnings and citations to both commercial and non-commercial drivers were, in order: speeding, failure to obey traffic control devices, and failure to use a safety belt.

GENERAL INFORMATION

PRELIMINARY DATA REVEALS FATAL TRUCK CRASHES ROSE IN 2010

After declining dramatically in 2009, preliminary highway crash data for 2010 shows a rise in fatalities resulting from large truck crashes, generating debate about what the numbers really mean.

The National Highway Traffic Safety Administration (NHTSA) reports that there was an 8.7-percent increase in the number of people killed in crashes involving large trucks, from 3,380 recorded in 2009 to 3,675 in 2010.

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.

PEOPLE KILLED IN LARGE-TRUCK CRASHES				
TYPE	2009	2010	Change	% Change
Truck Occupants	499	529	+30	+6.0%
Single-Vehicle	333	337	+4	+1.2%
Multi-Vehicle	166	192	+26	+16%
Other Vehicle Occupants	2,558	2,790	+232	+9.1%
Non-Occupants	323	356	+33	+10%
Total	3,380	3,675	+295	+8.7%

Source: NHTSA

On the other hand, fatalities in large-truck crashes increased in all categories - large-truck occupants, occupants of other vehicles, and non-occupants. The greatest percentage increase can be seen in the number of large-truck occupants killed in multi-vehicle crashes, 16 percent.

American Trucking Associations (ATA) President and CEO Bill Graves urged policymakers to avoid jumping to conclusions about the data.

"Without more information and analysis...it is difficult to draw conclusions about what this preliminary data means," Graves said. "We would hope that policymakers will avoid the "error of recency," by over-emphasizing the newest data at the expense of the overall, long-term trend, which has been overwhelmingly positive."

The uptick in fatalities did not escape the notice of the Federal Motor Carriers Safety Administration (FMCSA), which is relying on fatality figures to some degree to justify changes in its Hours-Of-Service rules.

GENERAL INFORMATION

OVERVIEW OF THE NEW HOURS-OF-SERVICE RULES

The rule was published in the *Federal Register* on December 27, 2011, and became effective on February 27, 2012. However, motor carriers are not required to comply with most provisions until July 1, 2013, although early compliance is allowed at any time.

Beginning February 27, 2012:

- Time spent resting in a *parked* commercial motor vehicle (CMV) of any type, for any length of time, can be logged as "off-duty". Previously, such time had to be recorded as "on-duty" unless the vehicle was being used for personal conveyance. This change will be especially useful for drivers who don't have access to a sleeper berth. Like other short periods of rest, this off-duty time will NOT stop the 14-hour clock. In addition, this option cannot be used by drivers who are required to "attend" hazardous materials under 49 CFR Sec. 397.5.
- Up to 2 hours spent riding in the passenger seat of a *moving*, property-carrying CMV immediately before or after spending at least 8 consecutive hours in a sleeper berth can also be logged as "off-duty." This will especially benefit team drivers who may not want to spend 10 consecutive hours in a sleeper berth. Additional hours beyond two, spent in the passenger seat, will have to be logged as "on-duty" unless the vehicle is stopped.
- Drivers who exceed the 11-hour driving limit by more than 3 hours - and carriers that allow them to do so - will have committed an "egregious" violation that could result in the maximum penalties allowed by law.

Beginning July 1, 2013:

- Drivers will only be allowed to drive a CMV if they have had a rest break of at least 30 minutes within the past 8 consecutive hours. This is not only a "break" from driving, but a complete break from all responsibilities. The break can be spent off-duty and/or in a sleeper berth, and will count against the 14-hour limit. In most cases, a meal break, time spent waiting (while free of all responsibilities), or any other half-hour rest period will satisfy the requirement. In addition, certain drivers attending loads of explosives can use "attendance" time for the break.
- A 34-hour restart will only be valid if it includes two nighttime periods of rest from 1:00 a.m. to 5:00 a.m., based on the time standard at the driver's home terminal. That is, the rest break needs to include the 28-hour stretch from 1:00 a.m. on one day until 5:00 a.m. the following day. For example, staying off-duty from 7:00 p.m. on Friday until 5:00 a.m. on Sunday (34 hours) would be a valid restart period, but 2:00 a.m. on Saturday until 4:00 a.m. on Monday (50 hours) would not, because it only includes one period from 1:00 a.m. to 5:00 a.m. The 34-hour restart will remain optional, not required.
- Drivers will be limited to one 34-hour restart each week. Specifically, a driver cannot start a new 34-hour "restart" break until 168 hours (7 days) have passed since the beginning of his/her last restart break.



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.
P. O. Box 870
Mt. Vernon, Ohio 43050-0870
(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 EXCAVATING, INC.
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