



DUMP TRUCK CARRIERS CONFERENCE

NEWSLETTER

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CAN'T TRUST THEM MARINES!

A large group of ISIS fighters in Iraq are moving down a road when they hear a voice call from behind a sand dune: "One Marine is better than ten ISIS fighters."

The ISIS commander quickly orders 10 of the best men over the dune where a gun battle breaks out and continues for a few minutes, then the voice once again calls out: "One Marine is better than one hundred ISIS 'S.O.B.'s".

Furious, the ISIS commander sends his next best 100 troops over the dune and instantly a huge gun fight commences. After 10 minutes of battle, again silence.

The voice calls out again: "One marine is better than a thousand ISIS fighters." The enraged ISIS commander musters 1,000 fighters and sends them to the other side of the dune. Rifle fire, machine guns, grenades, rockets, and cannon fire ring out as a terrible fight is fought...then silence.

Eventually, one badly wounded ISIS fighter crawls back over the dune and with his dying words tells his commander, "Don't send any more men...it's a trap. There's two of them."

DID YOU KNOW?

Pre-Trip Inspection List

The list of parts to be inspected before driving a commercial motor vehicle has been amended.

The Federal Motor Carrier Safety Administration (FMCSA) revised the Pre-Trip Inspection List in 49 CFR Sec. 392.7 to make it consistent with the Post-Trip Inspection List in Sec. 396.11.

The following items were added to the Pre-Trip Inspection List effective December 18, 2014:

- Wheels and rims, and
- Emergency equipment

QUOTABLE:

"When Clinton became secretary of state and said she would build strong relations with foreign countries, she really meant it"

- *National Review*
May 2015

GENERAL INFORMATION

OWNER GETS JAIL TIME FOR VIOLATING OOS ORDER

The owner of a Tennessee-based motor carrier was sentenced in January to 3 months in jail, 12 months of supervised release, and a \$5,000 fine after pleading guilty to violating an "imminent hazard" out-of-service order.

The Federal Motor Carrier Safety Administration (FMCSA) shut the livestock hauler down, citing an imminent hazard to public safety due to numerous safety violations.

In August 2012, the FMCSA had to issue the company another out-of-service order after finding that it continued to operate under the name and authority of another carrier, which is a criminal act.

The owner of the second motor carrier was sentenced in November to 12 months' probation.

DRIVER PLEADS GUILTY TO LYING ON APPLICATION

If you needed another reason to do thorough background checks when hiring drivers, look no further than the South Carolina man who recently pled guilty to lying on his employment application.

When applying for a driving job, he listed no accidents on his application even though he was involved in a fatal accident just two months earlier that resulted in his being charged with reckless homicide and possession of an open alcoholic beverage.

The company hired him. Just one week later, he was driving a commercial vehicle in Georgia when he was stopped and charged with driving while under the influence of alcohol.

Under federal regulations, drivers are required to list three years' worth of accidents on their employment applications.

On January 26, 2015, the driver pled guilty in federal court in Raleigh, North Carolina, for making false statements on a commercial driver employment application.

Motor carriers can use the on-line Pre-Employment Screening Program (PSP) to obtain five years of crash data for their applicants, but use of the PSP is optional.

9/30/2015 ELD RULE

The FMCSA is tentatively planning to issue its final rule on electronic logging devices by the end of September, though Congress wants the rule done by June. The industry is expected to have two years to install and begin using the devices once the final rule takes effect.

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GENERAL INFORMATION

DRUNK DRIVING DECREASES, DRUG USE INCREASES

Drunk driving is on the decline but use of marijuana and prescription drugs is increasingly prominent on the nation's highways, according to a new study by the National Highway Traffic Safety Administration (NHTSA).

The number of drivers with alcohol in their system has declined by nearly one-third since 2007, and by more than three-quarters since the first survey in 1973.

But that same survey found a large increase in the number of drivers using marijuana or other illegal drugs. In the 2014 Roadside Survey of Alcohol and Drug Use by Drivers, nearly one in four drivers had some type of illegal drug in their system.

8 Percent

The survey shows that about 8 percent of drivers during weekend nighttime hours were found to have alcohol in their system, and just over 1 percent were found with 0.08 percent or higher breath alcohol content - the legal limit in every state. This is down by about 30 percent from the previous survey in 2007 and down 80 percent from the first survey in 1973.

The number of weekend nighttime drivers with evidence of drugs in their system climbed from 16.3 percent in 2007 to 20 percent in 2014. The number of drivers with marijuana in their system grew by nearly 50 percent.

The National Roadside Survey, conducted five times over the last 40 years, is a voluntary, anonymous survey that gathers data in dozens of locations across the country from drivers who agree to participate.

MARIJUANA USERS MORE LIKELY TO CRASH

Marijuana users are more likely to be involved in accidents, a new study has found, but the increased risk may be due in part to the fact that marijuana users tend to be young men who are already at higher risk of crashing.

The National Highway Traffic Safety Administration (NHTSA) says the study was the largest of its kind ever conducted. Other studies using driving simulators and test tracks also found that marijuana at sufficient dosage levels will affect driver risk.

"Drivers should never get behind the wheel impaired, and we know that marijuana impairs judgment, reaction times, and awareness," said Jeff Michael, NHTSA's associate administrator for research and program development. "These findings highlight the importance of research to better understand how marijuana use affects drivers so states and communities can craft the best safety policies."

Marijuana use is prohibited for commercial motor vehicle drivers, even in states where marijuana is legal.

The study gathered data over a 20-month period from more than 3,000 drivers who were involved in crashes, as well as a comparison group of 6,000 drivers who did not crash.

Results show that marijuana users were about 25 percent more likely to be involved in a crash than drivers with no evidence of marijuana use.

The study also assessed the risk of drunk driving and found that drivers who had been drinking above the 0.08 percent legal limit had about 4 times the risk of crashing as sober drivers. Those with blood alcohol levels at 0.15 percent or higher had 12 times the risk.

GENERAL INFORMATION

HANDS-FREE DEVICES MAY BE WORSE

A majority of drivers think that hands-free technology is safe to use, but new research from the AAA Foundation for Traffic Safety has found that these popular devices may actually

increase mental distraction.

AAA used a four-category rating system, similar to that used for hurricanes. The accompanying table summarizes their results.

Level of Dis- traction Category	Activity
1	<ul style="list-style-type: none"> ● Listening to the radio
2	<ul style="list-style-type: none"> ● Talking on hand-held or hands-free cell phone ● Using in-vehicle technologies to listen to messages
3	<ul style="list-style-type: none"> ● Using an error-free speech-to-text system to listen to and compose e-mails or texts ● Using voice recognition software with low accuracy and reliability ● Composing text messages and e-mails using in-vehicle technologies
4	<ul style="list-style-type: none"> ● Using a popular voice-activated "personal assistant" app to perform hands-and eyes-free tasks including using social media, sending texts, and updating calendars

"Technologies used in the car that rely on voice communications may have unintended consequences that adversely affect road safety," said Peter Kissinger, President and CEO of the

AAA Foundation for Traffic Safety. "The level of distraction and the impact on safety can vary tremendously based on the task or the system the driver is using."

NEW-DRIVER TRAINING RULES (Maybe)

Yet another new committee has begun work on something the DOT has been unable to accomplish for nearly a quarter century - coming up with entry-level driver training rules that everyone can agree with.

The new committee is part of the FMCSA's "negotiated rulemaking" process, where diverse interests come together to reach a consensus that will guide the development of new regulations.

Among the many topics the committee will address:

- Length of classroom instruction and behind-the-wheel experience;
- Accreditation versus certification of commercial driver's license training programs and schools;

- Curricula for passenger, property, and hazardous materials carriers' and
- Instructor qualifications.

In 1991, Congress gave the DOT two years to write rules on entry-level driver training. So far, the only such rules are those in 49 CFR Part 380 requiring classroom training in just four subject areas, with no behind-the-wheel component. (I wonder if anybody on any of these committees has ever driven a commercial vehicle?)

The FMCSA says it plans to issue a proposed training rule by the fall of this year, with a final rule expected in 2016.

The only question I have is: Do you think these people get paid? The answer is: Yes, very well!

GENERAL INFORMATION

HOW MUCH DO YOU KNOW?

Want to see how much you know about the U.S. transportation system? Take the quiz below based on data taken from the DOT's 2015 Pocket Guide to Transportation, which is available on-line at <http://1.usa.gov/1B2bVQ2>.

1. How many public road lane-miles are there?
2. How many bridges are there?
3. How many trucks?
4. How much of the national highway system is deemed to be in "good" condition?
5. How many tons of freight are shipped by truck?
6. What is the top truck port of entry into the U.S.?
7. How many heavy-truck occupants died in 2012?
8. How many heavy-truck occupants were injured in 2012?
9. How many bus occupants were injured?
10. How many trucks miles traveled in 2013?

ANSWERS: 1. 8,606,003 (enough to circle the Earth about 345 times); 2. 607,378; 3. 10,659,380; 4. 60%; 5. 13.8 billion tons; 6. Laredo, TX (1.8 million trucks per year); 7. 697; 8. 25,000; 9. 12,000; 10. 275,018,000,000 (enough to circle the earth over 10 million times).

KENTUCKY TRAINING REQUIREMENT

(Could This Come To Ohio?)

Certain Kentucky-based motor carriers are

now required to complete an annual training course in order to apply for or renew vehicle registration.

Kentucky regulation 601 KAR 1:230 applies to:

- A motor carrier that registers or renews a Kentucky International Registration Plan (IRP) license plate; or
- An intrastate motor carrier that registers or renews a motor vehicle with a gross weight in excess of 26,000 pounds.
- The regulation requires that a representative of the motor carrier complete a state-approved training program that includes either a minimum of four hours of classroom training or a minimum of two hours of on-line training.
- Carriers may select a training topic from a number of safety areas including driver safety training, motor carrier safety, hazardous materials, and workplace safety.
- The motor carrier representative may be the owner of the company, an individual responsible for safety management, or another person with the company assigned by the safety officer to be trained. An independent contractor or consultant is not considered a motor carrier representative.
- Currently, the Kentucky Motor Transport Association (KMTA) is the only state-approved training provider. For more information, visit the KMTA website: <http://new.kmta.net>.

GENERAL INFORMATION

HOS WHISTLEBLOWER NETS JOB, \$230,000 IN DAMAGES

Tattling on a fellow employee who violates the Hours-Of-Service rules is a protected activity, as one Arizona-based motor carrier can attest.

A dispatcher was fired after raising the issue that a driver exceeded the driving limits. The company has been ordered to re-instate his job and pay over \$230,000 in back wages and damages.

The Occupational Safety and Health Administration (OSHA) says the company violated federal whistleblower laws when they terminated the dispatcher in 2011. He was responsible for routing, dispatching, and managing driver performance at the company.

"An employee's right to report safety concerns without fear of reprisal contributes to maintaining a safe and healthy workplace for all workers," said Barbara Goto, acting OSHA regional administrator in San Francisco. "Employers need to recognize that employees can report safety issues outside of their immediate departments and still be protected from retaliation."

The company has filed an objection and requested a hearing before a U.S. Department of Labor Administrative Law Judge.

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

FMCSA WANTS MORE TRAFFIC STOPS

The agency is offering free training materials to all law enforcement agencies, encouraging them to pull over large trucks and buses whenever traffic violations are observed.

The training is aimed at traffic enforcement officers who are not normally trained to stop and inspect commercial motor vehicles.

"Experience has shown (that) most law enforcement officers assigned with traffic enforcement responsibilities are reluctant to conduct a vehicle stop of a large truck or motorcoach after observing either or both an illegal or unsafe driving behavior," the FMCSA wrote. "This reluctance is grounded in both a lack of knowledge and skills relating to these types of vehicle stops."

Traffic stops are important, the FMCSA says, because "many preventable crashes result from an illegal action or unsafe behavior, such as speeding, distracted driving, or following too closely, by one or more of the vehicles involved in these crashes."

The agency's new "Large Truck and Bus Traffic Enforcement Training" program is designed to increase officers' knowledge about the dangers of unsafe driving by large trucks and buses.

The training materials are available online at <http://1.usa.gov/1bcsYqc>.

CLP MEDICAL CARDS

Beginning July 8, 2015, commercial learner's permit (CLP) holders will no longer need to carry their medical certificates for more than 15 days. As with CDL holders, employers of CLP drivers will need to obtain and retain their driving records to verify medical certification.

DRUG & ALCOHOL CLEARINGHOUSE

A final rule to establish a clearinghouse of CDL drivers who have tested positive on DOT drug or alcohol tests is projected to be published in mid-December.

SHOULDN'T OHIO BE A "RIGHT-TO-WORK" STATE? *(by Larry Dannemiller)*

While John Kasich has held the position that he is not interested in Right-To-Work laws, it seems that Ohio is a perfect candidate for this legislation. Republican majorities dominate both branches of the legislature. In the last three years, states in our back yard, Indiana, Michigan, and Wisconsin, all states that are union oriented, have passed Right-To-Work laws. Interestingly, Kasich says "it is not on his agenda". "Right now we have labor peace",... the exact sentiments expressed within the last three years by Governor Daniels of Indiana, Snyder of Michigan, and Walker of Wisconsin.

A Right-To-Work law guarantees that no person can be compelled as a condition of employment to join or not to join, nor to pay dues to a labor union. Section 14(b) of the Taft-Hartley Act affirms the right of states to enact Right-To-Work laws. The 25 states which, to date, have passed Right-To-Work laws are:

Alabama, Arizona, Arkansas, Kansas, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Michigan, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming.

There is no doubt that compulsory unionism, when applicable, bears substantial responsibility for the Tax-and-Spend policies of the U.S. Congress. Under their federally-granted coercive powers, union officials collect some \$4.5 billion annually in compulsory dues and funnel much of it into unreported campaign operations to elect and control congressional majorities dedicated to a pro-union and liberal agenda.

Because of the "Exclusive Representations" clause, given by federal law, that empowers union officials to represent all employees in a bargaining unit, a dues paying member has absolutely no voice in how the dues are allocated. In fact, we all know you are almost surely financing the political campaign of the

democratic contender for office. If you are an Independent or a Republican, this doesn't feel good, and, as a matter of equity and just plain fairness, it is wrong.

Right-To-Work states have a significant advantage in convincing companies to move to their state. The most famous recent example: when Boeing made a decision to build another plant, they also made the decision to build it in North Carolina, a Right-To-Work state, instead of in their headquarters state, Oregon,. It was worth a fight!

According to data from the Bureau of Labor Statistics, Right-To-Work states clearly outperform the rest in attracting new or relocating business. While the initial rate of worker pay may be less, workers in those states saw their incomes grow faster, and job growth was more than twice the non Right-To-Work states. Does anyone doubt that the management of any medium to large company looking to build or relocate a plant would first note which of the candidate states were Right-To-Work?

So, why is Kasich, a conservative by most measures, reluctant to initiate legislation that would surely benefit the State of Ohio? Could it be that he still feels the sting from the debacle in 2011 when he successfully backed, and signed into law, Senate Bill 5, which restricted the more ridiculous bargaining options of some public union employees, only to have it reversed by the Issue 2 referendum when they didn't campaign early and hard enough to overcome a fierce union onslaught. Or, could a desire for labor peace be somehow entwined with a possible Presidential run in 2016.

Whatever the reason, it seems clear that with two Right-To-Work states on our border, and another nearby that is run by Scott Walker, a certain Presidential contender, Kasich would benefit the State of Ohio and potentially himself by pressing to eliminate the competitive barriers and personal liberty issues that our present labor laws stifle.



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