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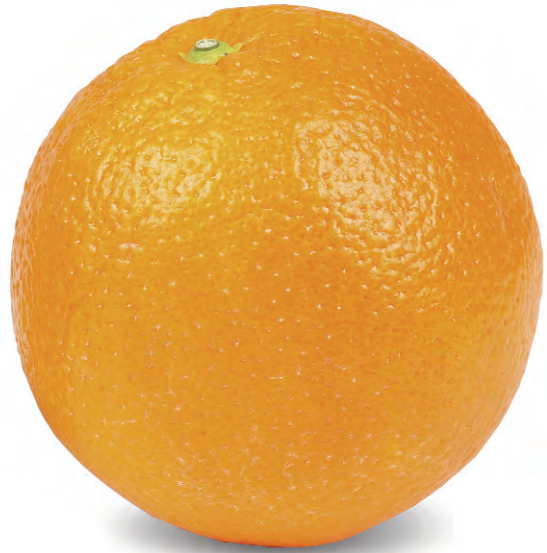
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'Put it on a paycheck'

14 OOIDA says the way to retain drivers is through pay, parking, and fewer regulations.



20 Truck parking



24 Driver training rule

18 Supply chain issues draw FTC's attention

BY MARK SCHREMMER

20 Truck parking: A lesson in patience

Meaningful action addressing the truck parking crisis is driven by a slow-moving but powerful machine.

BY TYSON FISHER

36 Relentless attack

Teamsters, safety groups challenge changes to hours of service targeting the short haul and break provisions. BY MARK SCHREMMER

38 Crash data questions efficacy of safety regulations

Numbers from FMCSA's Large Truck and Bus Crash Facts add up to bad news for proponents of certain trucking regulations.

BY TYSON FISHER

40 Do we really need a mandate for automatic emergency braking?

BY JOHN BENDEL

Opinion

10 OOIDA's no-driver-shortage message gets mainstream media traction

BY MARK SCHREMMER

11 There is nothing 'unskilled' about driving a truck

BY GREG GRISOLANO

FEDUP

22 OOIDA President Todd Spencer relays Driver Subcommittee report to FMCSA committee

24 OOIDA hopes agency improves on new driver training rule

25 Is your rear-impact guard compliant?

26 Supreme Court showdown

28 What does the infrastructure law mean for truckers?

OOIDA's leaders weigh in

29 FMCSA audit highlights cybersecurity concerns

30 Joshi leaves FMCSA; DeFazio announces retirement.

STATELINE

31 OOIDA continues fight for fair towing prices in West Virginia

32 CARB mandates twice-a-year smog inspections

32 Georgia Supreme Court says no ordinance, no boot

33 RIDOT bills four-wheelers for truck-only tolls

34 State Watch

35 Four states seek fuel tax rate changes

2022 POLITICAL PLAYBOOK

Get your game plan for the new season

- 44** Repetitive message remains true
- 46** Get the ball rolling in D.C.
- 47** Your shot at shaping a regulation's future
- 48** OOIDA's Call to Action
- 49** Changing the game
- 50** State Legislative Guide





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Departments

8 **EDITOR'S DESK**

72 **WRENCH TECH**

76 **TRUCKING & TAXES**

78 **ROAD LAW**

86 **OOIDA GEAR**

87 **CLASSIFIEDS**

92 **COOL STUFF**

96 **EVENTS CALENDAR**



26

Supreme Court showdown



40

Automatic emergency braking



54

Truckload of Toys



The card that pays you back!

See pages 64-65

42 Rogel Aguilera-Mederos, a victim of a broken system

BY LEWIE PUGH

52 Worth the wait

After postponing twice, the Mid-America Trucking Show is gearing up to celebrate its 50th anniversary.

53 Clock is ticking for truckers with ELDs on a 3G network

54 Truckload of Toys

Some ill children received a gift from some superheroes, including a few truckers. BY TYSON FISHER

56 Driving for Excellence

Reddell honored with 2021 Transition Trucking award.

57 Pilot Flying J picks latest Road Warrior winner

58 A tradition of giving

This year's effort resulted in a total of \$32,300 in donations for active troops and military veterans from nearly 2,000 participants. BY SJ MUNOZ

60 This truck's a 'Badass'

That's what Autocar calls its DC-64D, but it drives rather agreeably. BY TOM BERG

62 TuSimple claims completion of first driverless truck run on public highways

BY TYSON FISHER

67 Bill aims to prevent staged crashes, insurance fraud

68 Mafia Secrets

Ring of Fire. BY BRYAN MARTIN

70 Owner-operators happier with job than company drivers

BY TYSON FISHER

74 Induced demand sounds good in theory but leaves truckers in a jam

Widened highways may attract more traffic, but they don't create it.

BY JOHN BENDEL

79 OOIDA discusses steps to take before and after a crash

BY SJ MUNOZ

80 OOIDA on the Road

Keep an eye peeled for The Spirit in the Southeast U.S.

81 Crane company fined \$24K for HOS violation

82 Dashboard Confidential

Older but not in the way. BY DAVE SWEETMAN

83 Regulators to evaluate Tesla video game feature

BY TYSON FISHER

84 Slight Detour

Diesel sausage, the Mad Manure Bomber and 'woman bites camel.'

BY GREG GRISOLANO

94 OOIDA Life and Senior Members

98 Roses & Razzberries

BY SJ MUNOZ

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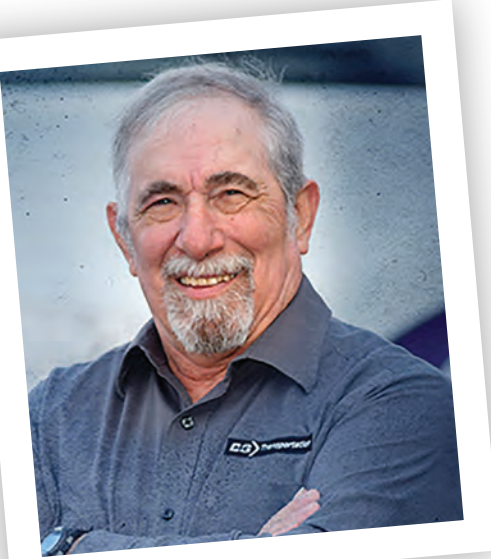
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What the actual PUC?

Recently, I recalled a talk given by Craig Groeschel at last year's Global Leadership Conference. He talked about the challenges the pandemic

has brought and tried to find a single word to describe it.

There really wasn't one, in his mind, so he made one up: PUC. Now this guy is a pastor, so hearing him say he liked it because it sounded like other



Jami Jones
Managing Editor

negative words was funny. And, of course, everyone laughed. He claims it reminded him of words like stuck, suck, etc. But... well, I'm laboring too long on that part.

What PUC stands for is "pain, uncertainty and chaos." I have to think he did a pretty good job of summing up life since the pandemic hit.

There were two very big takeaways for me in his talk. When you find yourself in a PUCy (see what I did there) situation, the only way to grow is to go through it, not tap out of it. And, in doing that, when you face the uncertainty what's most important becomes clear.

The pain, uncertainty and chaos of the supply chain disruption has done just that. For truckers continuing to slug away, without the hero fanfare of a couple years ago, what is important is not only clear to them, but it's becoming clearer to those who can actually do something about it.

The Owner-Operator Independent Drivers Association has capitalized

on the eye opening of regulators and lawmakers.

Senior Editor Mark Schremmer breaks down how all of the talk around supply chain disruptions has given OOIDA that much needed platform to call for a number of reforms – reforms desperately needed for decades. His report starts on Page 14.

One of those needed reforms that got a lot of attention in 2021 and is continuing to in 2022 is the need

The Owner-Operator Independent Drivers Association has capitalized on the eye opening of regulators and lawmakers.

for more truck parking. Again, this is a decades old problem, but the attention and some attempts at action are very new. On Page 20, Staff Writer Tyson Fisher details how the battle for more funding for actual truck parking is a lesson in patience. It's one where there's more than one way to move the needle forward – and truckers are doing that.

There was a third takeaway for me in the PUC talk, and that is "the cost of inaction is almost always greater than the cost of a mistake."

That's something that regulators,

lawmakers – and truckers – need to let sink in.

"The cost of inaction is almost always greater than the cost of a mistake."

The February issue is our annual "call-to-advocacy issue." It's taken a lot of different forms over the years to try to inspire you, dear readers, to get involved in the regulatory and legislative process. To be your own advocates and join in the OOIDA led fight to improve the lives of all truck drivers.

State Legislative Editor Keith Goble puts together an easy-to-follow, comprehensive playbook for getting involved. It starts on Page 44. There are also some words of advice from OOIDA Director of Government Affairs Collin Long. The Association's D.C. team has its finger on the pulse of Congress. Read his words carefully.

One side note I want to add to this call to action. There are a lot of pages full of opportunities to get involved. Do not let it overwhelm you. Do not feel like you have to be third-down-and-long intense about it.

You can start small. Make a few phone calls and start building a relationship with the trucking legislative aid for your representative and senators. Gain their trust and respect. Start emailing them articles from (shameless plug) Land Line on issues important to you. It's a matter of minutes not days that can start change. And remember, "the cost of inaction is almost always greater than the cost of a mistake." Instead of asking what the PUC, take a little action. **LL**

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— Jorge Ramos, El Poderoso Trucking



Mark Schremmer
Senior Editor

OOIDA's no-driver-shortage message gets mainstream media traction

Over the summer, you would have been hard-pressed to find a single news article from the mainstream media about the trucking industry that didn't include references to a driver shortage.

The headlines during that time were dominated by such provocative tales as one trucking company offering to pay \$14,000 per week because the nationwide truck driver shortage had gotten so bad.

Really, the American Trucking Associations' claim of a driver shortage has been the message relayed by mainstream media for years. ATA would issue a report that says the industry is short tens of thousands of drivers and the shortage will reach six figures in the next decade. Then lawmakers would repeat those claims at House and Senate hearings, and reporters would write about the truck driver shortage as fact.

The Owner-Operator Independent Drivers Association, of course, refuted those claims for years. But, too often, the truck drivers' side of the story didn't make it into the largest newspapers, magazines and news websites.

That has finally started to change.

Check out some of these headlines published in November and December:

- *Experts say American trucker shortage is overblown* – Business Insider
- *Trucker shortage? It's a point of debate amid supply chain jam* – Roll Call
- *There is no truck driver shortage in the U.S.* – Quartz
- *The great American trucker shortage isn't real* – Time
- *'If the job that you're offering sucks, is the solution really to go find more suckers?'* – Market Watch
- *Trucker on driver shortage: 'They can't support their families'* – Business Insider
- *Blame big trucking for the driver shortage* – Wall Street Journal
- *Take it from a trucker: There's no trucker shortage.* – Newsweek

Of course, you can still find plenty of mainstream news articles making claims of a truck driver shortage, but the

above sampling of headlines marks a major shift in the narrative. Instead of just relaying ATA's message of a driver shortage and promoting such "solutions" as allowing 18-year-olds to drive long haul or automation, more reporters are starting to ask questions and reach out to such organizations as OOIDA for answers.

Many recent news articles have quoted OOIDA and other trucking experts who say the issue is more of a driver retention problem because of low pay and difficult working conditions. They cite a driver turnover rate of 90% or larger among the large fleets.

"If the job that you're offering sucks, is the solution really to go find more suckers, or should you improve the job so people will come and stay?"

– OOIDA President Todd Spencer

• *"Most of the very people saying we have the shortage know exactly how to correct the turnover problems. They just choose not to do it."* – OOIDA President Todd Spencer

• *"What they really need is really cheap, really flexible drivers."* – Steve

Viscelli, economic sociologist at the

University of Pennsylvania

• *"I think if consumers really understood what it was like for the truck drivers who deliver all their goods, they might be a little embarrassed or ashamed."*

– David Correll, a research scientist at MIT's Center for Transportation and Logistics

• *"There's no shortage of workers. That's the narrative that gets propagated by industry leaders."* – Mike Chavez, executive director of the Inland Empire Labor Institute

The inspiration for the MarketWatch headline also came from OOIDA's Spencer.

"If the job that you're offering sucks, is the solution really to go find more suckers, or should you improve the job so people will come and stay?"

In recent months, Spencer also appeared on CNN to let the public know the driver shortage is a myth, and OOIDA Executive Vice President Lewie Pugh spread the news on the "Glenn Beck Program."

Now is the time for truck drivers to capitalize on this momentum. Reach out to your lawmakers and send them a link to one of these articles. Let them know that the issue is a retention problem and can only be fixed by taking steps to make truck driving a more lucrative and attractive career. **LL**



Greg Grisolano
Digital Content
Editor

There is nothing ‘unskilled’ about driving a truck

The biggest misconception about driving a truck is that it’s “unskilled labor.”

That’s my not-exactly-an-expert opinion, having spent almost a decade covering the industry. People who aren’t in trucking (and even some of those who are, but don’t drive) have this misconception that anybody can drive a truck.

Don’t just take my word for it. Consider how little training it takes to become licensed to operate one. Prior to the new entry-level driver training rule that went into effect in early February, there was no minimum standard.

Even with the new rule in place, there’s still no minimum requirement for real-world, practical experience on the road. There are no endorsements for or certifications for navigating tough terrain like mountains, or inclement weather, like driving through a whiteout or black ice.

The way we license commercial operators in this country reinforces the attitude that it doesn’t take much to drive a truck.

Which, almost anyone who’s spent time doing the job can tell you, is a load of bull. It takes a tremendous amount of skill to safely pilot tens of thousands of pounds of vehicle and payload safely and securely. It’s a point of great pride among the thousands of drivers I’ve spoken with over the years.

And I agree with them. Not just anybody can do this job.

I’ve often marveled at the disconnect between the way the public perceives airline pilots and truck drivers.

Pilots are generally held in high esteem. Flying planes isn’t considered a job. It’s a career. It is the sort of thing your grandma might gush about to the ladies in her Sunday school class.

“Did I tell you my grandchild is a pilot now?”

Grandma should be just as proud to say that grandkid drives truck for a living.

Why this disconnect, though? I think it comes back to the training issue.

Pilots undergo rigorous training before they get in the cockpit. And even though today’s airplanes are highly sophisticated, technological marvels capable of a high degree of autonomy, they still rely on human pilots. That is especially in case something goes wrong with all the expensive, high-tech equipment on board.

Not coincidentally, pilots are typically well-compensated.

OOIDA continues to try and steer the conversation about autonomous vehicles along these lines: There is never going to be a substitute for a well-trained professional behind the wheel.

So why aren’t industry voices united in that message? Why does it seem like the drivers – who should be seen as the most indispensable part of the operation – are the most expendable?

Because big carriers want to devalue drivers and the contributions they make to the supply chain. Devaluing the driver

means paying less for wages, investing less in training, and not spending money to retain that well-trained, highly skilled operator.

And the tech companies who are developing this technology figure they can come take that slice of the revenue pie that should be going to drivers, by offering these technology solutions that are long on promise but short on delivering safety benefits which surpass those of an experienced professional.

In the initial push for a driver training rule, OOIDA fought hard for the inclusion of on-road training hours. The new standard is a step in the right direction, but the industry needs to go further. If you believe as the Association does, it’s imperative you join their efforts to continue lobbying for this needed change. **LL**

Devaluing the driver means paying less for wages, investing less in training, and not spending money to retain that well-trained, highly skilled operator.



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In Trucking History

FEB. 7, 1974

Following truck protests and work stoppages, an agreement between government officials and a six-man team of truckers was reached. It allowed for owner-operators to add a temporary 6% fuel surcharge to freight fees and guaranteed truck stops would receive additional fuel to meet trucker demand.

FEB. 13, 1987

“Over the Top” starring Sylvester Stallone is released. The movie’s main character, Lincoln Hawk (played by Stallone), is a long-haul truck driver who tries to win back his son, while competing for an arm-wrestling championship. The movie earned \$11.5 million in the U.S. and Canada.

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Of course, there also will be plenty of news you can use and information on what Congress and the Federal Motor Carrier Safety Administration have in store. And, more often than not, you can also read about what OOIDA is doing to try to stop it.

So subscribe today. And don't forget the best part – it's free! **LL**

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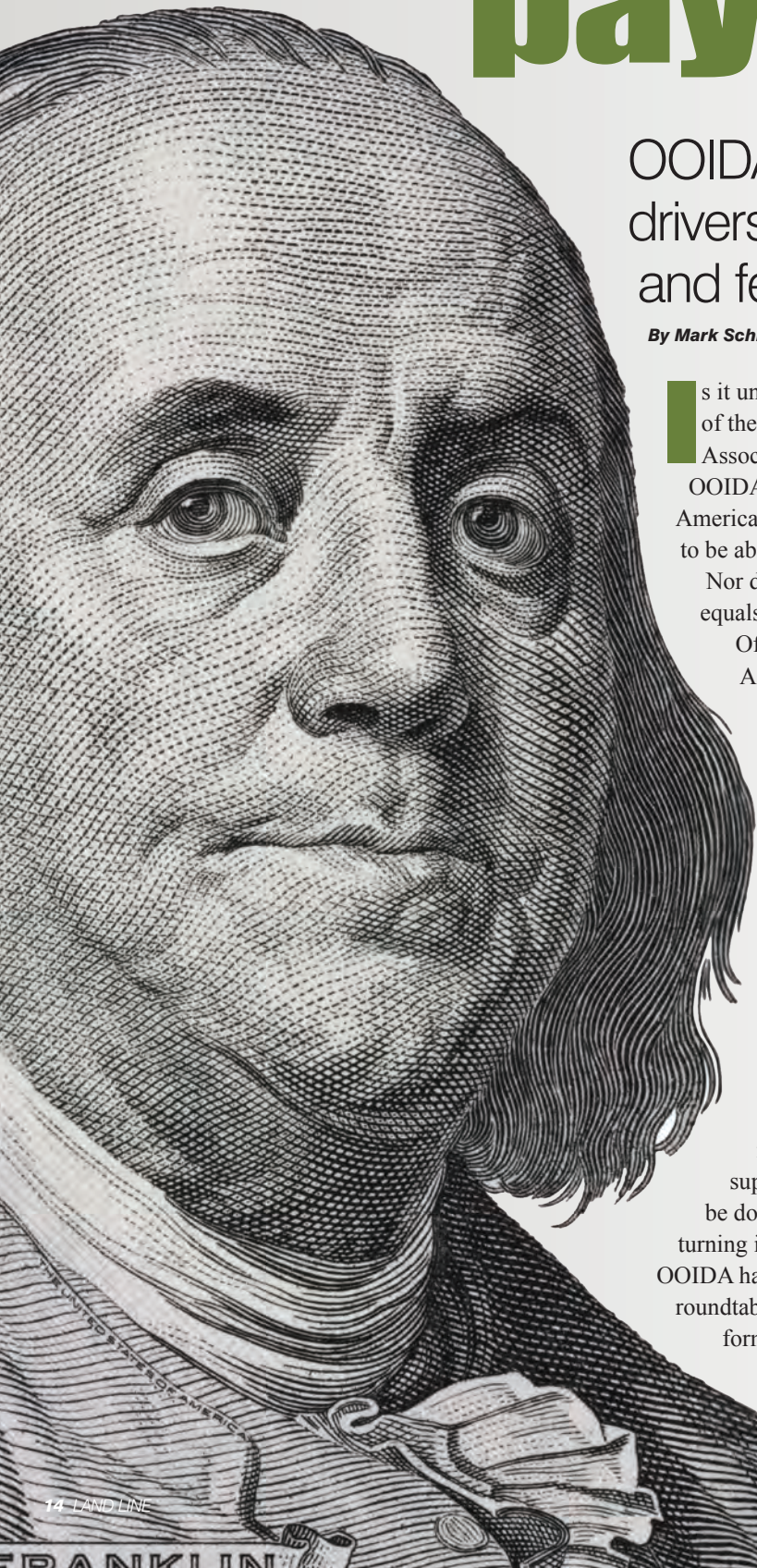
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‘Put it on a paycheck’



OOIDA says the way to retain drivers is through pay, parking, and fewer regulations.

By **Mark Schremmer** Senior Editor

Is it unreasonable for truckers to expect to be paid for all of their time? The Owner-Operator Independent Drivers Association says no, it isn't.

OOIDA also doesn't think that the men and women who keep America's essential goods moving are asking too much to expect to be able to find a safe place to park.

Nor does the Association think that an increase in regulations equals an increase in safety.

Of course, none of these beliefs are new to OOIDA. The Association has spoken out on these issues for years.

The only difference is that with a supply chain crisis in the spotlight, there is a glimmer of hope that people in a position of power may actually be listening.

"It's not unreasonable for drivers to be expected to be paid for their time on the job," OOIDA President Todd Spencer said moments before attending a White House supply chain meeting in December. "It's too frequent and too common that drivers are held for as much as 30 hours a week simply trying to get loaded and unloaded. Those core issues need to be addressed, and we certainly want to be at the table to make sure that those issues are not only considered but acted on."

Spencer's trip to the White House was one of several recent attempts by the administration to learn about the supply chain and to hear from industry leaders on what can be done to keep goods moving and to keep truck drivers from turning in their keys.

OOIDA hasn't been shy in its response. Through various roundtables, testimony, driver forums, committee meetings and formal comments over the past year, OOIDA has repeatedly pounded the table for more compensation, more parking and fewer regulations.

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“ Pay for truck drivers has largely been stagnant for 40 years or so. **It needs to get better.** It needs to improve, and drivers certainly all – rightfully in my opinion – believe their time has value.”

– **OOIDA President Todd Spencer**



Compensation

If the wheels aren't moving, it's likely that a truck driver isn't getting paid. And with dysfunction at many of the ports and a lack of urgency from shippers and receivers to get loaded or unloaded, truck drivers burn a lot of hours each week with nothing to show for it. According to a 2020 OOIDA Foundation survey, drivers report that they lose from \$907 to \$1,512 per week because of detention time.

There has to be a better way, Spencer says.

“Anyone who runs an office knows that you're not going to get people to come to work for you if we say, ‘You need to be here at 7 or 8 in the morning, but I may not start paying you until 12 or 1 or maybe even 2 or 4.’ But that is the reality for drivers every day,” Spencer said. “They are expected to give away that portion of their time. We have to find ways to be better than that.”

The administration says it wants to improve driver retention as the turnover rate at large fleets has been at 90% or more for years. Spencer said that doing so starts with showing drivers they are appreciated through their paycheck.

According to the U.S. Bureau of Labor Statistics, the average salary for a truck driver was \$47,130. Although the money is competitive with some other blue-collar jobs, truckers typically have to work 60 to 70 hours a week to make that salary. Plus, unlike most other blue-collar jobs, truck drivers are confined to the road and away from family and friends.

“Pay for truck drivers has largely been stagnant for 40 years or so,” Spencer said. “It needs to get better. It needs to

improve, and drivers certainly all – rightfully in my opinion – believe their time has value. And they believe others in the supply chain should recognize that too. Put it on the paycheck.”

The recently passed infrastructure law includes a provision that tasks the Federal Motor Carrier Safety Administration and the Department of Labor to begin an in-depth study of driver compensation, including the time drivers spend waiting to pick up or drop off freight without getting paid. The infrastructure law also calls for the creation of a task force to investigate predatory truck leasing arrangements.

In addition, the White House announced in December that the administration intends to hold several listening sessions and driver forums over the coming months in order to deliver a comprehensive action plan “outlining any further administrative and regulatory actions the administration can take to support quality trucking jobs.”

At a driver forum in South Carolina this past December, Transportation Secretary Pete Buttigieg said that improving the profession is the goal.

“It's really important to us that this career is supported,” he said. “We have to retain our truckers. Getting that right means improving the quality of life. It means showing a respect for this profession, and, obviously, a big part of that is wages and compensation ... It's important to us that we're doing two things at once – encouraging people to get in a field that is really important and making sure that it really does pay.”

Continued on Page 16



Truck parking

Improving pay is a great start, but truck drivers also need a safe place to take a break after a day's work.

The lack of truck parking reached crisis mode years ago, OOIDA says, and is an issue that involves the safety of the truck drivers as well as the motoring public.

"We have to recognize that as a genuine need for the country," Spencer said.

In November, OOIDA wrote to the U.S. Department of Transportation and asked Buttigieg to dedicate \$1 billion in discretionary funding to be dedicated to the lack of truck parking.

"The enactment of the Infrastructure Investment and Jobs Act presents an opportunity for you to address a safety

“It should not be a shock to anyone that good drivers leave the industry over the inability to find something as basic as **a safe place to rest** when they are weary.” — **OOIDA**

crisis that America's truckers have faced for decades – the national shortage of truck parking,” OOIDA wrote.

When truck drivers can't find a safe place to park, they can be forced to choose between parking on the shoulder or with being in violation of the hours-of-service regulations. OOIDA said the lack of truck parking creates a major safety concern for truck drivers as well as the motoring public.

"We are extremely disappointed that the Infrastructure Investment and Jobs Act does not dedicate any funding exclusively to truck parking, despite the broad bipartisan and industry support for federal investment," OOIDA wrote. "With the significant amount of new discretionary funding your department will be responsible for allocating under the IIJA, we believe that you have the ability to direct funding to critical truck parking projects across the country."

A House version of the highway bill included a measure to dedicate \$1 billion for truck parking construction. The bill passed the House but then died in the Senate. The Senate version, which ultimately passed, did not dedicate any money toward truck parking.

OOIDA says that fixing the truck parking crisis could

also contribute to fixing the nation's supply chain crisis. At a House Transportation & Infrastructure hearing on supply chains in November, transportation expert David Correll said the American Trucking Associations' estimated 80,000 driver deficit could be resolved by simply improving the utilization of America's existing truck drivers by 18 minutes per day. According to Correll's data, truckers typically drive only 6.5 hours a day even though they are allowed a maximum of 11 hours.

"My research leads me to see the current situation not so much as a headcount shortage of drivers but rather an endemic undervaluing of our American truck drivers' time," Correll said.

OOIDA pointed out that truck parking studies indicate truckers spend an average of 56 minutes per day of driving time looking for parking.

"Truckers consistently rank the lack of truck parking as one of their top concerns, and there are few better ways you could improve their safety and livelihoods than by addressing the parking crisis," OOIDA wrote. "It should not be a shock to anyone that good drivers leave the industry over the inability to find something as basic as a safe place to rest when they are weary.

"We can and should do better by these absolutely and always essential workers."



Overregulation

At the December driver forum in South Carolina, OOIDA Executive Vice President Lewie Pugh relayed truckers' frustration regarding overregulation to the U.S. Department of Transportation.

"Drivers are always on the hook," Pugh said. "There's



There's a book with the thickness of the Bible full of regulations that truckers have to follow ... There are so many regulations that have nothing to do with safety whatsoever."

– **OOIDA Executive Vice President Lewie Pugh**

a book with the thickness of the Bible full of regulations that truckers have to follow. Let's look at these regulations, and keep the regulations that make sense. There are so many regulations that have nothing to do with safety whatsoever. Guys are so sick of being overregulated."

OOIDA says that the burdens caused by overregulation can hinder safety by creating extra stress on drivers and can also prompt experienced and safe drivers to leave the industry.

The Association also filed comments in December to the U.S. Department of Transportation, asking for regulations without safety benefits to be removed.

Although OOIDA agrees safety should be the U.S. DOT's priority, the Association said that more regulations do not necessarily lead to an improvement in safety. OOIDA used the electronic logging mandate as an example. Since the costly regulation was put into effect, truck-related fatal crashes have continued to increase.

"We believe DOT should address burdensome one-size-fits-all trucking regulations that unnecessarily punish small businesses," OOIDA wrote. "Many of these policies are based solely on improving compliance with regulations rather than actual safety performance. For instance, small businesses have been forced to bear the majority of the \$1.8 billion price tag associated with the FMCSA's ELD mandate.

"While FMCSA has touted improved hours-of-service compliance, we have not seen any data suggesting that ELDs actually reduce crashes. As a result of this compliance-focused approach, fatalities and crash rates have been going in the wrong direction for more than a decade."

OOIDA said it challenges the administration to find less intrusive alternatives that actually enhance highway safety and reduce crashes.

The department, including FMCSA, should regularly review its regulations to determine if they have actually done anything to improve safety, OOIDA said.

"Regulatory reviews should be done in an objective manner that analyzes crash data and/or other information that has a proven statistical relationship with crash risk.

The Association also said that U.S. DOT should communicate with truck drivers to find out what is working and what isn't.

At the driver forum, Pugh said FMCSA should be more concerned about training drivers properly than ticketing them after the violation occurred.

"Unfortunately, it seems to me that that we continually legislate and enforce things after the fact instead of being ahead," Pugh said. "We want to ticket after the fact. We want to write tickets after the fact, but let's get ahead of this thing. Train these guys. These poor guys come into this industry and get no training. Guys get their own authority. If you have \$600 or whatever, you can get your own authority and be a motor carrier without knowing anything about trucking. Then a year later, you're going to come in and do an audit and give this guy all these fines because he didn't know what he was doing. Why isn't there a prerequisite for getting your authority?"

Buttigieg said the U.S. DOT will be proactive in evaluating regulations.

"Every year, we have a regulatory agenda, and we should be looking at what can be improved – that means adding and subtracting – to make sure that what's in there really works."

No quick fix

At the House hearing in November, Correll told Congress that there is not a single culprit to the supply chain problem. Instead, he said there is a need for the reordering of priorities. The lecturer at the Massachusetts Institute of Technology Center for Transportation and Logistics said that those priorities include better utilization and improved treatment of truck drivers.

"We're all sort of living with the consequences of the prioritizations we made in America over years and over the pandemic, and the only way we can do better is to reprioritize in a way that respects truck drivers' time and respects truck drivers' dignity and harmonizes the system," Correll said. LL

Supply chain issues draw FTC's attention

By Mark Schremmer Senior Editor

Supply chain issues became such a concern that the Federal Trade Commission decided to get involved.

Late last year, the FTC announced that it was launching an inquiry to see what is causing empty shelves and inflated prices at stores across the country. As part of the inquiry, the FTC is ordering nine large retailers, wholesalers, and consumer good suppliers to provide information on what may be causing the problems with the supply chain.

“They put the cost on the truck driver, and I’ve been trying to pursue this issue for quite some time.”

—Rep. Peter DeFazio, D-Ore., discussing the issue of detention time

Heinz Co. The companies have 45 days to respond.

“Supply chain disruptions are upending the provision and delivery of a wide array of goods, ranging from computer chips and medicines to meat and lumber,” FTC Chairperson Lina M. Khan said in the news release. “I am hopeful the FTC’s new study will shed light on market conditions and business practices that may have worsened these disruptions or led to asymmetric effects.”

The orders were sent to Walmart, Amazon, Kroger Co., C&S Wholesale Grocers, Associated Wholesale Grocers, McLane Co., Procter & Gamble, Tyson Foods, and Kraft

According to the FTC, the orders require the companies to detail the primary factors disrupting their ability to obtain, transport and distribute their products. It also will examine whether supply chain disruptions are leading to specific bottlenecks, shortages, anticompetitive practices, or rising consumer prices.

Issues with the supply chain dominated mainstream media headlines throughout the final months of 2021. On Nov. 17, the House Transportation & Infrastructure Committee hosted a hearing titled “Industry and Labor Perspectives: A Further Look at North American Supply Chain Challenges.”

House T&I Chair Peter DeFazio, D-Ore., used the hearing to put a spotlight on the detention time problem in the trucking industry. Detention time is referred to as the time truck drivers sit at shippers or receivers waiting to be loaded or unloaded. Truckers often are not compensated for any of that time.

“For years, I’ve talked about detention time,” DeFazio said. “You get to a warehouse, and they say, ‘Get in that line over there.’ Five or six hours later, maybe you get unloaded. Maybe you’re out of duty time now. That’s your tough luck. It’s no skin off their back. It doesn’t cost them anything to make you sit there.

“They put the cost on the truck driver, and I’ve been trying to pursue this issue for quite some time.”

The Owner-Operator Independent Drivers Association has argued for years that there is not a driver shortage and that the issue is more of a driver retention problem caused by low wages and poor working conditions. **LL**



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Truck parking: A lesson in patience

Meaningful action addressing the truck parking crisis is driven by a slow-moving but powerful machine.

By **Tyson Fisher** Staff Writer

Despite a major boost in attention because of the supply chain crisis, the federal government has yet to address pleas for more truck parking. Will 2022 be a milestone year for truck parking?

When it comes to the topic of truck parking, this past year was a roller-coaster ride.

In February, House Transportation and Infrastructure Committee chairman Peter DeFazio, D-Ore., promised to “meaningfully address” truck parking in the pending highway bill after discussing the issue with Todd Spencer, president of the Owner-Operator Independent Drivers Association.

Rep. Mike Bost, R-Ill., had just withdrawn his amendment, which was a copy of his \$755 million Truck Parking Safety Improvement Act introduced to Congress in 2019. Bost did so with the understanding that truck parking would be included in the highway bill. DeFazio delivered by including \$1 billion for truck parking in the House bill. However, the bill also included a drastic minimum insurance increase for motor carriers, forcing OOIDA to oppose the bill. It passed the House but died in the Senate.

In August, the Senate voted down a \$1 billion truck

parking amendment to its final version of the bipartisan infrastructure bill. One month later, Bost and DeFazio met again during a markup hearing for a \$3.5 trillion spending bill. Just like with the Senate infrastructure bill, the truck parking amendment was left out.

In one calendar year, Congress had a number of prime opportunities to meaningfully address truck parking.

It failed. Every. Single. Time.

In November, OOIDA asked Transportation Secretary Pete Buttigieg to use \$1 billion in discretionary funds from the infrastructure bill toward truck parking. If the U.S. DOT doesn’t deliver, it could be years before a truck parking provision has another shot at being included in a large funding bill.

However, this is a bad news/good news situation. Bad news: The industry is still without financial help from the federal government. Good news: Although at a snail’s pace, the wheels of bureaucracies are still turning.

OOIDA gets the ball rolling with municipalities

Although the federal government is needed for funding, truck parking falls mostly within state and local government jurisdictions. OOIDA is already taking the

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The race toward more truck parking is more of a marathon than a sprint.

issue to the nation's municipalities.

In November, the National League of Cities invited OOIDA Board Members Linda Allen and Tilden Curl to give some insight about truck parking during its weeklong City Summit. Considering truck parking development is oftentimes snuffed out by the local opposition, educating local leaders can have a significant impact.

The big takeaway is that city leaders across the nation are enthusiastic about addressing truck parking.

Many local officials are very much aware of the truck parking crisis. However, they often find their hands tied.

A Centennial, Colo., council member said she recognized the truck parking problem years ago. She said she is happy to see it is finally getting some attention. Previously a project engineer and Colorado Department of Transportation employee, Tammy Maurer recalled an I-70 project that required her to close a large truck stop.

"It was like I was the only one that was concerned," Maurer said. "Where are the trucks going to go now?"

That kind of awareness is a big part of the battle. Many local leaders are still in the dark about the truck parking crisis. Even a city council member in Kansas City, Mo., a major transportation hub, reported never having heard of truck parking issues.

The other part of the battle is executing meaningful action.

FHWA's truck parking handbook

Truckers and the U.S. Department of Transportation have known about the parking shortage for more than a decade. It took the murder of a trucker to get the attention of Congress.

In 2009, Jason Rivenburg was shot to death after being robbed of \$7 while parked at an abandoned gas station lot. It was the only spot he could find near where he was set to deliver a load.

That lit a fire under the truck parking crisis, and Congress could feel the heat. Consequently, Jason's Law was included in the 2012 infrastructure bill. The law established a "national priority on addressing the shortage of long-term parking." It also directed FHWA



to collect data from stakeholders to address the issue.

Results of an industry survey were released in August 2015, with an updated version released five years later. Although FHWA identified what truckers already knew, most governments were unaware of the truck parking crisis. For the first time, governments had data backing claims of a parking shortage.

Having identified the problem, FHWA established the National Coalition on Truck Parking to find solutions. Comprised of stakeholders, including OOIDA, the coalition began collaborating in 2016. Through 2019 the stakeholders got together for several workshops to come up with guidance and solutions.

During all of this, researchers and entrepreneurs were developing technologies that address truck parking, something virtually unheard of before Jason's Law. And in the meantime, FHWA has been analyzing information provided during the workshops.

In December, the Federal Highway Administration received input from the National Coalition on Truck Parking on a handbook for truck parking development. The handbook would give state and local governments guidance on how to address truck parking in their jurisdictions.

While FHWA's handbook is the result of years of discussions with stakeholders, it is also an indication that the public sector is finally ready to act.

It could be easy to get discouraged without a big funding win in 2021. But, the race toward more truck parking is more of a marathon than a sprint. So, if the finish line seems too far away, remember this adage: A man convinced against his will is of the same opinion still. **LL**

FROM: **the drivers**

OOIDA President Todd Spencer relays Driver Subcommittee report to FMCSA committee.

By Mark Schremmer Senior Editor

When it comes to most federal forums held to discuss the trucking industry, few – if any – of the panel members have driven a commercial motor vehicle for a living.

Over the summer, however, the Federal Motor Carrier Safety Administration tried something different and reached out directly to the men and women who travel the highways for a living to see what can be done to make the profession a more attractive long-term career.

FMCSA's Motor Carrier Safety Advisory Committee launched a Driver Subcommittee that consists of more than 20 commercial motor vehicle drivers. In December, OOIDA President Todd Spencer, who serves as the chair of the Driver Subcommittee, presented MCSAC with a report from the July meeting.

Spencer's message to MCSAC was that providing truck drivers a place at the table is critical to improving highway safety and maintaining an efficient supply chain.

"The pandemic has certainly placed drivers in much greater visibility to the overall public, but drivers have always played a critical role," Spencer said. "Drivers provide all of our basic needs. (In times of crisis) drivers are always there to save the day. Coming up with accommodations to make it easier for them to do what they do is in all of our best interests."

As part of Spencer's report to MCSAC, some of those accommodations suggested by the subcommittee include compensating drivers for all of their time, providing more truck parking, and giving drivers some benefit of the doubt for such incidents as a light outage that are out of their control.

MCSAC Chair Lamont Byrd, director of safety and health for the Teamsters, agreed that listening and acting on drivers' concerns is vital to improving recruitment and retention.

"It's a really tough job, and I would agree with Todd that truck drivers don't get enough recognition for the role they play in our supply chain," Byrd said. "What can we do to recruit and retain drivers? What are things that should be done to make the job more appealing?"

Danny Schnautz, manager at Clark Freight Lines in Pasadena, Texas, said the creation of the Driver Subcommittee is an important step toward making drivers feel they have a voice.

"Drivers are always looking to be heard and considered, because they so often feel like they aren't," Schnautz said.

MCSAC was tasked with taking recommendations from

the Driver Subcommittee to provide recommendations to FMCSA on how to improve driver recruitment and retention.

Compensation

Stephen Owings, founder of Road Safe America, said one of the ways to retain drivers and increase safety is by compensating truckers for all of their time.

"Truck drivers are the backbone of our whole economy, and they should be treated that way," Owings said. "Too often, they are treated the exact opposite. Paying truck drivers by the mile is literally telling them to get there as fast as they can. Drivers should be paid for every hour they work, whether the truck is moving or not, and they should get paid overtime."

Spencer said the subcommittee spent a considerable amount of time discussing compensation, including the lack of pay during detention time.

"I think pay will always be the top issue," Spencer said. "It's not the only issue, but it's the top issue. No matter how crappy a job is, people will come to do it if it pays enough. That's simple economics."

Spencer added that the industry can't complain about drivers leaving until they start putting some value on their time.

"If we as an industry show that a driver's time doesn't really have any value, how can we attempt to fix the problem? If you can't recognize the value of a driver's time, how can you complain when they don't stick around?"

"If we want to keep people behind the wheel, they need to feel appreciated," Spencer said. "One of the best ways for them to be appreciated is for them to get paid."

MCSAC planned to make recommendations regarding driver compensation in three parts.

- 1 Encourage the industry to provide drivers with accurate transparent income awareness and work expectations.**
- 2 Research current driver compensation practices and available benefit models with the industry.**
- 3 Support compensating drivers for all hours worked to improve driver recruitment and retention.**

Truck parking

The lack of truck parking was discussed in terms of safety and in making the profession of truck driver a more attractive long-term career.

“This is a problem that has been around a long time,” Owings said. “And it’s getting worse, not better.”

Greer Woodruff, senior vice president of safety, security and driver personnel at JB Hunt Transport, said drivers are often placed in a difficult spot because of the lack of truck parking.

“There are many cases where drivers have to try to make a decision on which is safer,” Woodruff said. “Do they continue driving while tired or do they pull over on a shoulder where it may not be an ideal location?”

Spencer suggested that the committee send a letter to Transportation Secretary Pete Buttigieg asking for discretionary funds to be used toward the construction of truck parking. In November, OOIDA wrote the U.S. Department of Transportation to request \$1 billion for truck parking.

Benefit of the doubt

Spencer said the current system holds drivers accountable for a

“Drivers are always looking to be heard and considered, because they so often feel like they aren’t.”

— Danny Schnautz, member of MCSAC

variety of events that involve no wrongdoing on their part.

“Any time a truck is going down the road, the driver is the recipient of all responsibility for what happens,” he said. “Occasionally, lights go out and tires go flat. I think of myself as an automobile driver. If a light goes out and I get pulled over, law enforcement’s first question is going to be whether I knew the light was out. My answer is going to be no, and the officer is going to tell me to get it fixed and let me go down the road.”

That is typically not the case for truck drivers.

“There’s nothing a truck driver can do about a light going out while they are driving down the road,” Spencer said. “It’s not an indication that the driver has done anything wrong, but the system holds them accountable like they have done something wrong.”

Members of the committee suggested implementing a system where drivers, in such instances, can have the ticket waived if they can prove the problem was fixed within a certain time period. **LL**



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Only a start

OOIDA hopes agency improves on new driver training rule.

By Mark Schremmer Senior Editor

After years of waiting, an entry-level driver training rule is taking effect.

The new standard goes into effect Feb. 7 but does not require a minimum number of behind-the-wheel hours. The Owner-Operator Independent Drivers Association says the rule didn't go far enough and should only be considered a start.



A long road

It has been more than five years since the entry-level driver training rule, which details the curriculum for individuals seeking a CDL, was published on Dec. 7, 2016. At the time, the rule was set to go into effect on Feb. 7, 2020. However, just before the rule was set to take effect FMCSA officially delayed implementation for two years so the agency would have time to complete the Training Provider Registry. OOIDA opposed the delay, saying the decision directly contradicted FMCSA's mission to reduce crashes.

The entry-level driver training rule details the curriculum for individuals seeking Class A and Class B CDLs to drive trucks and/or buses. Additional curriculum segments are included for specialized niches, like hazardous materials.

The rule does not include a specified amount of time required for behind-the-wheel training for either range or on-road training. Instead, the agency opted for a proficiency-based approach to accommodate individuals

who learn at different paces. The trainers will be required to check off on a list of skills as each is mastered.

"Beginning Feb. 7, 2022, the new entry-level driver training regulations will require certain CDL applicants to complete training before being permitted to take the required skills or knowledge test," FMCSA wrote. "Training is not required if your (commercial learner's permit) is issued prior to Feb. 7, so long as you obtain your CDL before your CLP or renewed CLP expires."

'Absolute lunacy'

OOIDA has long advocated for the implementation of an entry-level driver training rule and has pushed for a minimum number of behind-the-wheel hours to be included.

The Association says that a good driver training program is a way to improve highway safety and driver retention.

During a driver retention roundtable discussion in July, OOIDA President Todd Spencer described the status quo as "absolute lunacy."

"The driver training stuff ... Jeez, we have so far to go in those areas," Spencer said. "It is absolute lunacy that we have big carriers today that'll have a trainer and a trainee in the truck, and the trainer may have no more than six months of experience. And they go down the road, and that passes as acceptable."

Spencer acknowledged the incoming rule as progress but said the work is not done.

"We supported from the very beginning of our organization (OOIDA started in 1973) the need for better training," Spencer said. "We haven't gotten there yet. I appreciate what FMCSA has done, but it should be just a starter thing." **LL**

Training Provider Registry

The agency launched a Training Provider Registry in 2021 to "help commercial driver's license applicants connect with training providers that are self-certified to provide entry-level driver training."

By entering an email address, truckers can sign up to receive information on entry-level driver requirements, requirements for training providers, registering as a training provider, training requirements and curricula, state driver's license agency requirements, and website enhancements or new resources. **LL**

Is your rear-impact guard compliant?

By Land Line staff

A new inspection point for annual truck and trailer inspections went into effect on Dec. 9.

The Federal Motor Carrier Safety Administration modified



the annual inspection requirements on commercial motor vehicles to include the rear-impact guards, or ICC bumpers, as they are commonly called.

Federal regulations require every commercial motor vehicle be inspected at least once a year. Motor carriers are prohibited from using vehicles unless each component identified in Appendix A of Part 396 has passed the annual inspection.

So what are the requirements on rear-impact guards to pass an annual inspection?

For trailers and semitrailers weighing 10,001 pounds or more, manufactured on or after Jan. 26, 1998 – see exceptions in § 393.86(a)(1) – will fail if any of the following are found on the inspection:

- Missing guard.
- Guard is not securely attached to trailer, including broken or missing fasteners, any welds or parent metal cracked, or other damage that compromises secure attachment of the guard.
- Guard horizontal member does not extend to within 100 mm (4 inches) of each, or extends beyond either, side extremity of the vehicle.
- Guard horizontal member is more than 560 mm (22 inches) above the ground.

- Guard horizontal member is more than 305 mm (12 inches) forward of the rear extremity of the vehicle.
- Guard horizontal member does not have a cross-sectional vertical height of at least 100 mm (4 inches) across its entire width.

For commercial motor vehicles manufactured after Dec. 31, 1952, (except trailers and semitrailers manufactured on or after Jan. 26, 1998 – see exceptions in § 393.86(b)(1) and § 393.86(b)(3)):

- Missing guard.
- Guard is not securely attached to trailer by bolts, welding, or other comparable means.
- Guard horizontal member is more than 762 mm (30 inches) above the ground.
- Guard horizontal member does not extend to within 457 mm (18 inches) of each side extremity of the vehicle.
- Guard horizontal member is more than 610 mm (24 inches) forward of the rear extremity of the vehicle.

OOIDA said change 'makes sense'

OOIDA said including rear-impact guards on the list of equipment to be inspected annually makes sense. However, OOIDA also made it clear that it remains opposed to any proposals that would require costly front or side underride guards.

“Including rear-impact guards on the list of equipment that must be examined as part of the required annual inspection will enhance underride safety performance,” said Jay Grimes, OOIDA’s director of federal affairs. “While rear-impact guards have been proven to provide a practical safety benefit, that is not the case with proposed side and front underride mandates. OOIDA continues to oppose legislation that would require costly front or side underrides for commercial motor vehicles.” **LL**

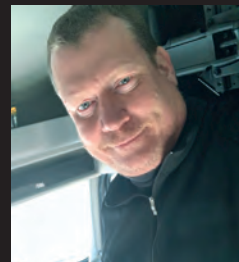
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Supreme Court showdown



SCOTUS says agency overstepped with vaccine-or-test mandate.

By Mark Schremmer Senior Editor

The Occupational Safety and Health Administration overstepped with its COVID-19 vaccine rule, the U.S. Supreme Court ruled.

On Jan. 13, the Supreme Court rejected OSHA's controversial rule, which would have mandated companies with 100 or more employees to require their workers to either receive the COVID-19 vaccine or be tested weekly.

"Although Congress has indisputably given OSHA the power to regulate occupational dangers, it has not given the agency the power to regulate public health more broadly,"

"Under the law as it stands today, the power rests with the states and Congress, not OSHA."

— U.S. Supreme Court opinion

ordering a vaccine rule for companies with at least 100 employees, a courtroom battle seemed inevitable.

Opponents contend that the rule oversteps and is unconstitutional. OSHA, meanwhile, said the rule was necessary, pointing to more than 840,000 deaths in the United States in less than two years. The agency says the rule could save "thousands of lives" and prevent "hundreds of thousands of hospitalizations in the next six months alone."

the court wrote in its opinion. "Requiring the vaccination of 84 million Americans, selected simply because they work for employers with more than 100 employees, certainly falls in the latter category."

When President Joe Biden announced in September that he was

The Supreme Court held a special session on Jan. 7 to hear arguments in the case. Based on the questions from the hearing, the court's conservative judges appeared skeptical of the rule's constitutionality.

"This is something the federal government has never done before," Chief Justice John Roberts said during the hearing.

The apparent skepticism was confirmed on Jan. 13.

"The question before us is not how to respond to the pandemic, but who holds the power to do so," the court wrote. "The answer is clear: Under the law as it stands today, the power rests with the states and Congress, not OSHA."

Justices Stephen Breyer, Sonia Sotomayor and Elena Kagan dissented.

"When we are wise, we know not to displace the judgments of experts, acting within the sphere Congress marked out and under presidential control, to deal with emergency conditions," the dissenting justices wrote. "Today, we are not wise. In the face of a still-raging pandemic, this court tells the agency charged with protecting worker safety that it may not do so in all the workplaces needed. As disease and death continue to mount, this court tells the agency that it cannot respond in the most effective way possible."

Only a small percentage of truck drivers would have been affected by the rule, which had been set to fully go into effect on Feb. 9. About 96% of motor carriers have no more than 25 drivers and likely would have fallen below the 100-employee threshold. In addition, OSHA said the rule would not apply to truck drivers who were alone in their cab.

In trucking circles, the rule would have mainly applied to team drivers. The Owner-Operator Independent Drivers Association contended that all drivers, including team drivers, should have been exempt.

"While the emergency temporary standard does not apply to small motor carriers with fewer than 100 employees and is not intended to cover 'most truckers,' our interpretation is that the mandate will needlessly force thousands of team drivers to choose between their livelihoods and their personal medical preferences," OOIDA wrote in a letter signed by President and CEO Todd Spencer.

"As currently proposed, the emergency temporary standard will require team drivers to be vaccinated or submit weekly testing results, perhaps at their own personal cost. Additionally, team drivers would have to wear face coverings when they're in the truck. In light of these circumstances, we are requesting that OSHA grant an exemption for any team drivers from the emergency temporary standard." **LL**

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What does the infrastructure law mean for truckers? OOIDA's leaders weigh in



By **SJ Munoz** Staff Writer

How will the infrastructure bill affect the trucking industry?

OOIDA President Todd Spencer, OOIDA Executive Vice President Lewie Pugh, OOIDA Director of Government Affairs Collin Long and OOIDA Director of State Legislative Affairs Mike Matousek provided their thoughts during an episode of “Live From Exit 24.”

“It was supposed to be done a year ago,” Long said.

“By and large, the biggest positive thing for truckers is robust investment in infrastructure over the next five years from the highway bill and over the next 10 years from the bipartisan infrastructure package. You’ll certainly see a lot of projects advance and roads and bridges being brought up to a state of good repair.”

“It’s about time. This is something that’s been sorely needed for a long time.”

– OOIDA President Todd Spencer

And that’s good news for truckers, who can speak to the need for an improved infrastructure.

“It’s about time. This is something that’s been sorely needed for a long time,” Spencer said. “It’s not fun when you hear about a major bridge over a large body of water that’s been shut down because it’s got big cracks in it. That’s not good news and can really change your route plans. I’m happy that Congress finally got off the dime and did something.”

Pugh was in lockstep with Spencer about the need for major improvements.

“Our roads have been in terrible disrepair, and there’s

not enough pavement capacity,” Pugh said. “Anything to alleviate traffic congestion is something everyone should be happy about and welcome. Hopefully some of this money they’ll spend to put some parking out there for trucks.”

The funding component also is viewed as a win, Long said.

“This doesn’t reach directly into the pockets of truckers to take money out to pay for this,” Long said. “From where we were standing a year ago, that’s certainly a success for us.”

Underride guards are a hot topic among the numerous issues related to this legislation.

“There are interest groups where people have been involved in crashes where they run into the side of trailers,” Spencer said. “Those kind of crashes don’t happen often, but they do happen. For a lot longer, there have been crashes where people run into the backs of trailers, and those happen with a lot greater frequency.”

On several occasions, the National Highway Traffic Safety Administration, the agency responsible for developing these rules, has determined a side underride mandate isn’t worth the investment, Long said.

As for the question of why no parking was included in the bill, there are moneyed interests opposing it.

“The Senate probably wanted to push through a bill that there was virtually no opposition to any provisions,” Spencer said. “There are opponents of the kind of parking we have been pushing for. The biggest one is Natso, which represents truck stop operators. They don’t want any public parking for trucks. They want parking at truck stops. They have a voice in Washington, D.C., and there’s probably a truck stop in every congressional district in the country.”

Bringing the National Consumer Complaint Database up to speed is another emphasis in the bill.

“FMCSA and the Department of Transportation finally realized it isn’t functioning in the manner it’s supposed to,” Long said. “There’s a lack of attention and a lack of resources for it. The bill requires there to be an analysis of it ... and take steps to address it.”

Spencer drew a comparison to the Truck Safety Hotline, but he hopes they “do it right this time.”

If done correctly, this could highlight some of the problems in the industry, Pugh said.

There’s some good and some bad in the bill, but getting something done was seen as a positive.

“I’m glad it finally got done,” Spencer said. “There’s lots of stuff in there we’re not so keen on, but we need roads, we need bridges. Congress do something.” **LL**

FMCSA audit highlights cybersecurity concerns

By **Mark Schremmer** Senior Editor

As part of a review of the cybersecurity levels of the FMCSA web servers, investigators were able to gain access to more than 13 million unauthorized records.

The audit by the U.S. Department of Transportation's Office of Inspector General was used to illustrate the importance of protecting the nation's transportation infrastructure during a U.S. House of Representatives hearing on Dec. 2.

"If breached, these systems could have cost the department millions of dollars in credit-monitoring fees to protect

affected individuals from identity theft," wrote Kevin Dorsey, assistant inspector general for information technology audits of the Department of Transportation. "We also identified recurring weaknesses that we could exploit, including poor security practices, such as weak administrative-level login credentials, unpatched

The Office of Inspector General released the findings of the audit in October, saying the breach could have cost up to \$570 million.

servers and workstations, and a lack of encryption of sensitive data."

The Office of Inspector General released the findings of the audit in October, saying the breach could have cost up to \$570 million.

Audits also were conducted into the Volpe National Transportation Systems Center, and the Maritime Administration.

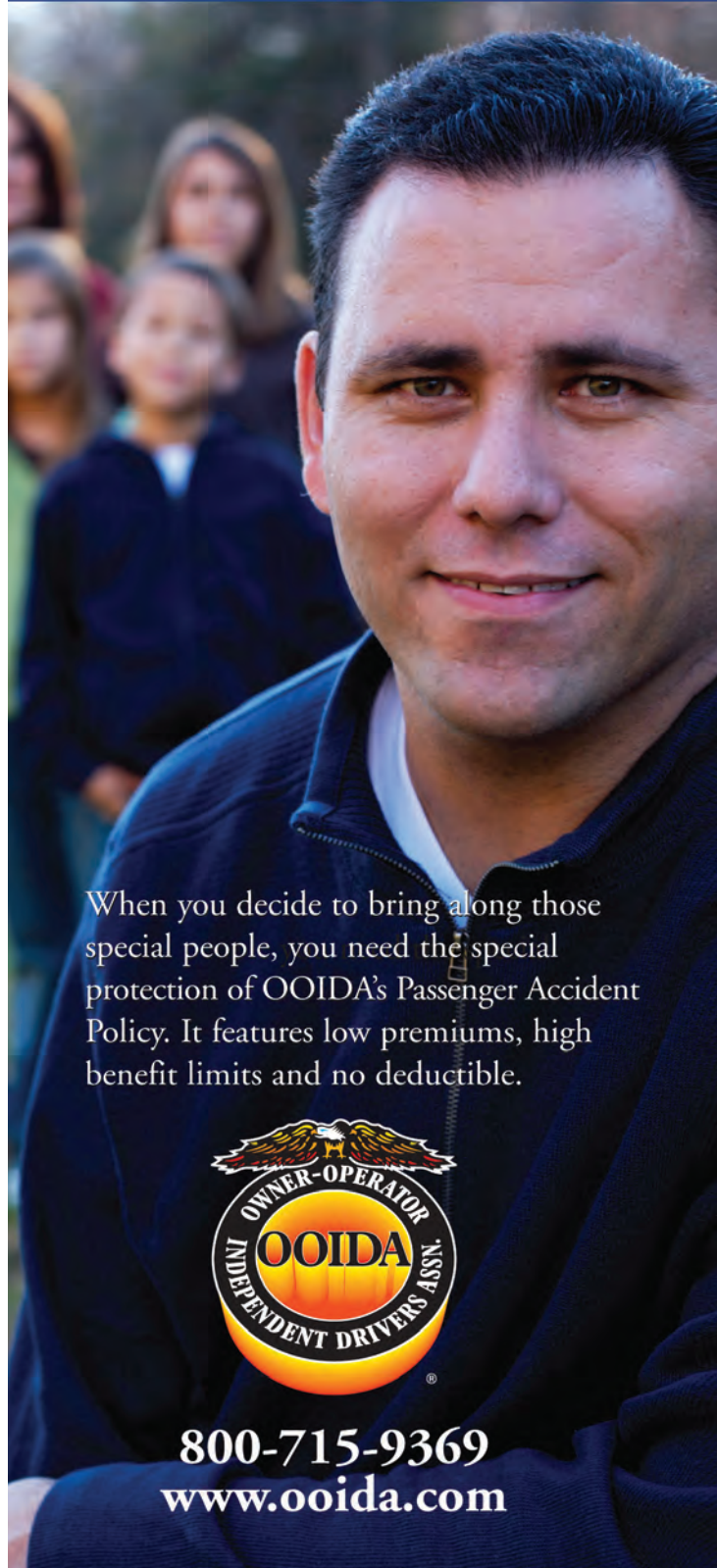
"Many of the weaknesses we found at FMCSA also tie into the same persistent enterprise-level security risks we found during our audits of MARAD and Volpe's IT networks and systems," Dorsey wrote. "These weaknesses are of particular concern given that these operating administrations' networks process, store and transmit a substantial amount of sensitive information and are connected to DOT's overall network."

According to the report released in October, the Office of Inspector General offered 13 recommendations, and all 13 had been resolved.

"DOT's cybersecurity program is critical to protect its vast network of IT systems from malicious attacks and other breaches that pose a threat to the U.S. transportation system," Dorsey wrote. "In today's rapidly evolving cybersecurity landscape, and as the nation embarks on a new journey to upgrade and improve its transportation infrastructure, DOT faces significant challenges in strengthening its systems while adapting to new and rising challenges and threats." **LL**

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Joshi leaves FMCSA; DeFazio announces retirement

By Land Line staff

The end of 2021 marked the announcement of leadership changes in transportation.

On Dec. 20, FMCSA acting Administrator Meera Joshi was named as New York City's deputy mayor for operations. Earlier that month, Rep. Peter DeFazio,

FMCSA has not had a permanent administrator since Ray Martinez left the position in October 2019.

who is the chair of the House Transportation and Infrastructure Committee, announced that he will not seek re-election in 2022.

Joshi's departure came as a surprise as she had been nominated by President Joe Biden to become the agency's next permanent administrator. As of press

time, it was expected that Joshi would continue to lead FMCSA through January.

"We are very grateful for Deputy Administrator Meera Joshi's leadership this past year at FMCSA and know that she will bring the same commitment, expertise, and vision to her new role," a U.S. Department of Transportation spokesperson said. "She has engaged with truck drivers and the motor coach industry to chart a clear path for FMCSA to address our supply chain challenges, improve driver safety and job quality, and has built a strong team at FMCSA who will help build on this foundation."

Joshi was named deputy administrator of FMCSA, which made her the de facto leader of the agency, on Jan. 21. In April, Biden nominated Joshi to take the permanent role as administrator of the FMCSA.

The Senate Commerce, Science and Transportation Committee advanced Joshi's nomination through a 22-6 roll call in October. However, Joshi's confirmation still hadn't been approved by the full Senate.

FMCSA has not had a permanent administrator since Ray Martinez left the position in October 2019.

DeFazio to retire

DeFazio, who served 36 years in the House, said he did not plan on seeking office after his current term ends.

"With humility and gratitude, I am announcing that I will not seek re-election next year," DeFazio, D-Ore., said in a news release. "It has been the greatest honor of my life to serve as congressman for the Fourth District of Oregon." **LL**

OOIDA continues fight for fair towing prices in West Virginia



By Land Line staff

The Owner-Operator Independent Drivers Association has been working for years to protect truckers from exorbitant charges

for third-party tows.

A third-party tow, also known as a nonconsensual tow, is one that is initiated by law enforcement with no opportunity for the trucker to negotiate services or compare prices. OOIDA believes each state should have protections in place for when a trucker believes the towing bill has been inflated.

In West Virginia, OOIDA has advocated for a cap on the administrative fees that can be charged and for towing companies to provide justification for using multiple wreckers.

Mike Matousek, OOIDA's director of state legislative affairs, cited a West Virginia towing invoice from 2020 for more than \$86,000. The towing company charged for the

use of eight wreckers in a nonrollover crash. The towing company also tacked on a 5% administrative fee for nearly \$4,000.

In 2021, the West Virginia Public Service Commission proposed to cap the amount of administrative fees at 5% up to \$1,000 and to require towing companies to provide justification for using multiple wreckers.

In late October, the commission elected to move forward with its multiple wrecker rule but decided not to cap administrative fees.

"Upon reconsideration of the administrative fee, we conclude that an uncapped administrative fee applicable only to valid accident and recovery work is reasonable," the West Virginia Public Service Commission wrote.

Matousek said that OOIDA plans to pursue the creation of a cap on administrative fees through the state legislature.

"The fight on that is not over," Matousek said. "But all things considered, we think progress has been made. Of course, we'd like more, and we're going to pursue more."

Although the administrative fee cap wasn't implemented, limiting the number of wreckers for which a towing company can bill will likely reduce the overall bill and the administrative charge. **LL**

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CARB mandates twice-a-year smog inspections



By Land Line staff

Twice-a-year smog inspections are now required of big trucks and buses operating in California.

The California Air Resources Board has created a “smog check” regulation for medium- and heavy-duty trucks and buses

to ensure emissions control systems remain efficient as the vehicle ages.

Although heavy-duty vehicles with a gross vehicle weight rating greater than 14,000 pounds comprise only 3% of all vehicles on California roads, according to a CARB news release, they are responsible for more than 50% of nitrogen oxides and fine particle diesel pollution from all mobile sources in the state.

Eventually, trucks with on-board diagnostics must have smog inspections four times a year.

CARB was ordered to develop and implement a comprehensive heavy-duty vehicle smog inspection and maintenance program in 2019 by SB210, which was sponsored by Sen. Connie Leyva. She is an ex-officio member of CARB.

“Just as passenger vehicles have already been doing for

decades, it is long overdue that big diesel trucks undergo smog check testing so that we can continue to clean our air and improve public health across California,” Levyva said in the news release.

Heavy-duty vehicle registration in California will require passing the inspection, as with passenger cars and light-duty trucks. Unlike light-duty vehicle smog checks, however, heavy-duty vehicles aren’t required to visit a brick and mortar smog check station.

Instead, heavy-duty vehicle owners can complete the required test and deliver the information remotely without having to stop at designated testing locations.

For telematics users with an onboard diagnostics inspection that draws emissions control performance data from the vehicle’s internal computer, an inspection can be completed automatically without taking the vehicle out of operation.

CARB has required onboard diagnostics systems on heavy-duty vehicles since 2013. Older vehicles without on-board diagnostic systems must continue the current opacity testing requirements, with an added visual testing component, twice each year.

Officials plan to continue random inspections and testing at border crossings, California Highway Patrol weigh stations, fleet facilities and randomly selected roadside locations. **LL**

Georgia Supreme Court says no ordinance, no boot



By SJ Munoz Staff Writer

A unanimous decision by the Georgia Supreme Court on Dec. 14 dictates local businesses can now only use a boot if a city or county ordinance is in place.

This was put in motion by a 2018 lawsuit filed by Forrest Allen, whose tractor-trailer was booted when he parked it at a shopping center. The lawsuit claimed at least 250 people were illegally booted in the same parking lot in DeKalb County, Ga.

In court proceedings, attorneys for

the defendants cited a common law from the 1800s to justify the use of boots.

However, Justice Shawn Ellen LaGrua wrote, “Defendants cannot immobilize vehicles, or demand a fee to remove a vehicle immobilization device, absent an enabling statute. There is no enabling statute or ordinance at the location where the plaintiff and all other class members were booted.”

More to come?

“We now have the Georgia Supreme Court’s guidance that this practice is illegal,” Matt Wetherington, an attorney for Allen, said in an Atlanta Journal-Constitution report. “Booting as it’s currently practiced is predatory and leads to violence between private citizens in dark parking lots. This decision makes Georgia a safer place.”

OOIDA Director of State Legislative

Affairs Mike Matousek was in complete agreement.

“The plaintiff’s attorney said it best in that booting as it is being used is predatory,” Matousek said. “This is a growing problem in trucking so kudos to Mr. Allen and the state of Georgia for doing the right thing.”

Leander Richmond, a driver for Eagle Express and an OOIDA member from Michigan, has experienced these predatory practices firsthand – and very recently in fact.

Richmond recalled recently helping a tractor-trailer driver who he said was “hooked and extorted for \$1,200.”

“This is great news, and I’m glad that Mr. Allen saw this through,” Richmond said. “This illegal action has not only taken millions from its victims but has created its own kind of criminal. I hope this can be used to catapult the change that is needed in this booting and hook extortion business.” **LL**

RIDOT bills four-wheelers for truck-only tolls



By Tyson Fisher Staff Writer

A lot of car drivers in Rhode Island are upset after a glitch with the state DOT's video tolling system charged them for

using roadways with a truck-only toll.

Land Line confirmed with the Rhode Island Department of Transportation that nearly 2,000 truck-only toll charges were issued to passenger vehicles. In December, Jim Hummel of The Providence Journal exposed the issue after his E-ZPass bill showed charges for driving through a truck toll gantry.

Hummel was not the only one. However, the problem appears to be relatively minor.

Now that the transaction errors are publicly known, there are questions about the efficacy of the truck-only toll systems.

Rhode Island's truck-only tolls began in June 2018. Out of a total of 19 million transactions since then, 1,787 were charged to passenger vehicles. RIDOT pointed out that is a 0.009% error rate.

Although nearly 2,000 transactions were executed, most affected E-ZPass customers never had to pay the charge. Charges were

automatically credited back to most accounts. RIDOT said less than 400 transactions resulted in the customer owing money.

Owners of passenger vehicles do not necessarily need an E-ZPass transponder to get the truck-only toll charge.

According to RIDOT, the error is coming from the video tolling system. If a car is traveling too close to a truck when driving past a gantry, the video equipment may tag the passenger vehicle's license plate instead of the truck.

RIDOT is working with the software provider and expects to resolve the problem soon. The nearly 400 reported erroneous transactions that were paid have been reimbursed.

Now that the transaction errors are publicly known, there are questions about the efficacy of the truck-only toll systems. The effects of the error are minimal and narrow in scope. However, knowledge of the error raises questions about the toll system's reliability and potentially unknown erroneous charges.

The truck-only tolls were controversial before they even began. Trucking industry stakeholders immediately called the tolls unconstitutional. A lawsuit against RIDOT filed by the American Trucking Associations at press time was awaiting an opinion from the First Circuit Court of Appeals. **LL**

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By Keith Goble State Legislative Editor



State legislatures around the country have gone to work in the new year. Here, Land Line rounds up some recent actions at statehouses.

For a complete rundown of state legislation, visit [LandLine.Media](#).

Florida

Florida law prohibits travelers from driving too slowly in the left lane if they “reasonably should know” they are being overtaken by another vehicle. Drivers traveling the speed limit also are required to yield to vehicles exceeding the posted speed limit.

Two bills at the statehouse, HB647 and SB960, would revise the left lane rule.

Specifically, left lane use would be prohibited unless overtaking and passing another vehicle or preparing to turn left on roadways with two or more lanes in the same direction with a speed limit of at least 65 mph.

Most notably, the specification about driving speed would be eliminated.

Maryland

In an effort to ease congestion issues, one House bill would authorize certain shoulder areas on state highways to be used by Maryland Transit buses when the speed of traffic is 35 mph or less. HB64 specifies that buses accessing shoulders must travel within 10 mph of the speed of traffic.

Michigan

A Michigan bill would allow speed cameras to enforce vehicle speeds in highway or street work zones. Devices would be used when construction workers are present.

Permission would be given to the Michigan State Police, Michigan DOT, county commissioners, or other local

authority having jurisdiction over a highway or street to utilize automated enforcement.

Pennsylvania

One bill nearing passage in Pennsylvania addresses what has been described as an “aggressive overreach” on tolling bridges.

In November 2020, PennDOT launched the Major Bridge P3 Initiative, which allows the state to install tolls on major bridges that are in need of repairs.

SB382 would halt the current bridge toll plans. The legislature and the governor also would be required to endorse any toll plan.

A House bill calls for bringing back in-person toll collection on the turnpike during peak periods. In spring 2020, the turnpike switched from using fare collectors to cashless toll collection. HB2080 would establish a hybrid system that would bring back tollbooth workers during the road’s busiest hours.

Utah

A Utah Senate bill targets the worst-of-the-worst speeders in the state.

SB53 would classify driving at least 100 mph to be reckless driving. Violators would face fines up to \$1,000 and/or up to six months in jail.

Driving at least 25 mph in excess of the posted speed would also be classified as reckless driving.

Virginia

Two bills in Virginia are intended to reduce toll costs on the Dulles Greenway and create distance-based pricing. Additionally, owners of the 14-mile roadway would be prohibited from going before the State Corporation Commission to request future increases.

Washington

A legislative pursuit at the Washington statehouse would remove tolls from the Tacoma Narrows Bridge about 10 years before planned.

SB5488 and HB1602 would transfer \$772 million from the state’s general fund to pay remaining debts on the bridge. Once paid in full, the tolls must be removed.

Wisconsin

Legislation in Wisconsin would allow the city of Milwaukee to use red-light and speed cameras to ticket drivers.

State law now prohibits the use of automated enforcement tools.

The bill specifies that tickets could only be issued for speeding by at least 20 mph over the posted limit. The program would have a five-year sunset date.

Wyoming

One method being pursued in Wyoming to help address funding concerns is the state’s 6% severance tax. The tax is imposed on the extraction of nonrenewable natural resources that include crude oil and natural gas.

Severance tax revenue is deposited into the state’s Permanent Mineral Trust Fund.

One bill would route a portion of the tax revenue to roads. The legislation calls for diverting 1%, or about \$87 million annually, of the state’s severance taxes from the trust fund to roads and schools.

The Wyoming DOT would receive 70% of the funds, or about \$61 million yearly. The remaining 30%, or about \$26 million per year, would be routed to community colleges.

Transportation dollars would be used for projects included among WYDOT’s spending priorities. **LL**

Four states seek fuel tax rate changes

By Keith Goble State Legislative Editor

Florida

Florida Gov. Ron DeSantis is calling on state lawmakers to provide motorists with some relief at the fuel pump.

The state now collects 19 cents per gallon on gas and diesel purchases. Another 8 cents is collected via the State Comprehensive Enhanced Transportation System fuel tax rate.

In total, the gas and diesel rates are 27 cents.

DeSantis has included a six-month gas tax holiday in his 2022 budget recommendations. He says the relief is necessary to help offset rising fuel prices.

“Gas prices have been rising due to inflationary pressures from bad federal policies, so we here in Florida need to step up and provide relief to our citizens,” DeSantis said in a news release.

The tax holiday is touted to provide more than \$1 billion in gas tax relief.

DeSantis said he would work with state lawmakers on specifics. Lowering the diesel tax is not included in the proposal.

Missouri

A legislative pursuit underway in Missouri would reverse course on a recent fuel tax increase.

During the 2021 regular session, the legislature approved and Gov. Mike Parson signed into law a bill to raise the 17-cent fuel tax rate by 12.5 cents over five years.

Since Oct. 1, the state is collecting 19.5 cents per gallon on fuel purchases. The tax rate will climb to 29.5 cents by July 1, 2025.

Rep. Sara Walsh, R-Ashland, and Sen. Mike Moon, R-Ash Grove, are behind legislation in both statehouse chambers to repeal the fuel tax increase.

The main point of contention for the increase is whether legislators worked around the Hancock Amendment to the Missouri Constitution. The amendment mandates that any proposed tax rate increase above a certain amount must go before voters.

Tennessee

Truck drivers and others fueling in Tennessee could soon get some relief at the fuel pump.

Rep. Bruce Griffey, R-Paris, is behind a bill to reduce the state’s fuel tax rates.

Tennessee’s current gas tax rate is 26 cents. The diesel rate is 27 cents.

State officials around the country are working to make changes to how much excise tax their state collects.



Griffey’s bill would return the tax rates to where they were prior to a 2017 state law that raised the gas tax by 6 cents to 26 cents and increased the diesel rate by 10 cents to 27 cents.

Instead of relying on the additional fuel tax revenue to fund transportation and infrastructure projects, HB1650 would reroute funds from the state’s budget surplus to roads and bridges.

In fiscal year 2021, Griffey says that Tennessee collected \$3.1 billion more in taxes than the legislature budgeted.

“The state would continue to fund transportation and highway projects at the same financial level while at the same time giving tax relief to its citizens,” Griffey said in a news release. “We wouldn’t miss a beat with our infrastructure projects because Tennessee has the money.”

Wyoming

A Wyoming legislative panel is backing pursuit of a 15-cent fuel tax increase.

The bill calls for raising the 24-cent tax on gas and diesel by 15 cents to 39 cents. The increase would occur in five-cent increments over three years.

Each penny increase is estimated to raise \$4.2 million per year to help fix roads.

The Wyoming Department of Transportation reports a \$354 million yearly shortfall.

Despite the \$113 million boost WYDOT will receive from the recently passed federal Infrastructure Investment and Jobs Act, the agency says a fuel tax increase would help to fill the remaining funding gap.

Rep. Mark Baker, R-Green River, said he opposes the bill because the focus is not solely on the diesel tax.

“To me the damage is being done by the commercial vehicles, so the burden should be placed on them,” Baker told the committee.

Sen. Jim Anderson, R-Casper, challenged his thinking that truckers do not pay their fair share.

“Truckers pay other taxes, not just fuel taxes, to repair the roads,” he said. **LL**

Relentless attack

Teamsters, safety groups challenge changes to hours of service targeting the short haul and break provisions.



By **Mark Schremmer** Senior Editor

A lawsuit challenging the Federal Motor Carrier Safety Administration's changes to the hours of service specifically is back on and targets provisions involving short-haul operations and the 30-minute break requirement.

The International Brotherhood of Teamsters and three safety groups filed their petitioners' brief on Dec. 3 with the U.S. Court of Appeals for the District of Columbia Circuit. The groups said the rule changes weakened the hours-of-service regulations and negatively affect highway safety. The safety groups involved in the lawsuit are the Advocates for Highway and Auto Safety, the Citizens for Reliable and Safe Highways, and Parents Against Tired Truckers.

"The final rule fails to demonstrate that the agency considered all relevant factors and engaged in reasoned decision-making," the petitioners' brief stated. "Accordingly, the final rule is arbitrary and capricious, and the court should set aside the provisions on short-haul drivers and the 30-minute break requirement."

FMCSA's hours-of-service rule changes went into effect in September 2020. The lawsuit was filed shortly before then but was placed in abeyance early in 2021 so a new administration could become familiar with the case. The case resumed in October.

The agency's final rule made four major changes to the hours of service.

- 1** The on-duty limits for short-haul operations increased from 12 to 14 hours and from 100 air-miles to 150.

- 2** The adverse driving provision extended the driving window two hours if the driver encounters adverse driving conditions. In the final rule, the definition of "adverse driving" was modified so that the exception may be applied based on the driver's (and the dispatcher's) knowledge of the conditions after being dispatched.

- 3** In addition to splits of 10/0 and 8/2, drivers are allowed a split-sleeper option of 7/3. Also, the qualifying period doesn't count against the 14-hour window.

- 4** The 30-minute break provision was modified to require the break after eight hours of driving time (instead of on-duty time) and allows an on-duty/not driving period to qualify as the required break.

FMCSA's move toward the rule changes lasted more than two years. The agency issued an advance notice of proposed rulemaking in August 2018. FMCSA conducted several listening sessions and received more than 8,000 comments from the public before releasing the final rule.

The Owner-Operator Independent Drivers Association initiated the rule changes through a petition in February 2018, saying that professional drivers needed more flexibility within the rules. Many of the 8,000 comments came from drivers who said the hours-of-service regulations combined with the electronic logging mandate created a race-against-the-clock mentality. Many drivers reported trucks speeding through parking lots in order to get stopped before being flagged for a violation.

Although FMCSA's final rule isn't a replica of OOIDA's initial petition, the Association supports the rule changes and is serving as an intervenor in the lawsuit.

Short-haul limits

The lawsuit says that FMCSA's changes to the short-haul limits did not account for the risks of driving later in the workday and failed to adequately respond to a study showing that driving under the short-haul exemption increases crash risk by 383%.

"FMCSA has not supplied a rational explanation why its changes to the short-haul exemption would not be expected to affect compliance with hours-of-service regulation, which, in turn, affect safety," the petitioners' brief stated. "The record-of-duty status/electronic-logging-device requirements are vital to ensuring compliance with hours-of-service rules. The final rule's short-haul provisions increase the number of drivers who will be able to take advantage of the short-haul exemption to those requirements. They also provide drivers who use that exemption with more time in which to drive and the ability to drive greater distances without stopping, thus increasing the possibility of violations of the hours-of-service rules."

In the final rule, the agency said the change to the short-

haul operations does not extend the driving window beyond 14 hours and that it did "not anticipate adverse impacts on safety."

Although FMCSA's final rule isn't a replica of OOIDA's initial petition, the Association supports the rule changes and is serving as an intervenor in the lawsuit.

30-minute break

The rule change did not eliminate the 30-minute break requirement, but it gave drivers more flexibility regarding when they could take it. The new rule allows drivers to take the break while performing such activities as fueling or doing an equipment check.

The lawsuit argues that FMCSA "ignored the effect on safety of cumulative fatigue due to increased working hours and the fatigue effects of nondriving work."

In the final rule, FMCSA said it didn't expect the changes to the 30-minute break to have any "fatigue effect because drivers continue to be constrained by the 11-hour driving limit and would continue to receive on-duty/nondriving breaks from the driving task."

FMCSA response to the petitioners' brief was due Jan. 18. OOIDA intervenor response brief was due Jan. 25. Neither were available as of press time. **LL**

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Crash data questions efficacy of safety regulations

Numbers from FMCSA's Large Truck and Bus Crash Facts add up to bad news for proponents of certain trucking regulations.

By Tyson Fisher Staff Writer

The trucking industry is plagued with burdensome regulations that were put in place in the name of safety. However, the newest Large Truck and Bus Crash Facts from the federal government calls into question some of the regulations it approved.

Published annually by the Federal Motor Carrier Safety Administration, the latest report reflects fatal crash data involving large trucks in 2019. Although the number of trucks involved in fatal crashes went up 2%, the number of those crashes and people killed were mostly unchanged.

In 2019, more than 5,000 large trucks were involved in fatal crashes, a 2% increase from 2018. However, the number of crashes rose slightly by 0.4%. More than 5,000 people were killed in truck-involved crashes, an increase of only one person.

More truckers killed

According to the report, 767 drivers of large trucks were killed, up from 740 in 2018. A total of 123 passengers of large trucks were killed, down from 149.

Essentially, the fatal crash stats for large trucks has not gotten much worse, but it has not gotten any better either. That is despite the ELD mandate going into effect in December 2017, which was touted as an effort to increase highway safety.

On the other hand, there was a two-year phase-in period for ELD compliance that ended in December 2019. Full compliance did not begin until 2020. However, all federally regulated trucks were required to have either an automatic on-board recording device installed before December 2017 or a FMCSA-registered electronic logging device during that phase-in period. The only difference with the full compliance date is that trucks with AOBDRDs must have switched to FMCSA-registered ELDs.

A deep dive into the latest large truck fatal crash data raises valid questions about how much blame should be shifted to the trucking industry for those crashes.

Tractor-trailers vs. other large trucks

It is worth noting that the report defines large trucks as those with a gross vehicle weight rating of more than 10,000

pounds. This may include numerous trucks that are not federally regulated.

Large truck fatal crash data began rising in 2016. Coincidentally, the National Highway Traffic Safety Administration reclassified more than 300 light pickup trucks as large trucks that year. Previously, those trucks were counted as light trucks in crash stats. Therefore, it would be misleading to compare 2019 to numbers prior to 2016. However, 2019 numbers are down nearly across the board compared to the early 2000s and beyond to 1975. That is despite the increase caused by adding 300 truck types to the data.

Only 55% of the “large trucks” involved in fatal crashes were specifically tractor-trailers. About two-thirds were Class 8 (more than 33,000 pounds) trucks of any type. By cargo type, 40% were van/reefer, 12% flatbed and 7.5% tankers.

Whereas the data indicate increases in truck-involved fatal crashes, it is unclear how many of those trucks must follow FMCSA regulations.

Fatigue not a significant factor

Safety groups have raised concerns over trucker fatigue. However, the data does not support those concerns.

Of all truck-involved crashes, only 1.4% of truckers were asleep or fatigued. That figure has been stagnant since at least 2017.

In 2013, significant changes to hours-of-service regulations went into effect in an attempt to reduce truck driver fatigue.

“Safety is our highest priority,” former U.S. Transportation Secretary Ray LaHood said in a statement on July 1, 2013. “These rules make common sense, data-driven changes to reduce truck driver fatigue and improve safety for every traveler on our highways and roads.”

At the time, the U.S. DOT estimated the “new safety regulations will save 19 lives and prevent approximately 1,400 crashes and 560 injuries each year.” Did they?

In 2014, there were 110 fewer fatalities in large truck and bus crashes. However, that reduction was short-lived. In every year since 2014, fatalities have gone up, silencing any claims of a correlation with new HOS rules and improved safety.

Last year, HOS rules were relaxed under certain conditions, giving truckers more freedom when it comes to rest breaks. It will be about two more years before fatal crash data during the first full year of HOS reform is available.

Truckers staying focused behind the wheel

Some of the detailed data in the report suggests truckers may not be the root cause of many, if not most, of these fatal crashes.

To start, truckers have fewer driver-related factors attributed to them

Only 2% of truckers involved in a fatal crash had a blood-alcohol content of more than 0.08, compared with passenger vehicle drivers (20%), light truck drivers (19%) and motorcyclists (29%). More generally, 5% of truckers were found to be impaired, compared with 15% of passenger vehicle drivers.

Only 5% of truckers involved in fatal crashes were

Large truck-involved crashes have been trending upward since stricter HOS rules and the ELD mandate began

found to be distracted. Drilling down further, 2.5% were found inattentive or distracted with details unknown. Furthermore, less than 1% had a cellphone-related distraction. FMCSA's data does not specify distraction factors for passenger vehicle drivers.

Data also breaks down truck-involved fatal crashes by critical pre-crash event. More than 36% of those crashes involved another vehicle's encroachment into the truck's lane. Another quarter of fatal crashes involved another vehicle in the truck's lane. Only 19% occurred after a truck's movement.

Although fault is not accounted for in any of the data within the Large Truck and Bus Crash Facts report, many data points at least suggest that the truck driver played a smaller role in the causation of the fatal crash.

One thing is certain and objective: Large truck-involved crashes have been trending up since stricter HOS rules and the ELD mandate began. **LL**

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Do we really need a mandate for automatic emergency braking?

By John Bendel *Contributing Editor at Large*

We're on the road to mandated automatic emergency braking systems on trucks. They're supposed to be a great boon to safety. Sometimes they are, I'm sure. But automatic braking has a downside that needs to be carefully considered. Very carefully.

When it comes to legally mandated braking systems, we have been through it before. That time around things didn't work out so well.

It was more than 45 years ago when the National Highway Traffic Safety Administration first mandated anti-lock brakes for trucks. The brakes worked on airplanes, and their highway safety potential was obvious. So, in 1969, NHTSA began a regulatory process. Anti-lock brakes were required on new trucks as of Jan. 1, 1975.

It was too soon.

We know now that anti-lock brakes are a good thing. But they were new then. The basic technology worked. It had been impressively demonstrated many times. But anti-lock brakes had never been mass produced and had not been put to work on thousands of trucks operating in all sorts of conditions. Trouble surfaced right away.

New trucks with anti-lock were an understandably hard sell that year. Many fleets were wary.

But some wanted anti-lock brakes in their fleets for the promised safety benefits.

One belonged to Mason-Dixon Lines of Kingsport, Tenn., a big, East Coast LTL carrier (that would go bankrupt in 1984). The company bought more than 200 new Macks

equipped with anti-lock. Mason-Dixon drivers were not happy with the new brakes.

Some of the drivers shared their experiences with *The New York Times* in a Sept. 28, 1975, story.

"Some of the men found themselves catapulted into the steering wheel in short stops. A number of trucks pulled hard to one side, then veered suddenly to the other, sometimes crossing entire lanes of traffic," the *Times* said.

"If you're in a curve, and you have to stop quickly, there's no way you can hold your lane," one driver explained.

Later, Consolidated Freightways, one of the largest carriers in North America, reported 65% of its anti-lock systems had malfunctioned.

Automatic emergency braking hasn't been around that long, and drivers who have used it tell OOIDA they have experienced problems.

Paccar Inc. and the American Trucking Associations sued NHTSA over the anti-lock mandate. They claimed the agency had overstepped its bounds and was "using public highways as a testing ground for an unproven system," the *Times* reported.

In April 1978, the court decided against NHTSA. The anti-lock rule was overturned. NHTSA's mandate was a costly, dangerous debacle.

NHTSA would not mandate anti-lock for trucks again until 1997, 19 years later. By then, of course, anti-lock manufacturing, maintenance and

functioning had come a long way.

Automatic emergency braking hasn't been around that long, and drivers who have used it tell OOIDA they have experienced problems.

The sensors that are supposed to warn of vehicles, people, or objects in the road sometimes react to things as inconsequential as a blowing garbage bag.

I spoke with a driver for Marten Transportation about

automatic emergency braking a few years ago. It was part of the crash mitigation system in the Kenworth T-680 he drove. He said the system sometimes braked approaching a bridge. It activated when a car or truck in the next lane got close to the line, and it braked frequently in construction zones.

"I mean this thing picks up a mosquito in Iowa and it wants to put the brakes on," he said.

The chances of a deadly rear-end collision are obvious.

Even so, the government wants to mandate automatic braking. A provision in the recently passed infrastructure package gets the process in motion, OOIDA's Washington, D.C., office reported.

According to the law, "the Department of Transportation must conduct a review of current automatic braking systems in use and address any identified deficiencies. As part of the review, DOT would need to consult with representatives from the trucking industry – including drivers," said Jay Grimes, OOIDA's director of federal affairs.

The actual rulemaking for the mandate would come from the FMCSA, Jay noted. OOIDA opposes such a mandate and lobbied against its inclusion in a new highway bill.

True, many drivers have driven units equipped with

automatic emergency braking. In fact, it's standard on some trucks now, including Freightliner Cascadias, new Internationals, and certain models from Volvo, Peterbilt and Mack.

You can be sure the drivers who have responded to recent OOIDA Foundation surveys drive some of these trucks. As the FMCSA does its consulting in the regulatory process, it needs to listen closely to what these drivers have to say.

Automatic braking is not a passive safety system, like seat belts.

It's active in the most dangerous highway situations. Before we put them on every truck in the country, we need to know the automatic emergency braking systems and their algorithms are smart enough to tell a garbage bag from a stopped car and that same stopped car from one that has changed lanes in front of the truck while maintaining its speed. We need to be sure the hardware is durable enough to work properly every time.

It's a lot to be sure of, yes. But as the court noted in 1978, we weren't really sure when we mandated anti-lock brakes.

Let's not repeat that sad episode in trucking history. **LL**

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Rogel Aguilera-Mederos, a victim of a broken system



By **Lewie Pugh** OOIDA Executive Vice President

Rogel Aguilera-Mederos is a fellow trucker who is paying the price for so much of what is wrong in the industry that I personally love. I feel blessed to be a part of the trucking industry. It's an industry full of hard-working men and women from all walks of life and one of the most diverse industries in America.

But the sad truth is trucking is also an industry where you can wake up one morning and go to work and do everything you know how to do correctly and still end up in prison.

That's exactly what happened to Rogel. Aside from prison, his life will never be the same.

On Dec. 13, Aguilera-Mederos was sentenced to 110 years in prison, to be served consecutively, for driving a tractor-trailer into a 28-vehicle pileup on I-70 on April 25, 2019.

His truck was going faster than 80 mph when it crashed around 4:50 p.m. near Denver West Parkway in

Lakewood, Colo. Four men were killed in the crash. Six others were injured.

We must also talk about all the victims and their families whose lives will never be the same – just like Rogel. Every one of these people got up that morning just to go to work, or to a store, or wherever they had to be. Tragically, they will never be with their loved ones again. I can't imagine what that is like for anyone who has been touched by a tragedy like this. Our thoughts and prayers must go out to those they left behind.

But let's stop – take a deep breath – and just put this perspective of what really caused this accident. That's something nobody wants to or likes to talk about.

Everyone involved are victims of circumstances that we, as truckers and OOIDA, have been pointing out for years. This is the fault of anti-trucker associations, Congress, carrier retention practices, substandard training, regulation enforcement, lack of safe parking, more invasive unproven drug testing and medical requirements and greed.

For far too long we have regulated from behind because the monetary interest driving transportation has continued to push for cheap labor. Those focused on profits only spout off about shortages, the need for unproven technology, increased insurance, speed limiters, ELDS, and ways to get younger and even less experienced folks behind the wheel. None of these things have or will make trucking safer.

Safety starts with a well-trained, well-rested, well-compensated driver behind the wheel who is treated like a professional – instead of just a replaceable commodity.

I think about the beginning of my career, and I am thankful for so many things. Being raised on a farm, I learned the skills necessary to operate machinery safely. I was taught so many things about trucking by my father and friends before I ever got behind the wheel. When I served proudly and drove a truck in the United States Army, I was trained every single day so, God forbid, if you have to go to war you are ready for every scenario that comes at you.

But the sad thing is, even with all that, I was far from being completely trained and knowledgeable about what

my career path threw at me.

On my 21st birthday I started driving for a large carrier and attended their training, which was two weeks long, and was then turned loose. I am not too proud to say I ended up in some tense situations a few times. Not because I was negligent or reckless. I just didn't know what I didn't know. To me, this was a huge part of what happened that dreadful day in 2019 to Rogel.

We need real investment in training – not just pass a test and be turned loose. We need realistic training hours in all types of weather and driving terrain and conditions. The training must be done by experienced veterans of the road, awake and alert, sitting beside the trainee.

In Missouri, it takes 1,000 hours of training to be a barber. I surely think a trucker would need that much or more.

Rogel is a Cuban-American from Texas. If he was even trained in Texas, there are no mountains there like the one in Colorado he was on. Makes you wonder how ready he was to make a few trips to Colorado or if he even understood how to use runaway ramps? Do we know if he had the ability to read and understand the road signs? If I was to guess, the answer to a lot of this would be no. Did his carrier know his ability

Safety starts with a well-trained, well rested, well compensated driver behind the wheel who is treated like a professional – instead of just a replaceable commodity.

or even care? I would guess again they didn't care. They just wanted to get the load delivered because they knew if something happened the driver would take the fall.

We can continue to pass feel good rules and push technologies that would have done nothing to have stopped this terrible accident. Or we can take the bull by the horns and give the driver the knowledge and training that he or she wants and needs to make all our lives safer on the highways in America.

Fortunately, some common sense has finally showed its head in this case. On Dec. 30, Colorado Gov. Jared Polis granted clemency by commuting Rogel's sentence to 10 years with parole eligibility in 2026. This is fortunate for this young man. We all know he didn't get up that morning with any intention to hurt anyone. He did make mistakes but so have a lot of others in this case. But he's still left having to bear all the punishment of this accident. **LL**

Colorado governor reduces trucker's sentence from 110 years to 10

By Chuck Robinson Copy Editor

Rogel Aguilera-Mederos was convicted in October of driving his tractor-trailer into stopped traffic on I-70 in the Denver area on April 25, 2019. He said his truck was traveling at 85 mph when his brakes failed. The truck crashed into the 28-car traffic backup caused by a previous collision involving a jack-knifed tractor-trailer. Four men were killed.

At the time of sentencing, the judge said he would have handed down a different sentence if allowed to by state law.

He was sentenced Dec. 13 to the mandatory minimum term set forth under state law. At the time of sentencing, the judge said he would have handed down a different sentence if allowed to by state law.

Aguilera-Mederos had no criminal record before the crash and

was not under the influence of drugs or alcohol when the wreck occurred.

In court, prosecutors noted that Aguilera-Mederos had passed runaway truck ramps and other opportunities to avoid the collision. Despite that, District Attorney Alexis King had announced her office's intention to seek a reduced sentence of 20 to 30 years. A resentencing hearing had been scheduled for Jan. 13.

Gov. Jared Polis on Dec. 30 granted clemency and reduced the 110-year sentence to 10 years.

In a letter addressed to Aguilera-Mederos, Polis said he was not blameless but the tragic result of his actions were not intentional. His sentence was disproportionate compared with the sentences of many others in the state's criminal justice system who committed intentional, premeditated, or violent crimes.

Polis noted that the Colorado Department of Public Safety launched the Mountain Rules program in 2019. The subscription-based in-cab alert system warns truck drivers of areas where brake failures could occur and alerts drivers of the locations of brake check and runaway truck ramps.

Polis also mentioned that the Colorado Department of Public Safety also had deployed new technology to measure and detect hot brakes along the I-70 corridor. **LL**



Get your game plan for the new season

Truck drivers must continue to press forward to keep the ball rolling in the right direction.

For decades, professional drivers have devoted themselves to providing for their country. Despite being unsung heroes, truck drivers are the go-to players when it comes to executing a successful game plan to achieve a thriving economy.

It is imperative that truck drivers hold elected officials accountable to not sabotage opportunities for a winning outcome.

OOIDA members and others in the industry have built a lot of momentum in recent years bringing about change in the hours of service and bringing broker issues back into the limelight, to name a couple issues.

Truck drivers must continue to press forward to keep the ball rolling in the right direction.

Elected officials at the local, state and federal levels of government are tasked to show constituents they can help achieve a winning result as they position themselves for the upcoming fall elections.

In the months ahead, there will be opportunities to hold elected officials accountable. It is imperative that you weigh in on local, state and federal issues. Be sure to hold your elected officials accountable via constant contact.

The following pages are filled with content to aid you in this pursuit. These tools and tips should put you in the best position to express your views on the issues.

To help keep up with what is happening in your



home state and in Washington, D.C., be sure to read Land Line Magazine, monitor OOIDA.com, LandLine.Media, “Land Line Now” on Sirius XM Road Dog Channel 146, and the internet-based talk show “Live from Exit 24.”

Utilizing these resources will help to ensure you are game ready. **LL**

Repetitive message remains true



Collin Long
OOIDA Director of
Government Affairs

You're probably sick of hearing about the importance of grassroots advocacy from some lobbyist at OOIDA. For years, lobbyists like me have been encouraging you to pick up the phone and call your elected officials to discuss the policies that affect your trucking business and work behind the wheel. You've heard it all before – truckers are their own best advocates, and if every member of

OOIDA got involved, we could really change things in Washington and beyond. We keep saying it because it continues to be true.

Unfortunately, it has become increasingly difficult to convince OOIDA members and other professional drivers to become active in government advocacy. Though I

It's important to remember who isn't sitting this out – the people who want to impose more requirements and mandates on you.

understand this all may sound rich coming from someone who is literally paid to advocate on your behalf, I'm here to make another pitch for you to get involved, because there is so much more we can accomplish working together.

I've heard all the reasons for not participating in advocacy.

First off, you are extremely busy. Now more than ever, you work tirelessly to move the freight our country relies on. You struggle to remain compliant with a dizzying – and constantly changing – list of government requirements. You chase good rates and avoid hauling cheap freight. And you do all the little things behind the scenes to keep your business afloat and competitive. I get it. When you finally have spare time, contacting an elected official to discuss trucking policy isn't a priority.

Recently, frustration with the political system also has turned off many would-be advocates. Truckers don't feel elected officials at the federal, state or local levels have their best interest in mind. Because so few lawmakers are familiar with trucking, let alone fully understand or appreciate your role in the industry, this assessment certainly has some merit.

Others truckers have been turned off by the abundance of lawmakers who lately seem more focused on their own self-promotion than doing the work necessary to support

you and your business.

The combative tone of today's hyperpolitical climate also contributes to indifference toward advocacy. I've heard plenty of truckers write off their representatives in Washington entirely, simply because they're from the wrong party or weren't their preferred candidate in the last election.

Finally, there is the crowd who thinks the voice of one trucker won't make a difference. These folks wonder what good it is to contact a House member, who hears from hundreds of thousands of constituents, or a senator, who likely represents millions?

While you may think these explanations reasonably justify your lack of engagement, it's important to remember who isn't sitting this out – the people who want to impose more requirements and mandates on you, the people who want to keep your compensation as low as possible, the people who don't think things like detention time and the lack of truck parking need to be addressed. Trust me, they're all very motivated and engaged.

And while I can't add more spare time to your schedule, reverse your frustration with the political system, or ensure an elected official will take your concerns to heart, I can guarantee the folks working against you are thrilled these reasons are preventing you from getting involved. Why? Because they know how influential a community of motivated and engaged professional drivers could be. Strength in numbers remains a constant in advocacy, but too many truckers are relying on someone else to pick up the phone or send an email.

And OOIDA has taken steps to make it even easier for you to contact your lawmakers with only a few taps on your phone, tablet or computer. Last year, we launched a more user-friendly version of FightingForTruckers.com that makes it quicker and easier for you to correspond with your elected officials. If you're looking to get back into advocacy or to get involved for the first time, FightingForTruckers.com is a great place to start. **LL**



Get the ball rolling in D.C.

Elected officials have the best chance to understand the effects of their play calling on truck drivers when you have constant contact.



By **Keith Goble** State Legislative Editor

In the months ahead, your elected officials at the local and state levels of government are certain to spend time discussing issues of significance to your trucking business. The same applies for your federal lawmakers.

With the second session of the 117th U.S. Congress convening in January, legislators in Washington, D.C., are already hard at work. Do not delay in getting things tipped off and starting the communication process with them.

Congressional phone number

The Capitol switchboard operator at 202-224-3121 is a great place to start. The operator will transfer you to your representative or senator's office. All you need to do is provide the operator your home ZIP code.

You can also reach out to your legislators at their district offices. The district offices are their home base when they are not in D.C. Contact information can be found on their congressional website, on their social media page, and internet search engines.

Congressional addresses

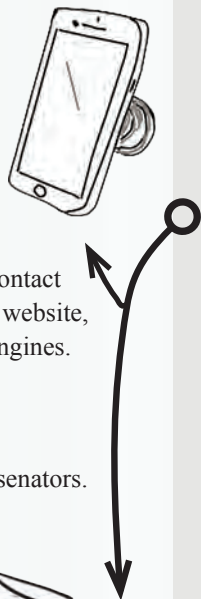
Two mailing addresses are all you need to send correspondence to your U.S. representative and senators.

FOR SENATORS:

Office of Sen. (Name)
U.S. Senate
Washington, D.C. 20510

FOR REPRESENTATIVES:

Office of Rep. (Name)
U.S. House of Representatives
Washington, D.C. 20515



There is no need to concern yourself with what building their office is in or their room number. The only thing you need is the correct ZIP code and your letter will get there.

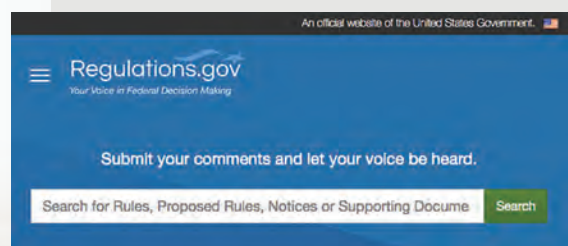
To communicate electronically, some representatives and senators provide email addresses while others make available comment forms on their websites. **LL**

Regulations.gov

The following steps will walk you through finding the docket that is open for comments and into the comment process.

- Go to [Regulations.gov](https://www.regulations.gov).
- Fill in the "search" field with the Docket ID and either hit enter or click on "search."
- Click on the title of the docket you want to comment on. Once on that page, there will be a "comment" button that you should click on.
- Type in your comment. You will want to be aware that if you enter personally identifiable information in this portion of the form that will be publicly displayed.
- Select what your comment is about from the drop down. Generally speaking, most comments from individuals will be "public comment."
- Enter your email address. You can opt in to receive confirmation that your comment was received and get a tracking number.
- Designate that you are "an individual."
- The form requires you enter at least your first and last name before submitting.
- Click on the reCAPTCHA.
- Hit "submit comment."

You're all done.



Your shot at shaping a regulation's future !

Don't let the process intimidate you. It's actually pretty simple.

By Land Line staff

The rulemaking process, which results in new regulations that can dictate almost any aspect of your trucking life, is open to the public, and you do have a voice. Unfortunately, not many truckers take advantage of it.

The road to a regulation becoming reality is generally a long one, so it's important to not only know what is in the regulation pipeline but also to jump on every opportunity to make your opinions known. Generally speaking, on the path to becoming a final rule the public gets two or three chances to weigh in on a proposed new regulation or change to one. It may sound mundane and not really effective, but commenting is your voice in the rulemaking process. And the kicker is that agencies are required to consider each and every comment submitted.

However, it tends to be one of the most underutilized forms of advocacy by truckers.

Take hours of service from a couple of years ago, for example. It appeared to be one issue that all truckers are passionate about. Yet, out of some 3 million-plus truckers, about 8,100 truckers took advantage of their right to comment on the proposed regulation. Of course OOIDA did, but, that's not enough. Truckers must be involved in this critical part of the process.

Don't let the process intimidate you. It's actually pretty simple.

The Federal Motor Carrier Safety Administration, for example, collects comments on its "docket" located at Regulations.gov.

Before you start through the electronic process on the internet, be sure you have the correct docket ID. This is how the system knows what you are specifically talking about in your comments.

The docket ID identifies a regulatory action the agency is putting in the record for public view and possible comment. It will contain a series of letters

and numbers separated by dashes. For example, FMCSA-2018-0248 is the docket related to those hours-of-service changes. The dashes are critical when looking up a particular rulemaking. When you're searching for a specific document to comment on, if you use the dashes incorrectly – or not at all – you won't find the document you're looking for.

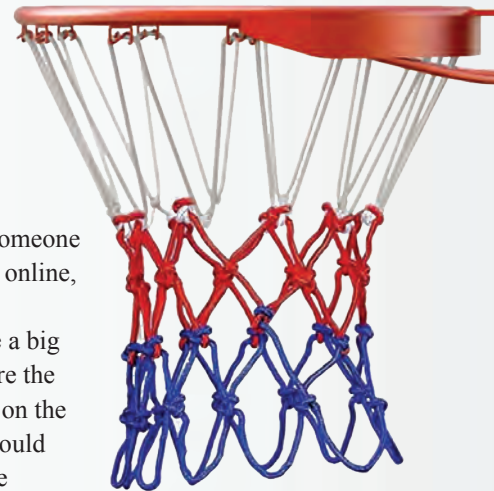
You can have someone else do it for you online, too. A friend or relative can be a big help. The steps are the same except that on the first page they should click that they are submitting for a third party and fill out their info as the representative. The other fields for organization and such are unnecessary.

Of course, submitting comments electronically via the internet isn't your only option. Do you prefer to handwrite or type it out and fax it? Easy enough. On the top of the page include the docket ID. Make sure to include your name. Then you can:

Fax comments with the docket ID number to 202-493-2251.

Mail comments with the docket ID number to:
 Docket Management Facility
 U.S. Department of Transportation
 Room W12-140, 1200 New Jersey Ave. SE
 Washington, D.C. 20590-0001

Or, if you are super ambitious, hand deliver comments between 9 a.m. and 5 p.m. Monday through Friday except on federal holidays to the ground floor of the U.S. Department of Transportation building, Room W12-140, 1200 New Jersey Ave. SE, Washington, D.C. **LL**



OOIDA's Call to Action

Boosting your commitment level.

By **Keith Goble** State Legislative Editor

For nearly five decades, OOIDA has been squarely committed to providing professional drivers with a playbook to communicate important issues affecting them with officials at all levels of government.

Since the Association's beginning in the early 1970s, the method of informing truckers has undergone a significant transformation. For many years, truckers were limited to postal mail and hit-and-miss phone calls.

The seemingly bygone era has since given way to technological advances that permit OOIDA to relay information about important issues much more efficiently.

Land Line Media produces daily news online for OOIDA's websites, "Land Line Now" broadcasts on Sirius XM Road Dog Channel 146, and "Live From Exit 24" is an internet-based talk show that airs regularly.

Social media provides the Association an additional resource to get word out instantly.

OOIDA also taps its vast electronic directory when necessary for instant Call to Action blasts.

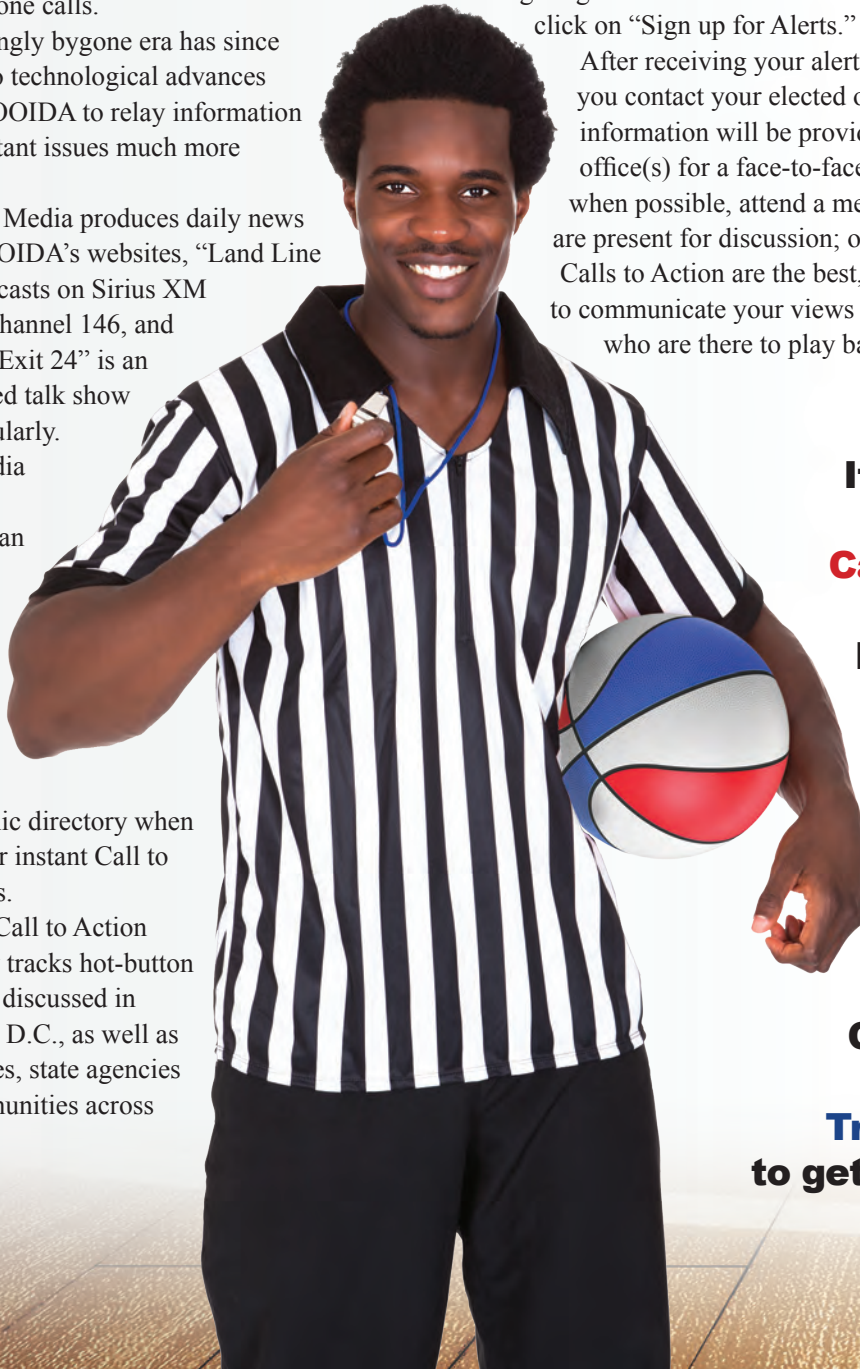
OOIDA's Call to Action team closely tracks hot-button issues being discussed in Washington, D.C., as well as in statehouses, state agencies and in communities across the country.

If you are not already among the tens of thousands of truckers hooked in to daily happenings, it's time to get off the bench and into the game.

You do not have to be an OOIDA member to get updates on the latest activities that affect your business. Land Line readers and others in the trucking industry also have access to this resource.

Getting added to the Call to Action contact list is simple. Signing up can be done at FightingForTruckers.com. On the homepage, simply click on "Sign up for Alerts."

After receiving your alert, it is essential you contact your elected official(s), whose information will be provided; visit their office(s) for a face-to-face conversation; when possible, attend a meeting where they are present for discussion; or submit comments. Calls to Action are the best, and quickest, way to communicate your views to those officials who are there to play ball for you. **LL**



**It's up to you
to join the
Call to Action
team and
help make a
difference.**

**Online? Visit
[FightingFor
Truckers.com](http://FightingForTruckers.com)
to get connected.**

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Changing the game

When efforts for change are not going your way, you have tools to change the play.

By Keith Goble State Legislative Editor

OOIDA members are known for taking action to make better their livelihood. Action taken by tens of thousands of members through the years has played a large part in improving local, state and/or federal rules. Whether it is through communication with elected officials, running for office themselves, or offering insight through testimony to various panels and committees, there are many ways to change the playbook with what happens at all levels of government.

Despite lending your voice and expertise on various issues that affect you, you may see the action or inaction of elected officials complicate progress. Do not get mired with bad play calls from officials. There are options available for you and others to get local, state or regional issues on the ballot.

When elected officials are not doing their part to address important issues, the public typically can pursue ballot measures to get issues before voters. The three types of ballot measures available are initiatives, referendums and recalls.

Initiatives are a tool for registered voters to offer proposals to change or create laws through a petition process either to the legislature or directly to the ballot.

They require the collection of a predetermined number of signatures to move forward. According to the National Conference of State Legislatures, the initiative process is available in 24 states.

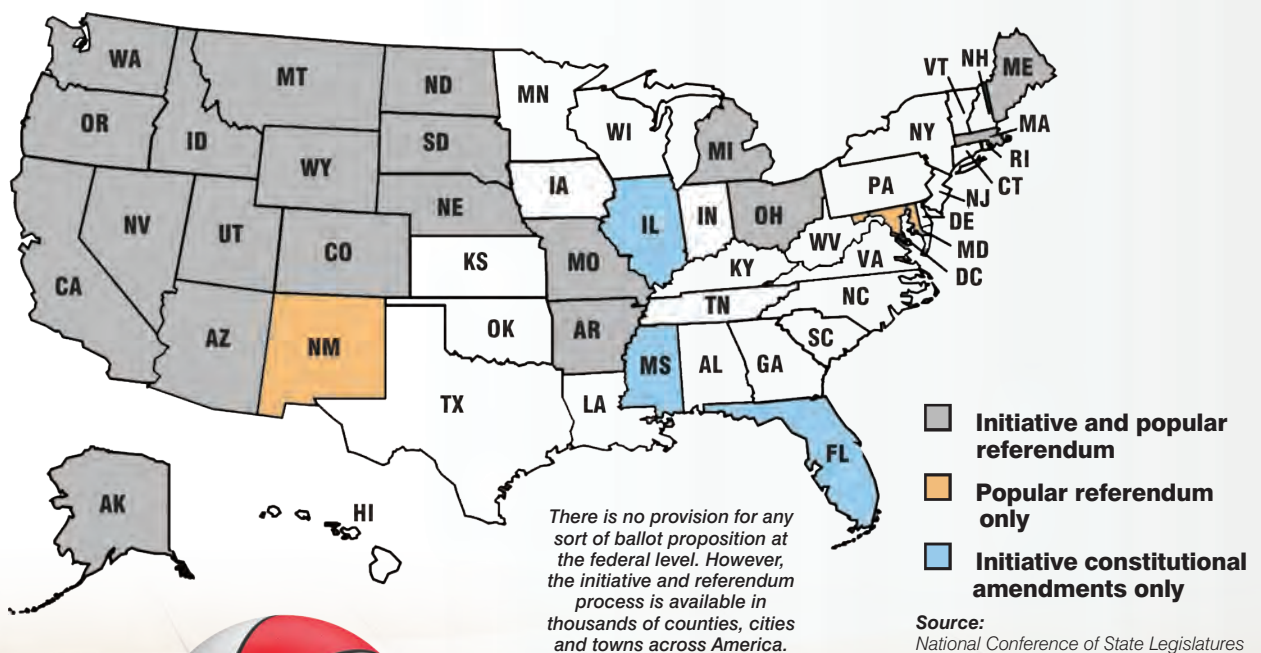
Using the initiative process, citizens can elicit a public vote on proposed statutes or amendments to a state constitution. The process also is used to ask advisory questions and propose memorials – nonbinding resolutions.

Referendums come in two forms. The first kind is a popular referendum. Similar to initiatives, registered voters in 23 states are required to collect a predetermined number of signatures to qualify for the ballot a question on whether to repeal a law enacted by state legislators.

The second form is a legislative referendum. Allowed in all states, this process is used by state officials or other government agencies to put before voters propositions that typically create statutes, amend the state constitution, or refer bond questions.

Recalls are initiated by the public to remove an elected official from office before his or her term expires. A predetermined number of signatures are required for a recall election.

Do not be deterred if your state does not offer an initiative or referenda process. Constituents have every right to call for their elected officials to make changes in statute to allow people greater control over their local and state rules. **LL**



STATE LEGISLATIVE GUIDE

Below is a list of the best phone numbers in each state to contact lawmakers, find out when they are scheduled to meet for committee meetings and/or floor sessions, and inquire about the status of bills of interest.

ALABAMA

Session began Jan. 11 and runs to April 25.

Legislature.State.al.us

Senate secretary 334-242-7803
House clerk 334-261-0555

ALASKA

Legislature began Jan. 18 and runs to May 18.

akleg.gov

Senate secretary 907-465-3701
House clerk 907-465-3725

ARIZONA

Session began Jan. 10 and runs to May 13.

azleg.gov

Senate secretary 602-926-4231
House clerk 602-926-3032

ARKANSAS

Session begins Feb. 14 and runs to March 15.

arkleg.state.ar.us

Senate secretary 501-682-5951
House clerk 501-682-7771

CALIFORNIA

Legislature began Jan. 3 and runs to Aug. 31.

legInfo.Legislature.ca.gov

Senate secretary 916-651-4171
Assembly clerk 916-319-2856

COLORADO

General Assembly began Jan. 12 and runs to May 11.

leg.Colorado.gov

Senate secretary 303-866-4838
House clerk 303-866-2345

CONNECTICUT

General Assembly begins Feb. 9 and runs to May 4.

cga.ct.gov

Senate secretary 860-240-0500
House clerk 860-240-0400

DELAWARE

General Assembly began Jan. 11 and runs to June 30.

legis.Delaware.gov

Senate secretary 302-744-4129
House clerk 302-744-4087

FLORIDA

Legislature began Jan. 11 and runs to March 11.

leg.State.fl.us

Senate secretary 850-487-5270
House clerk 850-717-5400

GEORGIA

General Assembly began Jan. 10 and runs to March 31.

legis.ga.gov

Senate secretary 404-656-5040
House clerk 404-656-5015

HAWAII

Legislature began Jan. 19 and runs to May 5.

Capitol.Hawaii.gov

Senate clerk 808-586-6720
House clerk 808-586-6400

IDAHO

Legislature began Jan. 10 and runs to April 4.

Legislature.Idaho.gov

Senate secretary 208-332-1309
House clerk 208-332-1141

ILLINOIS

Session began Jan. 4 and runs to May 31.

ilga.gov

Senate secretary 217-782-5715
House clerk 217-782-8223

INDIANA

General Assembly began Jan. 4 and runs to March 7.

iga.in.gov

Senate secretary 317-232-9421
House clerk 317-232-9608

IOWA

General Assembly began Jan. 10 and runs to April 19.

legis.iowa.gov

Senate secretary 515-725-4118
House clerk 515-281-4280

KANSAS

Legislature began Jan. 10 and runs to April 8.

ksLegislature.org

Senate secretary 785-296-2456
House clerk 785-296-7633

KENTUCKY

Session began Jan. 4 and runs to April 15.

Legislature.ky.gov

Senate secretary 502-564-2450
House clerk ... 502-564-8100, ext. 3366

LOUISIANA

Legislature begins March 14 and runs to June 6.

legis.la.gov

Senate secretary 225-342-5997
House clerk 225-342-7259

MAINE

Legislature began Jan. 5 and runs to April 11.

Legislature.Maine.gov

Senate secretary 207-287-1540
House clerk 207-287-1400

MARYLAND

General Assembly began Jan. 12 and runs to April 11.

mgaleg.Maryland.gov

Senate secretary 410-841-3908
House clerk 410-841-3999

MASSACHUSETTS

General Court began Jan. 5 and runs to Jan. 3, 2023.

maLegislature.gov

Senate clerk 617-722-1276
House clerk 617-722-2356

MICHIGAN

Legislature began Jan. 12 and ends Dec. 31.

Legislature.mi.gov

Senate secretary 517-373-2400
House clerk 517-373-0135

MINNESOTA

Legislature began Jan. 31 and ends May 23.

leg.mn.gov

Senate clerk 651-296-0504
House clerk 651-296-2314

MISSISSIPPI

Legislature began Jan. 4 and ends April 3.

Legislature.ms.gov

Senate secretary 601-359-3229
House clerk 601-359-3360

MISSOURI

General Assembly began Jan. 5 and ends May 20.

House.mo.gov

Senate.mo.gov

Senate secretary 573-751-3766
House clerk 573-751-4017

MONTANA

There is no regular session for 2022. The next session begins in January 2023.

leg.mt.gov

Senate secretary 406-444-4801
House clerk 406-444-4819

NEBRASKA

Unicameral began Jan. 5 and ends April 20.

NebraskaLegislature.gov

Clerk of the Legislature .. 402-471-2271

NEVADA

There is no regular session for 2022. The next session begins in February 2023.

leg.State.nv.us

Senate secretary 775-684-1400
Assembly clerk 775-684-8555

NEW HAMPSHIRE

General Court began Jan. 5 and ends June 30.

gencourt.State.nh.us

Senate clerk..... 603-271-3420
House clerk 603-271-2548

NEW JERSEY

Legislature began Jan. 11 and ends Dec. 31.

njleg.State.nj.us

Senate clerk..... 609-847-3915
Assembly clerk..... 609-847-3115

NEW MEXICO

Legislature began Jan. 18 and ends Feb. 17.

nmlegis.gov

Senate clerk..... 505-986-4714
House clerk 505-986-4751

NEW YORK

Legislature began Jan. 5 and ends June 2.

nySenate.gov

Assembly.State.ny.us

Senate secretary 518-455-2051
Assembly clerk 518-455-4242

NORTH CAROLINA

General Assembly begins May 18 and ends June 30.

ncleg.gov

Senate clerk..... 919-733-7761
House clerk 919-733-7760

NORTH DAKOTA

There is no regular session in 2022. The next session begins in January 2023.

legis.nd.gov

Senate secretary 701-328-3297
House clerk 701-328-3527

OHIO

Session began Jan. 3 and ends Dec. 31.

Legislature.Ohio.gov

Senate clerk..... 614-466-4900
House clerk 614-466-3357

OKLAHOMA

Legislature begins Feb. 7 and ends May 27.

okLegislature.gov

Senate secretary 405-521-2391
House clerk 405-557-7303

OREGON

Session began Feb. 1 and ends March 7.

OregonLegislature.gov

Senate secretary 503-986-1851
House clerk 503-986-1870

PENNSYLVANIA

Session began Jan. 4 and ends Nov. 30.

legis.State.pa.us

Senate secretary 717-787-7163
House clerk 717-787-2372

RHODE ISLAND

General Assembly began Jan. 4 and ends June 30.

riLegislature.gov

Senate secretary 401-276-2555
House clerk 401-222-1478

SOUTH CAROLINA

Legislature began Jan. 11 and ends May 12.

scStatehouse.gov

Senate secretary 803-212-6200
House clerk 803-734-2403

SOUTH DAKOTA

Legislature began Jan. 11 and ends March 10.

sdLegislature.gov

Senate clerk..... 605-773-3825
House clerk 605-773-3842

TENNESSEE

General Assembly began Jan. 11 and ends April 21.

Capitol.tn.gov

Senate clerk..... 615-741-2730
House clerk 615-741-2901

TEXAS

There is no regular session in 2022. The next session begins in January 2023.

Capitol.State.tx.us

Senate secretary 512-463-0100
House clerk 512-463-0845

UTAH

Legislature began Jan. 18 and ends March 4.

le.Utah.gov

Senate secretary 801-538-1035
House clerk 801-538-1029

VERMONT

General Assembly began Jan. 4 and runs to May 20.

Legislature.Vermont.gov

Senate clerk..... 802-828-2241
House clerk 802-828-2247

VIRGINIA

Session began Jan. 12 and ends March 12.

VirginiaGeneralAssembly.gov

Senate secretary 804-698-7400
House clerk 804-698-1619

WASHINGTON

Legislature began Jan. 10 and ends March 18.

leg.wa.gov

Senate secretary 360-786-7550
House clerk 360-786-7750

WEST VIRGINIA

Legislature began Jan. 12 and ends March 12.

wvLegislature.gov

Senate clerk..... 304-357-7800
House clerk 304-340-3200

WISCONSIN

Session began Jan. 11 and ends May 18.

legis.Wisconsin.gov

Senate clerk..... 608-266-2517
Assembly clerk..... 608-266-1501

WYOMING

Legislature begins Feb. 14 and ends March 11.

wyoleg.gov

Senate clerk..... 307-777-7711
House clerk 307-777-7852

Worth the wait

After postponing twice, the Mid-America Trucking Show is gearing up to celebrate its 50th anniversary.

Never fear, however, 2022 MATS attendees also can expect to experience other long-standing events, such as the MATS Friday night concert and five exhibit halls with exhibits covering more than 1 million square feet.

What's the parking situation?

Tractor-trailer parking at the Kentucky Expo Center will cost \$30 daily, and RV spots without utility hook-ups are available for \$50 per day or \$75 per day for spots with electrical hookups. RV spots must be reserved by calling 502-367-5380. If you're in your personal vehicle, it will cost you \$10 to park each day.

Offsite overnight truck parking is planned to be available for free at Cardinal Stadium, 4146 Park Blvd., Gate D. Shuttle buses to and from the Kentucky Expo Center also are provided for anyone parking at the stadium.

Where is OOIDA going to be at the show?

As usual, the Owner-Operator Independent Drivers Association will have a booth at MATS. OOIDA will be in Booth 11128 in the North Wing. You can catch OOIDA's tour truck in the PKY Truck Beauty Championship in Lot J behind the West Wing.

It will cost only \$35 to join or renew your OOIDA membership at MATS.

You still want to know more

Go to TruckingShow.com for answers to a list of frequently asked questions. The website will also update daily schedules and announce the concert performers as it gets closer to the days of the show. Plus, the March-April edition of Land Line Magazine is planned to have even more information about MATS in 2022. **LL**



By Land Line staff

Who is ready for some Mid-America Trucking Show fun? The largest in-person truck show in the U.S. is back on track for 2022 and ready to amp things up a notch or two.

What does MATS have to offer?

For veteran attendees of MATS, plan on things looking a little different for the 50th anniversary shindig.

“We intend to set a new standard for trucking industry events,” says show president Toby Young. “We’ve developed new in-person experiences that will reconnect the entire trucking industry through face to face interactions that will educate and entertain.”

Young said some experiences include a new expanded education program – the MATS Pro Talks Seminar Series – with twice as many seminars and product demonstrations, more outdoor events including a larger-than-ever 30th anniversary PKY Truck Beauty championship.

There will be a MATS 50th anniversary celebration and ceremony on the opening night that will include live music, drinks and an interactive history display with the MATS Wall of Fame and other immersive experiences.

When and where?

MATS is scheduled for March 24-26 at the Kentucky Expo Center in Louisville. On Thursday, a VIP session is planned from 10 a.m. to 1 p.m. Doors are scheduled to open to the general public from 1 p.m. to 6 p.m. On Friday, the doors are scheduled to open to the general public from 10 a.m. to 6 p.m. On Saturday, the show is planned to open from 9 a.m. to 4 p.m. The Kentucky Expo Center is at 937 Phillips Lane in Louisville.

How do I register?

To register for the show, go to TruckingShow.com/Registration and fill out the form. Registration remains free until late February. After February, it will cost \$10 online and \$20 onsite to attend. VIP badges can be purchased for \$99.

If you register before the end of February, a badge will be mailed to your address. After February you will have to wait in line for your badge to be printed. If you register online, be sure to print out your registration confirmation and bring it with you to the show to exchange for your badge.

Badges will be good for all three days of the show. Children under the age of 14 are not required to register and will not need a badge.

Clock is ticking for truckers with ELDs on a 3G network



By Land Line Staff

The sun is setting on the 3G cellphone network. That means some electronic logging devices soon may be no longer working.

All major mobile carriers are ending their 3G networks in 2022.

The Federal Motor Carrier Safety Administration warns that the end of the 3G network is scheduled to be phased out as early as February.

Once the 3G network is no longer supported, ELDs that rely on that network will not be able to meet the minimum operational requirements.

“Once a 3G network is no longer supported, it is highly unlikely that any ELDs that rely on that network will be able to meet the minimum requirements established by the ELD technical specifications, including recording all required data elements and transferring ELD output files,” FMCSA wrote.

According to the agency, the schedule for complete 3G

shutdowns are as follows:

- **AT&T: Feb. 22, 2022**
- **Sprint (T-Mobile): March 31, 2022**
- **Sprint LTE (T-Mobile): June 30, 2022**
- **T-Mobile: July 1, 2022**
- **Verizon: Dec. 31, 2022**

While these are the projected dates for complete shutdowns, mobile carriers are planning to retire parts of their networks sooner. FMCSA also noted that sunset dates are subject to change and advised users to contact their mobile carriers for up-to-date information.

Such carriers as Boost, Cricket and Straight Talk use the AT&T, Verizon and T-Mobile networks.

Drivers who may be affected by the change first need to confirm whether their ELD operates on the 3G network. If it works on the 4G or 5G networks, no action is needed to ensure their device meets minimum requirements. 5G is the newest generation of wireless network technology.

If a driver's ELD operates on 3G, they need to contact their ELD provider about upgrading or replacing their ELD.

Questions about the changes can be emailed to ELD@DOT.gov. **LL**

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Truckload of Toys



The Spirit of the American Trucker pulls into Children's Mercy Hospital in Kansas City with a truckload of toys.

Some ill children received a gift from some superheroes, including a few truckers.

By Tyson Fisher Staff Writer

Over the holiday season, the Owner-Operator Independent Drivers Association teamed up with Target and Elite Comics to deliver toys to Children's Mercy Hospital in Kansas City, Mo.

Once the superheroes were done loading the truck, Marty Ellis delivered the toys to Children's Mercy Hospital in a superhero Santa's sleigh, a Western Star.

Dressed up as superheroes, Elite Comics volunteers make monthly visits to Children's Mercy Hospital. A visit from a superhero is what many children going through a difficult time need.

During the holiday season, parents and caregivers can get a gift for their children at the hospital's

Snowflake Shoppe. Not only does the shop release the burden of leaving the building, but the gift is free. Donations come from a variety of people, including past patients, professional athletes, corporate partners and, of course, superheroes.

Jessica Porter (aka Supergirl) discovered the hospital's Snowflake Shoppe when searching for more ways to help. However, a truckload of toys is not cheap.

William Binderup, owner of Elite Comics, collects money throughout the year. Raffles, exclusive books/covers and celebrity appearances in the store are among the ways Binderup collects funds.

This year, Binderup raised \$28,000 during his 28th year in business. Next year, he plans to raise \$29,000, then \$30,000, and so on. At the end of each year, it is time to go shopping.

When asked why he does it, Binderup said he thinks about kindness.

"That's what life is all about," Binderup said. "If you can just be



kind to other people, that's the only thing that matters."

With thousands of dollars in toys, Binderup needs some help transporting the donations to Children's Mercy Hospital. The best people qualified for this mission are the superheroes that the nation relied on during the pandemic: truckers.

Organizers reached out to OOIDA, which has the right driver and truck for the job.

Marty Ellis, the skipper of OOIDA's

Photos by Tyson Fisher



It was a group effort to load up all the toys. Volunteers included people with OOIDA, Children's Mercy Hospital, Target and Elite Comics.



Marty Ellis was the superhero transporting donated toys to Children's Mercy Hospital in OOIDA's tour trailer, the Spirit of the American Trucker.



Volunteering on behalf of Elite Comics, Wolverine shops for toys going to Children's Mercy Hospital in Kansas City, Mo.



OOIDA Executive Vice President Lewie Pugh helps unload the Spirit of the American Trucker.

tour trailer, the Spirit of the American Trucker, along with OOIDA Executive Vice President Lewie Pugh, left OOIDA headquarters in mid-December en route to Target, the first of two stops. While at Target, Ellis and Pugh patiently waited in the back of the parking lot until it was time to load.

Once the superheroes were done loading the truck, Ellis delivered the toys to Children's Mercy Hospital in a superhero Santa's sleigh, a Western

Star. Located in downtown Kansas City, getting to the hospital's loading area is not exactly the easiest for a trucker. Fortunately, superhero trucker Ellis was behind the wheel.

At the hospital, there were no television news crews or greeting committee. Ellis parked in a small area in the back away from hospital staff, patients and visitors. The bags of toys were carried into an undisclosed area, complete with a security guard to ensure safety.

Ellis and Pugh hopped into the truck and drove away into the night.

"I think every driver out there would benefit from just getting involved, whether it's your local church or local fundraiser of some sort, because it really does make you more part of the community," Ellis said. "That's why I enjoy getting involved in things like this. I just kind of feel honored that we were able to be just a small part of it." **LL**

Driving for Excellence

Reddell honored with 2021 Transition Trucking award.

By Land Line staff

Jimmy Reddell, who spent 22 years in the U.S. Army and Army Reserves, felt a career in trucking would not only allow him to travel the country, but he would also be playing a key role in the transportation of essential goods.

Following his retirement from military service, Reddell earned his commercial driver's license in 2020 and hired on as a driver with Dallas-based Stevens Transport.

Starting any new career presents its own set of challenges, and Reddell has surely experienced his share. However, a Dec. 17 award presentation provided Reddell with a once-in-a-lifetime kind of opportunity he won't soon forget.

Reddell was announced as winner of the 2021 Transition Trucking: Driving for Excellence award in Washington, D.C. As part of this honor, Reddell was handed the keys to a brand new Kenworth T680 equipped with a 76-inch sleeper and more.

"This is certainly a special moment for me," Reddell said in a news release. "When I found out I was nominated I was in total disbelief. I'm very honored to receive the 2021 Transition Trucking award out of all the deserving veterans nominated. Thanks to Stevens Transport and Angela Horowitz for nominating me. I can't wait to get that Kenworth T680 out on the road."

Reddell recently became an independent contractor through Stevens Transport Contractor Division, thousands of miles from



Jimmy Reddell poses in front of the Kenworth T680 he won as part of Transition Trucking: Driving for Excellence program.



Genevieve Bekkerus, Kenworth's director of marketing, hands the keys of a brand new Kenworth to Jimmy Reddell, who was presented with the Transition Trucking award in Washington, D.C.

South Korea, where he transferred missile radar systems across mountain passes while serving overseas.

"Jimmy Reddell's accomplished military career instilled attention to detail, punctuality, discipline and a keen sense of urgency that have helped him to be successful as a professional truck driver," Brad



Jimmy Reddell, an independent contractor with Stevens Transport, addresses the crowd after being named winner of the 2021 Transition Trucking: Driving for Excellence award.

Bentley, Fastport president, said in a news release. "Jimmy has a great support network at Stevens Transport to begin his career. I know he will be a great ambassador for our industry moving forward."

This was the sixth year of the partnership between Kenworth, Fastport Trucking Track Mentoring Program and the U.S. Chamber of

Credit: Ian Wagreich/U.S. Chamber of Commerce

Commerce Foundation's Hiring our Heroes Program, which aims to recognize America's top rookie military veteran who has made the successful transition from active duty to driving commercially.

"It was an honor to present Jimmy Reddell with the keys to the Kenworth T680 on behalf of Kenworth and our employees," Genevieve Bekkerus, Kenworth director of marketing, said in a news release. "We thank him for his long military service to our country, and wish him all the best in his trucking career."

The Transition Trucking program also recognized James C. Rose, a Marine veteran and driver for Prime Inc., and Christopher Slindee, an Army veteran and Knight Transportation driver, as runners-up. They were each awarded a \$10,000 check.

The top driver was determined by an expert panel of judges. To qualify, drivers had to be nominated by their motor carrier and meet three eligibility requirements:

- *Must have been active military or member of the National Guard or Reserve.*
- *Graduated from PTDI-certified, NAPFTDS or CVTA member driver training school, with a valid CDL.*
- *First hired in a trucking position between January 1, 2020, and July 31, 2021.*

More information about the Transition Trucking: Driving for Excellence award can be found at TransitionTrucking.org. **LL**



Pilot Flying J picks latest Road Warrior winner

By Land Line staff

Each year, Pilot Flying J recognizes professional truck drivers who go the extra mile through their Road Warrior contest.

In November, the truck stop named Eric Curlett, of Crossville, Tenn., as its latest Road Warrior. Curlett received the grand prize of \$10,000.

Eduardo Andrade, of Yonkers, N.Y., and David Rosenquist, of Monon, Ind., received second and third place, respectively.

"We are honored to host our annual Road Warrior contest and give back to the professional drivers who have such a significant impact on our economy and who work so hard to serve our communities," Pilot Flying J CEO

Shameek Konar said in a news release. "This recognition is one way we say thank you to the professional drivers we get to serve each day."

Curlett, who is a Marine veteran, has hauled glass for Maverick Transportation for six years.

"I'm honored that a peer and friend in this industry nominated me for this recognition," Curlett said. "I didn't expect to win and it definitely took me by surprise. I look forward to taking my family to a warm weather place to spend a week together."

Andrade received \$5,000 for second place, and Rosenquist received \$2,500 for third. **LL**



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A tradition of giving

This year's effort resulted in a total of \$32,300 in donations for active troops and military veterans from nearly 2,000 participants.

By **SJ Munoz** Staff Writer

The tradition of giving to end the year continued for the Owner-Operator Independent Drivers Association in 2021.

For the past 15 years, OOIDA has ended the year with its Truckers for Troops campaign, which was started as a way to send care packages to service members overseas and veterans' facilities in the United States.

"Once again the trucking industry stepped up to help our veterans," Sylvia Dodson with Truckers for Troops said. "They joined, they renewed and donated in order to make this a success. There was enthusiasm to let us know what branch they were affiliated with. They were donating full boxes on behalf of their fur babies. We even had quite a few votes for Space Force. It was a lot of fun, as always, and our members came through again."

More than one-third of OOIDA members are military veterans, and this year's effort resulted in a total



OOIDA presented money raised by Truckers for Troops as well as a truck filled with supplies to the Veterans Community Project on Dec. 7. Pictured above from left are Brett Myers, VCP operations coordinator; Karla Hite, OOIDA switchboard; Cheri Miller, OOIDA truck insurance; Janice Cooper, OOIDA truck insurance; Sylvia Dodson, OOIDA membership; Chris Admire, VCP executive director-KC; Lewie Pugh, OOIDA executive vice president; and Michele Bryant, OOIDA truck insurance.

of \$32,300 in donations from nearly 2,000 participants.

"This one is near and dear to the organization as a lot of truckers, including myself and our president Todd Spencer, are veterans," OOIDA Executive Vice President Lewie Pugh said. "It means a lot to us. We don't like to see other veterans struggle, and I don't think anyone in America wants to see veterans struggle."

Even with all the obstacles of the past couple of years, OOIDA and its members remained steadfast in their giving.

"Our staff and members are all very giving," Pugh said. "It's been a rough year-and-a-half and everyone is frustrated. But, at the end of the day people's hearts are still in the right place and caring for people."

Veterans Community Project

In recent years, with less military personnel overseas, the efforts of the Truckers for Troops campaign have shifted, but the generosity continues to impress year after year.

The Veterans Community Project is a neighborhood of 49 "tiny houses" in Kansas City, Mo., created to assist veterans with homelessness. The homes range in size from 240 to 320 square feet, connect to city utilities and 70% of the construction was performed by community volunteers.

A Veterans Outreach Center is also available through the Veterans Community Project. The center provides services including:

- *Free RideKC veterans pass*
- *Food and hygiene kits*



OOIDA Executive Vice President Lewie Pugh spoke to local media about OOIDA's fundraising efforts through Truckers for Troops.



OOIDA's Truckers for Troops not only raised more than \$30,000, but household supplies were also delivered to the Veterans Community Project.

VETERANS COMMUNITY PROJECT

- *Employment services*
- *Discharge upgrade services*
- *Military documentation services*
- *Emergency assistance*
- *Counseling and housing referrals*
- *Case management*

As a nonprofit, the project benefits greatly from fundraisers like Truckers for Troops.

On Dec. 7, OOIDA made a donation from funds raised by this year's Truckers for Troops, and also delivered a truckload of household supplies and goods.

"It's really important that we have buy-in from the community because we are a non-profit that doesn't accept federal money," said Chris Admire, executive director at Veterans Community Project-Kansas City. "These relationships are the foundation of what we do here. This is just as much theirs as it is ours. It is the community's nonprofit. The goal the founder set was ending veteran homelessness, and here in Kansas City we're taking that to a little different level."

That level includes an expansion at their Kansas City campus among other plans.

"We're in five cities now: Kansas City; St. Louis; Longmont, Colo.; Sioux Falls, S.D.; and Oklahoma

City," Admire said. "With that expansion it's starting to bring a little bit more national attention. The goal the founder of this organization set was ending veteran homelessness. We want to create a navigation campus here in Kansas City to help all veterans. Any veteran that wants to

better themselves. They can come here and we can help them with a much broader spectrum than just housing issue."

After another successful campaign, Truckers for Troops has now raised more than \$700,000 for military personnel and veterans. **LL**

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This truck's a 'Badass'

That's what Autocar calls its DC-64D, but it drives rather agreeably.

By **Tom Berg** Contributing Editor

You won't find "Badass" in Autocar LLC's brochure for its latest conventional-cab derivative, or in any chrome badging on the truck itself, except high on the sideboards of the dump bed. The Birmingham, Ala.-based builder says it actually trademarked Badass for use with trucks, so the word is locked in.

This demonstrator, adorned with stars and stripes and bright metal, does look "tough" and "uncompromising," as dictionaries define the slang term, and maybe "intimidating," as well. But "hard to get along with," another meaning, it's not. This DC-64D, its more polite designation, drove rather agreeably on a brief outing near its birthplace in the deep South on a sunny day just before Christmas.

This 12-wheel tri-axle demo truck, a 6x4 with a steerable lift axle, is typical of what the company has been selling into the dump market, initially in the Southeast. The cab, of high-strength steel with some aluminum members, features a wrap-around windshield for good outward visibility. All auxiliary equipment for bodies is installed at the factory. "Badass" lettering is on the dump bed's side boards.



The businesslike cab interior includes fabric-covered air-ride seats, old-school switch and control layout, and a sport-type steering wheel unburdened by buttons. Outward view is very good, especially to the right front and sides and to the rear. The smart dash has a large color screen between the speedometer and tach for displaying many gauges, numbers and warning lights.

Photos courtesy of Tom Berg



Three high steps carry a driver into the nicely appointed cab. Note the yellow switches under the door's front, for remotely draining air tanks, and rear corner windows that aid outward visibility. Tanks for fuel and diesel exhaust fluid are conveniently mounted on the left side, though they could go elsewhere.

Through its long history, with lineage stretching back to 1897 and the nameplate to 1899, Autocar has specialized in vocational trucks, and that's the market the firm is sticking with now. The dumper is the third iteration of Autocar's year-old conventional cab vocational series. It was preceded by R for refuse and M for mixer models, which differ in frame, wheelbase and suspension designs. All have set-back steer axles, but a forward-set design will follow in 2023 or '24, executives said. So will a tractor, also for vocational duties.

Autocar's last highway tractor was the AT-64F of the early 1980s, when Autocar was a division of Volvo. I drove a sleeper-cab version back then and remember it as a fine machine. You've probably seen pictures of earlier long-haulers, some with short integral sleepers, from the 1930s through the '70s, a period during which it became part of the old White Motor Co. Now it's owned by Highland Park, Ill.-based GVW Group, which holds other industrial and high-tech firms.

My drive of this dumper took us from Autocar's factory in Birmingham to a quarry about 25 miles northeast. There we picked up 23.5 tons of No. 57 stone, then retraced our route. Bruce Mochrie, business development manager for construction, said he'd use it to patch some big potholes

Autocar builds each truck to order for a specific buyer, and every truck on the line is sold before it goes out the door.

in a lot adjacent to the plant, but the main idea was to give me a feel for the truck's behavior while running empty and then under load. With Hendrickson taperleaves in front and a Haulmaax rubber-block suspension over the tandem axles, it rode nicely either way.

A Cummins X12 diesel produced 500 horses that propelled us well and with little work from me, for the transmission was an Allison 4500 automatic. While loaded, on one stiff pull up an 8% grade, our speed fell as low as 20 mph and the six-speed Allison went down to third gear as the Cummins kept a-hummin' at 1,900 to 2,000 rpm, right at redline. Otherwise, I cruised at 55 to 60 mph and used the Jake Brakes to retard us on downgrades.

Visibility in all directions was superb, and the turning circle was surprisingly short, especially for a 20,000-pound front axle with wide tires and dual steering gears. The roomy interior included a simple 18-inch sport-type steering wheel. All switches and controls were on a flat dashboard arranged in old-school fashion, with rows of toggles and gauges and, just ahead of the driver, a large color screen that added a modern note. At the end of our run, Mochrie scrolled through a seemingly limitless array of categories on the screen, and pointed out that the entire service manual – complete with diagrams, illustrations, plus diagnostic and fix-it info – is in the onboard computers. That data also can be put into a tablet or laptop.

This dump truck is a demonstrator and one of the few the company has assembled for stock. Autocar builds each truck to order for a specific buyer, and every truck on the line is sold before it goes out the door, according to Tim Thornton, vice president and general manager.

And Autocar has no dealers. Customers deal directly with the company, both for sales and product support. Representatives will set up customers and any truck shops they pick to do warranty and repair work. That's supposed to be rare because the truck's designed for long life and easy access to components. Support continues 24/7 throughout a truck's life, for the first and subsequent owners. Customers pay for post-warranty parts, but all consultations by phone and video come at no charge.

Put another way: Buy an Autocar and you've got friends at the factory, badass or not. **LL**



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TuSimple claims completion of first driverless truck run on public highways

By Tyson Fisher Staff Writer



Self-driving trucks reached a milestone after autonomous driving technology company TuSimple says it successfully completed the first driverless run on public roads.

On Dec. 22, San Diego-based TuSimple “completed the world’s first fully autonomous semi-truck run on open public roads without a human in the vehicle and without human intervention,” according to a news release. The 80-mile, one-hour and 20-minute drive began in Tucson, Ariz., and ended in Phoenix.

TuSimple claims this is the first time a Class 8 truck has operated on open public roads without human intervention. In an unedited video of the entire trip, no one can be seen inside the truck. According to TuSimple, the driving test was 100% operated by TuSimple’s Autonomous Driving System without a human on board, without remote human control of the vehicle, and without traffic intervention.

“By achieving this momentous technical milestone, we demonstrated the advanced capabilities of TuSimple’s autonomous driving system and the commercial maturity of our testing process, prioritizing safety and collaboration every step of the way,” TuSimple President and CEO Cheng Lu said in a statement. “This test reinforces what we believe is our unique position at the forefront of autonomous trucking, delivering advanced driving technology at commercial scale.”

According to TuSimple, the company’s self-driving technology “successfully navigated surface streets, traffic signals, on-ramps, off-ramps, emergency lane vehicles, and highway lane changes in open traffic while naturally interacting with other motorists.”

However, the test drive was not completely uncontrolled. The Arizona Department of Transportation and law enforcement collaborated with the tech company for the landmark drive.

In addition to working with government regulators and law enforcement, TuSimple sent out a survey vehicle “to look for anomalies” 5 miles ahead of the driverless truck. Also, “an oversight vehicle capable of putting the autonomous truck in a minimal risk condition” was close behind. Law enforcement was about half a mile behind the truck for extra safety measures.

Although the trip was a success, it may still be many years before fully self-driving trucks are commercially available. **LL**

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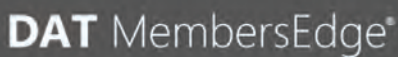


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As if that's not enough, on the permit side of things they can assist OOIDA members with Unified Carrier Registration, weight-distance

permits, intrastate permits, International Registration Plan, IFTA, 2290 – you name it, they can help.

While all of the filing services are priced depending on what's needed and the scope of the motor carrier operation, compliance is the main focus.

"The most important service we provide is helping our members make sure they have everything they need," said Crystal Minardi, permits and licensing department supervisor. "That's why we encourage them to call in and go over everything as part of their membership and make sure that they are in compliance." **LL**



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Bill aims to prevent staged crashes, insurance fraud

By Land Line staff

Representatives from Louisiana and Texas have introduced legislation intended to discourage staged collisions and fraudulent insurance claims.

Reps. Garret Graves, R-La., and Henry Cuellar, D-Texas, have introduced the Highway Accident Fairness Act of 2021.

Truckers are often the target of staged collisions, which puts both civilians and truckers in serious danger, according to a news release from Cuellar's office. This results in significant financial burdens on trucking companies, their insurers, and law enforcement agencies.

"Louisiana drivers pay some of the highest insurance rates in America," Graves said in a news release. "This is unacceptable, and the solutions don't require rocket science. Our bill will prevent criminal rings from further increasing the cost to drive and do business in Louisiana."

He added that the legislation would crack down on fraudulent claims, increase safety on the roads, and help to lower insurance rates for drivers. Under the proposed legislation, the penalty for staging a collision includes fines and imprisonment for up to 20 years. If the staged collision results in death or bodily injury, imprisonment

exceeds 20 years.

A staged crashes amendment from Graves had been proposed when the House of Representatives was creating its highway bill, but it was rejected. The Owner-Operator Independent Drivers Association supported that amendment and also supports this bill.

"It's great to see members of Congress working on bipartisan legislation to help control insurance costs for small-business truckers, rather than House Democrats continually pushing for completely unnecessary increases in minimum liability insurance requirements, which I imagine would only incentivize more staged collisions," said Collin Long, OOIDA director of government affairs. "We applaud Reps. Graves and Cuellar for recognizing staged collisions are a serious problem that can needlessly ruin trucking businesses."

Federal prosecutors have charged at least 40 people in connection to an alleged staged-collision conspiracy scheme involving commercial motor vehicles in the New Orleans area.

Prosecutors have collected 28 convictions via "Operation Sideswipe." Participants have admitted to feigning injury because of the staged collision with a tractor-trailer. **LL**

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Looks as good rollin' away as it does comin' at you.

Ring of Fire

The separation occurred in 1994. That is when Charles “Oil Can” Hale’s dad sold this 1985 Peterbilt 359 that he bought new from Peterbilt of Nashville so many years ago. At the time he sold it, he had put 845,000 miles on it hauling fuel for Aaron Oil Co.

The truck has likely one of the most interesting stories of how it came to be. It was ordered by none other than Mr. Johnny Cash himself. Cash spec’d it with a 63-inch sleeper, 3408 Cat engine, 15-speed overdrive transmission, and 3.70 rears at 245-inch wheelbase. You may squawk at the notion of only 245-inch wheelbase, but for ’85 that was pretty outrageous. Most trucks of that era had 36-inch bunks and only 220- to 225-inch wheelbases. So, a 245-inch truck was out there.

The story goes that when the truck left the factory and arrived at the

dealer in Nashville, Cash refused the truck because they had forgotten to install the Vari-Shield during assembly. For those who may not know, a Vari-Shield is a painted air dam that mounts on top of the sleeper. Cool thing was you could raise and lower it electronically from the cab.

Well, as luck goes, Charles’ dad was shopping for a new truck in about 1985. He was dead set on a 5 and 4, two-stick truck, but the dealer happened to have the truck you see in our photos available for purchase with no waiting since Mr. Cash had refused to buy it. To add to its uniqueness, and certainly worth mentioning, Ring of Fire is believed to be the last Peterbilt that was equipped with the V8 Cat from the factory.

Charles (CB handle “Oil Can”) Hale and his family had lost track of

the truck for many years following 1994. They figured it was the one that got away and likely it had been wrecked, parted out, or worse.

Now fast forward to 2018. Oil Can’s son, Ethan, was perusing through social media and ran across a guy wanting to sell a “Johnny Cash” truck. His first thought was, “no way – that surely can’t be Granddad’s old Pete.” But lo and behold, it was!

So Charles and Ethan hurriedly discussed the situation and quickly bought the very special and unique 359 and brought it back home to the Hale family.

They worked tediously throughout the restoration process with the goal of keeping the truck as original as possible. They even fought the urge to stretch the frame and left the 245-inch chassis unmolested. So much painstaking effort went into the build. They also kept the authentic



The 359 was the coolest rig around in the '80s.



The wheelbases back then were not the long wheelbases we see today.



This interior is impressively unmodified and original.

The story goes that when the truck left the factory and arrived at the dealer in Nashville, Johnny Cash refused the truck because they had forgotten to install the Vari-Shield during assembly.

El Dorado seats. Charles still has the original build sheet, ordered for the one-and-only Johnny Cash himself. Hale even has the original owner's manual and Cat engine manual that came with the truck when it was new.

Charles says some of his favorite things about the truck are the original paint colors and stripe job, the 245-inch wheelbase, the El Dorado seats and the stainless full fenders.

Today, the truck has 1,061,000 actual miles. From 1994 to 2019, the Peterbilt was only driven a little more than 200,000 miles since Charles' dad sold it way back when.

Ring of Fire's working career is over. Charles and Amber Hale intend to keep this wonderful family heirloom sheltered in Russell Springs, Ky., and show the truck off at events, parades and shows for years to come.

You can see Ring of Fire proudly featured on the Chrome Shop Mafia 2022 Outlaw Trucks calendar.

"Truck driving is still a great profession," Hale said. "I would encourage any young person that enjoys trucks and the open road to go for it. If you have been bit by the driving bug and apply yourself, it will certainly make for a rewarding career." **LL**



Bryan "Boss Man" Martin and his family own and operate 4 State Trucks in Joplin, Mo. They have been entrenched in trucking for three generations and have but one focus: To serve America's truckers and assist in keeping them

"looking good and rolling proud" as they travel the highways.

Owner-operators happier with job than company drivers

Most owner-operators report a net income of at least \$75,000.

By Tyson Fisher Staff Writer

Are owner-operators more satisfied with their job than company drivers? A recent study suggests that is the case.

A report from the American Transportation Research Institute compares owner-operators' and company drivers' level of satisfaction with their jobs. For the most part, owner-operators appear to be happier with their job, including pay.

Owner-operators leased to a carrier indicated they take advantage of the carrier's resources. A vast majority of them use programs to acquire loads and get discounts on fuel. More than two-thirds use carrier resources for fuel taxes and insurance.

However, that can all go away if states strip the trucking industry of the independent contractor model. California's Assembly Bill 5 establishes a strict test to determine whether a driver is an employee or independent contractor. Awaiting its fate in the U.S. Supreme Court, the law could eliminate the owner-operator business model for California trucking companies.

If that were to happen, all of the benefits and level of satisfaction that come with being an owner-operator are out the window. Nearly three-quarters of owner-operators say they would be less satisfied if forced to be a company driver, according to ATRI. More than two-thirds predict they would earn less money as a company driver.

According to the report, owner-operators are earning more money. Nearly 70% of company drivers indicated annual wages between \$50,000 and \$100,000. Although that pay is not bad, it may not be as good as an owner-operator's. More than half of owner-operators reported an annual net income of \$75,000 or more. That includes owner-operators leased to a carrier and those with their own authority.

Owner-operators and company drivers have different reasons motivating them to choose their respective driver model. For owner-operators, those factors include independence/setting their own hours, schedule flexibility, and choice of routes/length of haul. More than 80% report satisfaction with those aspects of their jobs in addition to the pace of work.



Conversely, company drivers put more value on job security, income and benefits. About three-quarters are satisfied with job security. However, less than 70% are satisfied with their income, and less than 60% appear to be happy with the benefits.

The story is similar when it comes to pay. Independent contractors' pay typically comes in the form of freight bill percentage or by load. Again, more than 80% of owner-operators report satisfaction with their income level.

Company drivers are usually paid by the hour or mile. Those paid by the hour are happier with their income but not as happy as owner-operators.

According to the report, owner-operators are earning more money.

Nearly three-quarters of those paid by the hour are satisfied with their income. Only about two-thirds of company drivers paid by the mile reported any level of satisfaction with their income.

There is little desire among company drivers to become owner-operators. Only 18% indicated they would like to make the switch. Of those drivers, 85% believe they can earn more as an owner-operator, with 71% believing they would be happier with their job.

Among company drivers who used to be an independent contractor, less than a third said they are earning less. Even fewer reported they are less satisfied since making the switch. However, it is possible that those drivers did not experience anticipated pay and satisfaction as an owner-operator.

Researchers at ATRI also discovered that female truckers appear to be more content with their job than their male counterparts.

Among the top three motivating factors among owner-operators, closer to 90% of female drivers are reporting levels of satisfaction. The same is true for company drivers. More female company drivers are indicating satisfaction with those aspects of their job than male company drivers. **LL**

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Sniffing out a dog-tracking trailer

About 20 years ago I was cruising up Interstate 65 northwest of Indianapolis and came upon a tractor-trailer moving at a normal speed but tracking rather abnormally.

The dry-freight trailer was “dog-tracking,” also called “crab-walking.” Its right-rear corner was tracking a foot or more to the right of the tractor’s path. If the truck driver was aware of it, he kept going anyway because all four wheels on the trailer were parallel and rolling freely. He could report the problem when he got to his destination, assuming it wasn’t a consignee’s dock, where another load might be shoved aboard the crippled van.

The trailer was lettered for Ryder System, and I happened to know the guy in charge of maintenance for the huge fleet’s vehicles, Blaine Johnson, a former mechanic who

Dragging tires create friction that must be overcome by your tractor’s engine, and that costs you fuel.

had risen to be a vice president. I noted the trailer’s unit number and, when I found a place to pull off, I pulled out my cellphone and called him at his office down in Miami.

“Hey, Blaine,” I said, “I’m out here on I-65

following one of your rigs, and you’ve got a trailer crab-walking its way toward Chicago.”

I gave him the approximate location of the trailer and its number, and after chuckling and thanking me, he said he’d get in touch with shop people at the location where the trailer was assigned.

A few days later he called me back to relay how the shop foreman had reacted to the report.

“How would you know about that?” the surprised foreman asked.

“Oh, I’ve got eyes all over the place,” Blaine said he’d told him. He added that the trailer had been brought in for some work.

What could’ve caused both axles to go out of whack? Probably the trailer’s wheels hitting a tall curb, or being yanked through a large, deep pothole, or who knows what, but it must’ve been at something other than low speed. That means the suspension also might have been damaged.

“From the standpoint of spring suspensions, impact to the tires or suspension are a common cause of misalignment,” said Steve McDonald, applications engineer at Hutchens Industries, which makes suspensions. “This can damage the radius rods or displace the hangers enough to shift the axle.



A technician measures the height of the upper coupler platform, and therefore the kingpin, prior to other work. Height is altered by adjusting the landing gear up or down. Trailer must be on level pavement for all alignment work.

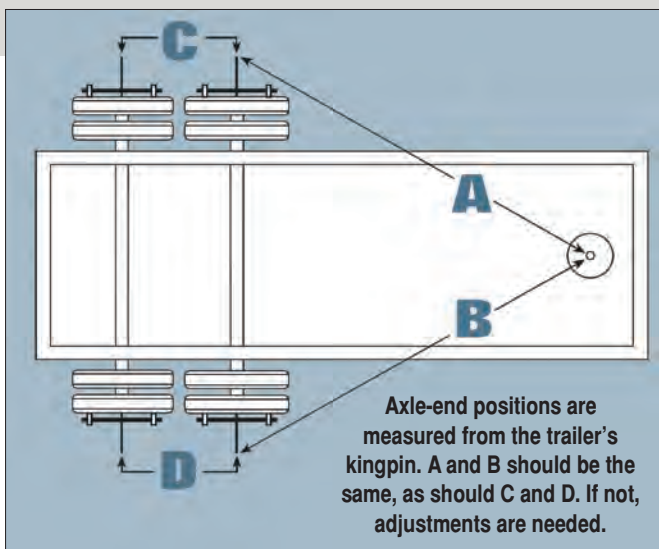


Wheel end extender brings the hub’s center out to where a tape measure can reach it while stretching from the trailer’s kingpin. It’s among the specialized tools needed to do a proper alignment.

Worn components can contribute to axle misalignment as well. Maintaining proper torque on the fasteners will go a long way to prevent component wear.”

There might not be much visible damage, he said, but if the axle moves just a quarter inch it’s enough to throw it out of alignment. It’s no longer parallel with the following axle, and tires of the axle are scrubbing against the pavement. That causes abnormal tread wear, one of the symptoms of misalignment, and one of the things drivers should look for during pre- and post-trip inspections.

If you’re an owner-operator who pulls somebody else’s trailer, you might not care too much, except to report it at the first opportunity. But dragging tires create friction that must be overcome by your tractor’s engine, and that costs



you fuel. So you should trade that trailer for a good one as soon as you can. If you own the trailer, you'll want to fix it quickly.

The first step is parking it on a level surface and taking some simple measurements to determine the extent of the misalignment condition. Proper height of the kingpin, as listed on the trailer builder's data plate, should set by adjusting the landing gear up or down.

The Technology & Maintenance Council has a recommended practice that involves measuring the distances between the trailer's kingpin and the axle ends. The two distances should be identical, and if they're not, you'll know that axle is misaligned, and by how much. RP 708D lists the tools and equipment needed to do the measuring, which include these items:

- A 50-foot (minimum) steel tape measure, marked in 1/32-inch or millimeter increments.
- A tensioning device, like a fish or engineering scale, to keep the tape taut during measuring, and something to secure the device to the tape measure.
- A kingpin adapter (an oval device that mounts to the kingpin) or short pole to extend the king pin's location downward, and a level to plumb the extension and to ensure the upper coupler platform is level.
- Wheel end (or spindle) extenders, each with a leveling bubble. The measurements will be from the center of the kingpin to the centers of the axle hub, as determined by a plumb bob to the tape laying on the pavement. Additional measurements include distances between the two hubs on each side of the tandem. A shop that does a lot of this work will probably use laser or computerized electronic alignment equipment.

The Truck Trailer Manufacturers Association also has recommendations. One passage says: "Before taking axle alignment measurements, make sure the trailer is unloaded and free the suspension of any binds by pushing the trailer backward and then pulling the trailer forward. While pulling

the trailer forward on a level floor, apply the brakes and release. This will ensure that an adjustable undercarriage is in its rearmost locked position. Trailers with air-ride suspensions shall be aligned with the suspension at its nominal ride height. The trailer must be level from side to side as well as from front to rear. Note: Neither service nor parking brakes shall be applied during the measurement procedure."

With the trailer's landing gear down, the tractor decouples from the trailer to allow access to the kingpin. Then inspect that and many other parts. Among them are the suspension and slider (if the trailer has one, it should be at the rearmost position), hubs and spindles, and bearing settings. Then measurements begin (see illustration), and axles are realigned as needed by using adjusting mechanisms on the suspension.

If you do not have a facility and tools for this kind of work, and you've done little or none of it, now is a good time to look for a shop with the equipment and experienced people to do the axle alignment on your trailer. And next time you're on the road, be sure the images of the trailer's sides are the same in each mirror. If you see little of one side and a lot of the other, you just might be crab-walkin' to Chicago. **LL**

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Induced demand

sounds good in theory but leaves truckers in a jam

Widened highways may attract more traffic, but they don't create it. And how do you fit a tractor-trailer on a bike trail?

By **John Bendel** *Contributing Editor at Large*

The Rocky Mountain Institute and some other environmental groups believe we should not expand highways to ease congestion. To prove it, they've launched the State Highway Induced Frequency of Travel Calculator – SHIFT, for short.

It's all about something called "induced demand."

The economic concept of induced demand applied to traffic says that highway improvements to ease congestion simply attract more traffic. Within five to 10 years, the congestion is back. The calculator shows how many million metric tons of carbon dioxide equivalent will result from any given highway improvement. The calculator is designed to discourage officials and planners from adding highway lanes to ease congestion. There are better ways of "connecting people to jobs and opportunity," said a news release from the institute.

Jobs and opportunity do not apply to trucks that can't navigate bike trails, ride on buses, or walk, but that is apparently beside the point. Though we share the same roads, we're talking exclusively about cars.

Traffic magically appears?

I'm sure widened highways do attract more traffic, but that new traffic doesn't suddenly materialize from nowhere.

Those are real people in those cars as well as trucks who have real reasons for driving from point A to point B. Mom and Dad don't one day say, "Hey, kids, let's take a ride on that nice new lane on I-301." And if they do, they certainly don't do it every day at 7 a.m. for the morning commute (unless they need more people for the high-occupancy vehicle lane, another bad-for-trucks idea).

Traffic comes from new populations and other routes, maybe local streets, where any reduction in traffic is a safety benefit, if nothing else. Like water, traffic

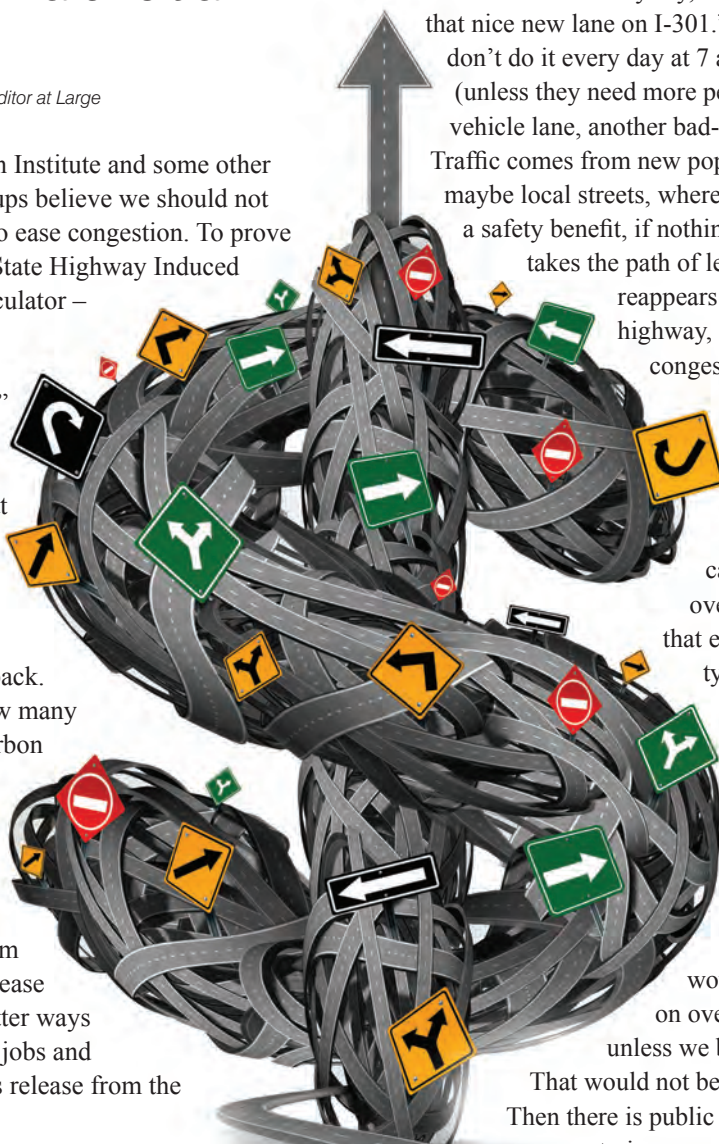
takes the path of least resistance. If congestion reappears on a newly expanded highway, it means fewer cars and less congestion somewhere else.

In an online FAQ document, the institute points to other, long-term alternatives to highway expansion. One is what they call "smart growth" – "an overall approach to development that encourages a mix of building types and uses, diverse housing and transportation options," among other things. In essence, the idea is to concentrate homes, shopping and jobs within smaller areas to reduce if not eliminate the need for cars.

A fine idea, but one that wouldn't have a significant effect on overall traffic any time soon unless we bulldozed the existing suburbs.

That would not be a popular option.

Then there is public transportation, but buses and trains are point-A-to-point-B services that don't serve our suburbs well. Park-and-ride lots are limited by the cost of real estate.



The money part

Finally, we have “road and parking pricing.” Here we impose higher tolls at peak travel times. Maybe we impose fees to enter certain parts of a city where we raise parking prices. It may or may not reduce the number of cars downtown. In limited circumstances it can force some drivers onto public transportation, but its effect on overall traffic is another matter.

Of course, they charge trucks as well as cars – as though trucks have any options.

It also fleeces anyone who happens to hit an area at the wrong time of day. But, hey, it’s more revenue for the state, county or municipality collecting the fees.

I’m guessing planners realize that trucks have no real options. They’re simply stuck in traffic jams. Maybe there’s nothing for our industry to do but watch while planners come up with ever more plans to avoid the highway improvements that have to be

done – like it or not.

I’m sure widened highways do attract more traffic, but that new traffic doesn’t suddenly materialize from nowhere.

Whatever happens with passenger transportation, the numbers of trucks will grow with the population. Period. That’s one reason the induced demand idea – an economic concept – is not well applied to vehicular traffic with constraints and

imperatives that don’t exist in general markets. It’s just a lumpy fit.

I don’t question the accuracy of the SHIFT calculator’s results. I just think we need another calculator, one that shows the environmental and economic costs if we don’t expand highways to relieve congestion. How many millions of metric tons of pollutants are released when congestion is not eased, when cars and trucks are diverted onto local roads, and the same traffic jams remain unmitigated day after smoggy day? **LL**

Editor’s note: You can find out more about SHIFT on LandLine.Media.

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Business management is for owner-operators as well



Owner-operators are in business. It is extremely important for owner-operators to recognize that they are running their own business. As business owners, you should be doing business management. Of course, that requires some planning.

Why plan?

Planning is about managing resources, time and money. Management is leadership and productivity. If you can improve planning, you also can improve your businesses management and, most important, your net income.

Starting to plan sometimes is the most difficult step, so let's start there.

- **Devise a plan.** Whether you are already running a business or you are going into business, it is crucial that you write down all of the details. Focus on strengths and what matters the most to you. What is the best business structure, such as sole proprietorship, limited liability corporation, or incorporation?
- **Define your success.** How do

you see your business in several years? What are your long-term goals? When do you plan to retire? Also, you need to establish short-term goals and work toward achieving your long-term goals. Don't forget you should put in a review schedule to reexamine your long-term goals as necessary.

- **Get started and monitor.** Track your progress and analyze results to help manage your business.

Four types of plans:

- **Operational plan.** This is planning described as both single-use plans and ongoing plans. Single-use plans are for activities with a single occurrence. Ongoing plans include policies for problems, rules for operation and step-by-step guidelines for accomplishing objectives.
- **Strategic plan.** It's the long-term thinking at the highest level, such as creating a vision and defining your mission. Employees? No employees? Single-truck operation or multiple? Will you operate on your own authority or someone else's? Leased on?
- **Tactical and contingency plan.** Tactical plans are about what is going to happen, and contingency plans are for when the unexpected happens. Both plans are all about supporting the long-term strategic plan. These both should be done so that you know with tactical plans that you are focused on the specific short-term goals, and

then breaking down the strategic plan into smaller actionable segments. Your contingency plan is being ready when this or that occurs. Although business owners should anticipate changes when engaged in any type of planning, contingency planning is essential for the times when changes can't be foreseen.

- **Tax plan.** I consider this one of the most overlooked planning areas of business. Tax planning is the analysis of a financial situation or plan to ensure that all elements work together to allow you to pay the lowest taxes possible. A plan that minimizes how much you pay in taxes is referred to as tax efficient. Tax planning should be an essential part of a business owner's financial plan.

Let's start simple in achieving this as a business owner. You should have a good bookkeeping and tax firm working for you. Yes, working for you.

Every year is different. Tax rules change. There are changes to revenue and income and even changes to your family. All this needs to be considered in tax planning.

To start developing a tax plan, you need to determine your goals and objectives. Many owner-operators never consider retirement goals or plan for the purchase of a new house. Setting up a tax plan takes all components of your family and business life to put together a plan.

To start developing a tax plan, you need to determine your goals and objectives. Many owner-operators never consider retirement goals or plan for the purchase of a new house.

What does tax plan include?

- **Company structure.** What is the best business structure? If you're already a single-member LLC, would an S corporation be better? If using a "doing business as" name, would an LLC help?
- **Business retirement plan.** This can include an IRA, Simplified Employee Pension Plan or even a 401K. These allow you to put money away before tax for retirement. How much is determined by the type of plan and your income.
- **Health savings accounts.** This is a savings account used in conjunction with a high-deductible health insurance policy that allows users to save money tax-free to be used for medical expenses.
- **Fixed asset purchase.** When should you buy a new cab or trailer? Will it save or make you additional money in your business. If it does neither, then that decision is not necessarily the right business decision. If the answer is yes, then get to the tax benefits of buying new equipment. We never recommend just buying new equipment for tax purposes. Remember that spending money to save tax only saves you at the highest federal income tax rate 37%.
- **Business expenses and income.** Are you managing the business to capture all your business income and expenses? Do you

have a qualified bookkeeper who knows trucking? Are you tracking nights away from home for per diem?

Other tax planning areas

- Taking deductions for things such as mortgage interest, property taxes, medical expenses, and charitable contributions.
- Claiming tax credits offered by the IRS.
- Holding investments longer to benefit from a lower capital gains tax rate.
- Medical reimbursement plan.

As you can see, as a business owner you have a lot of responsibilities for your business and to yourself. Taking the time to do the right planning, whether you are just starting a business or are already in business, is the one true way to become more profitable.

When just starting out, we always recommend that you become educated about your industry. For trucking, the Owner-Operator Independent Drivers Association offers a course through the OOIDA Foundation called Truck to Success. The most recent class was in October. The next time the course is offered, you should enroll and attend to learn everything about trucking. And the course isn't just for novices. Even experienced truckers can benefit from the three-day course. If you can't wait for the class, check out the informational videos offered through the OOIDA Foundation's YouTube page. **LL**



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Helping you help yourself

There are procedural steps you can take to help yourself when you receive a basic traffic ticket. Yes, navigating any court system can be frustrating, time consuming, and a little tricky. However, you do have the right to represent yourself if you want to, and as always we hope this information is helpful.

Q *I got a speeding ticket in Ohio, and the bottom of my ticket says I only have 10 days to come to court. I'm from Florida, and I don't go through Ohio regularly. I want to fight my ticket, but how am I supposed to come back to court in 10 days?*

A You have some options when you are prevented from actually appearing in court within 10 days. You can call the subject court and ask the clerk if you can mail or fax in these three things. First is your plea of not guilty. Second is a waiver of time (waiving time is very common and simply means that you're waiving your right to a speedy trial). Third is a request for a pre-trial conference and/or hearing. If allowed by the court, by following these three steps you will generally not have to appear in court on the date listed on your original ticket.

Once you receive your hearing notice in the mail, you'll usually have a lot of time to schedule a return trip to Ohio to appear in court. However, you also may be able to request your case be heard via telephone, Zoom, Skype or other teleconference options that would alleviate the necessity to physically appear in person.

Q *I got a ticket in Montana, and I've been trying to call the district attorney in the county where I got the ticket but can't reach anyone. I don't have a designated run through Montana and don't know if I'll ever have a load back to this area. I don't want the ticket on my driver record, so what do I do?*

A Unfortunately, it's been our experience that many of the courts in sparsely populated, western states – i.e., Montana, Wyoming, Idaho – are very difficult to deal with,



and a district attorney in one county may also be the district attorney in all the surrounding counties as well. So we certainly understand just how difficult it is for you when trying to make contact with someone regarding the disposition of your case. Also, keep in mind that not all prosecutors get involved with traffic cases, and it may just be the citing officer and the judge who handle your case.

One option is to call the court clerk to ask if there is a prosecutor that handles traffic cases. If so, simply

ask if you can request a hearing via regular mail. In some cases, the prosecutor doesn't get case information until a hearing is requested, and, if this is the case, then you should be able to make some progress by having a

date set instead of trying to contact someone who has no idea about your case. If the court clerk allows you to submit your plea by mail, once you receive your new trial date you should have enough time to make plans to appear in the subject court on your new date or you can ask if you could appear for your hearing via Zoom, Skype, FaceTime, etc. **LL**

Send any questions or comments regarding transportation law to: Jeff McConnell and James Mennella, Road Law, 3441 W. Memorial, Suite 4, Oklahoma City, OK 73134; call 405-242-2030, fax 888-588-8983; or contact them via RoadLaw.net.

OOIDA discusses steps to take before and after a crash

By **SJ Munoz** Staff Writer

Sometimes a crash is unavoidable. So what should you do if you find yourself in this unfortunate situation?

“Live From Exit 24” host Mike Matousek and OOIDA Executive Vice President Lewie Pugh welcomed Jennifer Harris and Gary Wright from the OOIDA Claims Department to explain.

The discussion started with dashcams, which can help prove your side of the story should a crash occur.

Documenting your load with photographs is another preventative measure drivers can take.

“I think they are a great idea because they show exactly what happened,” Wright said. “The dashcam can show who’s innocent. Some insurance companies take some part of the deductible off if the dashcam captures a strike. So it might save you some money in the long run.”

This has led to an increase in the use of forward-facing dashcams, Harris said.

“We definitely are seeing more people use them, and since dashcams came out we’re seeing things change,” Harris said. “The old assumption was when there was a crash involving a truck fingers were pointed at the trucker. Now, they’re being disproved by dash cameras. It’s really helped out a lot.”

Documenting your load with photographs is another preventative measure drivers can take, Pugh said.

“One thing I did when I was driving was that if I loaded something, and it didn’t look right

or I wasn’t happy with something, I would take pictures right there,” Pugh said.

A big issue with cargo is securement, and pictures can help drivers prevent a claim, Harris said.

“Ultimately, it’s the driver-carrier’s responsibility to make sure everything is secured properly,” Harris said. “If you have any issues at the shippers, you should take a picture, but also notify them. If you have a broker, you should notify them as well before you leave.”

Knowing your rights and how to handle a claim is critical information for every driver, and that’s where OOIDA’s Claims Department comes in.

“The biggest part of my job is to fight for the rights of truckers,” Harris said. “If they have an issue that might not even merit a claim, I will still help them with it. I’ll call



and fight on their behalf.”

So, what questions should a driver ask?

“We get calls where people don’t know what coverage they have or what their insurance is,” Wright said. “Supplemental tow coverage, rental reimbursement and supplemental downtime are what people need to find out that they have. All those eventually will cost the owner-operator money down the line.” **LL**

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Keep an eye peeled for The Spirit in the Southeast U.S.

Marty Ellis plans to pull the OOIDA tour trailer through Southeast U.S. this spring, looking for truck drivers who want to discuss issues and let OOIDA know what they're seeing on the road.

"I do feel blessed to be working with such knowledgeable people who really care about the truck drivers and look for ways to help them whenever possible."

— Marty Ellis, skipper of OOIDA's tour trailer

Before signing on to tour the country pulling the Spirit of the American Trucker behind, Ellis said he had felt he was fairly well informed on issues. Since joining the Association, he has learned he wasn't nearly as well informed as he could have been.

"I had been active and encouraged others to do the same, but it wasn't real consistent," Ellis said.

He has learned how important it is to not only to belong to a group like OOIDA but also to be involved as much as possible and talking with elected officials and sending comments to the Federal Motor Carrier Safety Administration.

"I do feel blessed to be working with such knowledgeable people who really care about the truck drivers and look for ways to help them whenever possible," he said.

Driving The Spirit around the country has given him the opportunity to talk with a diverse group of people that look at things differently than he does, and that has been positive, he said.

"Sometimes we get our own group of people that we surround ourselves with that more or less think the same way, so you don't always get the different perspectives," Ellis said.

Waiting for drivers to show up to talk is a challenge, he said, but there is always something to do, like fixing something or cleaning.

Look for Ellis and The Spirit to be avoiding snow and wintry weather in late February and March by traveling in Alabama, Florida and Georgia. **LL**

Spirit of the American Trucker

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Feb 8-9	T/A, Lafayette, LA	I-10 & State Road 182
Feb 11-12	Petro, Hammond, LA	I-12, Exit 40
Feb 14-15	Petro, Jackson, MS	970- I-20 at W Frontage Rd
Feb 17-19	Petro, West Memphis, AR	I-40, Exit 280; I-55, Exit 4
Feb 25-26	T/A, Matthews, MO	I-55 & Hwy 80, Exit 58
Feb 28-Mar 1	T/A, Grand Bay, AL	I-10, Exit 4
Mar 3-5	T/A, Marianna, FL	I-10, Exit 142
Mar 7-8	Petro, Reddick, FL	I-75, Exit 368

Thanks to Western Star Trucks for their generous use of the 2018 5700 EX as the Spirit of the American Trucker tour truck. Western Star's support of OOIDA, its mission and its members is greatly appreciated.



Owner-Operator Services, Inc.



Crane company fined \$24K for HOS violation

By Land Line staff

A crane rental company has been ordered to pay nearly \$24,000 in an hours of service case.

According to U.S. Department of Labor's Occupational Safety and Health Administration, Houston-based Crane Masters Inc. retaliated against an employee on June 5, 2020, after the employee refused to compromise Federal Motor Carrier Safety Administration hours-of-service regulations.

The employee had worked 19 hours the day before and could not get the federally required time off before returning to work, according to an OSHA news release. When the employee refused to work the second day, the company fired him.

OSHA has ordered the crane rental company to pay the driver nearly \$14,000 in back wages, interest

OSHA has ordered the crane rental company to pay the driver nearly \$14,000 in back wages, interest and compensatory damages, and \$10,000 in punitive damages.

and compensatory damages, and \$10,000 in punitive damages.

"Crane Masters Inc. punished a driver who refused to jeopardize their safety and that of others on the road by violating federal laws that restrict how many hours a truck driver may operate a commercial vehicle each day," OSHA Regional Administrator Eric Harbin in Dallas said in the news release. "Commercial truck drivers, mechanics and other workers are critical to our nation's transportation infrastructure and our economy, but they should never be forced to put themselves or others at risk because of an employer's concern for profit, or fear retaliation for exercising their legal rights."

Crane Masters provides hydraulic truck cranes and rigging services to several industries, including construction, oil and gas, freight transportation and chemical manufacturing. It has operated for 20 years and serves the greater Houston area.

The U.S. Labor Department does not release the names of employees involved in whistleblower complaints. OSHA enforces the whistleblower provisions of more than 20 whistleblower statutes. For more information on whistleblower protections, visit OSHA's Whistleblower Protection Programs webpage. **LL**

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Older but not in the way

We have all heard about and seen the supply chain disruptions. It seems the mainstream media have found just another way to shake the confidence of America.

Pictures of container ships parked offshore waiting for a berth to offload, pictures of empty shelves at the box stores, pictures of container trucks lined up at the pier gates. Maybe we should stop looking at pictures.

This group blames that group. That group blames this group, and it seems a never-ending political blame game. In my experience of delivering and picking up, ports in most cases are run like well-oiled machines. Some try to blame truckers for the problem, but most of us are maxing out our 70 and being productive. I have plenty of experience with ports in North Jersey; Norfolk, Va.; Savannah and Brunswick, Ga.; Jacksonville, Miami and

Tampa, Fla.; as well as Houston. Delays are kept to a minimum, and I get in and out quickly.

Notice that I left California ports out of the mix. In my opinion, that sector has caused their own problems and through various rules and legislation changes seem to have made the problems worse. When I was hauling cool cars, it was more

timely and much less aggravation to deliver or pick up at an outside warehouse. I understand that many freight haulers and container haulers do not have that luxury, and therein lies the problem: unpaid time waiting and waiting and waiting. Waiting for a chassis, waiting for the box to be put on the chassis, waiting for a safety check of brakes, tires and lights. I get it. Been there and hated it.

Certainly, because much of our manufacturing has been sent to other countries, we are held hostage by our own greed. Cheap prices at the discount stores have taken precedence over keeping our economy, and our workers, productive and making money. We have allowed that to happen. I realize that it is not always easy, but I watch labels for origin of manufacture. I work very hard to buy “made in America.”

Example: We needed a new toaster. Wide mouth, four-

slot toaster big enough for bagels. I checked all the malls and upscale stores. Made in Mexico. Made in China.

I asked the nice lady at one department store, and she seemed slightly annoyed that I would not buy the imports they offered. Her quote: “What difference does it make?” When I explained that perhaps her job could be on the line, she just didn’t get it. On the way out, I checked Williams Sonoma (this not a plug) and, to my surprise, they had a very nice unit, exactly what I wanted. A name brand made in Ohio. And it was only \$8 more than the imports. My point is it can be done. Some folks in Ohio go home with a paycheck, and we have a very nice toaster.

It is not always so simple. Recently I put my truck in my favorite Kenworth dealer, Liberty in South Jersey, for a clutch adjustment, a minor coolant leak, shocks and new belts. I timed that with a planned vacation and time away from the truck. I was quoted a date and scheduled in. They were busy, and as I was home anyway timing wasn’t critical. If I am going to sit, home is better than a hotel somewhere. I soon found out that I should be careful what I wish for. I got plenty of home time (and a great vacation).

My clutch adjustment turned into a clutch replacement as well as replacement of a bent shift fork. Parts were ordered, and we waited. And waited. Back ordered, due to the pandemic, the manufacturer had a hard time keeping up with demand. I must give props to Liberty Kenworth for keeping me informed about the progress, but it’s hard to fix a problem without the proper parts.

While waiting at home, there were several milestones. I made my last truck payment, so a contract burning celebration was in order. I had a birthday, something I really don’t care much about, but turning 70 seemed like a good reason for a celebration. Lady Karen had a birthday, her 29th, I think, which would pretty much make me a cradle robber, so I was told. More celebration. This being home stuff is pretty good. I swore as I got older I would take life easier, but it never seemed to happen. It’s that chronic workaholic syndrome I can’t seem to shake. At a time when most people my age are retired, I am not ready for that yet. Plus, with all this newfound spare time, I have crossed paths with a lot of folks I went to school with. Most have gotten old and look terrible or worse. I have not.

So, I have plenty of time to check for “made in America” labels, choose my loads and destinations more carefully, slow down a bit, and enjoy life in the slow lane.

Happy trails. **LL**

Regulators to evaluate Tesla video game feature



By Tyson Fisher Staff Writer

Tesla's technology is again coming under the scrutiny of federal regulators. This time, the National Highway Traffic Safety Administration is investigating Tesla's Passenger Play feature in hundreds of thousands of vehicles.

Called Passenger Play, a person riding can play video games on a Tesla's front center shotgun touchscreen. However, a software update allows anyone to play at any time.

A report from The New York Times reveals at least three games can be played while the vehicle is in motion: solitaire, Sky Force Reloaded (a jet fighter game), and The Battle of Polytopia: Moonrise (a conquest strategy game). Before playing, a message pops up requesting confirmation that the player is a passenger. However, nothing prevents the driver from answering in the affirmative.

According to NHTSA, Passenger Play has been around since December 2020. As introduced, a passenger can

play video games on the center screen while the Tesla was in park. In August, one owner in Lake Oswego, Ore., discovered that the feature is available while the vehicle is in motion, prompting them to alert NHTSA.

"Tesla is now making interactive video games and live internet web searching possible on the main front seat display WHILE THE CAR IS DRIVING," the Nov. 6 complaint states. "The video games are allegedly restricted only to passengers. Web browsing is available to anyone at any time. Why is a manufacturer allowed to create an inherently distracting live video that takes over two-thirds of the screen that the driver relies on for all vehicle information? Tesla places no gauges above the steering wheel."

Now, NHTSA is opening a preliminary evaluation into "driver distraction potential" of Passenger Play while the vehicle is in drive.

NHTSA's Office of Defects Investigation "will evaluate aspects of the feature, including the frequency and use scenarios."

Nearly 600,000 Tesla vehicles are part of the investigation, including 2017-22 Model 3, S, X and Y vehicles. The recent NHTSA complaint follows investigations into the company's Full Self-Driving System. **LL**

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DIESEL SAUSAGE, THE MAD MANURE BOMBER AND 'WOMAN BITES CAMEL'

One thing that's truly universal about trucking is the crazy stuff drivers see out on the road. Whether its raving hucksters, encounters with exotic animals, or extreme examples of bad behavior from four wheelers, things can be pretty wild out there.

Here are a few of the craziest stories we've covered during my tenure in trucking journalism.

CLEAN INSPECTION UNCOVERS DIRTY SAUSAGE

If your last name ends in a vowel like mine does, you probably have some strong opinions about salumi. Maybe you've even got a recipe from "The Old Country" that's been lovingly handed down from generation to generation.



Or maybe you just like cured meat products.

Either way, chances are that the sight of a bundle of salamis "curing" underneath a trailer is going to elicit a response. It certainly got one from the California Highway Patrol members who discovered them while giving the truck a Level 1 inspection in June 2019.

The sausages were looped to the landing gear, which made for a viral photo when the patrol shared it on social media.

CHP's post was quick to point out that, while the driver's technique was "creative," it most certainly was not recommended. The airflow under a trailer is full of exhaust fumes and roadway debris.

"While CVSA guidelines do not address this situation specifically, our entire staff would like to inform our readers: THIS IS NOT A SANITARY METHOD FOR CURING MEAT PRODUCTS!" the Facebook post read.

WHAT'S AN 'ATTACK MUFFIN' MADE OUT OF, ANYWAY?

This isn't exactly a story from the road, but it's a common trucking tale nonetheless. The public misconceptions about this industry can run pretty deep, and a not insignificant portion of the work we do at Land Line is standing up in the press for truckers. Especially when they get attacked or maligned by nonindustry media.

I'd only been on the job at Land Line about a year when I stumbled across a column in The Asheville Citizen-Times by aspiring novelist Ted Alexander. He'd penned a rather hyperbolic account of a "close encounter" he'd had on the road with a truck driver.



The details Alexander breathlessly recounted sounded suspiciously like the plot to Steven Spielberg's "Duel" – a film that seems to pop up frequently whenever someone trots out the "killer truckers" trope.

What raises the weird factor on this one though is Alexander's description of his alleged tormentor: "a rotund little man – an attack muffin; the Wizard of Oz in a baseball cap, quilted vest and plaid shirt."

Aside from the outfit, that sounds like it's straight out of a Hollywood casting call. It's the phrase "attack muffin" that's always stuck with me.

THE MAD MANURE BOMBER

Like many characters in trucking, Cal Cavendish seems to have lived about a dozen lives already.



Cavendish's claim to fame: bombarding the streets of Calgary with 100 pounds of manure from a single-engine plane in 1975.

Frustrated with the lack of attention his music career was getting, Cavendish decided to put the theory that "the only bad publicity is no publicity" to the test. In addition to

Credit: California Highway Patrol

all that manure, Cavendish also dropped 100 copies of his latest single on downtown Calgary.

It certainly got people's attention. Eventually, a musical would be made about Cavendish's life, and he would find a measure of fame, with his songs recorded by Nashville artists. Cavendish recounted the story to Land Line's Mark Schremmer in 2017.

And he kept on trucking too, eventually clocking more than 3 million miles in his career.

CONNECTICUT V. HASH BROWN

This may not be the weirdest example of distracted driving you've ever seen, but it is certainly one of the weirdest where someone has fought the law and won.

A motorist named Jason Stiber of Westport, Conn., insisted that what police said was a cellphone near his mouth was actually a hash brown he was eating.

The cop didn't buy it and issued him a \$300 citation for distracted driving.

Stiber took the case to court. Twice. Both times he argued there was no way he was on his phone since he uses a hands-free Bluetooth device for calls from the car. He even submitted phone records showing he had not made or received any calls in the hour he received the ticket.



Stiber's persistence eventually paid off, with a superior court judge finding him not guilty in April 2019.

That's at least one legal victory for "The Hash Brown Defense."

WOMAN BITES CAMEL -UH, WHERE?

And finally, before the larger world knew about Tiger King, the trucking community had the Tiger Truck Stop. The stop had a namesake mascot, Tony the Tiger, as well as a host of other critters in the menagerie. Including Caspar, a dromedary camel.

Rewind to September 2019, when Caspar – who was brought in to headline as the main animal attraction after Tony the Tiger died – ended up making headlines as the victim of an assault.

That's right. A female patron at the truck stop bit him in his "swimsuit area."

How does that even happen? Well, for starters, the woman had to climb into Caspar's enclosure, which she told police she did in order to rescue her small dog. The dog, who was deaf, had wandered into the enclosure after the woman and her husband stopped for some relief at the truck stop.

Dog wanders into camel pen. Dog mom freaks out and attempts rescue. Camel ends up sitting on dog mom's head. Dog mom bites camel in the testicles.

It don't get any weirder than that, folks. LL



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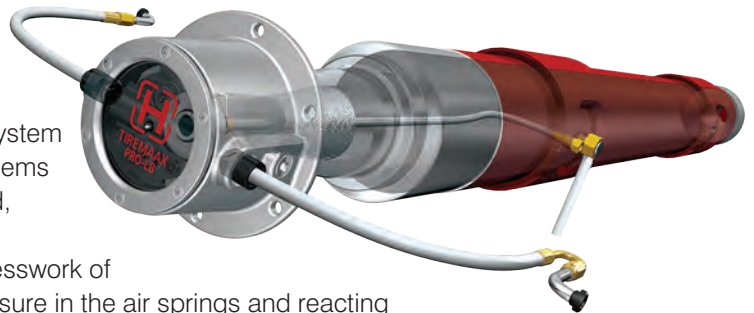
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EVENTS

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Mid-America Trucking Show **March 24-26**
Kentucky Exposition Center in Louisville, Ky. For info, visit TruckingShow.com.

The Crossroads Truck Meet **April 16**
Crossroads Shopping Plaza, Highway 50 and Route 87 in California, Mo.
For info, visit their Facebook page or email HorseNBuggy@gmail.com

Great Lakes Big Rig Challenge **May 27-29**
Onaway Speedway in Onaway, Mich. For info, call 989-619-1016
or visit OnawaySpeedway.com.

Wheel Jam Truck Show **June 2-5**
South Dakota State Fairgrounds in Huron, S.D.
Call 605-354-2809 or visit WheelJamTruckShow.com.

**American Truck Historical Society
Convention and Antique Truck Show** **June 7-11**
Springfield, Ill. For more info, call 816-891-9900 or visit ATHS.org.

Southern Idaho Truck Show **June 23-24**
Twin Falls County Fairgrounds in Filer, Idaho. For more info,
call 208-731-6459, visit TFCFair.com/Events or visit the show's Facebook page.

Soza Memorial Truck Show **June 25-26**
Merced County Fairgrounds in Merced, Calif. Call 209-261-3364
or visit their Facebook page.

Walcott Truckers Jamboree **July 14-16**
Iowa 80 Truckstop (I-80, Exit 284) in Walcott, Iowa.
For info, call 563-284-6961 or visit Iowa80Truckstop.com.

Gulf Coast Big Rig Truck Show **July 15-16**
Mississippi Coast Coliseum and Convention Center in Biloxi, Miss.
For info, call 985-630-9171, email PattiMcCleney@gmail.com, or visit
GulfCoastBigRigTruckShow.org.

STS Truck Wash and Chrome Shop Truck Show **July 15-16**
The STS Truck Wash and Chrome Shop Truck Show takes place July 15-16 in
Brigham City, Utah. For more information, go to their Facebook page.

Top Gun Largecar Shootout **July 28-30**
Rantoul National Aviation Center in Rantoul, Ill. For info, call 217-304-3332, email
TopGunShootout@yahoo.com, or visit TopGunLargecarShootout.com.

Carlisle Truck Nationals **Aug. 5-7**
Carlisle Fairgrounds in Carlisle, Pa. For more info, visit CarlisleEvents.com.

Waupun Truck-N-Show **Aug. 12-13**
Waupun Community Center in Waupun, Wis. For info, call 920-324-9985, email
WaupunTruckNShow@gmail.com, or visit WaupunTruckNShow.com.

	PAGE		PAGE
Aircell Intake Spacers.....	89	Morgan Manufacturing Inc.....	89
Airtab, LLC.....	57	Neal Freeman Investments.....	88
Back Taxes Help.....	89	OOFI Scholarship.....	62
BH Tubes.....	88	OOIDA Membership.....	7
Big Rig Lending LLC.....	33	OOIDA Membership.....	53
Byrna Technologies Inc.....	19	OOSI Business Services.....	13
Byrna Technologies Inc.....	18	OOSI Dental.....	79
CAT Scale.....	37	OOSI Life Insurance.....	67
Centramatic.....	31	OOSI MEC/HIP.....	5
Century Finance.....	75	OOSI Occupational Accident.....	66
CMCI.....	41	OOSI OTR Gear.....	86
Convoy Inc.....	9	OOSI Passenger Accident.....	29
Corporate Capital Inc.....	89	OOSI Short Term Disability.....	83
Cummins Inc.....	99	OOSI Spirit Truck Tour.....	80
DAT Solutions LLC.....	2	OOSI Truck Insurance.....	3
Debrick Truck Line Company.....	91	OOSI Vision Ad.....	30
Donvel.....	90	OTR Capital.....	71
Eagle Capital Corporation.....	87	Pureflow Technologies.....	25
Eckert & Associates, PA.....	87	SevenOaks Capital Associates.....	81
Electrowarmth Products LLC.....	90	Taxation Solutions Inc.....	91
Freight Movers School.....	89	Taxation Solutions Inc.....	77
Gateway Supply.....	90	TaxHelpMD.....	91
Great American Chrome Shop.....	73	Todd D. Knapp CPA, PC.....	87
Howes Lubricator.....	23	Towaway Express.....	90
Iowa80.com.....	81	Triune Industries.....	57
Justice Tax LLC.....	75	Truck Master Warranty.....	39
Kade Logistics/Max Milles LLC.....	88	Trucker Buddy.....	97
Koons Trucking.....	90	TruckFridge.....	71
L.R.S. Dispatch & Bookkeeping.....	90	Truckstop.com.....	100
LoadTraining.com.....	88	Truckstop.com.....	27
MBA Tax & Bookkeeping Service.....	88	W.W. Williams.....	59
McConnell & Mennella.....	90	XFactors Inc.....	91
Mercer Transportation Company.....	96	Zamzow Manufacturing Co., Inc.....	59

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 **ROSES** to OOIDA for


making sure that the voice of truck drivers is heard as the White House works toward improving the recruitment and retention of truckers. In December, OOIDA President Todd Spencer attended a White House event regarding the supply chain, and OOIDA Executive Vice President Lewie Pugh attended a drivers' forum in South Carolina. Spencer said the best way to show appreciation for drivers is through their paychecks. "It's not unreasonable for drivers to be expected to be paid for their time on the job," Spencer said. Pugh told Transportation Secretary Pete Buttigieg that overregulation is one of the things driving truckers out of the industry. Expecting to be paid and not burdened by regulations that have nothing to do with safety are certainly not unreasonable requests.

 **ROSES** to Jim Jennings of Emerald Transport Corp., Pompano Beach, Fla., for passing along an important reminder to help keep tow truck drivers safe. Every year between 55 and 60 tow truck drivers are killed while assisting motorists. Winter can bring even more hazardous conditions for many parts of the country. Everyone on the road plays a part in helping keep tow truck drivers safe. Let's do all we can to ensure they are able to go home safely at the end of their shift.

 **RAZZBERRIES** to an error in Rhode Island Department of Transportation's video tolling system. This error resulted in nearly 2,000 truck-only toll charges being issued to passenger vehicles. The good news is most affected customers never had to pay because they were automatically issued a credit for the erroneous charge. However, this brings into question the reliability of the tolling system. Truck-only tolls began in June 2018 in Rhode Island and have





been controversial, to say the least. The American Trucking Associations has filed a lawsuit against RIDOT, which is awaiting an opinion from the First Circuit Court of Appeals.

 **ROSES** to the Georgia Supreme Court and its decision to rule booting of vehicles illegal unless a city or county ordinance is already in place. A 2018 lawsuit by Forrest Allen, who had his tractor-trailer booted and had to pay \$650 to have it removed, challenged the legality of this practice in DeKalb County, Ga. The court ruled "there was no legal authority recognizing a common-law right to immobilize unauthorized vehicles located on private property and hold them against the owner's will until payment is received." Bravo, Mr. Allen, for fighting to right this horrible wrong.

 **ROSES** to California Committee Chairwoman Sen. Lena Gonzalez for expressing concerns over Tesla's Full Self-Driving system. Gonzales sent a letter to California DMV Director Steve Gordon to review the system software. The Tesla system does require a driver's attention at all times, but some viral videos have shown Tesla drivers treating the vehicle as a Level 4 or 5 autonomous

vehicle. Gonzalez urged Gordon to provide additional information of the system's capabilities. In November 2020, OOIDA expressed concern, saying in a letter to NHTSA, "The use of unfinished and unproven automated technologies poses a significant threat to small-business truckers, and we urge you to take action to protect all road users and promote greater transparency and oversight of their development."

 **ROSES** to the anonymous baker who went out of her way to deliver some holiday cheer to Canadian truck drivers in the Whitewood, Saskatchewan, area. Ken Daehn with the Truck Convoy for Special Olympics Ontario Group, relayed the story of a woman who pulled up next to his truck to thank him for what he does with a box of freshly baked cookies. According to Daehn, the gracious individual said she baked more than 3,000 cookies to deliver to truck drivers to show her gratitude. Very kind and a true definition of the holiday spirit.

 **RAZZBERRIES** are unfortunately still necessary for the lack of available restrooms for truck drivers in certain parts of the country. Michael Fleshman, an OOIDA life member based in West Virginia, recently contacted Land Line about this problem. He said he and many of his co-workers with the transportation company Precision Delivery Inc. in Hinton, W.Va., continue to deal with issues in finding accessible restrooms on their routes along Interstate 81, Interstate 64 and other local highways. These aren't some dirt roads with no exits. We're talking about heavily trafficked highways. Truckers are resilient and resourceful, but this lack of respect and common courtesy isn't part of any job description. **LL**



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