



ROAD TALK

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ELD MANDATE

Not such a good fit for everyone

MAP-21, the highway bill signed into law by President Obama in 2012 included a mandate for the installation and usage of Electronic Logging Devices (ELD). After years of lawsuits and appeals as far as to the Supreme Court, electronic logging devices are just about to become a reality. Starting December 18, interstate truck drivers will have to exchange their paper logs for an ELD to track their hours of service — well maybe.

There appears to be a last minute push within the trucking industry and some in Congress to delay the upcoming ELD mandate. The latest comes from Representative Brian Babin (R-TX) who filed the ELD Extension Act of 2017. The bill seeks to delay the current mandate by two years. Babin states, “While technology like ELD’s have great promise, I didn’t come to Washington to force those ideas on small businesses”.

Also, in a report prepared by the House Appropriations Committee for legislation to fund the DOT through 2018, the Committee expresses deep concern for the ELD rule. The report states “smaller carriers will disproportionately bear new costs associated with the mandate and with no compensating benefit to their bottom line”. It also expresses its concern with “reports of serious complications associated with implementation”. In response, the Committee directed the U.S. DOT to analyze whether a “full or targeted delay” of

the ELD mandate is needed. FMCSA is to provide a report on its findings to the House and Senate Committees on Appropriations within 60 days of enactment of the Act.

The looming mandate has large carrier UPS calling foul. The long time supporter of the regulation has formally filed for an exemption from certain provisions within the one-size-fits-all mandate. One key exemption that the company is asking for pertains to grandfathering only on a vehicle, and not a fleet-wide basis.

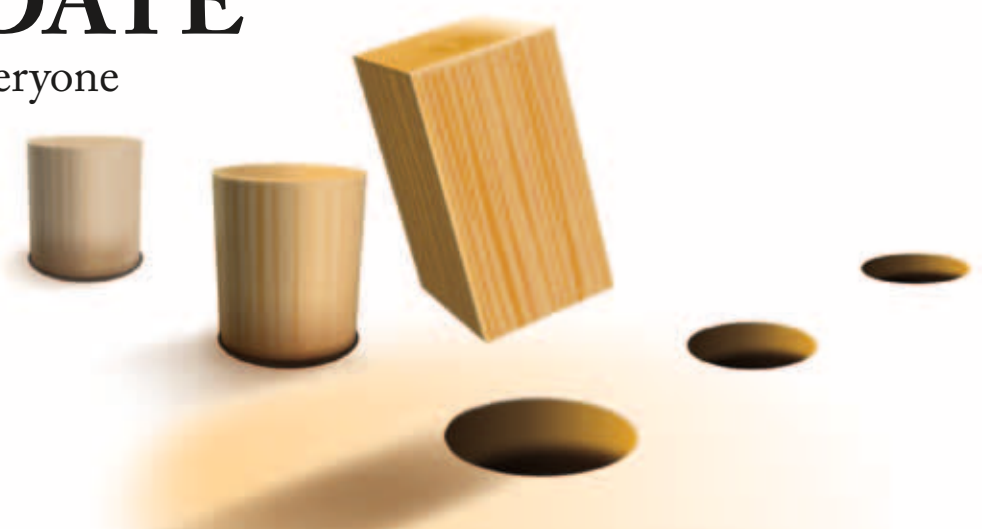
UPS says that its drivers routinely use multiple tractors at a site during a week/month. If a site had vehicles with Automatic On-board Recording Devices (AOBRDs), but not ELDs their drivers would be limited to use certain vehicles, or the company would have to install ELDs on all vehicles. This would defeat the benefit of the 2019 implementation date for AOBRDs and

create a slew of hassles and confusion for the company and its drivers.

UPS is not alone in their exemption request. They are notably joined by the Pipeline Contractors Association who say their members will be adversely affected. PCA drivers typically utilize the short-haul exception to the logging requirement, which exempts them from using ELDs. Sometimes, however, they may exceed the conditions of the short-haul exception more than 8 days in a 30-day period, which would subject them to the ELD rule. Once again, the one-size-fits-all mandate shows itself to be a square peg to a round hole.

At this stage, any hope that the ELD mandate might be delayed is fading fast, so get educated and be ready to be compliant by the deadline.

Check out AHCA's newest ELD vendor on page 4.



DOT shelves speed limiter proposal drops financial responsibility and sleep apnea proposals

FINANCIAL RESPONSIBILITY WITHDRAWN

The FMCSA has decided to withdraw a 2014 Advance Notice of Proposed Rulemaking (ANPRM) which sought to increase minimum financial responsibility limits for motor carriers. The Agency stated that it does not have sufficient data or information to support further rulemaking.

Despite receiving thousands of comments in response to the ANPRM, commenters did not provide responsive information necessary to allow the Agency to proceed to a Notice of Proposed Rulemaking - which oddly enough hasn't seemed to stop them in the past. And a formally announced withdrawal is very odd as well.

In accordance with the Moving Ahead for Progress in the 21st Century Act (MAP-21), the FMCSA was required to conduct a study on the issue of minimum financial responsibility limits for motor carriers. With skyrocketing

medical costs and high-profile crashes i.e., Walmart vs Tracy Morgan and the Skagit River bridge collapse that far exceeded the insurance limits, FMCSA floated a proposal to more than triple those minimums to somewhere around \$3.5 million. However, studies (including FMCSA's own study) have shown that roughly half of 1% of all truck-involved crashes even exceed the current minimum levels.

SLEEP APNEA WITHDRAWN

FMCSA has also withdrawn its 2016 ANPRM on obstructive sleep apnea.

Per the Agency, "Upon review of all public comments to the ANPRM, FMCSA has determined there is", — again — "not enough information available to support moving forward with a rulemaking action and so the rulemaking will be withdrawn".

See regulations.gov RIN: 2126-AB88

SPEED LIMITERS SHELVED

In an under-the-radar move by the U.S. Department of Transportation, the Department's proposed speed limiter mandate was moved away from their active rulemakings list to a long-term agenda item. The proposed rulemaking would require the installation of speed limiters on all new heavy trucks & buses over 26,000 lbs.

The proposal was announced last September by then U.S. Transportation Secretary Anthony Foxx. Foxx touted the proposed mandate as a safety measure that could save lives and more than \$1 billion in fuel costs each year.

The move away from the active list gives an indication that the Department will not pursue a rulemaking any time soon.

Given that federal regulation since President Trump's inauguration has slowed to a crawl, the Administration's stance on implementing new regulations likely had an impact on these regulations.

Truckers Against Trafficking seeking help

Human Trafficking a growing problem in the U.S.

Human trafficking is big business in the United States and its victims need help. People are regularly bought and sold for forced labor or commercial sex. Traffickers prey on prospective victims right out of our schools, online, in shopping malls, as well as the streets and other locations. Many of them are used in the sex industry. They are prostituted on the street, in private homes, and in legitimate businesses such as restaurants, truck stops and motels. They need to be identified and rescued. Truckers Against Trafficking (TAT)

TAT exists to educate, equip, empower and mobilize members of the trucking and travel plaza industries to combat domestic sex trafficking. The group provides a hotline to report suspected trafficking and also connects victims to resources such as shelters and detox facilities — places to get off the streets and start over.

As the eyes and ears of our nation's highways, truckers are in a unique position to make a difference and close loopholes to traffickers who seek to exploit our transportation system for their personal gain. More and more states across the country are joining the fight to curb human trafficking and they're looking to professional drivers for help.

Ohio became the first state in 2016 to join the fight and many more are joining in. In Ohio, every driver issued a CDL will be given a TAT wallet card, and all new CDL drivers will be provided a one-hour training program. At least 28 states now have a program in place to get the word out. The Senate has also weighed in with its SB1532. This bill would disqualify a trucker from operating a CMV if caught trafficking people.

By identifying victims and reporting tips, we are doing our part to help law enforcement rescue victims, and we might save a life. Visit Truckers Against Trafficking at truckersagainstafficking.org for information and resources. AHCA will be including a TAT wallet card in each of its membership packets. A TAT wallet card contains tips for reporting traffickers and hotline contact information.

SB1532 would impose a lifetime ban on operating a commercial motor vehicle for any individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

SB1532 was read in the Senate and referred to Committee on July 12.

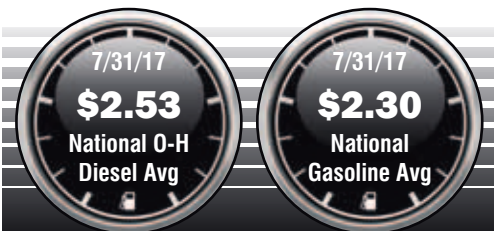
FUEL UPDATE

According to the U.S. Energy Information Association (EIA),

Brent crude oil spot prices averaged \$46 per barrel (b) in June, a \$4/b decrease from the May average and the lowest monthly average since last November's \$45/b average. Brent crude oil prices are forecast to average \$51/b in 2017 and \$52/b in 2018. Average West Texas Intermediate crude oil prices are forecast to be \$2/b lower than the Brent price in both 2017 and 2018.

Regular gasoline retail prices averaged \$2.30 per gallon (g) in July. During the April-through-September summer driving season, regular gasoline retail prices are forecast to average \$2.38/g. Regular gasoline retail prices are forecast to average \$2.32/g in 2017 and \$2.33/g in 2018.

ULS diesel prices averaged \$2.50 per gallon (g) in July. ULS diesel prices are forecast to average \$2.32/g in 2017 and \$2.33/g in 2018.



On-highway Diesel Fuel Prices

Region	7/31/17	6/26/17	7/25/16
East Coast	2.566	2.516	2.387
New England	2.590	2.577	2.434
Central Atlantic	2.706	2.670	2.481
Lower Atlantic	2.462	2.396	2.306
Midwest	2.486	2.386	2.341
Gulf Coast	2.359	2.305	2.242
Rocky Mtns	2.615	2.592	2.434
West Coast	2.816	2.757	2.663
California	2.907	2.863	2.764

Prices listed above are diesel averages in dollars per gallon.

Up-to-date statistics are available from the Department of Energy at www.eia.gov.

Operation Airbrake set for September 7

On May 3, 2017, more than 9,500 commercial motor vehicles were inspected for an unannounced brake safety enforcement event coordinated by the Commercial Vehicle Safety Alliance (CVSA). Enforcement personnel throughout North America conducted inspections on large trucks and buses to identify out-of-adjustment brakes, and brake-system and antilock braking system (ABS) violations.



Inspection data from the enforcement initiative produced the following notable results:

- In all, 9,524 inspections (U.S. 8,140; Canada 1,384) were conducted as part of Brake Safety Day
- 79% of the vehicles inspected did not have any critical item vehicle violations.
- 21% (1,989) resulted in a vehicle being placed out of service for vehicle violations of any kind.
- 12% (1,146) resulted in a vehicle being placed out of service for brake-related violations.

Many participating jurisdictions were able to survey ABS compliance, as follows:

- 4,635 air-braked trucks and tractors were identified as requiring ABS; 8% (391) had ABS violations.
- 3,222 trailers were identified as requiring ABS; 15% (487) had ABS violations.
- 723 hydraulic-braked trucks required ABS; 6% (41) had ABS violations.

Brake-related violations comprise the largest percentage of all out-of-service violations cited during roadside inspections. Improperly installed or poorly maintained brake systems can reduce the braking capability and increase stopping distances of trucks and buses, which pose a serious risk to driver and public safety.

CVSA's Operation Airbrake Program is holding one more brake safety enforcement event this year on Thursday, Sept. 7, 2017 throughout Canada, Mexico and the United States.

Brake Safety Day is part of the Operation Airbrake Program sponsored by CVSA in partnership with the Canadian Council of Motor Transport Administrators (CCMTA) and the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA).

AHCA's 2017 SCHOLARSHIP DEADLINE CHANGED!!!

The cutoff for applications in AHCA's scholarship contest has been permanently changed from June 1st to September 1st each year. *That means you still have plenty of time to get your applications in!*

This contest is designed to provide financial aid to the children or grandchildren of our good-standing members. Simply complete the 2017 application (available online at ahcaonline.com or by contacting AHCA direct) and attach it with the requested documentation. All entries must be submitted to AHCA by September 1, 2017. Do not hesitate, do not procrastinate DO NOT WAIT another moment!

The number of scholarships awarded are commensurate to the number of applicants with a maximum of three \$500 scholarships awarded.



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4 Roadtalk Newsletter

Study Recommends new model for FMCSA's CSA program

Fixing America's Surface Transportation Act of 2015 mandated a study be conducted to assess the FMCSA's CSA program. After a year and a half, The National Academies of Sciences, Engineering, and Medicine (NASEM) have released their conclusions.

Key areas covered by the study:

- the accuracy of its BASICs
- the methodology used to calculate BASICs
- the relative value of inspection information
- any data collection gaps or problems
- the differences in rates at which safety violations are reported by various authorities
- how the SMS is used by the public

In general, the NASEM recommended that the FMCSA get to know the trucking industry better. NASEM nicely stated, "SMS is structured in a reasonable way, and its method of identifying motor carriers for alert status is defensible". However, they continued by noting that non-validated expertise, inconsistencies, flawed and missing data are tainting the results which

argues for a more statistical approach. NASEM points to an approach called Item Response Theory (IRT) which tests subjects based on their latent traits (inherent characteristics believed to control behavior, attitude and/or other variables). In this way, NASEM believes that a more statistical and natural conclusion can be formed. The only way to understand these traits, however, is to get to know your subject(s)... the trucker and the trucking industry.

NASEM states that the IRT has been shown to be very effective and FMCSA should develop a similar model. They continued by listing a dozen sound ways the IRT model can improve the data collected. They concluded by stating that should this approach prove successful, FMCSA should replace the SMS with the new model.

Per the FAST Act, if the study/report identifies a deficiency or opportunity for improvement, FMCSA will submit a corrective action plan to Congress within 120 days.

Download a free copy of the report at nap.edu.

WELCOME ABOARD!

American Highway Carriers Association is happy to announce the addition of YET ANOTHER quality vendor to its members!

With our 20 years of experience, and the unstoppable speed of today's technology, SUMMITEC provides AHCA members with a flexible, user-friendly and complete solution for their GPS vehicle/ELD/asset tracking needs.

SUMMITEC LLC is a provider of an innovative electronic logging device application, numerous GPS tracking devices and complete fleet management solutions.

AHCA members receive special pricing through the company on these products. Contact AHCA or SUMMITEC for pricing details or enter your AHCA member number online at ahcaonline.com for details.