

Truck Theft (continued from pg.3)

against Sargsyan. If convicted, he faces more than 10 years in prison.

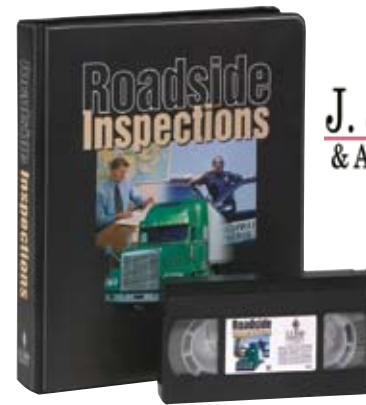
Three others - Manuk Muradkhanyn Aram Sahakyan and Tigran Harutyunyan were charged with receiving stolen property in connection with the case. A fourth alleged accomplice, 46-year-old Antonio Perez, was sentenced to two years and eight months in prison after being convicted of being in possession of stolen and counterfeit goods. Police say that this is just the tip of the shady underworld of Russian-Armenian organized crime in Los Angeles. "These aren't your joy-riding car thieves. It is organized crime," said L.A. Detective Robert Rivera, who works in the Commercial Crimes Division.

The group was said to target yards with multiple trucks parked inside. Using bolt cutters, the thieves would cut through fences and into the backs of the trucks. When they found what they were looking for, they'd hotwire the rigs and be gone.

"These guys probably weren't going into random yards to do their dirty work", says Terry II, most likely, they had some inside

information to help them identify their desired products. Terry II offers some basic deterrents for companies to employ:

- 1) Don't talk about what you haul to anyone outside the company and be careful to note who is around if you are talking to an approved person
- 2) Park in well lit areas, preferably that have security controlled access
- 3) Use GPS or other similar anti-theft devices on both the tractor & trailer
- 4) Use anti-theft devices that attach to both the steering wheel & brake pedal
- 5) Use locks that are not easily cut off
- 6) Companies should only use security companies with good reputations
- 7) Make random checks on the security personnel to make sure that they are on the job and not sleeping
- 8) Perform background checks on all potential employees (criminal & financial), not just prior employment checks
- 9) Park your trucks back-to-back or against a wall



J. J. Keller
& Associates, Inc.

How well prepared are your drivers for a roadside inspection? Do they know what to expect? Will they pass?

J.J. Keller offers numerous resources for trucking operations which help to eliminate confusion and uncertainty during the inspection process. Keller currently offers their 97-M Roadside Inspections & Compliance Audits Manual; 338-VT Roadside Inspections Driver Training Kit; 365-P CVSA Out of Service Handbook, and 55-FBT CVSA Pocket Chart for Tractor Trailers. Visit J.J. Keller at www.jjkeller.com/ahca or call AHCA at (877) 855-8462 to order and receive your association discount.

The information in this newsletter is taken from sources which we believe to be reliable, but is not guaranteed and isn't necessarily a complete statement of all the available data. Conclusions are based solely upon our best judgement and analysis of technical factors and industry information sources.



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On-scene Photos Dispute Police Report, Win Judgement and Negate Claim

An AHCA member is traveling in an area under heavy construction where the far right lane is being repaired. Construction equipment and machinery are occupying the curb lane and construction signs are placed throughout the area. The claimant in this matter lives in the local city and has parked behind an unoccupied vehicle in the construction zone; he is attempting to merge into traffic. At this point, the traffic has narrowed down to one lane which is occupied by several vehicles including our member's.

As the claimant attempts to merge into the lane of travel, he strikes our member's vehicle and becomes entangled with the member's right fender with his driver-side fender. The interesting part here is that, because of our member's vehicle being such a large vehicle and the side mirror at least 3 to 4 feet higher than the claimant's vehicle, our member had no idea the claimant was attempting to merge into his lane. Nonetheless, the police report indicates that our member is the sole and approximate cause of the accident.

After obtaining statements from both sides and accident-scene photos, claims adjusters were able to conclude that the police on the scene hadn't fully investigated the crash. Our member had taken some good photos of the impact point which showed the claimant's vehicle engaged with his vehicle on the scene. As a result of these pictures, the claims department was able to prove that the claimant was merging into the lane of travel occupied by our member's vehicle and he had no idea the claimant was merging. The adjusters circled the rear view mirror, circled where the claimant vehicle was and made a notation in their arbitration contentions that our member had no knowledge of this. They were able to show that the police report, which stated that the claimant's vehicle was traveling in the lane of travel, was inaccurate because the member was indeed traveling in a different lane than the claimant and there were several vehicles behind him where there were none behind the claimant. Because of the member's efforts, his loss ratio was preserved, no chargeable accident was recorded, he was able to win his claim for over \$6,000 AND the claimant was awarded nothing.



ACCIDENT CAMERA TELLS STORY

Our Member - Won Claimant - \$0

This rush hour day is really no different than any other; the freeway is congested and traffic is traveling at very low speeds. The scene is set at the point of the freeway, where two freeways merge into one. This AHCA member is traveling in the far right lane of travel approaching the gore point; the claimant is in the merge lane of the opposing freeway. At this point, the claimant crosses the solid-lined gore point and into our member's lane of travel. Without any time to react, our member crashes into the claimant hitting him in the front driver-side door. The accident appears to be minor and the two exchange information and continue on their way - no police report is taken.

It doesn't take long after the accident for the claimant to report the claim with injury and substantial damage to his vehicle. His claim is that our member wouldn't allow him to merge onto the freeway, (bullying him with the size of his rig) and ultimately crashing into him as he was attempting to merge. Unfortunately for him, our member took some very clear photos of the accident scene which show the claimant illegally crossing the gore point which led him to crash into our member who was clearly and rightfully in his own lane of travel. Great Job!

Make sure to keep your AHCA-provided accident camera kit in your truck at all times.



June 5-7, 2007 Roadcheck Results

7,708 Commercial Vehicle Safety Alliance (CVSA) and Federal Motor Carrier Safety Administration (FMCSA) Certified Inspectors at 1,449 locations across North America performed 62,370 truck and bus inspections – the highest number of inspections ever conducted in the 20 years of the International Roadcheck event.

For the second straight year, the number of drivers placed out of service increased from 5.6% in 2006 to 6.2% in 2007. This is the highest Roadcheck driver out of service rate since 1999. Safety belt violations were down significantly this year – from 1,223 in 2006 to 829 in 2007. In addition, 30,320 CVSA decals were issued to vehicles passing the Level I inspection (61.3% of the eligible inspections) without having any defects in the 13 critical inspection areas.

The bulk of the drivers placed out of service (65.9% of the total) were done

so for hours of service violations. This compares with 57.1% in 2006. Falsification of records of duty status was second in line, comprising 11.4% of the total – 12.4% was the 2006 number. The number of drivers discovered operating while disqualified this year was the highest in six years, comprising 3.6% of the total driver out of service violations. Drivers operating while suspended comprised 3.9% of the driver out of service violations, up from 3.3% last year.

Drug and alcohol out of service violations represented 1.5% of the total driver out of service violations, up from 0.9% last year.

Hours of service violations continued its upward trend, with 4.9% of all inspections resulting in a driver being placed out of service, up from 4.5% last year, 3.5% in

Before getting behind the wheel, assess your physical and mental conditions. If you're not ready, stay home.

2005 and 3.4% in 2004.

The Level III (Driver/Credential) inspections saw a large spike in driver out of service rates from last year's results, going from 7.6% in 2006 to 11.9% this year.

Brakes continue to be the dominating vehicle out of service defect, comprising 54.0% of the total vehicle defects, which was lower than the 56.6% in 2006. The vehicle related out of service defects this year saw increases in the distribution of lighting (11.6% in 2006 to 14.1% in 2007), load securement (8.6% to 10.4%) and tires/wheels (8.7% to 9.1%).

Are You Prepared For Your Inspection?

ARB Settles Periodic Smoke Inspection Program Violations for \$321,875

The California Air Resources Board recently settled with four companies operating in California for a collective \$321,875 for failing to properly inspect their diesel truck fleets.

The Ratto Group, Hi-Grade Materials, Los Angeles Department of Water and Power, and Toys "R" Us were in violation of the California's Periodic Smoke Inspection Program, which requires owners of California-registered truck and bus fleets to regularly inspect their vehicles to ensure that their engine emissions meet state air quality standards.

Initiated in 1998 to control excessive smoke emissions and engine tampering, all California-based fleets of two or more heavy-duty vehicles (gross vehicle rating over 6,000 pounds) are required to perform annual smoke and tamper inspections of their fleet. Any heavy-duty vehicle traveling in California, including vehicles registered in other states and foreign countries, may be tested as well.

"Regular fleet inspections are a vital component to ensure continued improvement in California's air quality," said ARB Acting Executive Officer Tom Cackette. "These periodic inspections are subject to review at any time by ARB enforcement teams." For their failure to comply, The Ratto Group paid a total of \$70,500 including \$52,875 to the California Air Pollution Control Fund and \$17,625 to the Peralta Community College District. Hi-Grade Materials and Los Angeles Department of Water and Power have paid \$27,375 and \$208,000, respectively, to the fund. Toys "R" Us paid a total of \$16,000 - \$12,000 to the fund and \$4,000 to the Peralta Community College District.

Fleet owners are not required to inspect vehicles that are powered by engines in their first four model years. Fleet owners are required to maintain inspection and repair/retest records for each vehicle. Owners of trucks and buses found in violation are subject to minimum penalties starting at \$300 per violation.

For more information, visit California Office of Administrative Law at: www.calregs.com. Search (Title 13, Sections 2190-2194).

Truck Theft Ring THWARTED

"Motor carriers need to ensure that there is adequate security to protect their equipment and cargo when they park their rigs. If they don't, they significantly increase the odds of being targeted for theft". That's the message from Loss Prevention Specialist and ex-Sheriff, Wally Terry II who says that the recent bust of a truck-theft ring in San Bernardino County highlights the need for better security at truck yards.

A crime ring that took advantage of California truck yards from Oxnard to Chino, was thwarted August 7 with the arrest of Artur Sargsyan (29). Sargsyan, a convicted burglar, is accused of leading the cargo ring and running a counterfeit cigarette operation. Felony charges of conspiracy, grand theft and receiving stolen property have been brought

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U.S. & Mexican Truckers Cleared to Operate Beyond the Border

Despite thousands of negative comments by truckers, industry professionals - even the California Air Resources Board, the Federal Motor Carrier Safety Administration (FMCSA) is again set to implement its controversial cross-border pilot program. Currently, only two companies (Stagecoach Cartage and Distribution from El Paso, Texas, and Transportes Olympic of Nuevo Leon) have been okayed to cross international borders.

The cross border trucking demonstration project was cleared to begin with the release of the U.S. DOT Inspector General's official report – mandated by Congress – on the safety of the program and the U.S. Department of Transportation's response to this report, which were submitted to Congress on September 6.

In the first 30 days of the program, 17 trucking companies from Mexico will be given operating authority to travel beyond the 25-mile commercial zone that runs along the U.S. border. Each

subsequent month until December, additional companies will be added if they pass FMCSA's inspection process and after a public comment opportunity. No more than 100 Mexican companies will be permitted in the project. Participating U.S. and Mexican trucking companies can begin their new operations immediately once they have been granted operating authority by U.S. DOT and have secured cargo to haul. Every company, vehicle and driver will be subject to a safety inspection prior to being admitted to the demonstration project.

The Inspector General's report can be found at <http://www.fmcsa.dot.gov>.

FUEL UPDATE

The U.S. average retail price for regular gasoline rose 4.7 cents per gallon for the week of 9/23 to \$2.796. Gasoline prices are down 4.2 cents per gallon since the beginning of August and up 6.9 cents per gallon from this same time last year.

The U.S. average retail price for diesel fuel rose 3.0 cents per gallon for the week of 9/23 to \$2.893. Prices are down 0.5 cents per gallon since the beginning of August and 7.4 cents per gallon lower than at this time last year.

National Gasoline Avg: **\$2.796**
National Diesel Avg: **\$2.893**

	9/3/07	7/16/07	8/21/06
East Coast	2.867	2.866	2.911
New England	2.915	2.955	3.009
Central Atlantic..	2.934	2.945	3.032
Lower Atlantic	2.835	2.825	2.850
Midwest.....	2.910	2.887	2.937
Gulf Coast.....	2.836	2.824	2.872
Rocky Mtns.	2.939	3.012	3.318
West Coast	2.972	3.077	3.199
California.....	2.985	3.140	3.175

Prices listed above are diesel averages in dollars per gallon.

Up-to-date statistics are available from the Department of Energy at: (202) 586-6966 or their website at www.eia.doe.gov.