



MARCELLO & KIVISTO

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TRANSPORT CENTER UPDATE

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2013-Year of Challenge...and Opportunity

The anticipated barrage of DOT regulations will create challenges for our industry in 2013. These are on top of the regulations that are set to come into effect this year.

However, for those who are proactive, this is a year of opportunity. Preparing now for the coming changes will position you ahead of others in the industry.

The last elements of the hours-of-service regulations are to come into effect as of July 1, 2013. First, a driver will have to take a half-hour break within 8 hours of being on duty. Second, 34 hour restarts are limited to once per week (once every 168 hours) and must include two periods of 1 a.m. to 5 a.m.

These regulations will present challenges to meet the new limitations and requirements. However, they present an opportunity for those companies that anticipate the change, pre-plan, and coordinate with customers. While we appreciate the limitations of possibilities by the very nature of our industry, your ability to do so will put your company ahead in the game.

Other regulations are anticipated to roll out shortly. Among the first is expected to be a change in the medical examination system. Examinations will be limited to DOT approved medical providers who demonstrated their knowledge of the regulations by passing the required examination.

Yet another issue anticipated to be addressed in the medical field will be sleep apnea. As you recall, guidance was issued last April, then quickly withdrawn within a week.

Assuming it is addressed, it remains to be seen in what manner -regulation, interpretation, or as a part of the physical



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M&K Upcoming Events:

M&K FREE Trucking
Safety and Litigation
Seminar - Carlisle, PA
- Was postponed due
to Hurricane Sandy.

examination instructions. While opposed to any action, the ATA favors that it be by regulation which would require it to be based on science and a cost-benefit analysis. Additionally, a proposed regulation can be challenged if it fails to do so.

It is anticipated that electronic logging regulations will be promulgated by October, 2013.

Over all, it looks to be a challenging year for our industry. That is why it is important to plan now, stay informed, and be proactive.

Driver Medical Registration Licenses

States are in the process of registering driver medical certifications for CDL drivers. Make sure your drivers are aware of the change and ready to respond within the required time.

Ultimately, medical cards will not need to be carried (but I still would). The concept is that the information will be available for electronic retrieval by roadside enforcement officers just as the driver's license is now.

Make sure your driver's addresses are up to date. Most mail from transportation departments are not forwarded.

Make sure your driver's respond. Five states, including Pennsylvania, put delinquent drivers back to "four wheeler" status if they miss their deadline. These states require retesting- both written and road.

Make sure they keep up. Once they go through the initial certification, they must provide proof of a new exam before the expiration of the prior one. Again, failure to do so could jeopardize their CDL status.

At present, Pennsylvania does not have a form for submission of medical certificates after the driver's initial certification. Make sure your driver faxes the new certification with their name and information clearly identified on the fax cover sheet.

Pennsylvania's phase-in schedule can be found [here](#). The state-by-state chart can be found [here](#).

Changes to CSA in December

On August 24, 2012 The Department of Transportation's Federal Motor Carrier Safety Administration (FSCSA) announced they plan to implement several changes to the current Compliance Safety Accountability (CSA) enforcement program. The

New date to be determined. More information to follow.

For more current updates on events, follow M&K on [Facebook](#) and [Twitter](#).

Upcoming Events in the Industry:

Feb. 2nd-6th- The NATSO Show 2013 - Savannah, GA - for more info click [here](#).

Feb. 5th - Hours-of-Service Compliance Seminar - 9am-3pm - Hosted by PMTA - Camp Hill, PA - for more info click [here](#).

Feb. 8th-11th - 2013 NADA Convention and Expo - Orlando, FL - for more information click [here](#).

Mar. 5th - Recognition of Substance Abuse Training for Supervisors - 9am-12pm - Camp Hill, PA - for more information click [here](#).

Documents and Resources Available From M&K

If you are interested in obtaining copies of the following, please call or email.

- Hours-of-Service Rules Safety Impact 2010 Analysis compiled by ARTI in May 2010

- Accident preparedness DVD and/or forms

changes have gone into effect and are intended to allow the agency to quickly identify and address high-risk truck and bus companies with compliance concerns. Click [here](#) to see FMCSA's press release. The changes include:

- Strengthening the Vehicle Maintenance BASIC by including cargo/load securement violations from the Cargo-Related BASIC;
- Renaming the Cargo-Related BASIC to the Hazardous Materials Compliance BASIC (HM BASIC) to better identify HM-related safety and compliance problems;
- Better aligning the SMS with Intermodal Equipment Provider (IEP) regulations;
- Aligning speeding violations with current speedometer regulations; and
- Changing the name of the Fatigued Driving BASIC to the Hours-of-Service (HOS) Compliance BASIC;
- Aligning the severity weight of paper and electronic log book violations.

For more information on the matter please visit:

- Agency Response to Public Comments of Safety Measurement system changes:
http://www.fmcsa.dot.gov/safety-security/sms/Agency-Response-to-Public-Comments-of-SMS-Changes_signed.pdf
- http://operatingauthority.com/news/csa_changes_sms.aspx
- <http://www.fmcsa.dot.gov/about/news/news-releases/2012/FMCSA-SharpensFocus-HighRisk.aspx>

It is also suggested that carriers review their safety data to see how the changes effect their SMS results. This can be done by clicking [here](#).

Congratulations!

On December 13, 2012, PMTA's Safety Management Counsel hosted the 2012 Driver of the Year Luncheon. The Luncheon recognized the Drivers of the Month for 2012 and named one of those drivers the Driver of the Year. The recognized drivers were recognized for their outstanding safety records and service.

We applaud the drivers for their dedication and professionalism:

Michael Wiest of FedEx Ground
Joseph Slifco of CVS Transport
Ed Weaver of Earl R. Martin
Scott Griffin of Con-Way Freight
Steven R. Murphy, Sr. of Lester R. Summers, Inc.

- Powerpoint presentation regarding CSA 2010 presented by ATA

- Powerpoint presentation by Dr. Hickman regarding Distracted Driving Study presented at M&K Seminar

To see M&K's recent case results and articles click [here](#).

Free Presentations for Your Driver Meetings

We provide FREE presentations at driver's meetings geared toward our client's topics of interests. Recently, we finished filming a mock trial cross-examination of a driver as part of a new presentation.

Please let us know if you are interested.

Webinars On-Line

Several 20 minute webinars on key issues in the trucking industry have been posted to our webpage. These are audio/video presentations that explain the issues and the challenges they present to the trucking industry.

The topics are as follows:

Ken Moser of Earl R. Martin
Paul Reynolds of H.R. Ewell, Inc.
Albert Montgomery of Giant Food Stores LLC
Joseph Drugo of Ward Transport and Logistics Corp.
James O'Shea of Con-Way Freight
Steven Kruszewski of Ward Transport and Logistics Corp.
Michael Laub of Boring Transport Inc.

Albert Montgomery was named Driver of the Year. Mr. Montgomery has almost 17 years without an accident, has over 3.5 million accident-free miles and has been a driver for 42 years. Aside from his excellent safety history, Mr. Montgomery should also be recognized for his service to communities across the United States. He delivered goods and supplies to various disaster areas including the Gulf after Katrina hit, Louisiana and Joplin, Missouri following a tornado. He also volunteers his time to support Project SHARE.

We would also like to express our deepest sympathies to the family of Joseph Slifco. Mr. Slifco passed away on June 13, 2012. He was a driver for CVS Transport and during his time as a truck driver was recognized many times for his safety record and dedication.

FMCSA Expands PSP

The Federal Motor Carrier Safety Administration (FMCSA) is making it easier for more motor carrier companies to access PSP records by expanding their Pre-Employment Screening Program. The program expansion means important driver safety data is now more easily available to companies that are responsible for hiring the drivers that get behind the wheel of many large trucks and buses. FMCSA has also launched an iPhone application for PSP, which is available for free through iTunes. For more details on the Pre-Employment Screening Program visit <http://www.psp.fmcsa.dot.gov>.

Blog Postings

Keep up to date with our Blog posting. Subscribe to our blog at <http://www.cdl-law.com/blog/>. Follow us on [Twitter](#). Look for regular postings on Sunday, Tuesday and Thursday evenings.

Recent postings include:

- New Towing Law
- CDL Medical Self-Certification
- PA Permitted Loads-Off Interstate=Off Route
- FMCSA Crash-Weighting Research

- Aggressive Defense of Trucking Accidents
- New Hires and PSP
- CSA

You can view the webinars by clicking [here](#).

Other Resources

FMCSA Distracted Driving Instructional Videos click [here](#).

[PA Motor Trucking Association](#)

[American Trucking Association](#)

[Trucking Industry Defense Association \(TIDA\)](#)

[Federal Motor Carrier Safety Administration](#)

[PA Travel Information To-Go](#)

[National Traffic and Road Closure Information](#)

For more resources click [here](#)

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[Transportation Legal News Blog](#)

- Trucking by the Numbers

About Our Firm

Founded in 2005, **M&K, LLC** is dedicated to and focused upon transportation law and the needs of their transportation clients. Since opening in 2005, **M&K, LLC** has expanded its office to provide clients with the attention and availability they deserve.

Quote of the Month:

"As one person I cannot change the world, but I can change the world of one person."

~ Paul Shane Spear

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