

FMCSA Office of Communications  
No 1137

**NEWS ACCOUNTS OF FATAL CRASHES INVOLVING CMVs**

- C1. Pennsylvania, Armstrong C 1 fatality (car or pickup crossed center line, collided with another vehicle, both struck by tractor-trailer on Route 422)  
C2. Nebraska, Platte County 1 (pickup truck struck rear of semi-tractor trailer that was stopped at traffic light on U.S. Highway 30)  
C3. Georgia, Bartow County 1 (57-year-old dump truck driver hit a ditch and continued into a field off U.S. 41)

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**OTHER CRASH INCIDENTS AND FOLLOW-UP (6)**

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C1. WPXI-TV (Pittsburgh); Tuesday, June 15, 2010

**HEADLINE: Driver Killed In Route 422 Pileup In Kittanning**

Video: <http://www.wpxi.com/news/23902311/detail.html>

KITTANNING, Pa. -- One man was killed in a three-vehicle crash along Route 422 in Kittanning.

State police said the crash happened early Tuesday morning, blocking the roadway in both directions.

A car and a pickup truck collided after one of the vehicles crossed over the center line of the highway near Kittanning. A tractor-trailer then struck both vehicles, police said.

Police said the driver of the car died at the scene. They did not release his name.

The other two drivers were not injured, authorities said.

Police are still investigating the crash.

End.

C2. Columbus (Nebraska) Telegram; Monday, June 14, 2010

**HEADLINE: Man dies in U.S. 30 crash Sunday p.m.**

Byline: Jim Osborn

COLUMBUS - A 29-year-old New York man was killed late Sunday afternoon when his pickup struck the rear end of a semi-tractor trailer stopped at a traffic light on U.S. Highway 30 on the eastern edge of Columbus.

Michael J. Casey Jr. of Potsdam, N.Y., was driving westbound on Highway 30 about 5:30 p.m. when he hit the westbound semi-truck stopped at the intersection of the highway and East 29th Avenue, according to information released this morning by the Platte County Sheriff's Department.

Casey was transported by Columbus Rescue personnel to Columbus Community Hospital, where he later was pronounced dead.

The driver of the semi-truck, who had not been identified by the sheriff's department as of this morning, was not injured.

Sheriff Jon Zavadil said this morning alcohol was not suspected in the accident. State law does require blood tests for alcohol and drugs following all fatal accidents.

The accident remains under investigation by the sheriff's department.

End.

C3. Coosa Valley News (Rome, Georgia); Monday, June 14, 2010

### **HEADLINE: Mans Cause of Death Could Take Months**

Byline: Tony Potts

The exact cause of death of Richard Blair, 57 of Rome, the man who was found dead in his truck near the Bartow-Gordon County line last weekend, could take several weeks to determine. Blair was traveling north on US 41 in a dump truck when it hit a ditch and continued into a field.

The body was sent to the Georgia State Crime Lab for an autopsy. However, because it is two or three months behind on work it could take that long to discover the cause of death said Gordon County Coroner James Carver.

No foul play is suspected.

End.

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1. Press release from OOIDA; Tuesday, June 15, 2010

### **HEADLINE: Bad brokers' days are numbered with new bill; Legislation would tighten regulation and close loopholes**

(Grain Valley, Mo., June 15, 2010) – The Owner-Operator Independent Drivers Association (OOIDA) energetically applauded the introduction of the “Motor Carrier Protection Act of 2010” in the U.S. Senate. That legislation would significantly beef up regulatory oversight of brokers and freight forwarders in the trucking industry.

Senator Olympia Snowe (R-Maine) along with Senator Amy Klobuchar (D-Minn.) introduced the bill, S. 3483, in response to concerns about unscrupulous brokering practices that continually take advantage of small business truckers. The Senators worked closely with OOIDA and the Transportation Intermediaries Association to develop their legislation.

“If passed, this law would put a stop to a system that allows rogue brokers and scam artists to operate unchecked,” says Todd Spencer, Executive Vice President of OOIDA. “Too often, we’ve seen bad brokers get away with collecting payment from shippers but leaving truckers holding the bag.”

The “Motor Carrier Protection Act of 2010” will:

\* Increase the broker bond from \$10,000 to \$100,000 and expand that bond requirement to freight forwarders.

- \* Increase requirements and disclosures for any person or company seeking to obtain broker or freight forwarder authority.
- \* Establish significant penalties for violations of broker regulations, including unlimited liability for freight charges for conducting brokerage activities without a license or bond.
- \* Create a requirement for brokers and freight forwarders to renew their operating authority annually and require **FMCSA** to revoke operating authority that is not renewed annually. Revenue generated from the renewal fees will be dedicated to FMCSA's oversight and enforcement of broker regulations.
- \* Establish strict guidelines on companies that provide brokers with surety bonds and on how they administer bonds.
- \* Clarify that trucking companies must have a broker's or freight forwarder's license and an appropriate bond in addition to their motor carrier operating authority to arrange freight for another carrier for compensation.

The Owner-Operator Independent Drivers Association is the largest national trade association representing the interests of small-business trucking professionals and professional truck drivers. The Association currently has more than 155,000 members nationwide. OOIDA was established in 1973 and is headquartered in the greater Kansas City, Mo., area.

End.

2. The Trucker; Tuesday, June 15, 2010

### **HEADLINE: ATA questions portions of CSA 2010**

Byline: Jim Klepper, The Trucker News Services

Things are hot and getting hotter between the honorable Anne Ferro, administrator of **Federal Motor Carrier Safety Administration (FMCSA)** and David Osiecki, senior vice president for policy and regulatory affairs at the American Trucking Associations (ATA).

Here is the setting: ATA sends letter to FMCSA on Feb. 26 explaining concerns and offering solutions to three specific parts of the new CSA 2010.

FMCSA sends letter back to ATA on April 16, thanking them for their concerns and solutions but reminding them who makes the laws. Let me put this into the specific ATA requests.

First, ATA's largest concern is "lack of crash accountability determination prior to the data being entered and used in the program." The CSA 2010 considers all DOT-defined crashes, whether at fault or not — which makes the carrier with two crashes which are not their fault determined to be as dangerous as a carrier with two incidents that actually resulted in a crash.

ATA's recommended solution is a single contractor with a small, well-trained 'crash evaluation team' to determine crash accountability and place the proper blame on the carrier causing the crash to determine carriers for DOT intervention.

FMCSA responded with acknowledgement of the concern and notice they are considering several short-term and longer term approaches. While FMCSA works to improve the CSA 2010, they will exclude the crash assessment from any public website that may be viewed by shippers or insurers.

Additionally, FMCSA will continue to consider accountability of crashes before issuing any formal and final adverse safety fitness ratings that follow compliance reviews. However, until a viable long-term solution can be found, FMCSA will continue to use all crashes to identify motor carriers for intervention.

Second, ATA's next most significant concern is use of each carrier's truck count as the measure of risk exposure rather than the total number of vehicle miles traveled (VMT) each year. The thinking is that carriers with a greater number of power units are at a disadvantage because of their increased exposure to adverse safety events. This focus on total units could hide the higher risk carriers with fewer power units.

ATA's recommended solution is making the mileage field of the MCS-150 form a mandatory field for updates and suggested that FMCSA consider using an "average annual miles per truck" estimate for those motor carriers which FMCSA currently does not have up-to-date VMT information.

FMCSA responded that the use of power units as the sole measure of exposure can potentially create a disadvantage for carriers with a larger number of power units, but can also be a disadvantage to carriers that operate limited mileage due to the nature of their operations. Consequently, as suggested by ATA, the FMCSA will make the vehicle mileage field of the MCS-150 a mandatory field for updates. These efforts will make the CSA 2010 more effective and equitable with the national deployment of the Safety Measurement System in November.

ATA's third concern is that the CSA 2010 CSMS uses all recorded moving violations from roadside inspections without considering whether a citation or "ticket" was issued. The FMCSA characterizes these recorded moving violations from roadside inspections as "warnings." ATA believes it is common practice by law enforcement in states that must have probable cause to conduct an inspection to stop a truck for a speeding offense and then record a speeding violation with no citation or "ticket" as justification for the inspection. Additionally, ATA objects to the lack of a "due process" procedure for drivers to challenge warnings for moving violations.

ATA's solution is removing all moving violations without issued citations or "tickets" from the consideration in the CSA 2010 CSMS.

FMCSA responded that there is a strong relationship between high scores in the Unsafe Driving BASIC, as derived by including all recorded moving violations, and future crashes. Also in FMCSA's view, the use of warning as one factor in selection of an intervention does not constitute deprivation of a property interest for which a "due process" procedure is required. However, FMCSA has reviewed the existing inspection data to determine if it is feasible to exclude recorded moving violations from consideration by the CSA 2010 CSMS when a citation is not issued and has determined it is not feasible at this time to exclude those violations.

However, the FMCSA is considering the addition of a simple Yes/No field to the roadside inspection software to indicate whether a citation was issued in conjunction with the recorded speeding violation. Furthermore, the FMCSA is implementing a modification that will require roadside officers to designate the severity of speeding offense recorded on roadside

inspections. This addition will allow FMCSA to assign less weight to the less severe speeding violations such as the 1-5 mph or the 6-10 mph over the limit.

Thanks to Mr. Osiecki and Ms. Ferro, carriers and drivers have a much better knowledge of what to expect on Nov. 30 when the new regulations take effect. I expect there to be further negotiations between ATA and FMCSA even after November to keep making the CSA 2010 fairer and a better tool for trucking.

One thing I do disagree with is the FMCSA assertion that awarding CSMS points for warnings are not worthy of “due process.” In the United States, due process applies to all persons and corporations and refers to how and why laws are enforced.

How is the procedure due process? Does the law apply fairly to everyone, is it too vague, is it clearly understood, and does it presume innocence?

The why is the substantive due process. Was an unreasonable law passed and signed into law legally? If so, substantive due process can make it unconstitutional. In *Roe v. Wade* a Texas law was declared a violation of due process and determined that in the first trimester it is unreasonable for a state to interfere with a woman’s right to an abortion; during the second trimester, it is reasonable for a state to regulate abortion in the interest of the health of the mother; and in the third trimester, the state has a reasonable interest in protecting the fetus.

My opinion is that the Fourteenth Amendment to the U.S. Constitution does provide “due process” for loss of property. The Fourteenth Amendment says in part:

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Additionally, the Fifth Amendment states in part:

“ ... nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Therefore, I believe due process will be granted by the courts when either the state, the insurance supplier or the employer punishes or terminates a driver for any warning given without the opportunity to defend themselves in a court of law.

Editor’s Note: Jim C. Klepper is president of Interstate Trucker Ltd., a law firm dedicated to legal defense of the nation's commercial drivers. Interstate Trucker represents truck drivers throughout the 48 states on both moving and nonmoving violations. He is also president of Drivers Legal Plan, which allows member drivers access to his firm’s services at discounted rates. A former prosecutor, he is a lawyer who has focused on transportation law and the trucking industry in particular. He works to answer your legal questions about trucking and life over-the-road and has his Commercial Drivers License.

For more information call (800) 333-DRIVE (3748) or go to [www.interstatetrucker.com](http://www.interstatetrucker.com) and [www.driverslegalplan.com](http://www.driverslegalplan.com)

End.

3. CropLife.com (publication covering the agriculture retail industry); Monday, June 14, 2010

### **HEADLINE: Agricultural Retailers Association: Waiver To HOS Rule Falls Short**

On March 18, 2010, the Agricultural Retailers Association (ARA) was informed by DOT's **Federal Motor Carrier Safety Administration (FMCSA)** that the hours of service (HOS) rule for transporting anhydrous ammonia would be waived for the 2010 planting season. ARA received feedback from industry leaders praising the waiver, but felt it fell short having only excluded anhydrous ammonia from the HOS rule, leaving out other crucial farm supplies. ARA and several other national trade organizations (TFI, NCFC, AFTC) continue to work closely with Congressmen Blaine Luetkemeyer (R-MO) and Sam Graves (R-MO), trying to convince FMCSA that their narrow interpretation is contrary to the legislative history and Congressional intent as well as long-standing industry practice. Earlier this week, Congressmen Luetkemeyer and Graves sent a letter to Administrator Ferro requesting a follow-up meeting and help to permanently extend the waiver while allowing all farm supplies to fall under the exemption. A negative decision by FMCSA would adversely impact the delivery of farm supplies as this year's summer and fall applications begin.

In the past several months, ARA has met with representatives from FMCSA, USDA and Congressional Members and their staff to inform them of the importance and urgency of the misinterpretation of the exemption. With the support of nearly a dozen Members of Congress, the office of USDA Secretary Vilsak and communication and understanding from Secretary LaHood, ARA was able to get a 90-day waiver from the HOS exemption rules, beginning March 22. In DOT's letter to Congressman Blaine Luetkemeyer (R-MO) they stated that "Our recent re-examination of the issue has made it clear that the exclusive emphasis of the Agency's guidance on deliveries from local retailers to the ultimate farm consumer may not reflect economic reality."

This 90-day waiver only applied to carriers delivering anhydrous ammonia, with the original interpretation of the exemption still applying to other input products. ARA commends DOT for making this decision to allow for movement of anhydrous ammonia from terminal to retailer during the 2010 planting season, but continues to recommend that transportation of all farm supplies from the terminal to the retailer should be exempted under the current rule. We will continue to work with DOT to get movement of all farm supplies along the supply chain exempt from the HOS rule during planting and harvest season, as Congress originally intended.

To access the letter from FMCSA Administrator Anne Ferro to Congressman Luetkemeyer, as well as other correspondence on the issue, click here <http://aradc.org/PUBLICPOLICY/Issues/Transportation/HoursofService/LetterstfromAgency/tabid/319/Default.aspx>

If you have questions on the ag exemption to the HOS rule or on the DOT waiver please contact ARA at 202-457-0825 or email [Jon@aradc.org](mailto:Jon@aradc.org).

End.

4. Transport Topics; week of June 14, 2010, issue

**HEADLINE: iTECH: What's Your Safety Score?; Software Helps Fleets Break Down CSA 2010 Data**

Byline: Mindy Long, Contributing Writer

This article appears in the June/July issue of iTECH, published in the June 14 print edition of Transport Topics.

Mitch Henderson has monitored for years how his drivers perform behind the wheel but realized only recently that two drivers in particular were responsible for most of the fleet's roadside inspections.

"It throws up a red flag, and you wonder what these guys are doing differently to cue the inspectors," said Henderson, manager of fleet safety and compliance for Advanced Design & Packaging in Atlanta.

Henderson made the discovery with the help of J.J. Keller & Associates' online FleetMentor tool, which calculates carriers' federal safety scores based on roadside inspection reports.

"It shows any problem areas and problem drivers," Henderson said. Advanced Design & Packaging operates 15 tractors.

Because of the **Federal Motor Carrier Safety Administration's** new safety enforcement program, Comprehensive Safety Analysis, or CSA 2010, driver behavior has become more important for everyone who hauls freight.

The 2010 tag already is out of date, however, because FMCSA has acknowledged the program will not be in place nationwide until 2011.

Still, CSA represents a major change in understanding and measuring safety performance. Carriers will be scored monthly in seven Behavioral Analysis and Safety Improvement Categories, or BASICs: unsafe driving, fatigued driving, driver fitness, alcohol and drugs, vehicle maintenance, cargo securement and crash history. The actions of individual drivers will directly affect their carriers' scores.

That is where driver scorecards come in.

With the help of third-party scorecard providers, some carriers are getting a sneak peek at what FMCSA sees. The scorecards show which drivers are receiving the most inspections and specific violations that are affecting the fleet.

Scorecards compile a carrier's roadside inspection data using CSA's scoring methodology. The scorecards present the results so that managers can follow trends and conduct specific searches with the click of a mouse.

"There are about 3,500 different violations that can be written up on the truck and driver," said Steven Bryan, chief executive officer of scorecard provider Vigillo LLC, Portland, Ore. "Each of those is weighted by time and severity and assigned to one of the seven BASICs."

Addressing violations now may lower a carriers' score later, the vendors say.

All violations have a time factor, which multiplies a violation's initial score by up to three times, depending on how recent the violation is. The more recent it is, the more it counts against the fleet.

Through the scorecard that Vigillo supplied, Schneider National, Green Bay, Wis., learned that trailer tire violations were leading to a higher score.

"When you look at the CSA 2010 points that we generate, it is disproportionately high on trailer tires," said Don Osterberg, vice president of safety and driver training for Schneider.

Under the old safety standards, trailer tire violations didn't often lead to an out-of-service order. Because CSA scores all violations, including "non-out-of service," tire problems came into focus "in a much clearer way," Osterberg said.

Tire violations will be weighted for severity under CSA 2010, and this process has prompted Schneider to change the pull point for its trailer tires to minimize the risk of any violations.

Trimac Transportation Services, a bulk carrier headquartered in Calgary, Alberta, Canada, has captured roadside inspection data for the past 10 years, looking for trends, but Neil Voorhees, Trimac's U.S. director of safety and security in Houston, said a scorecard program allows him to drill down in the data by equipment and driver as never before.

He particularly likes the color-coded U.S. map, offered by Vigillo, which shows which state is enforcing certain BASICs the most.

As Vigillo's Bryan said, "Some states care about speeding, while some seem to care more about fatigued driving."

Voorhees told iTECH that he sends spreadsheets to all of Trimac's branches so managers can examine the drivers and units with the worst violations.

One of Trimac's branches was receiving a high number of violations for air hoses that were touching, which could cause chafing and leakage of pressure.

"Now our shops and wash racks are making sure they're putting spreaders in to make sure the air hoses are not touching," Voorhees said. "It really is important that you identify trends not only to the drivers but to the mechanics and the wash rack personnel so they can be part of the solution also."

Vigillo's analysis of CSA 2010 data on more than 400,000 drivers and 1,000 carriers shows that most violations are caused by issues drivers can control, such as speeding and observable defects, including problems with lights, tires and cargo securement.

That is why targeted training of drivers, mechanics and shippers can be especially helpful.

"Carriers who maintain a constant pulse on driver behavior and execute immediate consequences are best positioned to mitigate their risk through fewer safety incidents," said Cindy Nelson, vice president of marketing and business development for scorecard provider EBE Technologies Inc., East Moline, Ill.

Trimac's Voorhees said he expects to see savings from reduced fines but the real value is in tailored coaching so the carrier can improve driver retention.

"If we have to terminate a driver, that is \$6,000 to \$7,000 we let go," Voorhees said. "Then, we have to spend \$6,000 to \$7,000 to bring another driver in."

At Advanced Design & Packaging, Henderson said he plans to work with the two drivers who are triggering the most inspections. He also will use the Keller program to track customer information.

"If I'm having problems with one specific customer that is delaying drivers and making it so they can't finish their runs within [hours of service limits], we can address it with them," Henderson said.

The amount of work for a carrier to use a third-party scoring system varies by company.

Carriers must manually enter fleet information and roadside inspection data into J.J. Keller's FleetMentor. After they enter the data, carriers can generate various reports, including by driver or by regulatory area. FleetMentor costs \$795 per year.

J.J. Keller, Neenah, Wis., expects to release its CSA Management Suite in June. The online tool will interface automatically with FMCSA data and allow carriers to manage inspection data and follow up on corrective actions. The program also will help carriers prepare for DOT audits.

"It takes the data out of the safety measurement system and uses the same criteria the DOT uses to select which drivers' records will be checked during an audit," said Joel Williams, product development manager for J.J. Keller.

Carriers using Vigillo do not need to enter their information manually; they simply authorize the software provider to access their DOT records.

Vigillo subscribers access data through a secure website and can run any of 30 reports.

"There is an individual scorecard showing one driver and his violations; there is a master report. They can run reports by each BASIC category, by driver and by route," Bryan said.

Vigillo released its CSA driver scorecard in October and had grown from 50 users then to 1,200 as of mid-April. Vigillo's scorecard is available by monthly subscription and costs 50 cents per driver per month.

Vigillo's plan is to tap into more databases out there and lay the data on top of CSA.

"If you can get the speeding data out of an onboard device, you may begin to see who your speeders are long before they rack up on the score," Bryan said.

Eric Witty, a business analyst for electronic onboard recorder provider Xata Corp., Eden Prairie, Minn., said data from onboard devices gives carriers more understanding of driver behavior and potential violations. Xata doesn't offer any CSA-specific products but said the program is leading to more awareness of the information its devices can provide.

“The device is connected to the vehicle and the operations there, as well as a GPS tracking capability,” he said.

EBE Technologies offers a Web-based CSA 2010 dashboard as part of its driver management software, Shipping & Hauling Image Processing Solution. The dashboard monitors the reported FMCSA information daily, calculates the defined points for the seven BASIC categories and then enters the results into the carriers’ driver scorecard.

Carriers can run a driver summary that lists drivers by first name, last name, inspection count, violation count, score and percentile for each BASIC category. Carriers also can view the time and severity weight of violations.

One of the values associated with the third-party providers is the ability for carriers to validate their own driver records with inspection information on the FMCSA website.

EBE’s program compares FMCSA’s violation information — such as the driver’s name, driver’s license number and the state that issued the license — with the carrier’s driver files. “We see a lot of mistakes,” Nelson said. “There is a high degree of error with a police officer entering information wrong.”

EBE’s system creates a mismatch driver queue. Carriers can search for a list of potential matches for an inspection report. If a match is found, the driver’s name falls out of the queue. If no match is found, EBE can link automatically with FMCSA’s website to appeal an inspection report and will track the response.

Trimac’s Voorhees said inaccurate inspection data are not new, but in the past, it wasn’t worth the time to correct the information. With every violation adding up under CSA 2010, correcting errors has taken on new importance.

“Now we’re going to have to spend a lot more time and manpower to fight the things that are not accurate,” Voorhees said, noting that he found several errors on Trimac’s inspection information the first time he logged in.

A carrier’s score lets the company know where it stands with CSA, but it does not indicate if the carrier will be subject to DOT intervention. Carrier scores are ranked relative to all others in a peer group to help authorities see which carriers have specific safety problems.

Vigillo also uses complex statistical analyses to show carriers where they will rank with the other members of their peer group and how likely an intervention is.

“It doesn’t do you any good to know your basic measures unless you know where you rank in relation to your peer group,” Bryan said.

To produce the calculations, Vigillo downloaded the publicly available data and scoured the information it could find on tens of thousands of carriers to help determine peer rankings.

“Now we can do an analysis and a statistical projection,” Bryan said. “We can project where we believe everybody will be under a CSA 2010 projection.” Vigillo has worked with its customers in the nine FMCSA pilot states, he added.

J.J. Keller doesn't compare carriers to their peers and makes no assumptions about which carriers will be subject to intervention.

"Instead of basing a sample number on small statistics, we wanted to wait until we could get a good number," said Jacqueline Jurmu, Internet product design manager at J.J. Keller.

Jurmu said J.J. Keller expects more information on percentages to be available from DOT in August and plans to collaborate with carriers then to begin examining percentile rankings.

EBE also is working to provide carriers with a percentile in addition to a score, Nelson said, and expects to release the feature later this year.

EBE, Vigillo and J.J. Keller offer carriers no guarantees that their scores are accurate.

"If we were wildly off and misleading our customers, they wouldn't use us," Vigillo's Bryan said, however.

Candice Tolliver, FMCSA's director of communications, said the agency does not endorse private companies' offering CSA preparations and cannot speak to the validity of their products.

It doesn't take a vendor's scorecard to know what is going on. Managers may examine the safety performance data that FMCSA has collected about their carriers via FMCSA's online CSA 2010 Data Review, which opened online April 12. Carriers can view the information by visiting <http://csa2010.fmcsa.dot.gov> and entering their DOT number and Personal Identification Number.

End.

5. Commercial Carrier Journal; June 2010 issue

#### **HEADLINE: CSA 2010: How It Works**

<http://www.ccjdigital.com/csa-2010>

**CSA 2010 Diagram** Click on the link [www.ccjdigital.com/files/2010/02/CSA\\_2010\\_Diagram1.pdf](http://www.ccjdigital.com/files/2010/02/CSA_2010_Diagram1.pdf) to see a flow chart detailing the process for the **Federal Motor Carrier Safety Administrations'** Comprehensive Safety Analysis 2010 regulation that takes effect this year.

End.

6. TruckingInfo.com; Tuesday, June 15, 2010

#### **HEADLINE: FMCSA Plans Outreach Meetings On National Registry Program**

The **Federal Motor Carrier Safety Administration** will hold special outreach meetings for medical examiners and commercial motor vehicle drivers as well as the associations representing these groups.

The meetings will provide an overview of the latest information about the proposed National Registry Program. The outreach will also include a listening session, so FMCSA can hear thoughts on the new program.

The meetings are scheduled for July 20-21 in Indianapolis, and Aug. 17-18 in Washington, D.C.

To access the National Registry of Certified Medical Examiners website, go to [www.nrcme.fmcsa.dot.gov](http://www.nrcme.fmcsa.dot.gov).

End.

7. The Trucker; Monday, June 14, 2010

### **HEADLINE: Roadside Medical, Pilot open three new clinics**

KNOXVILLE, Tenn. — Roadside Medical Clinic + Lab and Pilot Travel Centers announced the opening of three new medical clinics in Oklahoma City; East St. Louis, Ill.; and Waco, Texas.

Oklahoma City will begin providing health and wellness services beginning June 25 and Waco and East St. Louis locations will be providing services in July.

All current and new Roadside Medical Clinics utilize advanced healthcare information systems, including iPad's, telemedicine and the industry's first full-function electronic medical record system for professional drivers. These tools streamline reporting, improve adherence to wellness and weight loss programs, and lower administrative and direct healthcare costs for drivers and companies alike on a nationwide scale.

Visit [www.roadsidemed.com](http://www.roadsidemed.com) for location details and to register for future announcements on opening dates.

With its exclusive locations on the highways at Pilot Travel Centers, Roadside Medical provides the most convenient, cost effective and professional medical care services, including DOT physicals and compliance, wellness programs, sleep apnea screening, testing and treatment, and nutritional products in a convenient location for drivers. Pilot is the largest operator of travel centers in the U.S. with more than 300 locations in 41 states. Roadside Medical Clinic + Lab has planned for an additional six sites throughout the U.S. by the end of 2010 in order to meet the needs of the 4.2 million over-the-road professional drivers.

“Our expansion to three additional locations is another step in our development of a coast to coast network to support professional drivers where they need us, on the road,” said Bob Perry, a.k.a. “The Trucker Trainer,” president for Roadside Medical Clinic + Lab and chair for the American Trucking Associations Safety & Loss Prevention Management Council’s Health & Wellness Working Group. “The clinics in addition to our Driver Body Fuel products and wellness program provide trucking companies and their drivers with the tools they need to stay on the road to good health.”

Roadside Medical wellness programs improve more than just the bottom-line. Roadside's Wellness Tool Kit and Driver Body Fuel Kits have been proven to help drivers lose weight, lower their BMI, reduce cholesterol levels and normalize blood pressure.

Wellness programs reduce healthcare costs, improve employee retention, cuts down on workplace accidents, and prevent downtime and lost loads. The driver wellness program is available to companies and their drivers while visiting any Roadside Medical Clinic + Lab, by calling (941) 225-2520, or by requesting information on [www.roadsidemed.com](http://www.roadsidemed.com).

“We are pleased to partner with Roadside Medical Clinic + Lab to improve the lives of our customers,” said Jimmy Haslam of Pilot Travel Centers. “Our goal is to be a total solution provider for all driver services, and Roadside Medical Clinic + Lab is helping us deliver medical services. The evidence supporting driver health initiatives is too staggering to ignore. Providing drivers with healthy options and access to medical care isn’t just good business, it’s the right thing to do.”

End.

8. Wall Street Journal Blog; Tuesday, June 15, 2010

### **Blog HEADLINE: The Secret History of the Chinatown Bus**

The origins of the inexpensive curbside bus services that have become a travel fixture between New York City and other East Coast cities are explored in the new issue of Next American City magazine <http://americancity.org/magazine/article/the-buses-are-coming>

The raw numbers alone tell an interesting story: curbside buses make more 2,500 trips a week between New York, D.C., Philadelphia and Boston and served some 4.2 million in 2007 — impressive for a segment of the transit industry that didn’t exist before 1998.

Nicholas J. Klein, a Rutgers University graduate student writing a doctoral dissertation on curbside buses, traces the birth of the industry to “Fung Wah Transportation Company, a jitney van owned by Pei Lin Liang, that shuttled Chinese workers between Brooklyn and Manhattan.” A group of Chinese immigrants chartered the van for a trip to Boston to see their children at college. When the service proved popular, and a rival began offering cut-rate bus trips to Philadelphia, the Chinatown bus boom was born.

A nest of transportation regulations also helped foster the growth of curbside buses. On one side of the ledger, the relaxation of federal rules about who could legally sell bus services opened the door for immigrant entrepreneurs. But big city bureaucracy also helped create incentives that drew corporate bus companies like Bolt Bus (owned by Greyhound) and MegaBus into the scene.

“New York City’s Port Authority Bus Terminal charges companies \$40 per departure and \$6,500 annually for platform use, and between \$13,000 and \$19,000 each year for the use of station gates,” writes Graham T. Beck.

It’s not all good news. There are signs that the popularity of cheap curbside buses are predominantly luring customers from the regional rail network, which has already been in dire financial straits.

End.

**OTHER NEWS**

9. eTrucker.com; Monday, June 14, 2010

**HEADLINE: Walk begins Great West health focus**

A health fun walk at 10:30 a.m. Thursday, June 17, leaves from the first Health, Wellness and Safety Pavilion at the Great West Truck Show in Las Vegas.

The pavilion features health-related exhibits and a presentation area where attendees can participate in interactive demonstrations and learn about resources available to help drivers improve their health.

Walkers should be at the pavilion, located at Booth #1649, by 10:15 a.m. Thursday for the 1.5-mile walk, which will be led by national fitness celebrity Bob Perry, the Trucker Trainer.

Starting and ending the trek at the pavilion, participants will receive packets with health information and giveaways, while supplies last. All show visitors are invited to the walk, say sponsors, the Healthy Trucking Association of America and Truckers News Fit for the Road program.

Blood pressure screening, Body Mass Index measurements and other testing will be offered daily. Pavilion exhibitors include sleep apnea systems providers, blood pressure monitoring and exercise equipment makers, medical service providers, vitamin and supplement makers, diet counselors and insurance companies, among others.

The pavilion was formed to address increasingly serious issues of truckers' health, sponsors say. Over-the-road truckers have a less-than 60-year life expectancy, and obesity, heart disease and diabetes are increasingly common among them. With these issues in the forefront, **Federal Motor Carrier Safety Administration** attention to driver health regulations has been rising.

"Our Fit for the Road program has been actively promoting the need for greater awareness of health-related issues that affect so many of today's over-the-road drivers," said Truckers News Editor Randy Grider.

The pavilion will showcase products and services "now available to help our nation's drivers get healthy and live longer lives," says Brett Blowers, marketing director for the Healthy Trucking Association of America.

The Health, Wellness and Safety Pavilion will travel to the 2010 Great American Trucking Show, Aug. 25-27, in Dallas.

Truckers News Fit for the Road ([www.fitfortheroad.com](http://www.fitfortheroad.com)) will be at Booth #1748.

End.

10. Land Line: Monday, June 14, 2010

**HEADLINE: Widow of slain trucker urges drivers to call lawmakers on June 28**

Byline: Clarissa Kell-Holland, staff writer

Hope Rivenburg knows nothing can bring back her husband, Jason, who was fatally shot for \$7 while parked in his rig a little more than a year ago.

However, her goal is that no other driver's family should have to endure the same pain she and her family have experienced as a result of Jason's death. That's why she is urging all truckers and their families to "flood the phones" of their lawmakers in Washington, DC, on Monday, June 28, to support two "Jason's Law" bills – HR2156 and S971.

She told Land Line on Friday, June 11, that the bills are critical for drivers who need a safe place to stop and rest. The bills have been referred to congressional committees and appear to be going nowhere. HR 2156 is in the U.S. House Transportation and Infrastructure Subcommittee on Highways and Transit. S971 is in the U.S. Senate Committee on Environment and Public Works. The bills would allocate \$120 million over six years for safety improvements to be made at rest areas and truck stops across the country.

On March 5, 2009, Jason arrived at his receiver's lot too early to deliver and was turned away because they didn't allow overnight truck parking. His appointment time was not until the next morning. Instead, he was forced to park at an unlit gas station near St. Matthews, SC, where he was killed not long after he arrived.

In the past few months, Hope and Jason's family members have made several trips to visit lawmakers in DC, urging their support for these critical Jason's Law bills. Currently, HR2156 has 42 co-sponsors. The bill was introduced by U.S. Rep. Paul Tonko, D-NY, in April 2009. On the Senate side, Charles Schumer, D-NY, introduced S971, which has one co-sponsor.

Shortly after Jason's death, Hope gave birth to twins who are now 15 months old. She also has a son, Josh, who is now 3.

"Things are pretty fast-paced here, but we are doing OK," she said.

"We need everyone to help us out and make these important phone calls," Rivenburg said. "Things have kind of stalled right now and we can't let this happen. We need to make sure that this doesn't happen to any other driver or their family."

End.

11. Press release from ATA; Monday, June 14, 2010

### **HEADLINE: Share the Road Heading to West Virginia Gold Wing Road Riders Association Rally**

ARLINGTON, Va., June 14 /PRNewswire-USNewswire/ -- The Share the Road Highway Safety Program will be in West Virginia June 17-19 setting up a highway safety demonstration for the Gold Wing Road Riders Association for the third consecutive year. Taking place in Summersville, W.V., Share the Road Professional Drivers will focus on helping motorcycle enthusiasts stay safe on the highway at the annual rally.

The Share the Road program has long focused on keeping all motorists on the highway safe, and has developed special tips targeting motorcyclists. At the same time, the Share the Road program addresses professional truck drivers about how they can accommodate motorcyclists

on the highway. By sharing tips with both groups, the highway safety program is working to curb the recent rise in motorcycle related fatalities.

"Attending the Gold Wing Road Riders Association rally is a chance for us to talk to a large number of motorcycle enthusiasts about the techniques they should know in order to stay safe around tractor-trailers," said Jim Gallagher, a professional truck driver for YRC. "By showing riders the limitations I face behind the wheel, I can help keep them safe on the road. Similarly, I get to hear first-hand the concerns of motorcycle drivers and can help address those issues."

Share the Road Professional Drivers Clarence Jenkins, of UPS Freight, and Jim Gallagher, of YRC, will bring a combined 76 years and 6.8 million miles of accident-free driving experience to the event. These professional truck drivers provide a veteran's perspective and can talk about the importance of safety.

The Gold Wing Road Riders Association (GWRRA) is the world's largest single-marque social organization for owners and riders of Honda Gold Wing/Valkyrie motorcycles. Founded in 1977, GWRRA has grown to more than 80,000 U.S., Canadian and international members in 53 foreign countries in just 32 years. Over 800 active Chapters are managed by 4,000 volunteer leaders working with members to foster safe, enjoyable riding while also working to improve the public image of motorcycling. [www.gwrra.org](http://www.gwrra.org)

Share the Road is a highway safety outreach program of the American Trucking Associations that educates all drivers about sharing the roads safely with large trucks. An elite team of professional truck drivers with millions of accident-free miles deliver life-saving messages to millions of motorists annually. The safety program is sponsored by Mack Trucks, Inc. and Michelin North America, Inc. [www.atastr.org](http://www.atastr.org)

The American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of other trucking groups, industry-related conferences, and its 50 affiliated state trucking associations, ATA represents more than 37,000 members covering every type of motor carrier in the United States. [www.truckline.com](http://www.truckline.com)

End.

## **OTHER CRASH INCIDENTS AND FOLLOW-UP (6)**

OC1. FOX-TV35 (Orlando, Florida); Monday, June 14, 2010

### **HEADLINE: FHP: Boy at fault in Disney bus death**

Byline: NICK FOKIANOS, FOX 35 News

LAKE BUENA VISTA, Fla. (WOFL FOX 35) - A 9-year-old boy who was struck and killed by a Walt Disney World bus while riding his bicycle at Disney's Fort Wilderness Lodge back in April was found to have caused the accident, according to investigative reports released Monday morning by the Florida Highway Patrol.

The Florida Highway Patrol said Chase Brubaker of St. Petersburg died when his bicycle veered off the sidewalk where he was riding and struck the side of a passenger bus. The child was then pulled under the right rear tire. He was pronounced dead at the scene.

Brubaker's bicycle was in an "unsafe condition," according to the report. The bike's front tire was underinflated and the rear tire had "no measurable air pressure," the report states.

The bus was carrying 28 people, none of which were injured. The driver was identified as David Russell Rich, 56, of Montverde.

Disney's Fort Wilderness Resort opened in 1971 and is one of the original accommodations at Walt Disney World Resort. It sits on roughly 750 acres about a mile to the southeast of the Magic Kingdom.

This was not the first bus-related accident at Walt Disney World. On March 23, a Disney bus driver crashed into a tour bus, which was stopped in the roadway with its emergency lights flashing. The driver of the bus, Jean Valentin, 42, rear-ended the tour bus, leaving himself and seven others injured. Valentin was later cited for careless driving by the Florida Highway Patrol.

End.

OC2. Sandusky (Ohio) Register; Monday, June 14, 2010

### **HEADLINE: Drunken bus driver sentenced to 30 days for crash**



Photo Caption: A bus that went off the road on Ohio 4 is pictured in Bellevue on May 21.

BELLEVUE - The drunken driver of the mini charter bus that crashed May 21 on Ohio 4 near Bellevue has been sentenced to 30 days in jail.

The driver of the Urban Express Transportation bus fell asleep, went off the side of the road and managed to come back onto the road, an Ohio State Highway Patrol trooper said.

The bus full of students was headed to Cedar Point for the day.

End.

OC3. Macon (Georgia) Telegraph; Monday, June 14, 2010

**HEADLINE: Drunken driver sentenced to nine years in Perry traffic death**

Byline: BECKY PURSER

PERRY — A Texas man whose blood alcohol level was more than twice the legal limit was sentenced in Houston County Superior Court on Friday to nine years in prison for vehicular homicide.

Luis Lopez Guzman, 51, of San Antonio, was sentenced after pleading guilty to vehicular homicide in the Dec. 29, 2009 death of 65-year-old Janice Hanes of Fenwick, Mich., Houston County District Attorney Jason Ashford said Monday. Guzman also pleaded guilty to serious injury by vehicle and driving while intoxicated, Ashford said.

Murray Hanes, 66, the victim's husband, suffered serious injury in the crash and was hospitalized for four months, Ashford said.

Guzman was driving a tractor-trailer when he ran a red light coming off the southbound ramp of Interstate 75 and struck the passenger side of a Ford F-150 headed north on Sam Nunn Boulevard in Perry, Ashford said.

Guzman's blood alcohol level was .2, Ashford said. The legal driving limit in Georgia is .08.

Superior Court Judge Edward D. Lukemire also sentenced to Guzman to six years on probation, ordered the Guzman may not possess or consume alcohol for the duration of his sentence, and banished Guzman from Middle Georgia, Ashford said.

Guzman expressed remorse and asked for mercy at the sentencing hearing Friday, Ashford said. Murray Hanes also addressed the judge at the hearing, Ashford said.

The maximum sentence for vehicular homicide in Georgia is 15 years, Ashford said.

The Hanes, who were married for more than 40 years, were on vacation when the crash happened, Ashford said.

"It's a terrible, terrible tragedy," Ashford said. "We hope Mr. Guzman spends every day of his nine years in prison thinking about what he did."

End.

OC4. San Bernardino (California) Sun; Monday, June 14, 2010

**HEADLINE: Driver of runaway dump truck acquitted of felony in Rancho Cucamonga city employee's death**

Byline: Will Bigham, Staff Writer

RANCHO CUCAMONGA - A trucker whose runaway dump truck crashed into a city vehicle four years ago, killing the driver, was acquitted Monday of a felony vehicular manslaughter charge.

But Adam Ahlberg, 30, could face a second trial on a misdemeanor charge.

A jury had the option of convicting Ahlberg of felony or misdemeanor vehicular manslaughter - or giving him a full acquittal - in a West Valley Superior Court trial for the death of longtime Rancho Cucamonga city employee Angel Calzada.

Although all 12 jurors agreed Ahlberg was not guilty of a felony, they deadlocked 7-5 in favor of an acquittal on the misdemeanor charge, attorneys said.

Because of the hung jury, prosecutors will have the option of again bringing Ahlberg's misdemeanor case to trial. Ahlberg might learn prosecutors' plans when he returns to court June 23.

"I don't know at this point," Deputy District Attorney Charles Feibush said. "We'll come back for the pretrial and litigate it at that time."

Ahlberg, of Riverside, lost control of his dump truck on June 16, 2006, after his brakes failed as he drove south on Archibald Avenue.

The dump truck reached speeds of up to 70 mph as it blew through stop signs and red lights on the downhill slope. When the dump truck reached Arrow Route, it hit Calzada's Ford F-250. Calzada, 51, was pronounced dead at the scene.

Prosecutors accused Ahlberg and his employer, Clark Grading Inc., of failing to repair recurring brake problems on his truck.

On the witness stand last week, Ahlberg said he believed the brakes had been repaired because mechanics placed his truck in the "lineup" for use on the day of the crash. Ahlberg also said that he drove 90 miles without brake problems before losing control.

Ahlberg declined to comment to a reporter on Monday as he walked away from the courtroom with family members and other supporters.

When asked how Ahlberg reacted to his felony acquittal, his attorney, Mark Gunn, said, "Obviously he was extremely pleased to not have a felony dogging him for the rest of his life."

Gunn said he doesn't believe the San Bernardino County District Attorney's Office should retry Ahlberg, noting that a majority of jurors favored acquittal on the misdemeanor charge.

"But that is their call," Gunn said. Riverside-based Clark Grading also faces criminal charges for Calzada's death. A trial in the company's case is scheduled for next month.

Calzada, a married father of two adult daughters, worked for the city for more than 20 years. He had volunteered since 1981 as a reserve deputy at the sheriff's Rancho Cucamonga station.

Gunn said Calzada's family "is going to be extremely well-compensated" in their civil litigation for the man's death.

An insurance company for Clark Grading has offered the family a \$1 million settlement in their wrongful-death case, Gunn said.

End.

OC5. WIBC 93.1 FM Radio (Indianapolis, Indiana); Monday, June 14, 2010

**HEADLINE: Traffic Stop Results in Multi-Million-Dollar Cocaine Bust**



Byline: Liz Thomas

More than \$2.4 million in cocaine is off the streets following a Monday morning traffic stop near New Castle on Interstate 70.

Indiana State Police say Trooper Chris Martin stopped an 18-wheeler for a routine inspection when he noticed the driver and passenger acting suspiciously.

A search of the truck turned up 24 kilograms -- nearly 53 pounds -- of cocaine hidden in the truck's trailer.

Police arrested 31-year-old Oscar Cruz of Plainfield, New Jersey and 21-year-old Jose Lazo Martir of Paramount, California. Both are charged with dealing cocaine and possession of cocaine with intent to deliver.

Investigators say the cocaine originated in California and was bound for New Jersey.

Martin was recently honored as "Trooper of Year" for the Connersville post.

End.

OC6. KDFW-TV4 FOX (Dallas-Fort Worth); Tuesday, June 15, 2010

## HEADLINE: Semi Truck Loses Wheels



Byline: Alice Wolke

DALLAS - An 18-wheeler accidentally became a 10-wheeler early Tuesday morning when the back wheel assembly came completely off the trailer.

The trailer was resting at a 45-degree angle on the northbound lanes of I-35E near the Laureland exit.

Crews managed to get the truck over to the right lane so rush-hour traffic could get past.

A heavy-duty wrecker picked up the eight-wheel assembly off the freeway by 6 a.m.

A second 18-wheeler arrived by 7:30 a.m. to off-load the trailer's contents before crews could begin to load the crippled semi and trailer onto another heavy-duty wrecker

End.