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FMCSA Office of Communications No 1142

NEWS ACCOUNTS OF FATAL CRASHES INVOLVING CMVs

- C1. New York, Genesee County 1 fatality (tractor trailer driver lost control, left roadway, crashed into wooded area at 6:00 a.m. on NY State Thruway)
- C2. Texas, Galveston 1 (police broke off high speed pursuit of motorcyclist who minutes later collided head-on with 18-wheeler)
- C3. Texas, Jefferson County 1 (construction zone worker struck by 18-wheeler at 10:15 a.m. on Highway 73)
- C4. California, Newport Beach 1 (pedestrian, an apparent suicide, leapt in front of a commercial truck on Newport Blvd.)
- C5. West Virginia, Charleston 1 (car exiting business parking lot, collided with **KRT bus; 35 passengers, 2 minor injuries**)
- C6. Iowa, Harrison County 1 (semi-truck collided into rear of car stopped for traffic; crash involved other vehicles on U.S. Highway 30)

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OTHER CRASH INCIDENTS AND FOLLOW-UP (2)

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C1. WIVB-TV4 (Buffalo, New York); Tuesday, June 22, 2010

HEADLINE: Tractor-trailer up in flames, One dead



Posted by: Kate McGowan

LEROY, N.Y. (WIVB) - A tractor-trailer is up in flames and is causing major congestion on the Thruway.

The accident happened just before 6 a.m. on Tuesday near exit 47 - Leroy. The Henrietta Fire Chief said one person has died in the accident.

Police said the driver lost control when he was traveling eastbound. He went off the right shoulder and crashed into a wooded area, bursting into flames. The truck was carrying paper rolls.

Traffic in the right line is closed until further notice.

Emergency crews and police are on the scene and are investigating the incident.

End.

C2. KTRK TV (Houston, Texas); Tuesday, June 22, 2010

HEADLINE: Motorcyclist killed in fiery crash with 18-wheeler



GALVESTON, TX (KTRK) -- There was an explosion and fire after a deadly collision between a motorcycle and an 18-wheeler full of furniture.

It happened late last night on Harborside Drive in Galveston, between 37th and 51st Streets. The motorcyclist was killed instantly when his bike crashed head-on into that semi. The two vehicles exploded and the load of furniture in the big rig fed the flames.

Minutes before the crash, a Galveston police officer was pursuing the motorcycle rider, who was reportedly going as fast as 100 miles per hour. The officer stopped the pursuit and then minutes later, the crash happened.

The semi driver was not hurt, but he was taken to John Sealy Hospital for observation.

End.

C3. KDFM-TV (Beaumont, Texas); Monday, June 21, 2010

HEADLINE: Husband, father of 3 latest TxDOT contract worker killed



JEFFERSON COUNTY - The wife and three children of Santos Granja are remembering their final Father's Day with the 52-year-old contract worker, who was killed when a truck driver crashed into him at a Tx-DOT construction zone on Highway 73 in Jefferson County.

The contract worker from Beaumont is one of nearly three hundred Texans to die in construction zone accidents in recent years.

Granja, 52, had worked for Crabtree Barricades of Beaumont for nearly a decade.

The company was doing contract work for the Texas Department of Transportation on Highway 73 near Labelle Road when he was struck at about 10:15 a.m. Monday.

A TxDOT spokesman told KFDM anchor Ashley Gaston the death toll in work zones continues rising despite pleas from the state for drivers to be careful.

"She just started crying," said Daniel Granja, talking about his mother. "At first she just got quiet and then her tears came out. She started shouting, crying and yelling."

16-year-old Daniel Granja is now the man of the house. He was with his mother when she got the call about 52 year old Santos Granja, a husband, father of three, dedicated family man.

"18 wheeler just came in and crashed into him," said Daniel.

Granja was on Highway 73 near Labelle Road with a contracting company doing work for the Texas Department of Transportation.

Granja was striping and putting down reflective markers when the driver of a tractor trailer hit three contractor vehicles. The tractor trailer struck Granja.

"It's unthinkable how someone could be driving a large 18-wheeler and drive through 2 crash trucks and hit this person, killing him and sending four other people to the hospital," said TxDOT spokesman Marc Shepherd.

Shepherd has seen several TxDOT workers die in construction zones.

He says drivers must pay attention while traveling near highway workers.

"It's terrible, especially for the families involved, children, parents, mother, without a husband and kids without a father. There's nothing you can say to that. What can you say?"

A wife without a husband; a son and two daughters without their father.

"Just a great father, one of a kind," said Daniel. "I don't know why it had to happen today."

A question state troopers and Santos Granja's relatives are asking.

A family that must go on without a loved one, because a truck driver missed the signs to slow down and move over.

End.

C4. Orange County (California) Register; Monday, June 21, 2010

HEADLINE: Man dives under truck in apparent suicide

Byline: JON CASSIDY, THE ORANGE COUNTY REGISTER

NEWPORT BEACH – A man was killed when he leapt in front of a truck on Newport Boulevard shortly before noon, police said.

Police are ruling the death a suicide, said Sgt. Steve Burdette of the Newport Beach Police Department.

The man was sitting on the grass in front of a Carl's Jr. on Newport Boulevard between 32nd and 31st streets when he suddenly ran into the street, Burdette said.

At least two witnesses saw the man dive under an Albertsons truck that was headed south on Newport, Burdette said.

The coroner's office has identified the man, but has not named him, pending notification of next of kin, Burdette said.

The man did behave erratically before he ran into the street, Burdette said.

End.

C5. Charleston (West Virginia) Gazette; Monday, June 21, 2010

HEADLINE: Man ID'd in fatal bus crash

Byline: Kathryn Gregory, Staff writer

CHARLESTON, W.Va. -- The name of a man who died in a head-on collision near the Chelyan Bridge on Sunday has been released.

State Police at the Quincy Detachment said Michael Pickens, 35, of Chelyan was pulling out of Billo's convenience store on W.Va. 61 in a white Mazda when he collided head-on with a KRT bus traveling south to Cabin Creek from Charleston.

Police said the 35-passenger bus, which was carrying one woman, tried to brake, but instead ended up pushing the car down the road, flipping it onto its top. Pickens died at the scene.

"The [bus] driver said there was nothing he could do," Dennis Dawson, general manager of the Kanawha Valley Regional Transit Authority, said previously. "We have one passenger that was transported to the hospital with minor injuries. The driver was transported, too. He was talking, but emotionally upset."

Dawson said Quincy State Police troopers are investigating the crash, but it does not appear the KRT bus driver is at fault.

End.

C6. Council Bluffs (Iowa) Daily Nonpareil Monday, June 21, 2010

HEADLINE: Woman killed, several injured in Harrison County crash; three hurt in I-29 wreck

A Salt Lake City, Utah, woman died from injuries suffered in a vehicle crash Saturday in Harrison County.

Sandra Lawson, 60, was pronounced dead at the scene of the crash at the intersection of U.S. Highway 30 and 280th Street, approximately halfway between Missouri Valley and Logan.

According to a report from the Iowa State Patrol, Timothy Lawson, 30, of Omaha, slowed his 2006 Chevy Cobalt to a stop while traveling eastbound on Highway 30 behind a vehicle that was turning left onto 280th Street.

Barry Schultz, 40, of Boone, driving a 2006 Freightliner semi-truck, was traveling eastbound on Highway 30 and his vehicle collided with Lawson's from behind, pushing the Cobalt into the westbound lane, where it was struck on the passenger side by a 2001 Dodge Durango being driven by Lee Muller, 60, of Americus, Kan.

The report stated all parties involved in the crash were wearing seatbelts.

Timothy Lawson, a juvenile passenger in his car and Muller were taken to the Creighton University Medical Center by Missouri Valley Rescue.

According to Trooper John Farley, the juvenile passenger is in critical condition. He said Timothy Lawson and Muller's status are unknown. Deanna Muller, the passenger in the Durango, was treated and released at the scene. Schultz, a driver for Oberg Freight Company of Fort Dodge, was uninjured.

Farley said there would be no charges in the case until the technical investigation of the crash had been completed. The trooper said the Lawsons and the child were family, but did not know how they were related.

End.

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1. The Trucker; Tuesday, June 22, 2010

OPINION HEADLINE: LaHood's 'very soon' gets farther and farther in the rear view mirror

Byline: LYNDON FINNEY, The Trucker Staff

It's been just over one year now since Secretary of Transportation Ray LaHood stood before the National Press Club and said he'd just sent a proposal to the White House for a program to replace the then recently-ended cross border demonstration project and that he was ready to head to Capitol Hill to convince members of Congress that a new program was a go.

It's been over three months now since LaHood told a Senate subcommittee that the Obama administration was "very near" a proposal that would meet Congress' safety concerns.

It's been over a month since LaHood told that same subcommittee that a new proposal was "very near."

It's been almost a month since President Barack Obama and Mexican President Felipe Calderon met in Washington and reportedly discussed the cross border project.

It's obvious there's a big, big credibility issue here.

Based on a recent poll, most truckers appear to think the Obama administration is giving lip service to a new proposal, and some of them could care less.

In the poll, which appeared on our website trucker.com, 83 percent of the respondents answered "no" to the question "Do you think the Obama administration is serious about resolving the Mexico truck issue?"

Here are some of the comments they offered:

"What part of illegal doesn't he understand?"

"We don't want or need trucks from Mexico coming across the border into the U.S. They can stop at the border. U.S. truckers can pick them up there."

"It's all political."

"It should not take so long if they are serious."

"Why should he? There is no benefit to the U.S. truck drivers. I'm sure not going to go to Mexico because it's not safe."

"He wants those trucks up here to take our jobs."

"The Obama administration is going to run the industry into the ground if we let him. Just look at last week's fuel efficiency order. I don't want his help with anything."

One trucker who thought Obama is serious about a new program offered this comment:

"He is, but it will cost him dearly."

Over the past year, there have been several members of Congress who've either written letters or issued comments urging the administration to get rolling with a new program.

The latest and most vocal in recent days has been Sen. Patty Murray, D-Wash.

The agriculture industry in her home state has been crushed by the tariffs Mexico imposed after the cross border program was ended in March 2009.

On May 18, Murray wrote Obama urging the president to discuss a new program with Calderon when the latter visited Washington that week.

On May 28, she followed up with a letter that read in part:

“...I believe now is the time to take the next step forward. I have discussed this issue with you, your administration, and the previous administration and believe that after the visit by President Calderon a path forward is available.

“The ongoing heavy tariffs imposed on 87 Washington products have exacerbated economic hardships in my state. Washington farmers specifically have been pushed from an already difficult climate into a far worse economic position. In the last year, the Mexican tariff on potatoes has caused U.S. frozen potato shipments to Mexico to decline by 50 percent while shipments of frozen potatoes from Canada to Mexico have increased by 60 percent. In practical terms this means a loss of over \$14 million worth of Washington frozen potato exports since April 2009 and several hundred Washington state jobs. The potato industry is not alone. Washington state pear exports to Mexico dropped by 56 percent between 2008 and 2009 due to this tariff, a loss of over \$8 million. Unless action is taken immediately there is a good chance that this shift in exports will lead to continued job losses and have a long-term impact on our economy.

“Mr. President, tens of thousands of jobs are supported by the Washington state potato and pear industries and these represent only two of the 87 products imperiled under tariffs unfairly aimed at my constituents. I urge you to resolve the dispute with Mexico and bring relief to Washington state farmers and the Washington state economy.”

Is a new plan very near or very close?

Who knows?

The Obama administration owes the American people some answers, including what happened to that proposal that LaHood said he sent to the White House over a year ago.

End.

2. Arizona Republic (Phoenix, Arizona); Tuesday,

HEADLINE: U.S. proposes \$72,760 in fines in fatal bus crash

Byline: Michelle Ye Hee Lee

Fines totaling \$72,760 have been recommended against the owner of a bus that crashed on Interstate 10 and killed six people in March, the U.S. Department of Transportation said Monday.

The **Federal Motor Carrier Safety Administration** recommended the fines for a series of alleged federal motor-carrier safety violations.

The violations were alleged following a federal probe of the accident.

In its notice of claim, FMCSA charged Cayetano Martinez, owner of the Tierra Santa Inc. bus company, with 78 violations of 13 motor-carrier safety regulations, including operating without

federal authority or required insurance and violating driver qualification, hours of service and maintenance requirements.

Martinez has until July 12 to contest the claims.

The bus, on its way from central Mexico to Los Angeles, crashed into a pickup truck on March 5 while on I-10 between Tucson and Phoenix.

The bus hit the median, swerved back across several lanes, and rolled into a ditch.

Of 22 people aboard, six died and 16 were injured.

The company owning the bus had a history of safety violations and was suspended from operating in April 2009 for lack of insurance.

Martinez allegedly used four different names to continue operating over several years, evading FMCSA's orders to cease operations.

His company operated under the names Tierra Santa Tours, Cayetanos Bus Line Inc., Azteca Bus Lines and Tierra Santa Inc.

"He decided to disregard the federal process and federal operations," said Candice Tolliver, FMCSA director of communications. "That's a significant violation."

Martinez and his lawyer could not be reached for comment.

Bill Risner, attorney for the families of two passengers who were killed in the March crash, said the fine is not "terribly noteworthy" compared to the harm caused to victims and their families.

"It's an absolutely outrageous situation," Risner said.

"The very rules that are designed to prevent this were systematically ignored."

End.

3. Land Line; Monday, June 21, 2010

HEADLINE: FMCSA fines bus company after fatal wreck in March

The **Federal Motor Carrier Safety Administration** has fined a bus company for multiple safety violations following the deaths of six passengers during a March crash in Phoenix.

On March 5, a bus owned by Tierra Santa, Inc. entered the U.S. in El Paso, TX, and was headed west on Interstate 10 when it struck a pickup before overcorrecting and rolling. Six passengers were killed and 16 others were injured.

On Monday, FMCSA announced it charged Cayetano Martinez, owner of Tierra Santa, Inc., with 19 counts of operating without federal authority; 21 counts of operating without required minimum insurance; 24 counts of operating in violation of a previous FMCSA order to cease operations; violation of drug and alcohol testing; violation of driver qualification requirements,

violation of hours-of-service requirements; and violation of vehicle inspection and maintenance requirements.

FMCSA also fined Martinez \$72,760.

Martinez has until July 12 to contest the claim.

"Safety is our number one priority at the U.S. Department of Transportation," said Transportation Secretary Ray LaHood, according to a news release. "We will continue to take every action at our disposal to vigorously pursue illegal, unsafe carriers and remove them from our roadways."

In a statement, FMCSA Administrator Anne Ferro said FMCSA "worked tirelessly to bring this civil penalty case forward."

"We are committed to doing everything we can to prevent illegal carriers from operating and placing our road users at risk," Ferro said.

End.

4. Associated Press (Arizona); Monday, June 21, 2010

HEADLINE: Government fines bus owner in fatal Arizona Crash

Byline: MARK CARLSON (AP)

PHOENIX — A Los Angeles-based bus line involved in a fatal crash that claimed six lives south of Phoenix in March has been fined by the federal government, and its owner has been charged with safety violations.

The U.S. Department of Transportation's **Federal Motor Carrier Safety Administration** said Monday it has issued a notice of claim charging Tierra Santa Inc. owner Cayetano Martinez with multiple federal motor carrier safety violations.

FMCSA Administrator Anne S. Ferro said the government has worked tirelessly to bring this civil penalty case forward.

"We are committed to doing everything we can to prevent illegal carriers from operating and placing our road users at risk," Ferro said in a statement.

The federal government also fined the bus carrier \$72,760 as a result of the investigation into the March 5 crash along the westbound Interstate 10 near Sacaton on the Gila River Indian Nation.

In the notice of claim, the transportation department charged Martinez with 78 violations of 13 separate motor carrier safety regulations including 19 counts of operating without federal authority, 21 counts of operating without required minimum insurance and 24 counts of operating in violation of a previous federal order to cease operations.

U.S. Secretary of Transportation Ray LaHood said in a statement that DOT will continue to take every action at its disposal to vigorously pursue illegal, unsafe carriers and remove them from the road.

"Safety is our number one priority at the U.S. Department of Transportation," LaHood said.

The bus with 22 passengers was traveling from the central Mexican state of Zacatecas to Los Angeles.

It entered the United States at El Paso, Texas, and was traveling westbound early on the morning of March 5 along Interstate 10 with 22 passengers aboard when it hit a pickup, veered onto the left shoulder of the road, then overcorrected in the opposite direction and rolled once before landing on its wheels.

The roof of the bus was crushed and all of its windows were knocked out. Arizona Department of Public Safety officials said in March that inspectors concluded the brakes of the bus were substandard enough that it should have been taken off the road.

Attempts by The Associated Press to reach representatives of Tierra Santa Inc. and Cayetano Martinez were not successful.

End.

5. Arizona Republic (Phoenix); Monday, June 21, 2010

HEADLINE: Government fines bus owner in fatal Arizona crash

Byline: Michelle Ye Hee Lee, The Arizona Republic

Fines totaling \$72,760 have been recommended against the owner of a bus that crashed on Interstate 10 and killed six people in March, the U.S. Department of Transportation said Monday.

The **Federal Motor Carrier Safety Administration (FMCSA)** recommended the fines for a series of alleged federal motor-carrier safety violations. The violations were alleged following an investigation of the accident.

In its notice of claim, FMCSA charged Cayetano Martinez, owner of the Tierra Santa, Inc. bus company, with 78 violations of 13 motor carrier safety regulations, including operating without federal authority or required insurance and violating driver qualification and maintenance requirements. Martinez has until July 12 to contest the claims.

The bus, on its way from central Mexico to Los Angeles, crashed into a pickup truck on March 5 while on I-10 between Tucson and Phoenix. The bus hit the median, swerved back across several lanes, and rolled into a ditch. Of 22 people aboard, six died and 16 were injured.

The company owning the bus had a history of safety violations and was suspended in April 2009 for lack of insurance. The FMCSA's notice of claim identifies the four company names Martinez allegedly used to operate his company and evade FMCSA's orders to cease operations.

End.

6. KPCC-FM 89.3 (Southern California) Public Radio; Monday, June 21, 2010

HEADLINE: Cross-border bus company owner charged, fined in relation to accident

Byline: Cheryl Devall, KPCC

Federal authorities have penalized a Van Nuys-based bus company in connection with a crash that killed six people near Phoenix in March. The trans-border bus company faces a fine and accusations that it disregarded safety rules.

The interstate bus business is subject to the **Federal Motor Carrier Safety Administration**. That agency has charged bus company Tierra Santa with multiple safety violations, and has fined it more than \$72,000.

It issued the sanctions after a Tierra Santa bus headed from Mexico to Los Angeles crashed on Interstate 10 in Arizona. Six of the 22 passengers died – and 16 sustained injuries – when the bus collided with a pickup truck and rolled over.

Federal transportation officials say the bus company's owner was operating without federal authority or minimum insurance, in violation of a previous order to cease operations. Arizona authorities also found that the bus's brakes were faulty. The owner of the Tierra Santa bus company has until mid-July to contest the charges.

End.

7. Journal of Commerce; Monday, June 21, 2010

HEADLINE: Rolling Out Roadability; IANA and Advent launch chassis inspection reporting systems as June 30 deadline looms

BYLINE: WILLIAM B. CASSIDY

Harbor truckers will be able to file drayage vehicle inspection reports, or DVIRs, using either of two electronic systems being rolled out before a June 30 federal deadline.

The Intermodal Association of North America and Advent, the developer of Chassis.com, will have DVIR processing systems in place to help drivers and intermodal equipment providers comply with the **Federal Motor Carrier Safety Administration's** roadability regulations. Developed separately, the systems aim to tie the last electronic knot in the regulations, which are designed to improve chassis safety.

The roadability regulations require intermodal equipment providers, motor carriers and drivers to share responsibility for chassis. Under the new rules, drivers are required to submit a DVIR to the equipment provider before returning an intermodal chassis.

That created a challenge for the industry, and caused some confusion when the first portion of the roadability rules took effect last December. The systems needed to link drivers, intermodal equipment providers and maintenance facilities weren't in place.

IANA developed its DVIR processing system, launched June 7, to support intermodal equipment suppliers registered with the Global Intermodal Equipment Registry who have authorized IANA to process the equipment condition reports on their behalf.

Advent developed Chassis.com with the Ocean Carrier Equipment Management Association, which represents shipping lines that provide intermodal equipment to truckers. OCEMA last fall petitioned the FMCSA to delay implementation of the DVIR requirement until June 30 to give the group more time to develop the system.

Which system drivers will use depends on the choice of the intermodal equipment provider. Both systems will use electronic data interchange to share information among equipment providers, trucking companies and maintenance and repair facilities.

Although the systems are competitive products, in a sense, we don't want to view anybody as a competitor, Advent President Carl D Emilio said. OCEMA and IANA are making efforts to work together to help the industry comply with the regulations.

Both IANA's system and Chassis.com give drivers multiple means of filing DVIRs. Using IANA's system, drivers or motor carrier dispatchers can enter DVIR information by Web portal, EDI and other data transfer formats or a telephone-based interactive voice-response system.

To use the report processing system, carriers must register online at dvir.intermodal.org. There's no charge to the driver, and no cost to the carrier except for a 12-cent-per-minute charge for use of the interactive voice response system, IANA said. A toll-free number allows drivers to call with no charge from a landline.

IANA's system is based on the Global Intermodal Equipment Registry, the Calverton, Md.-based association launched in December. In its database, GIER matches unique equipment numbers with the equipment provider's Department of Transportation number to identify the owner and help track maintenance and repair of individual chassis.

IANA created interfaces between GIER, IANA's Intermodal Driver Database and the Uniform Intermodal Interchange and Facilities Access Agreement database to provide efficient and secure access to the data required for DVIR completion. The process also includes provisions for an electronic driver's signature, eliminating paper processes.

Advent introduced Chassis.com in December, and carriers, maintenance facilities and intermodal equipment providers, or IEPs, have been registering with the system for half a year, D Emilio said.

Advent also allows motor carriers or drivers to enter DVIRs into the system in a number of ways, either online or using a mobile phone. There's no charge to the carrier. Our customers are the IEPs, they pay us, D Emilio said. Almost 30 large IEPs, including shipping lines and chassis pools, have signed up to use Chassis.com.

We're working on a system that will allow a trucker to call in using a touch-tone phone to file a DVIR, D Emilio said. Texting, however, is out. We shied away from texting because of the safety issue and the cost. It's expensive, and the only way to do it is to bill the trucker. We also don't want a guy driving up to the gate texting.

Chassis.com also allows the equipment provider to decide how it wants to receive the reports whether e-mail or EDI. It uses the EDI subsystem that Advent uses to support the PierPass gate management system at the ports of Los Angeles and Long Beach.

Equipment providers, motor carriers and maintenance and repair vendors also manage their own Chassis.com accounts online.

We came up with this concept I hate to use the analogy similar to Facebook, D Emilio said. Everyone registers and manages their own account. When you friend someone, you re granting them permission to file DVIRs, or to get the DVIRs.

With the June 30 deadline approaching, the phone s been ringing off the hook, D Emilio said. We re getting a last-minute rush of people trying to establish EDI with us.

Awareness of the requirement was slow building, but I think by now everybody knows about it.

End.

8. Land Line; Monday, June 21, 2010

HEADLINE: July 15 UCR enforcement closing in

Truckers have a few more weeks to pay the 2010 Unified Carrier Registration program fees.

Even though the **Federal Motor Carrier Safety Administration** didn't unveil the 2010 fee structure until late April, the deadline to pay the fees is July 15, because that's when enforcement.

In a notice published in the Federal Register April 27, FMCSA set the 2010 fees lower than the amounts recommended by the UCR Board.

The following are the fees for 2010:

* 0-2 trucks	\$76
* 3-5 trucks	\$227
* 6-20 trucks	\$452
* 21-100 trucks	\$1,576
* 101-1,000 trucks	\$7,511
* 1,001 and above	\$73,346

The fees are based on the number of trucks in the fleet, and trailers do not count. Brokers and leasing companies will pay \$76.

The fees set by FMCSA are lower than the ones proposed by the UCR Board. For example, the Board proposed to set the fee for up to two trucks at \$83.

The fees proposed accounted for "bracket shifting" – motor carriers that move from one category to a lower-paying category because of downsizing etc. That shifting has resulted in a 25 percent loss in revenue in past years.

Agency officials chose to reduce the fees in hopes of only helping to offset 15 percent of the revenue lost as a result of bracket shifting.

Editor's note: The Owner-Operator Independent Drivers Association can assist members with questions on the program and filing their UCR fees.

End.

9. Occupational Health & Safety online; Tuesday, June 22, 2010

HEADLINE: Upcoming FMCSA Rule Will Address In-Vehicle Distractions

Once the agency's proposed rule to ban text messaging while driving is finished, a second rule will cover dispatch systems, using CB radios, and more to reduce risk while allowing legitimate communication, Chief Safety Officer Rose A. McMurray told the National Association of Small Trucking Companies.

The **Federal Motor Carrier Safety Administration's** proposed rule to prevent commercial vehicle operators from texting while they drive won't be the end of the agency's efforts to prevent distracted driving.

Speaking June 11 to the National Association of Small Trucking Companies (NASTC), FMCSA Chief Safety Officer Rose A. McMurray said a rule then will be proposed to address other in-vehicle distractions, including dispatch systems and CB radios. She said the agency wants to "develop a competent and coherent proposal that reduces risk but doesn't unnecessarily affect the legitimate needs for communication with and by, the driver," according to a transcript posted June 17 by FMCSA.

McMurray focused most of her remarks on CSA 2010, which is FMCSA's comprehensive safety analysis 2010 and will be in effect next month. A major change from the current system of roadside inspections and motor carrier audits, CSA 2010 expands the measures currently being used to assess a carrier's safety and will identify potential problem carriers earlier, allowing FMCSA to contact them and direct them to improve, according to the agency.

NASTC is based in Hendersonville, Tenn., and represents more than 2,000 trucking companies. It predicts CSA 2010 compliance will be more difficult for small carriers than the current scheme and is urging member companies to take several proactive steps to be ready for it, including orienting new hires about the hours of service regulations, having "flawless compliance" on drug and alcohol testing, checking new hires' backgrounds more carefully, training drivers on an ongoing basis, inspecting trucks and trailers more frequently than once a year, and maintaining an ongoing driver awareness and safety program.

McMurray, a DOT employee for more than 34 years, was FMCSA's associate administrator for Policy and Program Development before taking her current position. She previously served as associate administrator of Traffic Safety Programs at the National Highway Traffic Safety Administration.

End.

STATE NEWS

10. WTHR-TV13 NBC (Indianapolis, Indiana); Monday, June 21, 2010

HEADLINE: Truck inspection leads to wanted felon

Richmond - A semi inspection Monday afternoon led to a wanted felon.

Motor Carrier Inspector Michael Bowsman pulled a semi into the inspection building on I-70 west bound to do a D.O.T. Inspection. During the inspection, a license check was run on both men who were in the truck.

State Police Radio advised that the truck passenger, William James Earl Hampton, 48, of Jefferson City, Mo., was wanted for a Class "C" Felony warrant out of Jefferson City for Second Degree Assault. A state trooper was summoned to take Hampton to the Wayne County Jail to be held for extradition back to Missouri.

Last Thursday, Bowsman was inspecting a truck and discovered that driver Alan Schultz of Minnesota was wanted out of Rice County, Minnesota, for Felony Sexual Assault on a Minor.

"Commercial motor vehicles are a good way to go undetected due to companies not having access to wanted files when checking on potential employees," Bowsman said. "Sometimes drivers don't have a steady address as they are always on the move in a commercial motor vehicle; therefore it's easier for them to go undetected."

End.

11. Charleston (West Virginia) Daily Mail; Tuesday, June 22, 2010

HEADLINE: W.Va. truck drivers honored for skill, safety

CHARLESTON, W.Va. -- Larry Gorby of Lake, Logan County, was named grand champion of the West Virginia Trucking Association's Truck Driving Championship.

Gorby is a professional driver for Con-way Freight in Belle. He took the top honor after competing in a variety of skill and safety tests.

Nearly 50 professional truck drivers representing more than a dozen West Virginia-based motor freight companies participated in the June 12 event in Charleston.

Also during the event, the West Virginia Trucking Association recognized drivers for their 2009 safety accomplishments. Edward Thommason of Culloden, a driver with Yellow Roadway Corp., was honored with the "2009 Driver of the Year Award."

Thommason has driven for 36 years, logged more than 3.9 million miles behind the wheel and hasn't had a chargeable accident in more than 28 years.

Clarence Jenkins Jr. of Winfield, who drives for UPS Freight, was honored with the "2009 State Police Safety Award." Jenkins has driven for 38 years and 3.8 million miles with no accidents.

James Flanagan of Nettie, a driver with Burns Motor Freight in Marlinton, received the "**Federal Motor Carrier Safety Administration** Carrier of the Year Award." Flanagan has driven for 46 years and logged more than 3.4 million miles with only one non-traffic chargeable accident.

Other winners: Billy Taylor of Boxley Trucking, "Rookie of the Year."

Larry Gorby, Con-way Freight, first place straight truck. John Hodges, UPS Freight, first place three-axle tractor semi-trailer. Jason Powell, Con-way Freight, first place four-axle tractor semi-trailer. Desmond Simpkins, Supervalu, first place five-axle van. Kenneth Grimmett, Con-way

Freight, tank truck. Paul Norman, Pitt Ohio Express, flatbed. James May, FedEx Freight Inc., twin trailers. Clarence Jenkins Jr., UPS Freight, sleeper berth.

UPS Freight was the team champion.

All first-place drivers will compete in the American Trucking Association's National Truck Driving Championship later this summer.

End.

HOUSEHOLD GOODS MOVERS

12. Orange County (California) Register; Monday, June 21, 2010

HEADLINE: Caller says movers refuse to unpack truck

Byline: NIYAZ PIRANI, THE ORANGE COUNTY REGISTER

An informant called Mission Viejo Police Services at 10:29 Wednesday morning to report that the movers she had hired were refusing to take items off the truck until they were paid.

The informant also said the movers were trying to charge her more than they agreed too. Police were called to the 28300 block of Ronea to help mediate the situation.

End.

OTHER CRASH INCIDENTS AND FOLLOW-UP (2)

OC1. Reno (Nevada) Gazette Journal; Tuesday, June 22, 2010

HEADLINE: Three other trucks had crashed through the Incline truck ramp

Byline: Jeff DeLong

At least three other trucks launched off the end of an Incline Village runaway truck ramp before the one that crashed into a home Friday and killed a truck driver trapped in his burning rig, fire officials said Monday.

Nevada Highway Patrol investigators combed the charred wreckage of the truck, removed Friday night. The driver's identity was withheld while the Washoe County medical examiner's office awaits X-rays to provide positive identification.

The driver died Friday morning after his flatbed truck, hauling lumber, apparently lost its brakes while traveling west on Mount Rose Highway. He steered into an uphill-slanted gravel runaway ramp near Nevada 28 but the ramp failed to stop the speeding vehicle.

The truck vaulted off the end of the ramp, slammed into a nearby residence and exploded. The occupant of the home escaped but rescuers were unable to reach the truck driver, who died in the flames.

Mike Brown, chief of the North Lake Tahoe Fire Protection District, said the ramp has successfully stopped runaway vehicles on numerous occasions over the years.

But at least three other speeding trucks crashed through the ramp and into the residential area beyond, Brown said. A Sheetrock truck and beer truck both did so in the late 1980s, and a gravel truck did the same thing within the past decade, Brown said.

He could not provide precise dates.

"The beer truck and the Sheetrock truck both went over the end, but did not hit the structure," Brown said. "The gravel truck went over and peppered that house (with gravel.)"

Brown said those incidents cause him concern.

"Obviously, we have issues taking place," Brown said. "It's something that has to be looked into. It's got to be evaluated."

Nevada Department of Transportation officials said they will await the NHP's final report on the accident before deciding if changes should or can be made to the ramp.

"Right now, we don't have any studies to indicate that we need to build it differently," said Thor Dyson, district engineer. "The accident report should, hopefully, provide some clarity. If it indicates NDOT does need to do a better job with this truck ramp, we'll take a look at it."

While the number of times the ramp has been used is not available, Dyson agreed it often has served its purpose successfully.

"Does that truck ramp get used? Yeah, it gets used a fair amount," Dyson said. "Overall, it has functioned very well over the years. It has stopped a lot of vehicles and kept things from being worse."

The runaway ramp, built in October 1978, is one of only three in Northern Nevada, Dyson said. The other two, both angling downward, are on U.S. 50 east of Spooner Summit.

Scott Magruder, NDOT spokesman, said Monday there have been some discussions over the

End.

OC2. San Jose (California) Mercury News; Monday, June 21, 2010

HEADLINE: Enterprise Rent-A-Car admits negligence in crash that killed Santa Cruz sisters; pays \$15 million to family



Photo Caption: Two Santa Cruz sisters were killed in October 2004 when the PT Cruiser they were in collided head-on with a big-rig on Highway 101 across from the Bradley rest stop. The family of the girls won a \$15 million lawsuit against the rental car company in June.

Byline: JONDI GUMZ

SANTA CRUZ - A jury has awarded \$15 million to the parents who filed a wrongful death lawsuit against Enterprise Rent-A-Car of San Francisco after their daughters, Raechel and Jacqueline Houck of Santa Cruz, died in a fiery crash in 2004.

Enterprise, the nation's largest rental car company, and its corporate parent contested the lawsuit for five years, then admitted in May they were negligent and that "their negligence was the sole proximate cause of the fatal injuries," according to a document signed by their attorneys.

The jury awarded damages June 9; the defendants have 30 days to decide whether to appeal.

Company attorneys at Yukevich Calfo & Cavanaugh in Los Angeles were not available to comment. Enterprise spokeswoman Laura Bryant, in St. Louis, said the company would have a statement today.

"This is a consumer issue of vital importance," said Carol "Cally" Houck, mother of the two young women, citing a deposition from a company official indicating Enterprise had no plans to change policies regarding recalled cars in their fleets.

Raechel Houck, 24, who worked at The Catalyst, had rented a 2004 Chrysler PT Cruiser on Oct. 7, 2004, at Enterprise's Capitola location for herself and her sister, 20, who worked at Little Tampico in Soquel.

The previous month, Daimler Chrysler sent out safety recall notices for 435,000 PT Cruisers from 2002 through 2005. The notice said the power steering hose could leak, resulting in a fire.

Enterprise records showed the PT Cruiser in which the Houck sisters died had not been repaired, it had been rented four times since the recall and the Houcks were the fourth.

In a sworn declaration, Mark Matias, manager of Enterprise's Northern California area including Capitola from 1994 to 2004, said that before the accident, he was not aware the PT Cruiser was a recalled vehicle.

Furthermore, he said the Enterprise corporate philosophy was "you've got to keep booking, because you don't know when you are going to get a car back. But then of course, you run short on vehicles, and if all you have are recalled vehicles on the lot, you rent them out. It was a given. The whole company did it."

His statement explained his understanding of the policy: If a priority recall appears on the computer screen in the rental office, the employee is required to write the word "recall" on a Post-it note and place it on the key in an area designated for non-rentals, but nothing prevents an employee from renting that vehicle.

The Houck sisters were on Highway 101 near Bradley, returning from their mother's home in Ventura when the PT Cruiser, headed northbound, crossed the grass median and hit a southbound big rig, bursting into flames.

"Within a month following the crash, we learned that the vehicle rented to my daughters from Capitola Enterprise was recalled," their mother said. "After digging further, their dad Chuck discovered that the recall had not been resolved and the repairs were never made."

They filed the case in Alameda County because Enterprise Rent-A-Car of San Francisco has its corporate headquarters there.

Experts hired by the parents' law firm concluded Raechel Houck lost steering ability because of a power-steering fluid leak.

Enterprise argued the crash was due to Raechel's driving.

The parents' attorney, Lawrence Grassini of Grassini and Wrinkle in Woodland Hills, said Enterprise offered the parents \$3 million if they would keep the matter confidential.

They refused.

"We didn't want Enterprise to silence us," Cally Houck said. "When you cause harm, you have to suffer the consequences of your actions."

She noted a 2009 Kansas City Star investigation found Enterprise arranged with General Motors to exclude air-bags from thousands of Chevrolet Impalas purchased for its fleet, then sold hundreds of them while advertising the cars online as having side air bags when they did not.

She also cited a lawsuit filed in Tulare County by Teng Chu, 16, left paralyzed after a Ford Expedition rented at Enterprise crashed, killing three passengers. The lawsuit, which alleged the vehicle lacked Ford's factory-installed anti-rollover system, concluded in a confidential settlement, according to a court staffer.

Although the Houck jury did not hear testimony about the company's policies on renting recalled vehicles, "all that material is part of the public record," Grassini said.

When any funds are divided up, Houck said the RageJax Foundation, which she started to further her daughters' dreams of helping others, would receive a part of the proceeds.

"Any recall is a safety-related recall," said Sean Kane of Safety Research & Strategies in Rehoboth, Mass., which examines vehicle safety issues. "It needs to be handled before the customer gets a car. It shouldn't be the consumer's responsibility. It should be the company's responsibility. That's what missing in this equation."

End.