



EVERETT TRANSTRENDS

THE TRANSLAW GROUP, INC.

EDITOR: JAMES M. BURNS

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FMCSA HAS THREE MONTHS TO FIX HOS

There will be a 90 day delay in any changes to the hours-of-service regulations.

On July 24, the court tossed the provision that increased driving time to 11 hours from 10 hours and the 34-hour restart provision. In that same decision, the court denied a petition by the Owner-Operator Independent Drivers Association consider the impact of changes to the sleeper-berth provision. The court's July decision – initially to go into effect Sept. 14 – was held off by petitions by Owner Operator Independent Drivers Association (OOIDA) and the American Trucking Association.

OOIDA petitioned for a rehearing on its request to review changes to the split-sleeper berth provision and how FMCSA arrived at the final rule. ATA asked that the court's decision not go into effect for eight months. ATA's request for a stay was echoed by the Federal Motor Carrier Safety Administration – only the agency wanted a 12-month stay.

In an order handed down by the court late Friday, Sept. 28, nobody got their way, really.

OOIDA's petition for a rehearing was denied and the court's order will go into effect in three months, not eight months as requested by ATA, or 12 months as requested by the Federal Motor Carrier Safety Administration. In the meantime, truckers are to continue operating under the current regulation, using the 11th hour of driving time and the 34-hour restart provision if they want.

In the 90 days leading up to Dec. 27, FMCSA must take some sort of official agency action to make any changes to the regulation.

NEW YORK THRUWAY TOLLS MAY INCREASE AGAIN

Once again toll on the New York State Thruway are to increase. This time, the proposed increase is just under 5 percent for both trucks and cars, according to *The Associated Press*. The proposed increase was prompted by slower-than-expected traffic growth due to increased fuel prices, *The AP* reported.

The last time tolls were raised on the 500-mile thruway was 2005, when they jumped a whopping 35 percent or more for trucks, depending on their use of electronic passes and other programs. It seems like NY will get you one way or another.

NEW YORK CITY - GLOBAL WARMING IS A BITCH

The horses that pull tourists on leisurely carriage rides through Central Park are working without enough water, shade or oversight from authorities, a city report says. City agencies haven't kept up with required veterinary checks and carriage inspections, and the horses work in sometimes shoddy conditions, according to the audit issued Wednesday by City Comptroller William Thompson.

"The agencies entrusted with oversight here have dropped the ball," Thompson said.



Some 221 licensed horses, 293 drivers and 68 licensed carriages offer horse-drawn rides in the city. The audit found that there isn't adequate shade, enough water spigots or drains for waste along Central Park South, where the carriages wait for passengers.

The city Department of Consumer Affairs is in charge of licensing horses, drivers, carriages and stables, while the Department of Health and Mental Hygiene is tasked with insuring that horses are able to work.

NEW YORK HAS A HISTORY OF HORSING AROUND!

At the turn of the nineteenth century, New York City's infrastructure relied upon disease-creating entities such as the horse. Between 100,000 and 200,000 horses lived in the city at any given time. Each one of those horses gave off 24 pounds of manure and several quarts of urine a day.

The vast majority of city horses were not elegant animals who pulled carriages and lived in stables near the homes of the wealthy; most were big workhorses who did all the hauling--pulling wagons loaded with goods from the shore. Big teams of workhorses powered the city's horse-driven street trolley system.

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The limited range and speed of these trolleys were one reason everyone lived below 57th Street. Horses are very inefficient in terms of moving people—especially atop big, heavy trolleys. Horses get tired, hungry and thirsty. They also drop dead. The average life span of a horse in New York City in the 1860s and '70s was a meager two and a half years. They were literally worked to death.

Workhorses were poorly kept and lived in big garages within New York's "horse districts," such as in the Twenties on the East Side. Large granaries existed alongside horse garages, attracting rats and other rodents. As an added danger, rotting food within the granaries would occasionally explode, burning down the granary and perhaps the neighborhood.



Stoops, carcasses and manure blocks

Despite the presence of animals, the city had no systematic street-cleaning efforts. During winter, neighborhoods sometimes rose between two and six feet in height because of the accumulation of waste and snow. The middle-class brownstones of the 1880s provided a stoop leading to a second-floor entrance so that the residents would rise above manure—which seeped into the ground floor during a storm or with melting snow.

Horses posed an additional street-cleaning dilemma. A horse carcass can easily weigh 1,200 pounds, far beyond the lifting capabilities of a person. When a horse died, its carcass would be left to rot until it had disintegrated

enough for someone to pick up the pieces. Children would play with dead horses lying on the streets.

Once the bridge was built, the city started taking waste out of Manhattan and depositing it in the farmland communities of Queens. Again, Queens gets a bum rap! They collected it in "manure blocks"—literally huge city blocks devoted to the collection of horse manure. City maps from the era show manure blocks very close to the water reservoir on 42nd Street.

The health department said Wednesday it would increase inspections and set up an advisory board in the fall. The board has long been required but never established, the audit said. Some things never change!

DYNAMITE BLAST KILLS AT LEAST 37 IN MEXICO

At least 37 people were killed and 150 others injured Sunday night, Sept. 9, in northern Mexico when a truck loaded with 25 tons of dynamite caught fire and exploded after colliding with a van.

According to CNN, the explosion occurred at a factory about 125 miles northwest of Monterey, and the dynamite didn't explode until about 40 minutes after the crash. By that time, a large group of soldiers, emergency workers, reporters and nearby residents had gathered around the crash site, CNN reported. Media reports haven't given specific information on the truck driver, whether he or she tried to warn anyone, or whether the trailer was hazmat placarded to indicate there were explosives inside. These are the same trucks that will be crossing the border into America, another temporary guest worker thanks to GWB.

CONNECTICUT CLAMPDOWN PUTS TRUCKS OUT OF SERVICE

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48 ROBBINS ROAD
SPRINGFIELD, MA 01104
TOLL FREE 800 637 0754
TEL 413 732 8588
FAX 413 732 8553

EMAIL: information@everett-associates.com

An inspection clampdown Monday, Sept. 10, on Avon Mountain in Connecticut resulted in nearly half the trucks pulled over being put out of service. Gov. M. Jodi Rell ordered the inspections following a run-away truck crash on Friday, Sept. 7. The driver was injured after hitting a building.

Two years earlier, four people were killed and 19 injured at the base of the same hill when a runaway dump truck plowed into cars and buses at an intersection. According to a press release from Rell's office, Monday's inspections turned up an underage driver, and another trucker whose CDL had been suspended after nearly 150 violations in the past eight years.

'CHIEF THUNDERBIRD' CHARGED \$500 FOR ILLEGALS TO ENTER HIS TRIBE

U.S. Immigration and Customs Enforcement agents busted a Wichita, KS, man for allegedly posing as a Native American Indian chief and making \$300,000 by charging illegal aliens to enter his "tribe" to obtain U.S. citizenship.

Malcolm L. "Chief Thunderbird IV" Webber, 69, is scheduled to appear in U.S. District Court in Wichita Friday, Sept. 14, on one count of attempting to defraud the federal government, one count of harboring aliens who were illegally in the U.S. and one count of possessing false identification documents with intent to defraud the U.S.

More than 300 such sets of documents were turned in to Wichita authorities alone by aliens purporting to be part of Thunderbird's Kaweah Indian Nation.

Court documents allege that Webber recruited memberships across the U.S., seeking \$50 to \$500 per document set, and that Webber told Hispanic pastors and other Spanish speakers the membership conferred their citizenship.

Webber's insistence of Indian heritage isn't new.

According to records from the Bureau of Indian Affairs, that agency denied Webber's 1984 request for federal recognition of his Kaweah Indian Nation organization. The denial stated that Webber is non-Indian and his organization had "no characteristics of an Indian Tribe which has maintained tribal relations from historical times." Could he be related to the family that brought us Thunderbird Wine!

FATAL WRECK INVESTIGATION REVEALS CARRIER'S CLOCK FRAUD, SAFETY VIOLATIONS

Dispatchers for one Pennsylvania trucking company repeatedly clocked out drivers who were over hours but kept working, and the company has tallied 92 safety violations in the past two years.

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Those results and others were reported this week following a Federal Motor Carrier Safety Administration investigation of 973 company files maintained by L&H Trucking – which employs 204 drivers who logged 14.6 million miles in 2005, according to FMCSA.

L&H Trucking, of Hanover, PA, first came under scrutiny in February when company driver Raymond Green Jr. crashed into a car in Providence, RI, killing Joyce St. Laurent. It was later revealed that Green had falsified his logbook and had equipment violations.

Tony Hippensteel, who once worked at L&H Trucking with Green, said the company began pushing truckers past their limits after Glenn Longstreth took over as CEO from his parents, Larry and Helen Longstreth.

Glenn Longstreth began sending drivers on routes they couldn't possibly deliver on-time without breaking hours of service regs, Hippensteel stated. Hippensteel said he first contacted FMCSA in 2006 to warn the agency about L&H's hours-of-service problems, but was frustrated when he was told they needed specific times and dates of violations.

HIGHER TOLLS, TAXES PROPOSED IN MASSACHUSETTS

A transportation commission in Massachusetts has released a list of recommendations to sustain and grow the state's transportation system. The report includes proposed toll increases, fuel-tax hikes and highway privatization. The Massachusetts Transportation Finance Commission published its 30-page recommendation on Monday, Sept. 17 to urge state legislators to generate more revenue while cutting costs associated with transportation.

The commission is urging lawmakers to "move to a system of direct road user fees as the principal source of transportation funding" in addition to a proposed user fee for all highways of 5 cents per mile and a proposed fuel tax increase of 11.5 cents per gallon in 2008. The current fuel tax in the state is 21.0 cents.

Recommendations stem from a report in March from the same commission that spelled out a transportation deficit of \$15 billion to \$19 billion during the next 20 years. Commissioners recommend cutting \$2.45 billion in costs while increasing revenue by \$18.73 billion during the 20-year timeframe for a total of \$21.18 billion.

Cost reform, commissioners stated, would include the transfer of Interstate 384, Interstate 84 and Interstate 291 to the Massachusetts Turnpike Authority, in addition to rigorous performance audits and the privatization of certain construction jobs including flagmen. We don't think that making the Turnpike Authority larger is the best direction to take!

Commissioners briefly outlined possible increases in revenue:

- \$10.5 billion in fuel tax increases

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- \$5.5 billion in new user fees
- \$1.9 billion in toll increases based on inflation
- \$530 million in toll increases on the Turnpike Extension and Harbor Tunnels
- \$300 million to balance the Western Turnpike budget

The recommendation also includes an undetermined amount of revenue proposed from privatization of infrastructure, also known as public-private partnerships. To be implemented, the recommendations would need to be introduced as legislation and approved by state lawmakers.

The proposal sounds like Massachusetts is headed for transponders on all vehicles, trucks and cars that would enable the state to assess each mile traveled in the form of a highway use tax exclusive of the fuel taxes that are already paid and to be increased in the future.

HOW LOW CAN COMPANY DRIVER PAY GO? PRETTY LOW IN MEXICO

The driver of the very first Mexico-based truck to come into the United States in the controversial cross-border program earns a mere 13 cents per mile and \$20 per day for expenses. Luis González drove the first truck from Monterrey, Mexico, to North Carolina. He has more than 10 years' experience and is among the company's best, according to an article in the *San Antonio Express-News* detailing the first delivery under the cross-border program.

With more than 10 years of experience and an impeccable driving record like González reportedly has, company drivers in the U.S. can easily earn three times as much as González.

An informal survey of company driver pay offerings with 10 or more years experience had many U.S. companies paying 40 cents per mile and up, with some companies reporting driver pay at 50 cents per mile with that kind of experience. As far as expenses go, the \$20 a day González was paid is far below the \$52 per diem allowed by the IRS for U.S. truckers.

Let's guess, will Mexico increase driver wages to compete with the US or will the US lower driver wages to compete with the influx of temporary guest workers proposed by GWB?

TERRORISTS PLANNED TO TARGET TRUCKERS

A group of Islamic terrorists planned to kill truckers driving through Oregon, then steal their trucks and cargo to raise money for a training camp near the town of Bly, OR. That's the allegation in a federal indictment, according to *The Associated Press*. Federal authorities say that, beginning in 1999, the group planned to stockpile weapons and ammunition at the camp. According to the indictment, the plan was to train recruits to join the Taliban in fighting against the U.S. in Afghanistan.

Three of the organizers are now in custody, including James Ujaama of Seattle, who pleaded guilty to terrorism charges after cooperating in the investigation. Oregon authorities told *The AP* the

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camp near Bly never really got off the ground, but that there were sometimes about a dozen people there taking target practice.

Bly is a town of 700 in south-central Oregon, located about 50 miles from Klamath Falls. We understand that the subprime lending market is alive and well in Bly!

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