



TRANSTRENDS

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IN THIS ISSUE

- 1 TRUCKER SHOT
- 2 SOME RULES NEVER CHANGE
- 3 CARS AND TRUCKS SEPARATED ON I-70
- 4 Q & A - HOS
- 5 SECOND BIG DIG LOCATION CLOSED
- 6 NO MORE LEFT TURNS FOR UPS
- 7 BIG DIG TO GO TO COURTS

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TRUCKER KILLED, CARGO OF MEAT STILL MISSING IN CANADA

A Canadian trucker identified as Donald James Woods, 35, of Athens, Ontario was shot to death June 22 in his truck in the parking lot of a Wal-Mart in Pickering, Ontario. Police believe his trailer was stolen for the cargo, which contained expensive meats.

Woods was driving a white 2006 Volvo truck hauling a silver reefer with a company logo for AK Brothers Transport on the side. The trailer had a tornado pattern in red and blue on the sides and had a Quebec license plate.

Woods was delivering from near Brockville, Ontario, to an area north of Toronto via Highway 401. Family members reported last seeing him around 9 p.m., June 21, in the parking lot of an A&P grocery store.

TRUCK STOPS TO START RESERVED PARKING

The anti-idling solutions company IdleAire, in cooperation with TravelCenters of America and Petro Stopping Centers, began testing a parking space reservation system at six truck stop locations in June. A larger-scale rollout is planned for later this year.

The system is open to both company drivers and owner-operators who are members of the company's IdleAire Gold Card club. Membership costs \$10 every six months, and includes other benefits, such as lower hourly usage rates.

ACCUSED POT-HAULER CASE TOSSED OUT

The charges against an Ellenwood, GA-based man who police said was hauling more than 900 pounds of marijuana have been dismissed by a county court because tapes showing probable cause for the stop were inadvertently destroyed.

The two other cases, one involving a man police said was hauling 1,400 pounds of marijuana in a semi and the other a woman charged with having 50 pounds of cocaine in her car, were dismissed because the judge decided the initial traffic stops that led to the arrests were illegal.

In the most recent case, Daniel Palmer was stopped for speeding in his truck and was subsequently searched after the officer noticed that the truck's vents were closed and that Palmer did not know the name of his passenger. Palmer's lawyer requested to see the tapes from the officer's car to determine whether or not the officer used racial profiling in stopping Palmer, who is black. When the tapes were not produced, the judge dismissed the case.

F.Y.I.
SOME RULES NEVER CHANGE
(FROM LANDLINE)

Q: I got a logbook ticket in California for not having my current duty status. I called the court and they wouldn't tell me my fine amount but I received a letter in the mail saying I owed nearly \$1,000. Can that be right?

A: Unfortunately, yes. The great state of California has made fines on logbook tickets outrageously high. You have two options when you receive an expensive logbook ticket. First, in most cases, you can simply pay the fine. Second, either you or your attorney can appear before the judge and ask that the fine amount be reduced. More often than not, the judge will agree to reduce the fine amount by as much as 50 percent.

Q: I got two tickets in California last year and I forgot to pay them. Now, my license is suspended and the court told me the fines for these tickets have tripled. Can California do that?

A: Yes, like all other states, if you don't pay your tickets, the particular court will issue a failure to appear/comply order and a notice of suspension. In California, the court usually issues what's known as a civil penalty fine when you fail to appear. This additional fine is usually about \$250 over and above your original fine amount. If enough time lapses, your unpaid California ticket will usually be sent to a collection agency. If that happens, your ticket will continue to collect interest for everyday it's unpaid.

Q: I got in a wreck and was given a ticket for following too close. The officer didn't even want to hear my side of the story and said that commercial drivers are always at fault. Is this true?

A: No. In a 2002 study by the AAA Foundation For Traffic Safety, it was found that most four-wheelers don't alter their driving behavior around or near large trucks. The study also reported that the actions of car drivers contribute more to fatal car/truck crashes than the actions of truck drivers. Unfortunately, many officers are quick to write tickets to commercial drivers with little or no accident

scene investigation. In order to protect yourself, it is always important to be equipped with a camera, note pad and pen. Be certain to make a note of the time and write down exactly what happened. Also, write down contact information for any witnesses to the accident and be certain to photograph the scene and all vehicles being moved from the accident scene.

Q: I was stopped by the highway patrol and put out of service for eight hours because my logbook wasn't up to date. When the cop left, I started to drive my truck to the nearest truck stop to wait eight hours. Before I got there, the same cop stopped me again and gave me another ticket for "violating an out of service order." I tried to explain that all I was doing was driving to the nearest truck stop to wait and that I hadn't logged "on duty." The cop still gave me the ticket. Why?

A: Once you're put out of service, you can't move your vehicle until the out-of-service time expires or the citing officer allows you to move. It's that simple. If you move your vehicle before the out-of-service time expires or without the officer's permission and you get caught, you'll usually get a ticket for violating the out-of-service order. Unfortunately, there are no exceptions to the rule, even for physical emergencies.

Q: I'm an owner-operator, but I'm not incorporated. Will being incorporated protect me from being sued if I'm in an accident?

A: No, simply being incorporated doesn't prevent anyone from suing you. But, if you are incorporated, you may be protected personally. Without getting too complicated, if you're incorporated or doing business as a limited liability company, your personal assets may be protected if you are sued and have a judgment entered against you. However, you should be aware that in a lawsuit the trucking company, the insurance company and the driver can all be named as defendants, which means your personal assets may not be protected by incorporation status if you were the driver.

MODOT CHIEF PUSHING SEPARATION OF CARS AND TRUCKS ALONG I-70

The head of Missouri's transportation system announced this week that he favors separating large trucks from other vehicles on Interstate 70 between Kansas City and St. Louis. He said heavy trucks account for more than 40 percent of the traffic, four times the rate for which the highway was designed in the 1950s, the St. Louis Post-Dispatch reported.

The work, which requires three lanes in each direction, would carry a \$3.5 billion price tag. However, no funding is in place for such a project. According to reports, Rahn stated, that motorists sharing the road with trucks along I-70 are fearful of becoming part of "a chrome sandwich".

SPANISH COMPANY INVESTING IN 40-MILE TEXAS TOLL ROAD

The Spanish company, Cintra Concesiones de Infraestructuras de Transporte S.A., is half of the development team for the proposed Trans Texas Corridor, and has a 50-percent interest in private leases of the Indiana Toll Road and the Chicago Skyway.

A new deal, expected to have been signed June 29, calls for Cintra and the San Antonio-based Zachry Construction Corporation to partner with Texas state government to build the final 40 miles of tolled Highway 130 between Austin and Seguin, TX.

Cintra-Zachry plans to invest \$1.3 billion into the 50-year contract. The deal calls for the state and the private investors to split toll revenue 50-50 for the term of the contract. The state maintains ownership of the road, according to the state DOT officials. Cintra-Zachry's part of the deal is to finance, design, construct, operate and maintain the toll road.

STILL CONFUSED ABOUT THE INS-AND-OUTS OF HOS?

HERE'S A QUICK Q&A ON SOME OF THE MOST COMMON HOS MISCONCEPTIONS:

Q: We run team and I get sick of bouncing around in the sleeper and just want to sit in the jump seat and read. I'm not doing anything. So, surely I'm not on-duty. Right?

A. Wrong. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth is on-duty. So, even if you're just sitting in the jump seat watching the scenery, you're "on-duty, not driving".

Q: How does the 34-hour restart work?

A. As far as the 34-hour restart goes, drivers are limited to 60 hours of on-duty time in seven consecutive days and 70 hours in eight consecutive days. Truckers can take 34 or more consecutive hours of off-duty time and reset the 60 and 70-hour weekly clocks at any point during the workweek. The 34-hour restart is not a mandatory portion of the HOS rule. It is simply an option afforded to drivers who hit their 60/70-hour limit. Drivers still have the option to take enough off-duty time to let the 60/70-hour clock reset itself.

Q: I start my day at 6 a.m. and deliver a load after half an hour. Dispatch gives me another load that doesn't pick-up for another six hours. I don't have eight hours to take and start a split-sleeper berth. I can't stop the clock for the six hours. Then when I do pick it up, the schedule doesn't allow for a 10-hour break before I deliver the next morning. What do I do?

A: There have been a whole lot of people faced with this problem – and it's going to not only continue to be a problem, but it could even be a greater problem under the current rules. With the required eight-hour break to split sleeper-berth time, many schedule dictated by shippers and receivers are simply impossible to meet.

Q: A California DOT officer told me that I could not use the "off-duty" line for time spent in the sleeper. Until that time, I had always logged any down time of 10 hours or more as off-duty. I only logged sleeper-berth time when I was going to split it.

A: What the DOT officer said, and backed up with some written documentation of California interpretations of the FMCSA rules in the Q&A format, was that you could not be off-duty in your truck. Because, if you are in your truck, you're responsible for the truck and cargo. Thus, you are either on-duty not driving or in the sleeper berth. But you can't be off-duty. You can be relieved of

responsibility of the vehicle and the cargo. But if you really look at the definition of on-duty time in the strictest sense, it says you are on duty if you are in or upon the motor vehicle, except for the time spent in the sleeper berth. The interpretation by the California DOT is a very strict interpretation of the rule. If you're just sitting there at a truck stop, laid over for the weekend and you want to sit in the driver's seat and play video games, as long as it is not related to the service of the motor carrier or anything, then it should be interpreted by anyone with any common sense as off duty time.

Q: How fast can my truck be going and my log still be legal?

A: You don't log based on how far you've driven in a certain amount of time, you log your time how you spend it – behind the wheel, on-duty, etc. it doesn't matter that you only went 100 miles in five hours because of gridlock. You cannot log that as two or so hours – you drove five and have to log the five as on-duty driving.

Q: With fuel prices so high, I've been taking fewer loads. But instead of not working at all I've been working as a mechanic when I'm home. Does that impact my compliance with the hours of service?

A: Moonlighting on the weekend for a little extra cash? Even if the job has absolutely nothing to do with trucking, you are "on-duty, not driving."

Q: I was called of the road for a random drug test. How does the time spent going and giving the sample and all that impact my logbook?

A: All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident or follow-up testing required by Part 382 when directed by a motor carrier is "on-duty"

SECOND BIG DIG LOCATION CLOSED; INVESTIGATION CONTINUES

Another tunnel in Boston's ill-fated Big Dig was shut down recently as investigators continued to look into the cause of a July 10 collapse that left one woman dead. The Associated Press reported on Monday, July 17, that a mile-long ramp that connects Interstate 90 west with Interstate 93 north and south was shut down after tests on the bolts used to secure concrete panels to the ceiling showed numerous potential problems.

Also on Monday, the entrance to the Ted Williams Tunnel on Interstate 90 near Logan Airport remained closed one week after several three-ton sections of concrete fell from the ceiling, crushing a car and killing a woman inside.

The AP reported that the investigation is focusing on bolts and epoxy used to hold the concrete ceiling slabs in place. Massachusetts Gov. Mitt Romney, who seized control of the investigation from the Massachusetts Turnpike Authority on Friday, July 14, said that many of the bolts where epoxy was used will have to be replaced or repaired. Romney outlined three potential plans for the repairs, including an anchor bolt system, a steel-on-steel connection and a cable system.

The \$14 billion Big Dig project, which buried portions of Interstates 93 and 90 beneath downtown Boston and extended the Massachusetts Turnpike to Logan Airport, has been plagued with problems through much of its 15 years, including leaks, faulty concrete, missed deadlines and political scandals among those involved in its management.

CONNECTICUT DMV YANKS TRUCK COMPANY'S VEHICLE REGISTRATIONS

According to a news release from the office of Gov. M. Jodi Rell, the Connecticut DMV began investigating the company, Tony's Long Wharf Transport LLC of North Brandford, CT, after a truck owned by the company lost its trailer on Thursday, July 13. The driver had just delivered the 40-foot long slab and was driving down a public street in West Hartford, CT, when his trailer separated from his cab.

The news release stated that police at the scene called in truck inspectors, who found that the trailer had inoperable brakes and that the cab had 10 safety violations. Not only that, but the driver was found to be operating without a valid license. The driver, Milton Greene of Portsmouth, VA, was stopped again on Friday, July 14 driving a dump truck owned by the same company. He was arrested and held with \$1,000 bail.

A subsequent investigation has determined that Tony's Long Wharf Transport received 498 safety violations between 2004 and 2006 and was inspected 69 times by the DMV in that period of time, according to the news release.

NO MORE LEFT TURNS FOR UPS DRIVERS

In the world of NASCAR, left turns are the standard. But at UPS, the company's entire fleet of vehicles avoids them like the plague.

According to media reports, the less-than-truckload hauler has safeguards built into the navigation and route-planning software on all of its trucks, which minimizes the number of left turns the vehicles have to make.

UPS Spokesman Steve Holmes told trade publication Multichannel Merchant that reducing the number of left turns eliminates unnecessary idling at red lights when "right on red" is an option, and because right turns tend to take less time and fuel than lefts.

"It seems small, but when you multiply it across 88,000 vehicles making nearly 15 million deliveries every day during the course of a year, it adds up", Holmes told Multichannel Merchant.

AUDIT FINDS ODD EXPENSES ON HOMELAND SECURITY'S DIME

Beer making equipment, iPods, and dog booties. What do these three items have in common?

Well, according to a new audit from the Government Accountability Office, they are all items that are essential in the day-to-day operation of the Homeland Security Department. *The Associated Press* reported that the audit found that Homeland Security employees racked up \$435 million in

expenses on their government-issued credit cards in 2005, compared with \$296 million in 2004. Much of those expenses came in the months surrounding Hurricane Katrina.

The audit found that employees spent more than \$68,000 on 2,000 sets of dog booties for search and rescue dogs. No problem there, except that the booties were the wrong kind and have since been sitting unused in storage facilities.

In addition, employees purchased 12 Apple iPod Nanos and 42 iPod Shuffles for Secret Service training and data storage, *The AP* reported. More expenses, such as beer making equipment, designer rain jackets and hotel rooms at a golf and tennis resort on St. Simons Island in Georgia, were also described as abusive and questionable.

And, as if that weren't enough, the audit found that 107 laptops, 22 printers and two GPS units worth \$170,000 are unaccounted for. A dozen boats purchased by the Federal Emergency Management Agency have also gone missing, according to *The AP*.

A Homeland Security spokesman told *The AP* that the department will begin enforcing new spending guidelines within the next several weeks and that violators of the guidelines could have their cards taken away, be forced to repay expenses and face other disciplinary action.

Translaw wants to know if the Homeland Security officials were the ones using the beer making equipment when this was going on.

BIG DIG FIASCO HEADS TO COURTS, LEGISLATURE

As investigations and repairs at Boston's Big Dig continued following a July 10 ceiling collapse that left one woman dead, Gov. Mitt Romney stepped up his efforts to remove the director of the Massachusetts Turnpike Authority.

The Associated Press reported on Wednesday, July 19, that Romney announced he had served Turnpike Authority Chairman Matthew Amorello with written allegations of mismanagement. A hearing on those charges has been set for July 26. A separate hearing called by Gov. Romney to determine whether or not to remove Amorello from office has also been scheduled for July 27. Mr. Amorello has subsequently resigned with a semi-sweetheart package.

At the state level, lawmakers proposed a bill that would create a seven-member board with subpoena powers that would investigate corruption and safety violations by contractors and government officials involved in the Big Dig.

The two tunnel closures have brought more traffic to the surface on Boston's streets. The Massachusetts Turnpike Authority has posted information on alternate routes and closures on the Big Dig Web site at masspike.com/bigdig.

TRUCKING COMPANY OWNER ARRAIGNED ON MANSLAUGHTER CHARGES

David Wilcox, the owner of a runaway dump truck that killed four people and injured 19 others in a

TRANSTRENDS JULY 2006

2005 wreck near Avon, CT, was arraigned on four charges of manslaughter on Monday, July 24. Wilcox's son, Shaun, was also arraigned on charges of interfering with police in their investigation. The Hartford Courant reported that Superior Court Judge Philip Scarpellino lowered the initial \$2 million bail to \$200,000. Wilcox was released on bail and is set to appear in court on Aug. 1. Shaun Wilcox was released on \$20,000 bail and is also scheduled to appear in court on Aug. 1.

In addition to the four counts of first-degree manslaughter, Wilcox has also been charged with five counts of first-degree assault, interfering with an officer, tampering with evidence, fabricating evidence and conspiracy to tamper with evidence, the Courant reported.

In an arrest affidavit released July 24, police charged that two previous drivers had warned Wilcox about the brakes on the dump truck, warnings which Wilcox allegedly ignored. In addition, the affidavit charges that Wilcox kept phony pre-trip inspection logs and allegedly destroyed inspection documents for the truck involved in the crash.

The Courant reported that Wilcox's lawyer maintains it was driver error, not negligence on Wilcox's part, which led to the crash. The driver, Abdulraheem Naafi, was killed in the crash.

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