**Traffic Notices**

Bridge Work to Require Lane Closures on Northbound US 29 In Spartanburg County July 10-14

The South Carolina Department of Transportation (SCDOT) plans bridge work on US 29 northbound at Groce Road in Spartanburg County from the morning of July 10 through July 14. The work will require the two northbound lanes of US 29 to be closed from the intersection of Locust Street to the intersection of Groce Road. SCDOT's Spartanburg Maintenance crews will have a detour in place to guide motorists during this work. Motorists traveling US 29 northbound will be directed to take SC 129 to I-85 as part of this detour. SCDOT's District 3 Bridge Repair Crew and District 3 Full Depth Crew will be replacing the bridge approach near Groce Road. Motorists are advised to use caution when traveling in work zones.

State News

Lieutenant Gov. of SC Talks Tort Reform

Lt. Gov. Kevin Bryant, a 12-year South Carolina Senate veteran, said in a recent interview that among the top priorities for South Carolina is reducing "burdensome laws and regulations." Bryant went on to say, "I enthusiastically support continuing tort reform, workers comp reform, and the curtailing of frivolous lawsuits. These actions help all our businesses, especially our small businesses who cannot afford to fight the plaintiffs' bar." ([Palmetto Business Daily](https://www.palmettobusinessdaily.com))

Son of SC STP’s Metcalfe Awarded CVSA Scholarship

The Commercial Vehicle Safety Alliance awarded three $1,000 scholarships to deserving high school graduates to attend the college of their choice this fall. One was awarded to Cole Metcalfe, son of career State Transport Police officer Bill Metcalfe who will attend Emory University with his.

CVSA's annual scholarship award program is a component of the Alliance's outreach. Scholarship recipients are selected by weighing a strong combination of academic performance, volunteer work and extracurricular activities. SCTA congratulates the Metcalfe's and sends its best wishes.

Technical College of the Lowcountry Seeks CDL Instructor

The Technical College of the Lowcountry is beginning to implement a CDL program and is currently seeking a CDL instructor. [Details on the position can be found here.](https://www.tclf.edu)
Industry News

Caution: Mandatory Arbitration Against O-Os

Employers seeking to enforce mandatory arbitration provisions against owner-operators might invite a challenge based on “contracts of employment” with independent contractors. The First Circuit Court of Appeals recently held in the Olveira v. New Prime case that owner-operators work under “contracts of employment” regardless of whether they are independent contractors. New Prime sought full-court review of this opinion (with support by the ATA and the U.S. Chamber), but that request was denied last week. There may be a request for a review by the U.S. Supreme Court, but they also may not agree to hear it.

Fleets are reminded to look closely at state law as an alternative means of compelling arbitration of disputes with owner-operators. Lease agreements that are found to be exempt under the FAA may nonetheless be enforced under state arbitration law. Members are encouraged to seek counsel as to any question as to whether the FAA applies to your agreements.

FMCSA Seeks to Extend ICR on Crash Recordkeeping Requirements

On July 7, 2017, the Federal Motor Carrier Safety Administration (FMCSA) issued a notice and request for comment regarding the agency’s intent to seek an extension of the Information Collection Request (ICR) on crash recordkeeping requirements. Comments are due by Aug. 7, 2017.

FMCSA Seeks Comment on Sleeper Berth Pilot Program

On June 27, 2017, FMCSA issued a notice and request for comment on the agency’s intent to solicit comments regarding a split sleeper berth pilot program. FMCSA is seeking data on whether or not split sleeper berth time has an impact on driver safety and fatigue. Comments are due by Aug. 28, 2017.
CVSA Active Exemption Tracker
CVSA maintains a list of active exemptions issued by FMCSA. Members can access the document by logging into their CVSA member account and clicking on the “Exemptions Tracker” tab at the top of the page.

FHWA Publishes Truck Parking Report
On July 6, 2017, the Federal Highway Administration (FHWA) released a report from the National Coalition on Truck Parking. The report contains suggestions and best practices for improving truck parking, including strategies for expanding parking capacity, using technology and data to maximize the efficient use of parking, options for funding and financing, and initiatives for state, regional and local government coordination, and planning.

FMCSA Publishes Guidance on New HOS Ag Exemption Interpretation and Clarifies Its Use with Upcoming ELD Mandate
ATA’s Ag Haulers Conference points out that FMCSA just posted new guidance clarifying a slight modification to how they interpret the HOS agricultural exemption, and how it will work with the upcoming ELD mandate.

This new guidance was issued in response to a slight change in how the agency is interpreting the exemption. Traditionally we have interpreted the 150-air mileage exemption as counting towards work done within the radius throughout the day, however now the interpretation is being applied to any work being done within the radius (loading/detention time/etc.) whether they are operating within the radius throughout the day or just at the beginning of their trip.

For example, if a carrier hauling cattle from Montana to Colorado starts their day at a hotel location near the loading point then all time spent waiting to load, loading, and driving within the first 150 air miles (172 actual miles) is covered under the exemption and not until the carrier is outside that radius does the hours of service clock begin. The document also goes on to explain how this interpretation will work with the new electronic logging mandate.

Trucking and CSA “Reform”
Steve Bryan wonders whether having a supposedly pro-business administration in place will ensure reform of the Compliance, Safety, Accountability enforcement regime laid out by a new National Academies of Sciences, Engineering, and Medicine report will ultimately be implemented by the Federal Motor Carrier Safety Administration. With the NAS release of its congressionally mandated report that provides a road map to reforming CSA, could be phased in over two years to replace the current system.

By and large, trucking interests greeted the report with excitement and enthusiasm. ATA P&CEO Chris Spear said the report “confirmed much of what we have said about the program for some time. The program, while a valuable enforcement tool, has significant shortcomings that must be addressed, and we look forward to working with FMCSA to strengthen the program.”

David Heller, VP for TCA said the study “reaffirms what our industry has been saying all along, that there are inconsistencies with the Safety Measurement System. Safety-minded, forward-thinking carriers like the
members of TCA should be able to stand behind their safety accomplishments, and being judged on those achievements, in an equitable manner, should be the basis of what CSA is all about.”

Now FMCSA has four months—120 days “to submit a corrective action plan that responds to the deficiencies or opportunities identified by the report, identifies how FMCSA will address them, and estimates the cost.”

Within four months after that, according to Vise, the Department of Transportation’s Office of Inspector General must report to Congress on the extent to which the plan addresses recommendations in the NAS report as well as relevant past recommendations of the Government Accountability Office and the DOT IG itself.

The upshot, says Vise, is that “SMS alerts and relative percentiles for property carriers will continue to be withheld until the DOT IG certifies that a corrective action plan implementing the NAS and GAO recommendations has been implemented.” And only at that time can FMCSA even consider again making CSA scores visible to the public.

All told, it will be up to eight months from now before trucking can hope to see the reforms recommended by NAS come into play.

Steve Bryan, president, and founder of Vigillo LLC, which specializes in analyzing fleet safety data, has posted a blog presenting his own analysis of the report— which he said he “distilled down to five-and-a-half pages,” including his commentary on the four key sections detailed by NAS.

“I give the NAS an ‘A’ for the report,” Bryan told me. “And I hope I can give FMCSA an ‘A’ when they respond in October” with their required action plan. “But up until now, in every case FMCSA has left things as is. We would hope, though, that now being under congressional mandate, the agency will take the report to heart. The NAS recommendations amount to a pretty major overhaul [of CSA], but it’s do-able.”

Bryan added it “will come down to when a new FMCSA Administrator is confirmed [by the Senate and takes charge of the agency.]” Bryan noted that the next FMCSA chief “might coincide with a more pro-business approach and [he or she] could change the agency’s attitude from the past of not really listening to the trucking industry.”

**Hydrogen Injection Boosts Fuel Economy in Test**

U.S. Army tests of a diesel-powered truck equipped with a proprietary hydrogen injection system developed by Commercial Hydrogen Inc. (CHI) of Houston, TX, reportedly boosted the vehicle’s fuel economy from 7.2 to 8.4 miles per gallon (MPG) – an increase of 15.3%.

The demonstration vehicle involved is a 2000-model Freightliner FL80 oil delivery truck and CHI said its hydrogen injection system was tested by a local CAT Army contract mechanic.

The company noted that its retrofit or “bolt-on” hydrogen injection package is designed for 10- and 15-liter diesel engines for trucks manufactured between 1980 and the present.
The implications to the military are significant, as an increase in mileage is important, not only as a cost savings, but in terms of increased operational range and efficiencies.

**Federal News**

**Senate FAA Reauthorization Legislation Approved by Commerce Committee, with F4A Amendment Included**

Last Thursday, the Senate Commerce Committee incorporated more than 50 amendments into the FAA Reauthorization Act, and reported to the Senate floor where it will be taken up at a time to be determined after the July 4th recess.

Of interest to ATA and the trucking industry, during Thursday’s consideration of the bill, Senator Deb Fischer (R-NE) offered an amendment to clarify the preemption provision of the 1994 FAA Authorization Act (FAAAA) and re-establish the federal preemption of state meal and rest breaks. After some debate on the amendment between Senators Fischer and Hassan (D-NH), the amendment was agreed to by voice vote and incorporated in the committee’s FAA Reauthorization proposal.

–In the House, the T&I Committee also marked up their FAA Reauthorization proposal on Tuesday, but did not consider F4A language in committee. Our House champions, at the urging of Committee leadership, decided the best path forward for our F4A language in the House is offering a floor amendment when the bill is considered by the House at a time to be determined after the July 4th recess.

Following adoption of the Fischer amendment on Thursday, ATA President and CEO Chris Spear thanked Senator Fischer and the Committee, noting the “Committee took an important step toward recognizing that a uniform set of rules is vitally important to the movement of our nation’s interstate goods.” ATA thanks the committee, and our Senate champions, for today’s important action to move us closer to the F4A interstate commerce preemption clarification the trucking industry so desperately requires. Moving forward, we will continue working with our champions in Congress, and a strong coalition of interested stakeholders, to achieve a final resolution to this essential issue.

**Other States’ News**

**WI Industry Fights Tolling**

Wisconsin business leaders joined forces and opposed a plan to introduce highway tolling, saying it would hurt the economy.

Some members of the state’s business lobby and members of the tourism, hospitality and manufacturing sectors told The Wisconsin State Journal that tolls could deter tourists, increase the cost of transporting goods and limit highway access.

In a recent statement, the Wisconsin Manufacturers & Commerce business lobby said that it's "greatly concerned about the impact tolling will have on the cost to move manufactured goods and agricultural products."
Tom Diehl, president of the Association of Wisconsin Tourism Attractions, said tolling will negatively impact residents.

"You're going to start ripping off the public going to and from work every day," Diehl said.

Some agricultural groups may be open to the toll. Tamas Houlihan, director of the Wisconsin Potato and Vegetable Growers Association, said his group knows the state needs more revenue for roads and bridges and will leave the decision about tolls up to legislators.

Supporters of tolling said it would create a long-term revenue source for the state's interstates, many of which were built in the 1960s and need to be rebuilt.

New technology allows for tolls to be collected electronically with vehicle transponders collecting information about which vehicles use the highway. A study released by the state Department of Transportation in December estimates the plan would take at least four years to implement and could cost as much as $400 million.

South Carolina’s business community may face the same challenge soon with respect to I-95...SCTA hopes they will stand together.

**IL Taxes Increase Immediately**

The recent budget stalemate Illinois got resolved, but not in a good way for their taxpayers. *Members would do well to note what took place, and commit to engage their local legislators – so that we don’t face the same here in SC!*

The Illinois Senate and House voted to override the Governor's veto of a budget that relies on increasing the state income tax rates. The move means that the state's personal income tax rate jumps from 3.75% to 4.95% and the corporate rate goes from 5.25 to 7.00%.

The final budget lacks any of the reforms that the Governor and the business community had requested, including pension reform, workers comp reform, and term limits among other items.

The Illinois Trucking Association continued to meet with lawmakers in Springfield throughout the special session, but unfortunately, lawmakers did not include a repeal of the Commercial Distribution Fee on truck license plates as part of the state's final budget.
Optional Public Affairs/Advocacy Contribution for 2017 - “NOT TRUCKPAC”

You will notice a new line item on your 2017 dues invoice. This is for an optional contribution to support SCTA’s public affairs, image, advocacy, and outreach efforts in 2017. We ask that you go above and beyond your dues so SCTA can go above and beyond general member services. (This contribution does not go to TruckPAC.)

We plan to increase our overall advocacy efforts in the promotion of “Trucking” in 2017 including education & outreach initiatives to cultivate a new generation of truck drivers and technicians. Your additional support will not only help us with this new endeavor, but it will also help us maintain the professional staff necessary to carry out our mission; Foster relationships with elected officials/state government agencies and keep them abreast of our issues and positions; Cultivate Grassroots; and maintain memberships and support other coalitions and organizations that helps us develop unified alliances.

We appreciate your continued investment in SCTA.