



**Newsletter 01-10
January 15, 2010**

Dear Member:

CHICAGO, THE CITY OF BROAD SHOULDERS – *“Come and show me another city with lifted head singing so proud to be alive and coarse and strong and cunning.”*

Yes, poet Carl Sandburg (and Frank Sinatra) praised the host city of our 2010 conference. What does the Olympic Selection Committee know, anyway? We invite you to be a part of the NTTC’s 62nd Annual Conference and Equipment Show which will be held at the Marriott Downtown Magnificent Mile in Chicago, May 10-12. An NTTC 62nd Annual Conference registration form is attached and Exhibitor information will be sent out to potential vendors in a separate correspondence today. Be sure to make your Marriott reservations now via the phone number on the attached registration form or through the following website link: <http://www.marriott.com/hotels/travel/chid?groupCode=ntntta&app=resvlink&fromDate=5/7/10&toDate=5/13/10>.

This year’s meeting will start on the Monday following Mother’s Day. The conference will feature a keynote address from Secretary Samuel K. Skinner who served as Secretary of Transportation and later White House Chief of Staff for President George H. W. Bush. We’ve scheduled the closing ACT I event early enough to allow you to enjoy the offerings of the “Windy City” on Wednesday evening, May 12. You can find Chicago events and cultural information at www.choosechicago.com. The Chairman’s Reception will be held from 5:00 p.m. to 7 p.m. on Tuesday, May 11, to allow you to explore the culinary and nightlife treats this city has to offer. We have a good room rate (for the heart of Chicago in May) at the Marriott Magnificent Mile, so make your room reservations now.

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Tentative Schedule and Highlights
62ND ANNUAL CONFERENCE
& TANK TRUCK EQUIPMENT SHOW
Marriott Chicago Magnificent Mile
Chicago, IL May 10 – 12, 2010

MONDAY, May 10

11:00 AM – 2:00 PM	<i>Exhibit set-up</i>
1:00 PM	<i>NTTC Executive Committee Meeting</i>
3:00 PM	<i>Equipment Show & Registration Opens</i>
6:00 PM	<i>Exhibits Close; Evening Open</i>

TUESDAY, May 11

8:00 AM	<i>Opening Breakfast, Keynote speaker, all invited</i>
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9:30 AM	<i>Exhibits Open</i>
10:00 AM	<i>Spouse / Guest Event</i>
11:00 AM	<i>General Session</i>
12:30 PM	<i>Carrier/Exhibitor Buffet Luncheon</i>
1:30 PM	<i>Exhibits Close; Afternoon Open</i>
5:00 PM	<i>NTTC Chairman's Reception, all invited</i>

WEDNESDAY, May 12

8:00 AM	<i>NTTC Safety Awards Breakfast, all invited</i>
9:30 AM – 12:30 PM	<i>Exhibits Open</i>
11:00 AM	<i>General Session</i>
12:30 PM	<i>Exhibit Show Ends</i>
1:30 PM	<i>2010 NTTC Membership & Board of Directors' Meeting</i>
6:00 PM	<i>Allied Committee for the Trucking Industry Closing Event</i>

2010 HARDLY “OFF YEAR” FOR ELECTIONS – New York City Mayor-For-Life and 2008 NTTC Annual Conference Keynoter Ed Koch was well known for greeting his constituents with “How’m I doing?” Voters will have a chance this year to answer that question for one-third of the U.S. Senate and all 435 “Honorable” from the U.S. House of Representatives. Congressional candidate “cup-rattling” for funds is already at a deafening pitch and will get louder. Tentative alliances and coalitions with “my good friend from Timbucktu” will be replaced with a more primitive survival call of “what’s in it for me?” The second session of the 111th Congress will not be pretty.

While it would seem this could be the year when “throw the bums out” is the electorate’s mantra, keep in mind the reelection rates for incumbents is traditionally over 90 percent and will likely be so again this year. For Republicans, a modest and achievable goal would be to break the 60 seat cloture invoking, filibuster halting stranglehold the Democrats now hold when Independent Socialist Bernie Sanders (VT) and Joe “catch me if you can” Lieberman (I-CT) are counted as Democrats. Republicans even have pipe-dreams of capturing the Kennedy Family Senate seat in Massachusetts next Tuesday in a special election. To add a 41st Republican to the Senate from a state where Republicans usually come in third behind “none of the above” is too much fun to contemplate.

As of today and pending any more imminent retirement announcements – Senator Lautenberg , Make Our Day – the 2010 Senate will feature open seats in CT, DE, FL, IL, KS, KY, MO, OH, NH, and ND. Incumbents are running for reelection in: AL, AK, AR, CA (we need a Boxer rebellion), CO, GA, HI, ID, IN, IA, LA, MD, NV, NY (two incumbents running, one to fill-out Hillary Clinton’s term), NC, OK, OR, PA, SC, SD, UT, VT, WA, and WI. ATA Senior Vice President and Capitol Hill guru Tim Lynch will provide a Washington update on February 11 at our Winter Membership and Board Meeting in Florida.

WETLINES ISSUE UPDATE – One issue that could quickly return in the 2010 Congressional session is the wetlines bill. We are still gazing at the sky for storm clouds to tell us that they eye has passed and we are back in the wetlines hurricane. With women, children and your wallets safer in Washington while Congress was on break, nothing significant has happened since we last discussed this issue. We are waiting to see if House Transportation & Infrastructure Committee Chairman James Oberstar will try to get floor action on this bill early in this 2010 session. Both Houses will try to avoid controversial issues in this election year and there are a number of such issues in the Hazardous Materials Transportation Safety Act which includes the wetlines language. There will be no Senate action on HMTSA if the House does not act first.

Further stirring the pot is the fact that PHMSA (Pipeline and Hazardous Materials Safety Administration) previously announced that they would begin a rulemaking to address wetlines with an unusually short time period goal of publishing a Notice of Proposed Rulemaking by this coming summer. We have an appointment to meet with PHMSA leadership on this and other issues on January 19.

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FMCSA ART FORUM – The Federal Motor Carrier Safety Administration (FMCSA) recently held its annual ART Forum in conjunction with the 89th Annual Meeting of the Transportation Research Board here in Washington DC. The ART Forum featured presentations on current research programs under the auspices of FMCSA’s Office of Analysis, Research, and Technology (ART). These research programs are designed to support the agency’s mission of reducing the number and severity of commercial motor vehicle (CMV) crashes and the enhancement of CMV operational efficiency.

New FMCSA Administrator Anne Ferro kicked-off the public session with keynote remarks outlining the agency’s three-pronged focus on saving lives that includes: (1) raising the bar to entry so that only the safest operators are on the road; (2) maintaining these high standards to ensure that only safest operators are out there; and, (3) enabling the efficient removal of high risk operators from our nation’s highways. Administrator Ferro cited three current DOT priority initiatives where this focus can be readily seen by the transportation community and the public at large. As is fairly well-known with all of the recent publicity, the top DOT priority is distracted driving, particularly texting and cell phone usage in the cab. The second priority is implementation of wireless roadside inspections which the department believes will result in up to thirty times more inspections through nearly real-time targeted enforcement. And the final departmental priority is the hours of service (HOS) regulations which the Administrator noted came with a “clear directive from the White House to open the process and offers a great opportunity to get the rule right.” In an effort to send a revised HOS rule to the Office of Management and Budget (OMB) by July 2010, the DOT recently announced a spate of listening sessions across the country to garner as much input as possible (see below). Ms. Ferro also mentioned that the Department intentionally selected sites proximate to driver populations to ensure more feedback from this critically important constituent group.

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HOURS OF SERVICE SESSIONS – FMCSA has announced that it will conduct four public listening sessions to solicit comments and information on potential revisions to hours of service (HOS) regulations. The agency has asked a series of questions regarding hours of service. We must take this issue seriously. The fact that virtually any measure of trucking safety shows improvement under the current regulations clearly identifies HOS as strictly a political issue, not a safety issue. The anti-truck forces from Senator Frank Lautenberg (D-NJ), Chairman of the Commerce Committee, to the various bastard children of CRASH are in full gear. Not surprising, HOS is also a major issue for the Teamsters.

Your NTTC staff plans to submit comments on behalf of membership so we invite you to give us your feedback as soon as possible. We will then incorporate your feedback into our written document. You can also submit your own comments to the record, but we ask that you forward a copy to us as well. NTTC will attend the January 19 meeting in Arlington, VA, and perhaps other sessions. These other sessions are set for January 22 in Dallas, TX, January 25 in Los Angeles, and January 28 in Davenport, IA. Coordinate with your State Trucking Associations and show up at these hearings – the anti-trucking forces will be there. For additional information regarding these sessions, please see FMCSA’s notice at the following link <http://edocket.access.gpo.gov/2010/pdf/E9-31194.pdf>.

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NEW LIMITS ON CIVIL PENALTIES FOR HAZMAT VIOLATIONS – On December 29, 2009, PHMSA issued a final rule adjusting the maximum and minimum civil penalties for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law (see <http://edocket.access.gpo.gov/2009/pdf/E9-30696.pdf>). The maximum civil penalty was increased to \$55,000, and up to \$110,000 for a violation that results in death serious illness, or severe injury to any person or substantial destruction of property. Prior limits for these penalties were \$50,000 and \$100,000 respectively. The minimum civil penalty is increased to \$275, and to \$495 for a violation related to training. Prior limits for these violations were \$250 and \$450 respectively. This final rule became effective on December 31, 2009.

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AMERICAN TRUCKING TRENDS 2009-2010 – The American Trucking Associations (ATA) is now offering its publication *American Trucking Trends 2009-2010* through the ATA Business Solutions website <http://www.atabusinesssolutions.com/p-254-ata-american-trucking-trends-2009-2010.aspx>. This almanac of U.S. trucking provides a profile of the dynamics shaping the industry and serves as a vital source of information on trucking and transportation issues for the 21st century.

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U.S. CUSTOMS AND BORDER PATROL ISSUES OFFICIAL NOTICE ON DELAY IN ENFORCEMENT – As we reported back in November, the U.S. Customs and Border Control (CBP) has delayed the enforcement of its recent residue ruling indefinitely until further notice. The key difference for NTTC members this month is that the CBP’s enforcement delay is now *in*

writing and will soon be posted on our website under “News” or call if you would like us to send a copy. We will continue to forward pertinent updates on this issue as new information becomes available from CBP.

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NTTC CARRIER SELECTION WEBINAR AVAILABLE – NTTC was pleased to accept an invitation to make a webinar presentation to the National Association of Chemical Distributors on the topic of “carrier selection.” You can view the webinar by logging on to <http://www.box.net/shared/9ba85ghj4f>. You might want to get some popcorn and a can of Jolt first since the webinar goes just over an hour. We wish to thank our members who provided information to us on what points to make during this opportunity.

We began by saying the elements of the NACD Responsible Distribution Code are a good starting point. The Carrier Selection portion of that code states: “*A process for selecting carriers to transport chemicals that includes carrier safety and fitness, security, regulatory compliance, and performance review.*” We encouraged NACD members to communicate with their tank truck carriers to ensure that the carrier could show that each of these elements is part of the carriers operating culture, not just check-off’s to satisfy government or customers.

To these basic Code components, we asked the webinar participants to add Carrier Economic Fitness. Our bullet points included:

- Will the Carrier you use today be here tomorrow?
- What would “Walmartization” of tank truck industry mean to your company?
- Shippers need to look at Economic Stability of carriers as closely as safety and service.

We also pointed out that this is a Buyer’s Market and “You absolutely, positively can find a cheaper rate today!!!” (But at what costs?) When reviewing economics, we encouraged NACD members to determine the true costs of operating their private fleet trucks and encouraged them to hire us to do the trucking while they focus on their core business.

Among the key tank truck industry issues of the day, we also discussed the need for carrier profitability for safety and service, the continued need to be able to attract and retain the kind of drivers we want in our special industry, the need for shipper and consignee assistance to generate maximum productivity from our drivers and equipment, and the need to prevent rollovers.

A link to the webinar and to the slides used during the event will be posted in the News section of our website at www.tanktruck.org.

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WANTED: TOP 100 BULK SHIPPERS – To encourage shippers to hire professional carriers like you who have invested their time, money, and energy in the NTTC, we plan to send the 2010 Membership Directory straight to the top 100 bulk shippers in the industry. If these shippers belong to API, ACC, NACD, CGA, NPGA, NITL and other shipper-oriented

associations, why would they not expect the same commitment of their important tank truck carrier transportation suppliers? Those who talk the safety talk should walk the safety walk.

We certainly could use your help in identifying appropriate shipper personnel that you feel should receive the directory. Don't worry . . . if you know them, your competitors already do too. Please provide us contact information to send a free copy of the directory to shippers who should consider NTTC membership as a positive factor in the carrier selection process.

If you have not received or updated your listing information, please contact our office at 703/838-1960 or send an email to nttcstaff@tanktruck.org and we will send the materials to you.

There is still time to reserve an ad in the 2010 directory which is distributed to the CEO of every NTTC carrier and associate member company. We are near to closing, so please contact Dan Furth at 703/838-1960 if you are interested in advertising.

THANK YOU for being one of the responsible carriers listed in the NTTC Directory.

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“FIRST STAGE” SAFETY CONTEST FORMS DUE JAN. 22 – Carrier members should have received the Safety Contest form for contest calendar year 2009. Please contact NTTC if you have not yet received the form or if you have questions about the process. The form must be returned by January 22 to be included in judging. Please send at least the first sheet of the contest form, even if you do not think you will win an award this year. This helps us collect data on our industry safety performance for use in working with Federal agencies and Capitol Hill. Remember, the contest form must include miles and accidents for all company and other drivers. All Reportable Accidents, regardless of chargeability, must be reported.

The initial forms will be ranked and reviewed by a Third Party Auditor who is a retired FMCSA official. Carriers with the best frequency will then be invited to submit more detailed forms for consideration for the Heil Outstanding Performance Trophy.

U.S. based carriers who also operate in Canada and Canada based carriers who also operate in the United States are reminded to include ALL miles operated in both countries and to use the U.S. Department of Transportation definition of “recordable accident.” Remember that the form must be signed by the carrier CEO and top safety executive.

Please contact Fritz Mead at NTTC with any questions.

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NASHVILLE WILL HOST OUR CLEANING AND SAFETY PROFESSIONALS – We are developing a solid agenda for the Tank Cleaning & Environmental Council and Tank Truck Safety & Security Council Annual Conferences in Nashville, Tennessee, April 5-8. If there is a particular topic of interest that you would like to see addressed during the seminar portions of these meetings, please do not hesitate to fill out and return the attached topic suggestion survey.

These meetings offer a great opportunity for your tank cleaning and safety professionals to mingle with their peers, discuss industry challenges and best practices, and develop working relationships. There are no “safety secrets” in the tank truck industry. Agenda and meeting registration materials are attached.

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FOCUS ON FUTURE AT WINTER MEETING – The focus will be on the future at the 2010 NTTC Winter Membership and Board of Directors Meeting which will be held February 10-12 at the Longboat Key Club & Resort, Longboat Key, FL. We are pleased that ATA’s Man on the Hill Tim Lynch will update us with all the good news from your elected representatives. What challenges face the trucking industry in the Administration and Congress in this election year? We will challenge Tim to come up with at least one piece of positive news.

CSA 2010 will have a dramatic change on the trucking industry and enforcement community. This challenge must be understood by the carrier CEO as well as by your safety staff. Dave DeBoldt, director of safety services of Cline Wood Agency and a former NTTC carrier safety director, will discuss CSA2010 and why it is important to the CEO. The number one issue of Secretary of Transportation Ray LaHood is distracted driving. You will be hearing a lot more about it in the upcoming year. Del Lisk of DriveCam will present some amazing videos of drivers in the cab and discuss a technological approach to this problem. We have discussed this issue at our safety meetings and your staff will update you on current regulatory developments.

One of NTTC Chairman Jeff McCaig’s challenges to NTTC leadership and staff this year is to take a look at what services and activities your association now provides and to consider what changes we might make to increase value for our members. We have already held a productive meeting with a committee of Associate Members and will discuss this issue in detail in Florida at the membership and board session. We will soon send a survey requesting ideas from all of our members prior to the meeting. Yours truly will meet with Chairman McCaig later this month to determine how to best use our time at the Winter Board.

The resort is located on a barrier island in the Gulf of Mexico off the coast of Sarasota and is a longtime favorite of NTTC’s. Please register early for the meeting and reserve a room to avoid last minute challenges. Registration materials are attached to this newsletter. To learn more about the resort, click on www.longboatkeyclub.com.

Special thanks to Great West Casualty, Joe Morten & Son Agencies, DistTech, Volvo Trucks North America, and Eaton/Dana Roadranger for sponsoring events at the upcoming meeting. More sponsors are always welcome, so please call Fritz Mead if you’re interested.

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JULY SUMMER BOARD – The Summer Membership and Board of Directors meeting will be held July 28-30 at the famous Equinox Hotel in Manchester Village, Vermont. The schedule change from August to July was made at the suggestion of our members as more colleges and school systems are starting sessions earlier in the month of August, particularly in the South. Of

course, there are a lot worse places than Vermont to schedule a vacation before or after the NTTC meeting. You can learn more about Manchester Village and The Equinox at <http://www.equinoxresort.com>.

ORDER 2010 REGS BOOK – The 2010 NTTC Tank Truck Hazardous Materials Book is now available. The 2010 Regs Book includes regulatory changes through October of 2009, as well as necessary information on how to complete the 5800.1 Form which must be prepared any time there is an unintentional release of a hazardous material. The 5800.1 Form is also required any time a cargo tank is involved in an incident that COULD HAVE resulted in a release of a hazardous material. Order information is attached or you can order from our website.

New Carrier Members

McMahon Transport
Lockport, IL
Contact: Jim McMahon
(815) 306-3403

New/Reinstated Associate Members

Piedmont Transport
Matthews, NC
Contact: Carlos Juárez
(704) 227-0288

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