

WESTERN TRANSPORTATION NEWS



June/July 2018

Volume 77 Number 6/7

WesTrk.org

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About the cover:

In a landmark ruling on April 30th, the California Supreme Court ruled 7-0 to invoke an A-B-C test to determine whether anyone can be an independent contractor. This decision amounted to the judiciary legislating from the bench and placing its desires above the legislature. The ruling directly impacts the trucking industry's use of owner-operators since the "B" prong of the test doesn't allow for using an IC engaged in the same business activity. The WSTA Executive Committee has voted to allow the association to initiate a lawsuit challenging the applicability of an A-B-C test to the trucking industry.

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President's Report

Danny Rocha

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California Supreme Court Decision is Not Really Good For Anyone

Just when you think the politics of this state couldn't get any worse...bam, something totally unexpected happens. Once again we find ourselves in the trucking business under the death grip of California laws (and their odd interpretations). The latest head-shaker legal/political decision will truly prevent small businesses from prospering...and not just in the trucking industry, but virtually all businesses that utilize independent contractors.

WSTA had a board meeting in San Diego June 23rd, which saw a pretty solid turnout since we planned on addressing this particular issue at the meeting with the help of our legal counsel. The main topic of discussion obviously was the California Supreme Court Dynamex decision which forces virtually all independent contractors to become employees to those they choose to contract or work with. Many members that attended voiced their concerns on how it would affect their businesses and thanks to our legal counsel team made up of Brooks, Pat and Kirk, they were able to clarify how this judgment would uniquely affect them. And in fact, were willing to offer members a discounted \$2,000 fee to look over members business model and provide some direction on how to potentially limit their liability when using independent contractors or sole proprietors.

Although the WSTA Executive Committee had already committed to suing the state of California on May 28th via a conference call and unanimous vote, at this June 23rd meeting, the full Board agreed with that decision and we are proceeding with our lawsuit and hope to have it filed by mid-July.

I encourage everybody to attend the October 12th and 13th board meeting. It will be held in Reno/Sparks area at the newly refurbished Nugget Casino Resort, 110 Nugget Ave., Sparks. Staff indicated the room rates are very favorable, around \$90/night. The Nugget is about done with two-thirds of two \$150 million plus renovations under the direction of a new CEO. Since the end of 2013, when the Nugget's sale was finalized to Marnell Gaming, its new owners have renovated over half the rooms, all the convention center, restaurants, and casino. The Nugget features 1,382 rooms, a 75,000-square-foot casino, eight restaurants and a 110,000-square-foot convention center.

So, I hope you're all pleased about our lawsuit, which will be covered in great detail in this magazine issue. And we will have many updates to in the weekly Monday morning e-newsletter, so please read it...its really valuable information!

Thanks,
Danny



Executive Director's Report

Lee Brown

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Dynamex Court Decision a Real Game-Changer

I'm hoping by now that all of you are aware that California's Supreme Court on April 30th unanimously (7-0) adopted a new test concerning independent contractor analysis that generally assumes workers are employees first, unless they can pass three different and difficult tests. The case is referred to as *Dynamex Operations West, Inc. v. The Superior Court of Los Angeles County*, No. S222732.

The so-called new test is technically referred to as an "ABC test." According to the court, the test allows a worker to be properly classified as an independent contractor (if no state wage order applies) only if the hiring entity establishes:

(A) That the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact;

(B) That the worker performs work that is outside the usual course of the hiring entity's business; (this is the toughest test to overcome), and;

(C) The worker is customarily engaged in an independently established trade, occupation or business of the same nature as the work performed for the hiring entity.

The ABC test presumptively considers all workers to be employees, the Court said, and permits workers to be classified as independent contractors only if all three legs or prongs of the test are satisfied.

We have provided a quick reference overview of the decision and the many problems it is likely to cause our industry. See page 7.

So What Does This Mean to Our Industry and the Association?

The bottom line is ...the decision will likely affect every member, both IC's and those that utilize IC's, and that means about 95% of the membership. Only those that utilize 100% employees or IC's that work direct such as pool diggers are OK...the rest are in trouble!

What's really shameful about this decision is that (we are assuming) it's also retroactive and liabilities can go back up to four years according to existing state labor laws. The CA Supreme Court decided not to rehear the case focused exclusively on retroactivity, not its original decision. Please see the Case Timing Analysis on page 8!

What is WSTA Going to Do?

On May 28, the Executive Committee (EC) of the association met via conference call with the WSTA staff and legal counsel. We discussed the decision and the effects of

Continued on page 6

the case at great lengths and the options we had available. The EC chose two paths to support. The first was to sue the state using a variety of preemption arguments and the other to utilize legislation to help amend or lessen the decision's effects.

The EC directed me to work with counsel and establish a cost of litigation, which was done by Brooks Ellison and Pat Whalen. As it stands the costs are likely to be around \$500,000 if we need to go before the U.S. Supreme Court.

We are now reviewing a draft of the lawsuit and it should be circulated the week of July 9th, and shortly after filed in the United States District Court for the Eastern District of California. To meet our legal team, see page 33.

Many Still Remain Clueless

I have a good friend who recently retired from government work but still wanted to work, so she got her real estate license. I said to her, "are you going to be the broker's employee?" She said no, she'd be an agent, independent contractor (IC). I told her she was likely going to be an employee of the broker.... her response was..."what do you mean?" I explained the Dynamex decision and she said....really..."maybe I should ask the broker I'm planning on working with about all this?"

I believe that while we remain focused on the trucking industry, there are virtually thousands if not hundreds of thousands of workers who happily choose to be IC's will be reclassified as employees as a result of this ridiculous Dynamex decision!

You think it's costly to live in this state now (especially housing and energy), just wait until this social engineering decision is amortized into the COLA equation. There is a tipping point in this state and it's the nearest that I have ever seen it!

CalChamber Effect (Legislative Action)

WSTA has been a member of the CalChamber since 2002. Incidentally we are also members of the U.S. Chamber since 2006. I went to the CalChamber's website and searched using the word Dynamex and nothing really came up. I then called there and was given a non-answer and asked that the VP of the legal department call me. Both the CalChamber and the US Chamber jointly filed a pretty good amicus brief in this case in 2015 and were obviously aware of it....but probably had no clue the court was going to adopt the ABC test.

Undeterred, I continued to call the Chamber to find out their position. While I was doing this, on May 20, they submitted a coalition letter with about 75 member names and logos mostly associations to Gov. Brown and the legislature. You can read the "Dynamex Decision Chamber Coalition Letter" on our website at <https://westrk.org/dynamex-decision-cal-chamber-coalition-letter-6-20-2018/>

I was kind of shocked that the Chamber did not reach out to us or anyone in the construction industry that are members. Ultimately, I was contacted by the Chambers Sr. VP of Policy and she said that they did reach out to the construction industry and were told, "the decision did not really affect them"...I'm serious!

As for why we weren't contacted, she noted that we were just an HR Resources member and not a "Policy level" member. One would think that this should have little to do with such an important issue. I guess we will have to up our membership to the "Policy" level.

The bottom line is that the CalChamber is probably the best organization to affect or have any hope of lobbying for a legislative solution to this decision. We will keep you informed on this!

On another note regarding the Chamber's efforts, our lobbyist in Sacramento reported that in addition to the Chamber, many varied business interests are involved in a potential legislative fix. Many of those groups are represented by members of the "gig economy," like Uber, Lyft, Amazon, Postmates, etc. who obviously see a massive threat to their whole industry.

Given labor's influence at the Capitol, the "ask" at this point is to temporarily halt the application of Dynamex in California until next year (or even two) so that the Legislature can thoughtfully vet comprehensive legislation on the matter, which could include carve-outs and variations on the ABC test.

We have been stressing that the "B Prong" has already been found to violate federal transportation laws (F4A) in other states, thus it would be appropriate for the CA Legislature to exempt trucking from the B Prong. At this point, leadership in the Senate and Assembly, as well as the Governor's office has all been briefed about the massive negative impact this will have on California's economy.

Apparently it is the Speaker's office that is most pro-labor at this point and is the most resistant to a temporary fix. While several Democrat Assembly members are interested in helping, they have indicated that swaying the Speaker will be essential.

CalChamber's Dynamex Coalition

We were told by CalChamber's Sr. VP, Policy, Jennifer Barrera that they had numerous meetings in the Capitol over the last month with Legislators and their staff. The Chamber promised to continue to schedule and attend educational and out-reach meetings and will provide updates.

Recently a subgroup of the coalition met with four different PR Firms to discuss a PR campaign over the next 60 days to help achieve some major goals for a legislative solution.

The Chamber hired Becky Warren of Elevate Public Affairs (<http://elevatepublicaffairs.com/>) to help with the PR/grassroots efforts. There is no question that in order to be successful we will absolutely need to have a significant PR/grassroots effort. The Chamber had heard from several Legislators that they needed a far stronger grassroots effort.

The budget from each PR Firm was consistent, with an estimated budget of approximately \$400,000. Accordingly, they are asking each group to contribute \$50,000. Certainly, if you cannot reach that amount but can contribute something less, they appreciate that as well.

So How Can Members Help?

There are a number of things that members can do to help:

1. Legally:
 - a. Contribute to our F4A Legal Fund and file a declaration when asked to by WSTA

Continued on page 7



WSTA Committed to Challenging State Supreme Court Dynamex Decision

WSTA Legal Counsel has provided this Overview of this precedential case decision and what it does to independent contractors (IC's) and those that engage IC's and are in a related business. The decision, if allowed to stand, could jeopardize the entire IC industry of millions of works across this state. Specifically we are most interested in how it will effect IC's in inter and intra-state commercial transportation industries.

- I. Dynamex decision
 - a. What did the California Supreme Court decision say?
 - b. How does it impact our industry
- II. What is the Association doing in response?
 - a. Litigation – Filing our own lawsuit
 - b. Risk management techniques
 - c. Individual business analysis

Consistent with numerous discussions, below are the issues surrounding the Dynamex decision.

Dynamex Overview

- *Dynamex Operations West, Inc. v. The Superior Court of L.A. County*, No. S222732
- Decided by a 7-0 unanimous California Supreme Court on April 30, 2018
- Not final yet; court extended time to decide rehearing until 7/27/18
- Landmark decision that will drastically change the independent contractor business model in CA
- Adopted the “ABC” test for determining whether a worker is an employee or independent contractor under CA Wage Orders

Dynamex Background

- Dynamex is a nationwide package delivery company
- In 2004, Dynamex switched its drivers from employees to independent contractors
- Sued by class of drivers for misclassification
 - Thus violated Industrial Welfare Commission Wage Order No. 9 (the applicable state wage order for the transportation industry)
 - Wage orders explain and provide the wage, hour, and working condition requirements for specific industries

Dynamex Decision

- In its 82-page decision, CA Supreme Court recast the history and intent of CA labor laws & independent contractor tests
- Court expressed its belief that workers in CA should generally be employees
- Abandoned existing *Borello* test for stricter ABC test used in MA & NJ

ABC Test

Court presumes everyone is an employee. To be an Independent Contractor, hiring entity must prove all 3:

- A. Worker is free from control & direction of hirer in connection with the performance of the work
- B. Worker performs work that it outside the usual course of hiring entity's business; and
- C. Worker is customarily engaged in an independently established trade, occupation, or business

“A” Prong

A. Worker is free from control & direction of hirer in connection with the performance of the work

- Similar to “right of control” old *Borello* test; Court looking at facts to see that person is free from the “type of degree of control a business typically exercises over employees”

“B” Prong

B. Worker performs work that it outside the usual course of hiring entity's business;

- Big problem for current business model in trucking
- Must show that the person works in an “independent, separate, and distinct business from the employer”
- Court's examples:
 - OK: retail store hires an outside plumber/electrician to fix its premises

Continued on page 8

Court Decision a Real Game-Changer – from page 7

- b. If you're a broker, reach-out to all your IC's and explain the issue...we can help!
 - c. Suggest that they also join the WSTA and contribute to the WSTA Legal Fund.
2. Legislative: Join the Chamber...WSTA is a 16 year member. The Chamber is aggressively pursuing a legislative solution and we are members of their coalition
 - a. Members can separately write a letter, and even talk to their state assembly person or senator. To do this, just go to this website http://www.legislature.ca.gov/your_legislator.html and enter your address and either write or call to set-up a local appointment.
 - b. If you draft a letter, we suggest that you use your real-life business situation and explain why you choose to be a independent contractor

Some Members Are Already Being Proactive

We were recently contacted by a member that follows what is going on and understands the threat this decision represents. Darren Morehead of a Sacramento area based trucking business wanted to send a letter to about 200 local IC owner-operators they contract with to explain the decision and what every trucker should consider...joining the WSTA and contributing to our legal fund. Hopefully all IC's and brokers do the same. To view the packet, go to the WSTA website.

Dynamex Case History and Timelines

There has been much confusion over the liability of utilizing independent Contractors (IC's) in this state as a result of the recent State Supreme Court's Decision.

Below is a summary of the major litigation events and timelines in the Dynamex case. It is a case study in the slow pace of litigation. The decision illustrates the left coast's philosophy of "legislating from the bench" which is a term of art meaning that a judge's or judges' (in this case) rulings are arguably more based on their personal feelings of what the law should be, rather than basing their decisions on interpretation and application of the what the law is.

- 4/15/05 – Class action complaint filed in LA Superior Court.
- 12/12/06 – Class certification denied.
- 6/15/09 – Amended complaint filed, triggering new round of briefing over class certification and discovery disputes.
- 5/18/11 – Final class certification completed.
- 4/22/13 – Motion to decertify class (filed by Dynamex) denied. The issue of class certification, and which test should be used, was the issue that eventually went up to the California Supreme Court.
- 6/24/13 – Petition for Writ of Mandate filed in Second District Court of Appeal by Dynamex challenging the reasoning used by the trial court to certify the class in the first place, and to refuse to decertify the class. This was a procedural mechanism for Dynamex to appeal the class certification issue prior to going through a full blown jury trial.
- 10/15/14 – Court of Appeal opinion issued, largely upholding trial court ruling.
- 11/24/14 – Dynamex files a petition for review in Cal Supreme.
- 2015-2016 – Initial round of briefing, including dozens of amicus briefs, are filed in Cal Supreme. The US and Cal Chambers jointly file a very good Brief. (12-4-15)
- 12/21/16 – Cal Supreme orders supplemental briefing (somewhat unusual).
- 2017 – Parties and amicus submit supplemental briefs. The US and Cal Chambers jointly file a supplemental brief. (12-20-17)
- 12/28/17 – Cal Supreme orders another round of supplemental briefing (very unusual).
- 2/6/18 – Oral argument in Cal Supreme.
- **4/30/18 – Cal Supreme issues decision announcing the landmark A-B-C test decision.**
- 5/15/18 – Dynamex files petition for rehearing challenging only the issue of retroactivity. Note: by the terms of the decision, it is retroactive because the decision describes what California law has always been. Retroactive application is limited to "only" 4 years under labor code.
- 5/16/18 – Cal Supreme issues an order granting itself until 7/27/18 to rule on the rehearing petition.

- **6/20/18 – Cal Supreme issues order denying rehearing, and the same day issues the remittitur, effectively closing the case. It is now final and retroactive.**

As a Note: The Case will now return to trial court for a trial on the class action as previously certified but will utilize the A-B-C test.

In the mean-time, the law of the land for interpreting who is an employee and who is an independent contractor under the Transportation Wage Order in California is the A-B-C test. Based on the reasoning in the decision, it is likely that the A-B-C test will become the standard in other areas of employment law as well. If a hiring entity fails any one part of the test, for purpose of state labor law, an independent contractor will be considered an employee. Plus companies may face labor law violations for the last 2, 3, or 4 years depending on the applicable statutes of limitation.

Clearly the Supreme Court did not believe or understand the economic consequences of the decision or the limitations on opportunities that it would create for entrepreneurs in this state. In the Court's view, despite decades of using the *Borello* standard, the law has really always required the A-B-C test, and the social good of those rightfully employed is better for the citizens of this state.

WSTA Committed to Challenging Dynamex Decision – from page 7

- Not OK: clothing maker hires a work-at-home seamstress
- Not OK: bakery hires cake decorators for its cakes

"C" Prong

C. Worker is customarily engaged in an independently established trade, occupation, or business

- Requires a showing that worker has "independently made the decision to go into business for himself"
- Examples: incorporation, licensure, advertisements

Employee vs. Independent Contractor

- If hiring entity fails to prove all 3 prongs of ABC test, then worker is an employee
- Employees are entitled to minimum wage, overtime, meal and rest breaks, wage statements, etc.
- Employers must pay payroll taxes, workers comp, unemployment, etc.

What does this mean for the trucking industry?

- Court virtually eliminated the independent contractor owner-operator business model that the industry has been using for decades

WSTA members will be forced to drastically alter their businesses, likely at a significant cost, or risk massive lawsuits and fines.



WSTA Insurance Services

Chris Mitchell

CMitchell@WSTAIInsurance.com

We are excited to announce that WSTA Insurance Services began operations on April 12, 2018. We have successfully added several clients for commercial insurance from several segments, including new entrants into the trucking industry. Our value comes from unprecedented experience across all facets of trucking. We have also brought great alternatives to affiliate members within the manufacturing, construction and retail space.

We recently added Armando Guzman to the team. Guzman comes to WSTA from Alliant Insurance Services with considerable experience in commercial lines. He is currently the commercial lines account manager and is fluent in Spanish. We welcome Armando to the team at WSTA!

Since inception we have added several markets and vendors to assure the high level of service and product offerings we strive for at WSTA. We will continue to seek out alternatives to current offerings to provide members with the best options

available. From owner operators, fleets, and brokers to main street business, WSTA is the one stop shop for all your needs.

We would greatly appreciate the opportunity to meet and discuss your challenges and goals. Please feel free to contact me at any time at cmitchell@wstainsurance.com or phone at 909-982-9898. To assist members and potential clients, we offer the following as our helpful hint of the month:

Helpful Hint:

Get started early! We see it all the time – members call us two days from policy expiration (or sometimes the day after they renewed). We are a broker, not an agent. We represent our clients and seek quotes from several carriers with an eye on the most competitive markets currently. We could certainly go to market with an on-line rating system and turn around the quote quickly, however that may not be in your best interest.

More to come in future issues!

You can view the WSTA Insurance Services press release that was distributed by PRNewswire on July 3rd, 2018 at <https://westrk.org/western-states-trucking-association-launches-insurance-subsiidiary/>.



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WSTA Petitions USDOT to Preempt CA Meal & Rest Break Rules

We have been promising for a while the association would be taking action related to California enforcing its meal & rest break requirements on employers. During the week of July 9th while I was in Washington D.C. we filed a petition with US DOT asking them to preempt California under federal law from enforcing its law on a unique subset of trucking companies. The petition can be viewed on our website here: <https://westrk.org/wsta-petitions-usdot-to-preempt-ca-meal-rest-break-law/>.

It almost seems not a week goes by without us hearing about another member being sued for allegedly violating this law. Most cases are quietly settled out-of-court for large sums simply because our predominantly small-business members don't have the financial resources to mount an effective legal defense. Basically, our members are being legally extorted (in my opinion), often by drivers who have a history of setting up employers for this type of litigation.

In July 2014 the Ninth Circuit Court of Appeals in San Francisco upended the idea that motor carriers were preempted under federal law from complying with California meal and rest break requirements for truck drivers. The case is known as *Dilts v. Penske* and the USDOT supplied a decisive brief to the court saying they did not view the California law as preempted.

The *American Trucking Association* has been working diligently in Washington D.C. attempting to get language into a wide assortment of bills that would put an end to this type of litigation (we do support their efforts). There have been numerous attempts over the past couple of years to include what is termed "Denham language" into various federal bills. "Denham" refers to Rep. Jeff Denham (R-CA) who originally authored specific language effectively prohibiting states from undermining the intent of congress in 1994 to deregulate "intrastate" trucking. The bill that deregulated "intrastate" trucking was sponsored by then Rep. James Oberstar (D-MN) and is titled the *Federal Aviation Administration Authorization Act of 1994* (H.R. 2739).

Unfortunately, legislative fixes appear to be elusive in a congress that will only pass "clean bills," which means, even with Republicans running the show, they still need Democrats to support bills in order to get them to the President's desk for signage and become law. All attempts at including "Denham language" in legislation are termed a "poison pill" by Democrats and have been enough to continually get the language stripped.

Lee and I have discussed multiple strategies to help our members on this issue. One of the major problems in our opinion with effectively moving the ball forward in a

positive way has been the "narrative" being used to describe this issue. Every article uses large, even multi-national companies such as Walmart, JB Hunt, and Schneider National who have paid hundreds of millions of dollars for alleged violations after court decisions. Frankly, once it was done to them it paved the way to be done to all others – especially small-businesses. Nobody is hearing that it is now small-businesses bearing the brunt of the legal "shakedown." Both Lee and I couldn't get the Wall Street Journal to understand this; we were told their ONLY obligation is to report on publicly traded companies. What a crock.

Legislatively, the "narrative" needs to change. While we don't think what happened to the biggest of the big is defensible, the political reality is they don't engender much sympathy from politicians – especially when their company headquarters are not within a representative's district. Most politics is local.

My trip to D.C. was designed to deliver the small-business narrative on the damaging effect of these types of lawsuits. I also delivered a petition we hope will finally change the primary reason USDOT has staked out its position to not preempt California – namely, safety.



Joe R. with Carl Bentzel in the Sirius XM Studios in Washington, D.C. doing live radio on July 11th discussing meetings on Capitol Hill.

The Missing Safety Argument

There has been a previous attempt to petition USDOT to preempt California. It was rejected by USDOT in December 2008 in the waning days of the Bush Administration. USDOT cited a lack of any safety linkage – the only reason it could preempt. In the *Dilts v. Penske* brief filed by USDOT that supported the plaintiff Dilts, not the trucking industry, the lack of any negative safety linkage related to complying with meal & rest break requirements was decisive.

In late 2014 the Federal Motor Carrier Safety Administration published a petition from the Specialized Carrier & Rigging Association (SC&RA) where they asked to be exempted from the federal 30-minute rest break requirement. The WSTA filed supportive comments to the SC&RA request and in June 2015 the exemption request was granted. Importantly, in granting the exemption request FMCSA gave the following justification:

"FMCSA has evaluated SC&RA's application and the public comments and decided to grant the exemption. The arguments against the exemption are not trivial... Nonetheless, finding suitable parking for trucks with OS/OW loads is particularly difficult, as SC&RA pointed out, and the default option is likely to be parking on the shoulder of a highway, with the load sometimes extending into the lanes of traffic. No matter how well marked, trucks parked at roadside, especially at night, are too often mistaken for moving vehicles and struck, frequently with

Continued on page 11

H.R. 5358 Would Allow 18-21 Year Olds to Cross State Lines

At eighteen I began driving tractor-trailers. The year was 1977 and I'd haul beer from Milwaukee's many breweries to distributors within the state. I couldn't cross a state line though, I was deemed under federal law to be too young and by extension unsafe.

When I'd unload at a beer distributor in La Crosse, WI and look across the Mississippi River to La Crescent, MN it was ridiculous to me that somehow crossing over the I-90 bridge made me magically unsafe.

Fast forward over 40 years and I spent nearly 30 of them as a driver, and accumulated 3.8 million accident-free miles operating throughout the U.S. and Canada. I had absolutely zero formal driver training when I began; I was self-taught. The owner of the trucking company I worked for at that time told me I'd be out of a job if I didn't learn how to at least hook-up a truck to a trailer and be able to pull them into a service bay. I also drove a school bus on regular routes and charters throughout S.E. Wisconsin – not a rural environment. That's how my commercial driving career began, which isn't a much different pathway than many older veteran drivers.

Today the trucking industry has difficulty getting and retaining truck drivers. There are many reasons for this and way too much hyperbole blaming the situation solely on driver pay issues. Personally, the lifestyle of having to check-out from having a "normal life" of being around friends and family is a huge drawback to many younger (and older) people. However, the industry is still losing a lot of potential new, young drivers simply because of an outdated federal prohibition against crossing a state line until age 21.

At eighteen I was single and unattached and had the "wanderlust," I wanted to see the country. Being apart from friends and family wasn't high on my list as a career disqualifier. However, running around doing "short-haul" work didn't have the same appeal to me as hitting the open road. If the trucking industry wants to become a viable career path for younger people, the restriction against crossing state lines needs to be removed.

A bill in congress introduced by California congressman, Duncan Hunter (R-CA 50th District), the Developing Responsible Individuals for a Vibrant Economy or DRIVE Safe Act (H.R. 5358) would allow 18-21 year old CDL holders to cross state lines.

The bill establishes significant classroom and behind the wheel training requirements, much more than the current Entry-Level Driver Training final rule. It establishes performance benchmarks, specific requirements on the type of equipment to be operated as well as having to be accompanied by an experienced driver during their apprenticing. These are exactly the kinds of requirements certain groups have always wanted, but now oppose when it comes to allowing 18-21 year olds to cross state lines.

Many of my peers on either side of 60 years old disagree with allowing 18-21 year olds to cross a state line in a truck. When we discuss our personal experiences of entering the industry, I hear the usual refrain, "it was a different time and we were more "mature." Really? In 1970's Wisconsin we all enjoyed the ability to drink alcohol in the taverns at age 18 and I was anything but a saint with that freedom, no different than most others at that time. The "maturity" argument shouldn't be applied to an entire group of people.

It's ironic that many opponents of this bill hail from my generation and refer to younger people as "kids." Two of my "kids" were deployed in combat zones last year when American's were celebrating Independence Day. They served with other "kids" in the most dangerous environment our country can ask of anybody. Disparaging name-calling is offensive to younger people and ignores those who are deserving of greater opportunities.

Many opponents of this bill cite safety data gleaned from the general driving population of 18-21 year olds, not specific to CDL holders. My personal experience tells me that at this age you are keenly aware that any crash will end your truck driving career.

Another reason often cited to oppose lifting the restriction is economics. Many say access to a younger market is all about chasing lower cost drivers. This argument is a red-herring. It doesn't matter at what age one decides to get a CDL for the first time, 18 or 50 years old, new drivers at any age virtually always will be paid less initially. If someone at 18 has to wait until they're in their early 20's in order to begin a trucking career, the economic effect is exactly the same.

Many high school graduates do not go onto college and H.R. 5358 would give 18-21 year olds a pathway to enter an industry under a very controlled process that I believe would result in excellent, safe, well trained drivers.

Petition to Preempt Meal & Rest Break Rules – from page 11

fatal consequences, before an inattentive driver can correct his mistake. (Emphasis added).

There it is; the safety related rationale for our preemption request – missed by everyone else and not used effectively in any legal case thus far. It is ultimately about where do you park a long combination vehicle to comply with California requirements? We all know the answer, alongside a roadway – the most unsafe place of all. Our petition narrowly focuses on our members who transport permit loads within California. The goal is simple: get the safety rationale accepted by USDOT once and for all and expand it later.

The lack of available, safe truck parking is a national issue, recognized by congress. It's time USDOT recognized the negative safety ramifications from continuing to allow any state to insert itself into the hours-of-service of drivers. The only winners have been plaintiff's lawyers.

Membership Services



Rudy Navarrete

Rudy@WesTrk.org



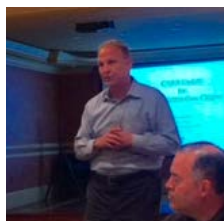
Action in the Chapters

Golden Gate Chapter

The Golden Gate Chapter gathered in Fremont, CA on Tuesday evening May 22nd. Chapter chairperson Jim Vergara brought the meeting to order at six p.m. sharp. There were over 60 attendees at the meeting due to a recent CA Supreme Court decision regarding the use of owner-operators that has many members concerned.



The meeting began with WSTA Insurance Managing Director Chris Mitchell giving an overview of our recently launched, association-owned, WSTA Insurance Services. Members' insurance premiums are continually increasing and coverage choices diminishing – especially workers compensation. This in-house service will be a great boost for the WSTA and its members; it allows us to act as a “one-stop shop” to meet the needs of motor carriers.



WSTA Insurance Managing Director Chris Mitchell

WSTA's endorsed CARB specialist, Sean Edgar of CleanFleets.net, did a PowerPoint presentation updating members on CARB changes to the Truck and Bus rule as a result of the CTA lawsuit challenging many of the extensions WSTA helped create. He also discussed coming changes to smoke testing regulations. He also discussed how CARB, DMV and CHP

will have an increased role in keeping noncompliant fleets off the road. We always appreciate Sean's passion in keeping our members up to speed.

Lastly, Pat and Kirk as part of association legal counsel discussed the April 30th California Supreme Court decision in the Dynamex case that established an A-B-C test to determine whether someone is an independent contractor. The association is preparing a lawsuit to challenge the decision. It was evident that the attendees were very anxious about this case. Pat and Kirk were prepared for the barrage of comments and they were very thorough in answering questions. As with our entire membership, the members at this meeting are upset about the implications of this decision on their businesses. They want to help in any way possible from raising litigation funds to educating lawmakers on the impact to their businesses.



Sean Edgar of CleanFleets.net



Pat Whalen on left and Kirk Blackburn of Ellison Wilson Advocacy, LLC

I am always available and committed in helping you all whenever you want to contact me, Rudy Navarrete at 909-329-5673.

Scholarship Fundraiser in Hollister



The WSTA Scholarship Awards Program would like to thank all those who volunteered and made donations for the 2nd Annual Safety Summit/Scholarship Awards Program fundraiser in Hollister on Saturday June 2, 2018.

This event would not have been possible without the efforts of WSTA member and Monterey Chapter Chair Tom Santoro. Tom spent countless hours promoting the fundraiser and donated all the drinks – thank you Tom!

A special thanks to the local CHP, to Kevin and Deleta McKenzie for their hospitality by hosting the event on their property, to Lee Brown, Lorrain Perluss and Chris Mitchell for flying in and helping with all the miscellaneous duties, to Natalia Edgar, Bob Navarrete and Arlene Costello for working food booths, and to John Pitta made sure we had dessert by donating three beautiful cakes.



The following folks generously donated money, silent auction items, and their time for the event. Here is the list, in no particular order:

Noreen Poli – F.A. Poli Trucking, Bill Aboudi – OMSS Trucking, Danny Rocha – D. J. Rocha Trucking, Sean Edgar – CleanFleets, Steve Hoke – Diesel Emissions Service, Aaron Rodriguez – G. O. Rodriguez, Sandra Alzate – Southwest Trucking Group, AADT, WSTA, Mark Marriott – Village Nurseries, Alex Gilmette – PEOPLEASE, Ashley Porter and Chuck Flach – TEC Equipment, Denny Mahler – Granitrock, Betty Plowman, Carol Pruett, Jim Vergara – San Jose Transport, Jay Johnson – Jay Johnson and Associates, Jennifer Davis – Goodyear, Dan Bertrand – Coremark Insurance, Steve Tansey – Pacific Truck Parts, Matt Costello – Watsonville Grading and Excavating, Inc. and the Cowboys Café.

WSTA MEETING DATES

Meeting Date	Day	Confirmed/ Tentative	Time	Description	Location	Address	Contact	Contact Cell #
July 17, 2018	Tues.	Confirmed	6-8:30 p.m.	Golden Gate Chapter Meeting	Spin a Yarn Steakhouse	45915 Warm Springs Blvd. Fremont, CA 94539	Jim Vergara	(408) 640-4291
July 21, 2018	Sat.	Confirmed	9-11 a.m.	San Diego Chapter Meeting	Ranch House Restaurant	11510 Woodside Avenue Santee, CA 92071	Jesus Fuentes	(619) 520-5499
August 4, 2018	Sat.	Tentative		Modesto Chapter Meeting			Danny Rocha	(209) 652-6995
August 11, 2018	Sat.	Tentative		Coastal Cities Chapter Meeting			David Grande	(805) 290-5213
August 2018	TBD	Tentative		Monterey Bay Chapter Meeting			Tom Santoro	(831) 750-7825
August 18, 2018	Sat.	Tentative		SoCal Chapter Meeting			Marco Silva	(818) 665-8159
August 22, 2018	Wed.	Confirmed		San Fernando Valley Chapter Meeting			Chris Silva	(818) 665-5767
October 12-13, 2018	Fri. & Sat.	Confirmed	All Day	77 th Annual Board Meeting	Nugget Casino Resort	1100 Nugget Avenue Sparks, NV 89431	Lorraine	(909) 982-9898
February 2019	Fri. & Sat.		All Day	Winter Board Meeting	In Ontario		Lorraine	(909) 982-9898
June 2019	Fri. & Sat.		All Day	Summer Board Meeting	In Ontario		Lorraine	(909) 982-9898

Save these dates! Please join us at your local chapter meetings and come to the annual board meeting to stay up to date and involved!



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Greg Dineen

Greg Dineen & Associates

Greg@GregDineen.org



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Office: (760) 249-4376

Multiple Permitting and FHWA Clarification for Non-Divisible Loads

In my last report we discussed what authority a local city or county has when regulating truck travel through their jurisdiction and at what cost. The California Vehicle Code (CVC) 35780 clearly states that the Department of Transportation shall determine standards and conditions upon which permits shall be issued.

Caltrans has always been the lead agency setting regulations for other agencies to follow. That doesn't mean that everyone is completely satisfied with what they have determined to be workable for their agency. If any permit is not in compliance with those standards and conditions, it shall be considered invalid, and this is where cities and counties can burden you with additional restrictions.

The vehicle code is very clear that a local agency can't charge any additional fees that increase the cost to exceed Caltrans permit fees. There have been discussions over the past several years about increasing permit fees, and it recently came up again at a meeting in Sacramento.

Most loads locally can take up to five permits to make a complete delivery legally. You start out for example in Hemet going to Los Angeles; you will need two city permits, two county permits and a Caltrans permit. Many localities have been waiting for Caltrans to authorize the increase of their fees, so when the state does they can raise their fees too. You may or may not see any additional restrictions in their permit regulations since it's really up to the agencies whether the load is safe or not to travel through them. They could very easily require a bond for any road damage that may occur during the operation. So make sure you do your due diligence if that should occur, and the most important thing is that you video tape the route before and after the project to avoid any misunderstanding of what you might be responsible for.

When you're dealing with repetitive loads such as import or export hauling it's a good idea to make it a general practice to video tape the roadway you'll be using. This is to record any damage that may have already occurred so you're not accused of damage that may not be your responsibility. Let me share a personal experience that took place while I was building my house in Wrightwood. I live on a private drive shared by two other property owners. I had 1000 yards of material imported and not long after the material was hauled in my contractor said my neighbor stopped by and mentioned there was damage on the 700' asphalt driveway. I talked to the neighbor about the areas he was concerned with. He gladly walked down the driveway to the areas and insisted the trucks tore up the driveway. I wasn't sure just



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where he was talking about but I did have the pictures I took prior to the grubbing of the site. He was right, the asphalt was starting to come apart, we could agree on that but when I pulled out the pictures it was obvious the pictures showed this exact location and nothing had changed from when I took the pictures. So even in your personal lives, it's a good idea to cover yourself, whether you're doing the hauling or someone is going over your property, documentation always helps.

Non-divisible loads

I have a simple analogy about non-divisible loads. I can obtain an overweight transportation permit for a 75 ton boulder but I can't get a permit for 75 tons of boulders since the 75 tons of boulders is considered a reducible load.

Caltrans definition

- **Non-Reducible Load** – A non-reducible or non-divisible load is a load that consists of a single item that is usually large and heavy such as a piece of construction, industrial, or structural equipment or machinery.
- **Reducible Load** – A load that can be reasonably reduced in size or weight by removing elements or parts of the load.

Per CVC section 320.5 An "extralegal load" is a single unit or an assembled item which, due to its design, cannot be reasonably reduced or dismantled in size or weight so that it can be legally transported as a load without a permit as required by Section 35780 (CVC).

VEHICLE CODE – VEH-DIVISION 15. SIZE, WEIGHT, AND LOAD [35000-35796]

(a) The Department of Transportation or local authorities, with respect to highways under their respective jurisdictions, may, at their discretion upon application and if good cause appears, issue a special permit authorizing the applicant:

- (1) To operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in this code.
- (2) To use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting upon the roadway but by means of a flexible band or chain.
- (3) Under emergency conditions, to operate or move a type of vehicle otherwise prohibited hereunder, upon any highway under the jurisdiction of the party granting the permit and for the maintenance of which the party is responsible.
- (4) To operate or move a vehicle or combination of vehicles transporting loads composed of logs only for the purpose of crossing a highway from one private property to another without complying with any or all of the equipment requirements of Division 12 (commencing with Section 24000) and Division 13 (commencing with Section 29000). These crossings shall

be as near to a right angle to the roadway as is practical and shall not include any travel parallel to the roadway. The Department of Transportation shall determine standards and conditions upon which permits shall be issued and any permit not in compliance with those standards and conditions shall be invalid, except that a permit may contain more restrictive conditions if the issuing authority deems it appropriate.

(b) Under conditions prescribed by the Department of Transportation or the local authority, the Department of Transportation or local authority may accept applications made by, and issue permits directly to, an applicant or permit service by any of the following processes:

- (1) In writing.
- (2) By an authorized facsimile process.
- (3) Through an authorized computer and modem connection.

Caltrans definition

Non-Qualifying Load – A "non-qualifying load" is any load that either does not comply with CVC 320.5 or does not justify the size or use of the hauling vehicle combination. STAA vehicles traveling on non-STAA routes without a load to justify the vehicle combination are illegal. See STAA.

The Federal Highway Administration (FHWA) responded to a letter sent by the Specialized Carrier & Rigging Assoc. to clarify a long-standing definition of "non-divisible load" that has been interpreted very differently between states and even within various jurisdictions within states.

Responding to the request from SC&RA the FHWA stated in a letter dated April 12, 2018: "As you (SC&RA) assert, the word, 'or' at the end of (II) means that a load that meets any one or more of the three definitions shall be considered non-divisible. States are required to use the Federal definition only when considering whether to issue a non-divisible load permit allowing an overweight vehicle or load to operation on the Interstate System and roads providing reasonable access to and from the Interstate.

The Federal Definition 23 CFR 658.5 - Non-divisible means any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles would:

- (i) Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;
- (ii) Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or
- (iii) Require more than 8 work hours to dismantle using appropriate equipment.

For decades, several states have with respect to extra equipment on mobile cranes, hung their hat exclusively on (iii) where of course, removal of counterweights, etc., typically takes far less than 8 work hours to dismantle. With this new clarification, FHWA asserts that loads may still be defined as "non-divisible" if the removal of the objects will make it (the load) unable to perform the function and/or unusable for which it was intended.



CARB Tightens Smoke Testing, Low Use & Engine Warranties

CARB is increasing its monitoring of diesel truck fleets in advance of the 2020 deadline to link with DMV on vehicle registration. Over the next few years you can expect DMV to treat your diesel trucks like they have treated gasoline vehicles for decades – no smog test, no registration. You can also expect that by the end of this year, the ability to operate a pre-2007 engine “low-use” with no filter will be restricted. Finally, to protect consumers from costly repairs, the engine manufacturers will be compelled to warranty emissions repairs for an extended period. The summary below should remind members to ensure they have a solid plan and team to implement these changes in regulation.

Tighter Smoke Testing Requirements: At its May 25 CARB Board meeting, the board approved: 1) lower opacity limits in 2019, 2) mandatory electronic reporting over the next five years, 3) sellers of vehicles need a smoke test, and 4) smoke tester training requirements. The Board asked the staff to return with a demonstration of how the reporting system will work with a 2023 deadline for fleets to transition to uploading test results electronically. Single diesel truck owners remain exempt from this Periodic Smoke Inspection Program (PSIP) enhancement.



Mandatory Reporting and Training: It appears TRUCRS will be upgraded to accept this mandatory reporting. For those that are familiar with TRUCRS it has not always been an easy task to accomplish Truck and Bus Regulation reporting (required for most fleets in 2012). All smoke testers must have mandatory training. In-house staff or outside contractors need to undergo training. Any company (like ours) that charges a trucker (like you) for a service should have competency, insurance, training and stand by their work strongly enough that they will undergo an audit of the emissions program with and for you. You hire professionals to represent you and help you and you are entitled to competent people whether it is CleanFleets or anyone else charging you for a service.

Link to Maintenance: Because of limits dropping from 40% to 5% on DPF-equipped trucks, you will need a solid engine and filter maintenance program to be successful. Just like any other filter on the engine, the diesel particulate filter must come off for cleaning. CleanFleets has two facilities available to members in SoCal. Any engine condition that could load the filter with excess smoke, oil, coolant or fuel

must trigger a cleaning event to protect against filter failure. If you are not sure what the cleaning frequency is for every filtered truck in your fleet, call us. The bottom line is that with the new changes, a failing smoke test will trigger mandatory repairs and retesting to operate the truck legally over the road.

CTA Lawsuit Update

On January 31 the 5th Appellate District of the California State Appeals Court released their decision in John Lawson Rock and Oil & CTA's lawsuit against CARB. The Court ruled in CTA's favor, finding that CARB erred in both the required environmental and economic analyses which accompanied the 2014 amendments to the Truck and Bus Regulation. CARB will eliminate several flexibility provisions. Any remaining “low use” vehicles that comply with the 2018 maximum of 5,000 miles should be able to re-register for low use of 1,000 miles per year in 2019 or beyond. Dump trucks will have no engine hour limit but other vehicle types may. A formal document from CARB is expected soon. Members that were expecting the NOx Exempt requirement to extend to 2020 are instructed to filter or replace or low-use the truck by the end of 2018.

Engine Warranty Enhancements: CARB just adopted new engine warranty provisions that will primarily impact WSTA members in 2022 and later by

- Removing the 3,000 engine hour warranty under current regulation and increasing it to five years or 350,000 miles; and
- Increasing obligations of engine dealers to warranty emissions component failures.

CleanFleets will provide additional information on this recent CARB change. We continue to monitor and assist members on all these issues and welcomes your comments. You can email Service@CleanFleets.net with any questions related to this article or call 916-520-6040 Ext 102 for discounted services for WSTA members.

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What Do You Know?

It seems that weekly I read an article or two about the changing methods and materials being used in construction. Not just in California but nationwide. Many of them will affect concrete pumping.

The trend to prefabricated homes is growing and the finished product does not look anything like a shoe-box. They look much like traditional housing but they can be built far quicker and therefore for less expense.

The builder finds an unused warehouse or may build one with the intention of selling it after the development or developments are done. They can relocate once the operating radius becomes too expensive. But because the house components are made to fit a standard flatbed trailer the trucking costs are reasonable. The exterior panels are sized and numbered for sequential assembly on site by a minimal crew and can be completed in two or three days.

The actual fabrication at the home base is done by a crew that is efficient due to a workplace that does not change, materials that are handy and the standardized system. All required trades are in sync and are not subject to weather or access hassles.

To begin with, the actual foundation will have been scrutinized for cost efficiency and ease of placement. The minimal required yardage and mix design will also be reviewed. Pumpers might find prefabricated foundation segments are used or alternative placement methods are selected. All this means things can change for concrete pumping. Your booms length and speed in moving will be judged more than ever before. Also, operator skills and your overall professionalism will become important. As the project builds out the new homeowners will be watching and be critical of being inconvenienced. In today's world any company providing home owner services, heating, landscaping, plumbing is expected to present a clean, neat and courteous representative.

Commercial or General construction is also changing and in ways you cannot afford to ignore. Again, the choice of materials used is currently being revisited. Lumber or wood products are being used for medium 10 to 12 story buildings. A wood building means of course that once the foundation is pumped your participation is over. National concrete-focused associations are working to promote the value of concrete structures, they need your support.

When larger structures are being planned one option is to prefabricate the floors off-site at a casting yard. Keeping



the floor panels to a standard size for simplicity and speed. The size and weight are calculated for ease of transport to the site, using standard trailers and trucking. In many cases a larger tower crane may be required but the overall accelerated completion date may offset the cost. The fact that the assembly process is simple and unchanging speeds the process and the crew is more productive. Once again, the pumping is done or minimal once the foundation is completed. You might consider looking at the casting yard placement.

The next type of work that is changing constantly is Public Works, airports, water works, transit and may others.

The owners and builders will again be looking at the latest in building materials, types of high tech cement, aggregates and water substitutes. You will be expected to pump this material without problem. You will also be evaluated on your overall company's suitability to be on the job.

As you look at the different categories of pumping you have done and do and hopefully will continue to do one

thing is clear, the methods and rules are constantly changing and you must be aware and able to meet these challenges. Rules & Regulations are the biggest barriers to success. Be knowledgeable.



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Steve Cooley, Attorney at Law Retired- District Attorney, Los Angeles County

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(attorney advertisement)



WestStateAlliance.org

WSTA Member Becomes First to Deploy Electric Truck at Port of Oakland

Partnership Between Orange EV and OMSS with Assistance of the BAAQMD

Orange EV and Oakland Maritime Support Services (OMSS) announced on June 26th the deployment of an Orange EV T-Series pure-electric terminal truck to its operations serving the Port of Oakland, the San Francisco Bay Area's largest seaport and 5th busiest in the U.S. Through this deployment, OMSS will eliminate yard truck emissions, better serve the port drayage trucking fleet, and reduce the impacts of trucking within West Oakland.

"OMSS is now operating the first commercially-deployed, 100% electric Class 8 truck in the Port of Oakland," said Mike Saxton, Chief Commercial Officer for Orange EV. "Bill Aboudi is community leader and staunch advocate for alternative fuel technologies. Many fleets continue to purchase diesel, but OMSS chose Orange EV's pure electric."

Aboudi is inviting interested fleets to visit OMSS, see the Orange EV truck, and understand its capabilities. "The technology is here; it does the job, and is ready for prime time right now. We understand that people need to see it to believe it, so we'd welcome those interested to call and come visit. We love showing off the truck."

OMSS provides parking and services for truckers who move containers to and from the Port of Oakland, thereby alleviating street congestion in West Oakland. To further reduce the impacts of truck activity within the community, OMSS has continued to add services. The new OMSS Center, expected to be complete within two years, will expand current offerings while adding office space, food services, truck scales, a trans-load facility, and more.

"The OMSS mission is a community mission," said Bill Aboudi, President of OMSS. "We strive to serve the trucking community while also significantly reducing emissions, noise, and truck activity in West Oakland. We're proud to work with the City of Oakland on this valuable project, and grateful for the ongoing support from Council members Lynette Gibson McElhaney and Rebecca Kaplan."

Brian Beveridge, Co-Director of the West Oakland Environmental Indicators Project, commented, "It's exciting to see the zero emissions revolution finally getting a foothold at the Port of Oakland, and we are proud that a good friend of the community like Bill is taking the lead with Orange EV's technology. Every diesel engine that is

replaced with electric is a step toward a cleaner and healthier community in West Oakland."

OMSS uses terminal trucks to move and pre-stage containers for truckers utilizing OMSS facilities. Before purchasing the Orange EV truck, OMSS researched alternatives. "We looked around, but other electric trucks were too heavy, couldn't meet our operating requirements, or weren't ready for market," stated Aboudi. "The yard hostler is critical to our operations, so we naturally wanted to go with the industry leader. That's Orange EV. They specialize in electric hostlers and it shows. The Orange EV truck looks the same, acts the same, and does the same job as our current hostler, but is much easier to operate and maintain, and has zero emissions."

Port of Oakland Terminal Wants Clean Hybrid Cargo-Handlers

Oakland's largest marine terminal operator plans to clear the air using hybrid cargo-handling technology. SSA Terminals said on June 26th it will retrofit 13 diesel-powered cranes with diesel-electric hybrid engines. The upgrade is estimated to eliminate more than 45 tons of exhaust emissions annually at the Port of Oakland.

The projected cost to upgrade the cargo-handlers, known as Rubber Tired Gantry Cranes, is more than \$6 million. The Bay Area Air Quality

Management District this month approved a \$5.1 million Community Health Protection Grant Program / Carl Moyer Program allocation for the project. The cranes will continue to operate at SSA's Oakland International Container Terminal in the Port.

"We're delighted that SSA is taking a lead role in curbing emissions," said Port of Oakland Maritime Director John Driscoll. "And we're grateful that their initiative has the support of the Air District."

SSA's hybrid cranes will operate primarily on electricity with diesel used only for battery charging. The cranes will also regenerate battery power while lowering containers, which can weigh more than 30 tons.

The Port estimated that hybrid cranes would reduce emissions of some air pollutants by 99 percent. It projected that greenhouse gas emissions from the cranes would fall by a minimum of 40 percent. As part of the grant SSA will also be evaluating the feasibility and promote the future deployment of zero-emission cargo-handling equipment.



Please Patronize the Following Businesses that Support the West State Alliance at the Port of Oakland



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U.S. Department of Transportation

**Federal Motor Carrier Safety
Administration**

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Retention of Records

We are over halfway through the year and we have been fielding tons of phone call from our clients. One type of call specifically stands out, Retention of records. The following are the requirements that all motor carriers must meet when it comes to compliance with DOT rules:

382.401 Retention of records.

(a) **General requirement.** Each employer shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.

(b) **Period of retention.** Each employer shall maintain the records in accordance with the following schedule:

(1) **Five years.** The following records shall be maintained for a minimum of five years:

- (i) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater;
- (ii) Records of driver verified positive controlled substances test results;
- (iii) Documentation of refusals to take required alcohol and/or controlled substances tests;
- (iv) Driver evaluation and referrals;
- (v) Calibration documentation;
- (vi) Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations; and
- (vii) A copy of each annual calendar year summary required by §382.403.

(2) **Two years.** Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) shall be maintained for a minimum of 2 years.

(3) **One year.** Records of negative and canceled controlled substances test results (as defined in part 40 of this title) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

(4) **Indefinite period.** Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

(c) **Types of records.** The following specific types of records shall be maintained. "Documents generated" are documents that may have to be prepared under a requirement of this part. If the record is required to be prepared, it must be maintained.

- (1) Records related to the collection process:
 - (i) Collection logbooks, if used;
 - (ii) Documents relating to the random selection process;
 - (iii) Calibration documentation for evidential breath testing devices;
 - (iv) Documentation of breath alcohol technician training;
 - (v) Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;
 - (vi) Documents generated in connection with decisions on post-accident tests;

- (vii) Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing; and
- (viii) A copy of each annual calendar year summary as required by §382.403.

(2) Records related to a driver's test results:

- (i) The employer's copy of the alcohol test form, including the results of the test;
- (ii) The employer's copy of the controlled substances test chain of custody and control form;
- (iii) Documents sent by the MRO to the employer, including those required by part 40, subpart G, of this title;
- (iv) Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this part;
- (v) Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered under this part; and
- (vi) Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that the employer:
 - (A) Must obtain in connection with the exception contained in §382.301, and
 - (B) Must obtain as required by §382.413.

(3) Records related to other violations of this part.

(4) Records related to evaluations:

- (i) Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance; and
- (ii) Records concerning a driver's compliance with recommendations of the substance abuse professional.

(5) Records related to education and training:

- (i) Materials on alcohol misuse and controlled substance use awareness, including a copy of the employer's policy on alcohol misuse and controlled substance use;
- (ii) Documentation of compliance with the requirements of §382.601, including the driver's signed receipt of education materials;
- (iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;
- (iv) Documentation of training for breath alcohol technicians as required by §40.213(g) of this title; and
- (v) Certification that any training conducted under this part complies with the requirements for such training.

(6) Administrative records related to alcohol and controlled substances testing:

- (i) Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, consortia, and third party service providers;
- (ii) Names and positions of officials and their role in the employer's alcohol and controlled substances testing program(s);
- (iii) Semi-annual laboratory statistical summaries of urinalysis required by §40.111(a) of this title; and
- (iv) The employer's alcohol and controlled substances testing policy and procedures.

(d) **Location of records.** All records required by this part shall be maintained as required by §390.29 of this subchapter and shall be made available for inspection at the employer's principal place of business within two business days after a request has been made by an authorized representative of the Federal Motor Carrier Safety Administration.

Osteoarthritis – What You Need to Know

By Dr. John McElligott



Your joints telling you a storm is coming? Can you really predict the weather by how your joints are treating you? Studies show that, for those with Osteoarthritis (OA), changes in weather can bring changes in pain associated with OA.

A temperature change of as little as 10 degrees can be “felt” by OA sufferers. Researchers aren’t sure why this happens or why some are more affected than others. They suspect certain atmospheric conditions increase swelling in joint capsules. This validates what drivers have been telling me for more than 30 years.

What is OA? It is a type of disease that results in degeneration of joint cartilage and the underlying bone. If you are middle-aged, you have increased chances of developing OA. It causes pain and stiffness, especially in the hip, knee, and thumb joints. This definition is universal in medicine. It is a natural result of living on earth. Earth’s gravity keeps us from floating away, but it also puts pressure on joints all over the body. The more you use your joints (heavy lifting, a joint injury at some point in your life, athletics, or just a very active lifestyle) the more likely you’ll develop OA.

So, how do you know if you have it? From “The Basics of Osteoarthritis”, at webmd.com:

Symptoms of osteoarthritis most often develop gradually and include:

- Joint aching and soreness, especially with movement\
- Pain after overuse or after long periods of inactivity
- Stiffness after periods of rest
- Bony enlargements in the middle and end joints of the fingers (which may or may not be painful)
- Joint swelling

How does weather affect joint pain? Generally, increased pain is associated with a drop in temperature, a decrease in air (barometric) pressure, or an increase in humidity (any one or all of these). A driver with OA in one or more joints, most likely the hips and knees, feels the changes in the weather for one or more of these reasons:

1. Barometric pressure – A decrease in barometric pressure means there is less atmospheric pressure to hold down swelling. This causes tender joint tissue to swell and cause pain.
2. Temperature – Warmth soothes joint tissue and eases pain. Cold weather has the opposite effect. Cold temperatures shrink and stiffen joint tissue, pull on nerves, and cause pain.
3. Humidity – An increase in humidity is often associated with approaching rain. If the rain is associated with a cold front, the environment cools and joint pain increases.

An Arthritis Index based on a proprietary forecast prepared by staff meteorologists is available at www.arthritis.org. Once you get to this web page, look in “Living with Arthritis”, “Tools & Resources”, and then “Weather and Arthritis”.

Remember that age and/or previous joint injury are contributing factors that affect every joint from your neck to your toes.

So, it is not an old “wives tale”. Truckers with arthritis really may be able to tell when the weather is going to change. The

next time you OA radar starts activating, what can you do about joint pain and stiffness? Try these tips:

1. **Dress Warmly** – When it’s cold, layer up your clothes and gloves.
 2. **Layer Up** – Layers can be peeled off or put back on as conditions change (this includes gloves)
 3. **Hydrate** – Especially in dryer climates. Even mild dehydration could increase joint pain.
 4. **Lose Weight** – Weight loss will likely ease the intensity of OA.
 5. **Stay Limber** – Check with your doctor to make sure it is okay. Do Yoga, stretch, move your joints. Whenever possible get up and get moving.
 6. **EXERCISE, EXERCISE, EXERCISE!** Every day for at least 15-20 minutes, the more vigorous, the better. An exercise log keeps you accountable and documents the negative effects should you slack off. Depending on the source(s) of your pain, following are other things to try:
 - Walk or jog around your truck (about 31 laps equals one mile) or use the trails at TA-Petro locations
 - Low-impact exercises are easy on the joints
 - Push-ups can be effective
 - Hip and shoulder rotations are good
 - Even shoulder shrugs can help
 - Finger massages and opening and closing your fingers (make a fist and then open your hand all the way). Do this as often as you can.
 - Head tilts and turns work neck joints
 - Tighten (for 10 seconds) and relax all your major muscle groups, three times each (including your abdomen and lower back muscles) 3-4 times a day.
- As I mentioned above, create a workout routine and utilize it at least 3-4 times each week. Equipment is not necessary to get adequate exercise. But you can bring along stretch bands or straps (stretch band systems especially designed for truckers are commercially available). A pair of dumbbells or even equipment from your rig can also work. Don’t forget about the well-equipped Fitness Rooms at most TA-Petro locations followed by a nice hot shower.
7. **Warm Water Helps** – When possible, working out in a warm pool is especially good for loosening stiff muscles, strengthening joints and easing discomfort. Water provides resistance, while lifting weight from aching joints.
 8. **Supplement Vitamin D** – Low levels of vitamin D affect how sensitive you are to OA. Arrange to visit your doctor. Discuss your joint pain and stiffness, and find out if anti-inflammatory medication is right for you.

For any four-wheelers reading this, take it seriously when a trucker tells you it is going to rain, get colder, or the humidity is rising because he or she will be right 90% of the time. When I hear this, I think about heading to warm dry climates like Texas, New Mexico, Arizona, and Southern California during the coldest, dampest months of the year. By listening to what your body is telling you, you can better control the pain of OA. Submit your questions to info@docjmd.com.



Reporte de Presidente

Danny Rocha

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La Decisión de la Corte Suprema de California Realmente no es Buena Para Nadie

Justo cuando crees que la política de este estado no podría empeorar ...toma, sucede algo totalmente inesperado. Una vez más nos encontramos en el negocio del transporte por carretera bajo el control de las leyes de California (y sus extrañas interpretaciones). La decisión legal / política más reciente realmente evitará que las pequeñas empresas prosperen ... y no solo en la industria del transporte por carretera, sino virtualmente en todas las empresas que utilizan contratistas independientes.

WSTA tuvo una junta directiva en San Diego el 23 de Junio, que tuvo una participación bastante sólida ya que planeamos abordar este tema en particular en la reunión con la ayuda de nuestros asesores legales. El tema principal de discusión obviamente fue la decisión Dynamex de la Corte Suprema de California que obliga a prácticamente todos los contratistas independientes a convertirse en empleados de aquellos con quienes deciden contratar o trabajar. Muchos miembros que asistieron expresaron sus preocupaciones sobre cómo afectaría sus negocios y gracias a nuestro equipo de abogados formado por Brooks, Pat y Kirk, pudieron aclarar cómo este juicio los afectaría de manera única. Y, de hecho, estaban dispuestos a ofrecer a los miembros una tarifa descontada de \$ 2,000 para examinar el modelo de negocio de los miembros y proveer alguna orientación sobre cómo limitar potencialmente su responsabilidad al usar contratistas independientes o propietarios únicos.

Aunque el Comité Ejecutivo de WSTA ya se había comprometido a demandar al estado de California el 28 de Mayo a través de una conferencia telefónica y voto unánime, en esta reunión del 23 de Junio, la Junta acordó con esa decisión y estamos procediendo con nuestra demanda y esperamos tenerla archivada a mediados de julio.

Animo a todos a asistir a la junta directiva del 12 y 13 de Octubre, que se llevará a cabo en el área de Reno / Sparks en el recientemente renovado Nugget Casino Resort, 110 Nugget Ave., Sparks. El personal indicó que las tarifas de las habitaciones son muy favorables, alrededor de \$ 90 / noche. The Nugget está por terminar con dos tercios de dos renovaciones de más de \$ 150 millones bajo la dirección de un nuevo CEO. Desde finales de 2013, cuando se finalizó la venta de Nugget a Marnell Gaming, sus nuevos propietarios han renovado más de la mitad de las habitaciones, todo el centro de convenciones, restaurantes y casino. El Nugget

continúa en la pagina 23

La Propuesta de Ley Reduciría los Requisitos de Edad para alguien con Licencia de Conducir Comercial para Cruzar Líneas Estatales

Una nueva idea para ayudar a la industria de transporte con su presunta escasez de conductores tiene el beneficio adicional de proporcionarles trabajo a los recién graduados de la escuela secundaria y ahorrarles toda la carga de préstamos estudiantiles para títulos universitarios que tal vez nunca utilicen.

La mayoría de las personas se gradúan de la escuela secundaria alrededor de los 18 años y la industria de transporte está perdiendo una gran cantidad de jóvenes reclutas cada año porque la ley federal dice que deben tener 21 años para llevar un tráiler-tractor a través de las líneas estatales con su licencia de conducir comercial. Los estamos perdiendo para otras carreras: construcción, ventas, el ejército ... otras carreras abiertas a personas a la edad de 18 años.

Es por eso que el Representante estadounidense Duncan Hunter (R- 50 CA) patrocinó un proyecto de ley (HR 5358), con un título realmente largo (Ley de Desarrollo de Individuos Responsables para una Economía Vibrante o DRIVE-Safe Act), el 21 de marzo de este año, con cuatro co-patrocinadores.

“Desafortunadamente, vemos que muchos jóvenes estadounidenses enfrentar la opción de asumir miles de dólares en deuda universitaria o entrar a un mercado de trabajo con malas perspectivas para los trabajadores no capacitados”, dijo el congresista Hunter. “Mi legislación aborda este tema en la industria del transporte al permitir que conductores calificados menores de 21 años participen en un programa intensivo de operación de vehículos y entrenamiento de mentores y aprendices, lo que les permite cruzar las fronteras estatales y transportar mercancías por todo el país”.

Las principales disposiciones del proyecto de ley de siete páginas incluyen requisitos para que las personas completen un programa que consta de dos períodos de prueba consecutivos en los que un aprendiz debe completar por lo menos 400 horas de tiempo de trabajo con al menos 240 horas de manejo acompañado de un conductor profesional mentor calificado.

“Podemos permitir que un joven de 19 años conduzca nueve horas hasta Gary, Indiana, y de regreso a Jeffersonville, pero no pueden conducir los 10 minutos hasta Louisville [Kentucky, al otro lado del río Ohio]”, dijo el jefe de Hunter co-patrocinador, representante de los EE. UU. Trey Hollingsworth de Indiana.

“Esto realmente permite a las empresas de transporte en todo el distrito, estado y país volver a entregar sus productos de manera oportuna con la fuerza de trabajo que necesitan”, dijo Hollingsworth. Añadió que podría mejorar la seguridad en las carreteras.

“No hace nada para reducir los requisitos de seguridad”, dijo Hollingsworth. “Solo digo que les permitamos [a los conductores menores de 21 años] la posibilidad de cruzar las líneas estatales después de que pasen por un riguroso programa de seguridad”.

La industria necesita más conductores jóvenes. La edad promedio de los conductores actuales cruzó la línea de 50 años este año. El Comité Ejecutivo de WSTA votó a favor de H.R. 5358 durante la junta directiva de verano en San Diego.



Las Nuevas Generaciones En Mexico A La Vanguardia En La Profesionalizacion De El Autotransporte De Carga

En las recientes reuniones que organiza CANACAR y que hemos tenido el privilegio de atender, hemos notado con gran agrado una gran participacion de jóvenes, de nuevas generaciones que estan revolucionando la industria de el transporte.

Estas son mentes frescas, almas soñadoras, seres humanos que tienen la preparacion necesaria para proponer, para retar, para innovar, para crear nuevas plataformas, para romper patrones y crear formas para funcionar de una manera mas eficiente en donde no se sacrifique el tiempo que un operador pueda convivir con su familia, en donde se busquen las mejores opciones para dignificar la valiosisima labor que nuestros operadores desempeñan entre otras cosas.

El ver a estos jóvenes empresarios en acción, sentir su energia, su pasión, escuchar sus preguntas, sus propuestas, sus ganas de ser parte de un cambio, su inquietud por ir mas alla de las fronteras, conquistar otros territorios y sobretodo ser quienes logren que el transporte en Mexico en cuanto a seguridad no solo compita con Estados Unidos y Canada sino que logre eventualmente ser un ejemplo de empresas seguras me llena de orgullo, satisfacción y esperanza.

Un ejemplo de esto son Arturo Sanchez y Roberto Garcia quienes en 2009 deciden desprenderse de la empresa nacional propiedad de su familia e iniciar su propia empresa: Autotransportes Pilot, S.A. de C.V. En Tlaquepaque, Jalisco Mexico.

Inician este proyecto con un solo tractocamion y con la oportunidad que les brinda el Grupo Modelo inician moviendo cargas de cerveza de Guadalajara a Cancun, crecieron junto con el grupo con las primeras 7 unidades, a 3 años de haber iniciado adquieren sus primeros 5 tractocamiones nuevos contando a la fecha con 70 tractocamiones dando servicio en diferentes puntos de la Republica Mexicana.

Debido a la demanda de operadores que ha afectado por años a nuestra industria, en 2008 esta gran familia inicio con el 1er Centro de Capacitación para Operadores de Autotransporte Federal en Mexico externo a SCT con la 1a autorizacion en el estado de Jalisco y fueron el 3er centro autorizado a nivel nacional. Esto habla no solamente de un



legado de autotransportistas exitosos, habla de su interes de su participacion en buscar soluciones a las problemáticas, de buscar un bien común, de dignificar el trabajo de nuestros operadores, habla de buscar ser empresas seguras, competitivas y de primer nivel.

La falta de operadores comerciales no es solo una terrible problemática en EEUU donde se proyecta una necesidad de cerca de 100,000 nuevos operadores al año sino en Mexico tambien y a la fecha este Centro de Capacitación de operadores ha ayudado de una manera impresionante a mitigar el tremendo impacto que esto genera a nuestra industria y economia nacional.

Nuestro amigo Arturo Sanchez tambien ha sido miembro activo de CANACAR por años y nos comparte su orgullo por haber recibido el nombramiento Prosecretario de Apoyo a la Profesionalizacion del Autotransporte por parte de el Lic. Enrique Armando Gonzalez Muñoz, Presidente Nacional de CANACAR.

En nuestras múltiples participaciones en las conferencias de Commercial Vehicle Safety Alliance en todo Estados Unidos y Canada WESTERN STATES TRUCKING ASSOCIATION y MERAZ CONSULTORES ha estado siempre al pendiente de conseguir las mejores opciones para nuestros transportistas mexicanos que cruzan a EEUU y ahora que CANACAR participe activamente en las conferencias hara que consigamos mejores oportunidades en cuestiones regulatorias, estaremos informados y actualizados y eventualmente tendremos participacion directa donde habrá oportunidad de votar sobre nuevas propuestas, esa es la meta que debemos lograr a muy corto plazo.

Seguiremos la huella de talentos mexicanos como Roberto Garcia y Arturo Sanchez que estan revolucionando a nuestra industria, que estarán participando en plataformas internacionales para compartir y empoderar a los nuestros como lo ha venido haciendo MERAZ CONSULTORES por años, enhorabuena compañeros!

Reporte de Presidente – continuación de la página 22

cuenta con 1,382 habitaciones, un casino de 75,000 pies cuadrados, ocho restaurantes y un centro de convenciones de 110,000 pies cuadrados.

Por lo tanto, espero que estén complacidos con nuestra demanda, que se tratará con gran detalle en este número de revista y tendremos muchas actualizaciones en el boletín electrónico semanal de Lunes por la mañana, así que léanlo ... ¡es realmente una información valiosa!

Gracias,
Danny

“Road Diets” Coming to a City Near You

Here’s a phrase you never want to hear if you driving a truck in a big city – road diet – but it’s a phrase that is, in fact, being used often in the halls of government and the dark corners where environmental activists lie in wait before they go into attack mode.

It was heard earlier this year when a Los Angeles city councilman decreed that no road diet activities in his district...until he approved them.

A “road diet,” is where a government decides to reduce the number of lanes for motor vehicles on a given street or even highway. This practice is sometimes called by synonyms like “lane reduction” or even worse, government-speak like “road re-channelization,” a word not found in any English language dictionary.

Wherever and whenever you hear it, the true meaning is a transportation planning “technique” where the number of road lanes or effective width of the road is reduced. Why local governments would want to do comes in a variety of disguises – pedestrian or bicycle safety are commonly cited – who could possibly be against safety?

The reality is that road diets are part and parcel of the environmental playbook to make life so difficult for those using internal combustion engines to move about that they capitulate to the odious public transit systems, get a bicycle for use in the new bike lanes or walk, known in the parlance of enviros and the once great California Department of transportation as “active transportation.”

Another reason that governments resort to this drastic action is to reduce the amount of money spent to build, expand and maintain roadways, usually so they can spend it elsewhere, on public employee, pension plans for example.



improvements. What does get spent on the roads will almost entirely devoted to maintenance under Governor Brown’s “Fix It First” mantra and his recently renewed five year infrastructure plan.



Joshua Tree's road diet provided new parking spaces along S.R. 62 at the expense of two lanes of highway.

We told you all of this to tell you that “road diet” is bad for trucking and bad for business people who operate next to one of these stripped down roadways.

California cities which have put their roads on a diet include San Francisco, which completed 40 road diet projects, since the late 1970s – the most of any American city – and a city that is notoriously difficult for trucks to navigate. San Jose implemented several road diets since November

2011, when the City Council unanimously adopted its “Envision 2040” General Plan, which calls for road diets on streets “with excess vehicle capacity to provide wider sidewalks, bicycle lanes, transit amenities, and/or landscaping.”

Other California cities experimenting with road diets include Palo Alto, Davis, Los Angeles and hamlets like Joshua Tree which recently had its main street (which doubles as State Route 62) renovated by a Caltrans road diet project which took out two traffic lanes, replacing them

with parking spaces and bike paths.

During the Joshua Tree ribbon cutting ceremony, Haissam Yahya, Caltrans’ acting sustainability asset and innovation manager, announced downtown Joshua Tree’s speed limit will be reduced from 45 to 40 miles per hour. Might be slower if they have a state patrolman sitting by with a radar gun, so watch your speed going through this one road town.

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Don't Tell Anyone, but We Just Had Two Years of Record-Breaking GLOBAL COOLING

Another thing we bet you didn't know

Editor's note: The following article appeared in Investor's Business Daily's editorial page May 16, 2018. Since this association in all of its previous incarnations had been skeptical of the "science" behind global warming climate change particulate matter pollution bogus claims ad infinitum we thought we should pass this very interesting news along, especially since you will not see it in mainstream media. This article is a condensed version of the original which you can find at <https://www.investors.com/politics/editorials/climate-change-global-warming-earth-cooling-media-bias/>

Inconvenient Science

NASA data show that global temperatures *dropped* sharply over the past two years. Not that you'd know it, since that wasn't deemed news. Does that make NASA a global warming denier?

Writing in *Real Clear Markets*, Aaron Brown looked at the official NASA global temperature data and noticed something surprising. From February 2016 to February 2018, "global average temperatures dropped by 0.56 degrees Celsius." That, he notes, is the biggest two-year drop in the past century.

"The 2016-2018 Big Chill," he writes, "was composed of two Little Chills, the biggest five month drop ever (February to June 2016) and the fourth biggest (February to June 2017). A similar event from February to June 2018 would bring global average temperatures *below the 1980s average*."

Isn't this just the sort of man-bites-dog story that the mainstream media always says is newsworthy? In this case, it didn't warrant any news coverage. In fact, in the three weeks since *Real Clear Markets* ran Brown's story, no other news outlet picked up on it.

They did, however, find time to report on such things as tourism's impact on climate change, how global warming will generate more hurricanes this year, and threaten fish habitats, and make islands uninhabitable. They wrote about a UN official saying that "our window of time for addressing climate change is closing very quickly."

Reporters even found time to cover a group that says they want to carve President Trump's face into a glacier to prove climate change "is happening"

In other words, the mainstream news covered stories that repeated what climate change advocates have been saying ad nauseam for decades.

That's not to say that a two-year stretch of cooling means that global warming is a hoax. Two years out of hundreds or thousands doesn't necessarily mean anything. And there could be a reasonable explanation. But the drop in temperatures at least merits a "Hey, what's going on here?" story.

What's more, journalists are perfectly willing to jump on any individual weather anomaly – or even a picture of a starving polar bear – as proof of global warming. (We haven't seen any stories pinning Hawaii's recent volcanic activity on global warming yet, but won't be surprised if someone tries to make the connection.)

We've noted this refusal to cover inconvenient scientific findings many times in this space over the years.

Hiding the Evidence

There was the study published in the American Meteorological Society's *Journal of Climate* showing that climate models exaggerate global warming from CO2 emissions by as much as 45%. It was ignored.

Then there was the study in the journal *Nature Geoscience* that found that climate models were faulty, and that, as one of the authors put it, "We haven't seen that rapid acceleration in warming after 2000 that we see in the models."

Nor did the press see fit to report on findings from the University of Alabama-Huntsville showing that the Earth's atmosphere appears to be less sensitive to changing CO2 levels than previously assumed.

How about the fact that the U.S. has cut CO2 emissions over the past 13 years faster than any other industrialized nation? Or that polar bear populations are increasing? Or that we haven't seen any increase in violent weather in decades?

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ATRI Report Bashes Tolling and Mileage-Based User Fees

By Robert Poole, Director of Transportation Policy, Reason Foundation

Editor's note: This report from transportation expert Robert Poole who takes up the confusing question of how the nation should pay for roadway infrastructure – a vital concern of the trucking industry – and points out that there is a lot of smoke and mirrors surrounding all the fund-raising approaches. Poole's complete report is available at <https://reason.org/transportation-news/surface-transportation-news-171/>

The in-house policy shop of trucking group ATA – the American Transportation Research Institute (ATRI) – released a report in late last year aimed at shoring up per-gallon fuel taxes and dissing both tolling and mileage-based user fees (MBUFs).

The report sets the stage in the usual fashion, showing that vehicle miles of travel (VMT) has far outpaced the growth in highway lane-miles, that congestion imposes large costs on personal and commercial travel, and that much highway and bridge infrastructure is in less than good condition.

It then proceeds to analyze six possible ways to increase highway funding – but actually there are only five, since “financing” depends on a revenue stream from one or more of the other five.

Federal motor fuels taxes (on gasoline and diesel) are defended in traditional ATA fashion – by claiming the very low cost of collection as the primary virtue. But while the industry has historically pegged this cost at 1 percent of the revenue collected, this report introduces a claimed 0.2 percent figure, citing a single academic study. By contrast, a 2011 report from the National Cooperative Highway Research Program (NCHRP Report 689) found that between 2003 and 2007 the collection cost ranged from 0.9 percent to 1.4 percent of revenue, averaging 1.1 percent over that period. (*Ed: Other sources say the loss may be as much as 4.5 percent*)

ATRI's report next takes on tolling, whose cost ATA has usually estimated as in the 20-30 percent range. In this report, ATRI steps back from such extremes (which date from 20th-century largely-cash toll collection). But its examples of specific tolling practices are still limited to legacy toll agencies, such as the Ohio Turnpike (19.2 percent of revenue) and New Jersey Turnpike (21 percent). These agencies are a long way from full conversion to non-cash, all-electronic toll collection, and also have complex and costly business rules for billing and collections. A 2016 report from the Congressional Research Service reported an average cost of toll collection of 8-11 percent, which reflects the increasing use of AET and streamlined business rules (<https://fas.org/sgp/crs/misc/R43575.pdf>). ATRI sums up this section by still claiming that toll collection costs range from 21.9 percent to 30 percent of revenue collected.

By contrast, Fleming and co-authors examined three newer toll agencies that operate using only all-electronic tolling (AET) and streamlined business rules. **They found transponder tolling collection costs ranging from 3.9 percent to 9.1 percent of revenue.** Extrapolating to larger toll operations with economies of scale, they estimated that 5 percent of revenue was a realistic near-term target. (<http://reason.org/news/show/myths-toll-and-gas-tax-collection>)

ATRI's next alternative is on the mileage-based user fee (MBUF) concept, which ATRI refers to as a vehicle miles traveled tax. In this section it sets forth a number of claims about what would be required to collect a VMT tax from all vehicle operators, none of which are necessarily required:

- The federal government would have to track every vehicle;
- The tax would be variable (presumably by the time of day);
- GPS monitoring is crucial.

None of the growing numbers of state MBUF pilot projects requires such things, and there is no federal proposal or plan for MBUFs. Also, since ATRI estimates the annual cost per vehicle for the technology and

processing required at \$50, that means a total collection cost of \$12.5 billion per year. **The report suggests the government would have to double the size of the Internal Revenue Service to handle this collection task.**

To put this in perspective, let's think about how huge volumes of payments are made every single day in the United States: via credit cards. Visa alone handles 150 million transactions per day, and Amex and MasterCard handle similar orders of magnitude. And yet the cost of processing these transactions and sending monthly bills is a few percents of the value of each transaction.

ATRI's focus is on the federal government as the change agent in either much-expanded tolling or transitioning to MBUFs. As a political reality, the states – which own the highway infrastructure – are taking the lead in both AET and MBUF implementation. If there is ever enough political support in Congress to replace federal fuel taxes with direct highway user fees, the most straightforward way to do this would be for the feds to piggyback on state systems rather than creating a stand-alone federal system.

In short, ATRI created and knocked down a straw man.



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Trucking Industry Getting Bad Press Over Rising Costs

If you've been reading newspapers, or watching TV news lately you may have heard it's the fault of the trucking industry that the price of everything seems to be going up this year.

The press reports on the issue have been universally negative regarding our industry. Google the oft repeated phrase "truck driver shortage driving up costs" and you get 8,380,000 responses...some as current as an hour ago. The media echo chamber has two stories – there is a shortage of 50,000 and that the driver shortage is the reason for rising prices for everything, from Amazon Prime to the price of zucchini. Almost all the stories quote the American Trucking Associations (ATA) as the source of their information.

In the West, the parade of bad news about trucking started with scattered reports of driver shortages causing increased costs. One such report from the Phoenix CBS station's "Investigative Unit," told its viewers that a shortage of drivers at the border port city of Nogales resulted in 1,500 trucks forced to be parked at the border, unable to carry the winter produce from Mexico northward.

The investigative reporter intoned "For now, this means rates are going sky high. A load from Nogales to L.A. used to cost \$1,600 now costs \$2,200 and will likely go even higher. The result will be higher prices in the grocery store and department stores for consumers."

Solution? – Bring in more low wage workers?

Everybody has heard that the shortage of drivers caused by a laundry list of reasons – Baby Boomer retirements, low pay for drivers and the disinclination of the Millennial generation to do the "dirty jobs" that their fathers and grandfathers were willing to tackle.

Another less talked about issue for drivers are the shoddy business practices of some fleet owners, including some of the largest, which includes punitive payment policies, ruthless recruiting practices and a general dehumanizing of drivers who say they feel they have become mere numbers on a form on a clip board or blips on a GPS tracking system.

The solution to the problem, according to many, is to increase the number of drivers from Mexico and other countries allowed to work in the U.S. Last year, the Trump administration allowed for 1,500 more visa for drivers but this is the administration least likely to respond to the barrage of panicky media coverage to allow more foreign nationals into los Estados Unidos.

Another answer to the question of bringing thousands of foreign born drivers into the U.S., the answer is that we've been doing that for years.

According to the George Mason University Institute for Immigration Research, about 18.6 percent of the Class 8 drivers in the U. S. are foreign born. This estimate is built on U.S. Census data for 2011-2015, the Institute researchers reported.

The percentages are much higher in big states: California (46.7 percent) New Jersey (40.4 percent), Florida (32.2 percent), and New York (25.7 percent) the Institute reported. Of the total, Mexico supplied 32 percent of the new drivers, followed by El Salvador, Cuba, India, Guatemala, Poland, Ukraine Dominican Republic, Jamaica, Bosnia, Honduras, Columbia, Russia, and China.

Zero Emissions Truck Manufacturers Headed to Court

The only people making money on electric trucks right now are the lawyers as the lawsuits continue to fall on the desks of federal district court judges.

A case in point – Nikola Motor Company filed a \$2 billion lawsuit May 1st in Arizona, against Tesla Inc., alleging the electric-car company infringed on several of its Class 8 truck "design patents." The lawyers for Nikola asked for a jury trial, which means 12 of Elon Musk's peers will be deciding the merits of the case.

The hydrogen-electric truck maker claims Tesla's Semi, scheduled to start production in 2019, with a boatload of pre-ordered vehicles, violates

Nikola patents for the truck's fuselage design, mid-entry door and wrap-around windshield.



"The Tesla Semi design is substantially similar to Nikola's unique design, and Tesla copied Nikola's patents," the filing says.

Supporting its claim that the two designs are remarkably similar, Nikola pointed out the aerodynamic drag coefficient of both tractors is almost the same. The Tesla Semi's drag coefficient of 0.36 is almost identical to the Nikola One which claims a drag coefficient of 0.37.

A spokesperson for Tesla called the allegations meritless.

Nikola claims it has suffered damages of more than \$2 billion by the alleged infringement, which it claims "has harmed Nikola's plans by causing confusion in the market... The confusion has diverted sales from Nikola to Tesla." Further, the suit claims, "Tesla's infringement has harmed Nikola's ability to attract investors and partners because investors can now partner with Tesla to have an alternative fuel semi-truck."

When a sneak peek photo of the Tesla Semi hit the Internet last year about a month ahead of its official debut, sent a letter to Tesla notifying the company of Nikola's pending patent applications, stating its belief that the electric Semi would infringe on those patents, "and demanded that Tesla refrain from unveiling its Semi," the filing says.



Nikola rolled out its Nikola One tractor in Salt Lake City in December 2016, almost a year before Tesla showcased its electric Semi in November 2017 in Hawthorne, Calif.

Whether we will get to this politically charged solution, be rescued by self-driving trucks nobody knows right now or perhaps we find out the driver shortage is as ephemeral as global warming...but we will continue to report on the issue as necessary.

WCIRB Submits July 1 Rate Cut

Rates for workers' compensation insurance California are going down for the seventh time in the last five years, according to a filing submitted by the Workers' Compensation Insurance Rating Bureau (WCIRB).

WCIRB submitted a Pure Premium Rate Filing to the California Department of Insurance (CDI) proposing advisory pure premium rates that average \$1.80 per \$100 of payroll effective July 1, 2018. The average proposed advisory pure premium rate is 19 percent lower than the corresponding industry average filed pure premium rate of \$2.22 as of January 1, 2018 and 7.2 percent less than the Insurance Commissioner's approved average January 1, 2018 advisory pure premium rate of \$1.94.

In the executive summary of the filing, the WCIRB highlighted the key drivers of the rate decrease which included favorable loss development largely driven by significant increases in claim settlement rates, a sharp decline in lien filings following the implementation of Senate Bill No. 1160 and anticipated savings resulting from the new drug formulary.

The filing and related documents are available in the Filings and Plans section of the WCIRB website www.wcirb.com. The CDI will schedule a public hearing to consider the Filing. Once the Notice of Proposed Action and Notice of Public Hearing is issued, the WCIRB will post a copy on its website and issue a media notice.

While the declining rates are good news for the trucking industry, California is still among the most expensive states in the nation for this legally required insurance program. Texas, for example, posted a rate of 45-cents per \$100 of payroll.

Key Workers' Comp Laws in California

- California law requires employers to have Workers' Compensation Insurance if they have even one employee (corporate officers and directors included).
- Sole proprietors in California can purchase WC for themselves.
- CA sole proprietors can opt out of WC coverage only if they don't have any employees.
- If you are a roofer and don't have any employees, you are still required to carry Workers' Compensation in California.
- The State Fund's pricing is based on the classification, payroll size, and individual risk characteristics of each business.
- In CA, failing to have Workers' Compensation coverage is a criminal offense, punishable by either fine of up to \$10,000, OR Imprisonment in the county jail for up to one year, OR Both.
- California also issues fines of up to \$100,000 against illegally uninsured employers.

Workers' Comp is available through private insurance providers, but if you can't find someone who will insure your business, you can purchase coverage through California's State Compensation Insurance Fund.

Get more details about California's Workers' Comp regulations at the Workers' Compensation FAQ page <http://www.dir.ca.gov/dwc/faqs.html>



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Why Contribute to an Industry PAC?

The WSTA PAC exists to educate lawmakers on issues of importance to our membership. The PAC Fund allows representatives of WSTA to attend campaign events and show support to lawmakers that have taken an interest in subjects important to you.

How PAC Funds are Used by Politicians

Many have a healthy skepticism of our political process. But the fact remains, it cost money to run successfully for a political office. Politicians not supportive of your issues have little problem raising funds from unions and groups such as environmentalist whose views are not supportive of small-business.

Let Your Voice be Heard

Small-business trucking accounts for 97% of all active motor carriers. Large companies and their associations often lobby for laws not favorable to the majority of the industry. WSTA PAC helps to "level the playing field."

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Proposed Law Would Reduce Age Requirement for a CDL Holder to Cross State Lines

Get 'em young

A new idea to help the trucking industry with its alleged shortage of drivers has the added benefit of providing jobs to recent high school graduates and save them all the burden of student loans for college degrees they may never use.



Representative Duncan Hunter, sponsor of DRIVE-Safe Act to lower CDL age requirements

Most people graduate high school around 18 years old and the trucking industry is losing a gob of young recruits every year because federal law says they have to be 21 to take a big rig across state lines with their commercial driver license. We're losing them to other careers: construction, retail, the military ...other careers open to people at the age of 18.

That's why U. S. Representative Duncan Hunter (R- 50 CA) sponsored a bill (H.R. 5358), with a really long title (the Developing Responsible Individuals for a Vibrant Economy Act or the DRIVE-Safe Act), on March 21st of this year, with four co-sponsors.

"Unfortunately, we see many young Americans faced with the choice of either taking on thousands of dollars in college debt or entering into a job market with grim prospects for untrained workers," said Congressman Hunter. "My legislation addresses this issue in the trucking industry by allowing qualified drivers under the age of 21 to enter into an

intensive vehicle operation and mentor-apprentice training program, allowing them to cross state lines moving freight across the country."

The major provisions of the seven-page bill include requirements that individuals complete a program consisting of two, sequential probationary periods where an apprentice must complete at least 400 hours of on-duty time with at least 240 hours driving in the accompaniment of an qualified mentor driving professional.

"We can allow a 19-year-old to drive nine hours up to Gary, Indiana, and back to Jeffersonville but they can't drive the 10 minutes to Louisville

[Kentucky, across the Ohio River]," said Hunter's chief co-sponsor, U.S. Rep. Trey Hollingsworth of Indiana.

"This really enables trucking companies across the district, state and country to get back to delivering their products in a timely manner with the workforce that they need," Hollingsworth said. He added that it may well improve safety on the roads.

"It doesn't do anything to reduce the safety requirements," Hollingsworth said. "I'm just saying let's afford them [drivers younger than 21] the ability to cross state lines after they go through a rigorous safety program."

The industry needs more young drivers. The average age of today's drivers crossed the 50-year line this year. The WSTA Executive Committee voted to support H.R. 5358 during the summer board meeting in San Diego.



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49 CFR Parts 40 and 382 Regulations:

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- **Texas Department of Licensing & Regulation (TDLR) Tow Act HB 2094**
– Tow Operators and Vehicle Storage Facilities
- **California Highway Patrol (CHP) Tow Rotation Agreement**
– Tow Industry
- **Public Utilities Commission of the State of California**
– Charter Passenger Carriers

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California Supreme Court: Everyone is presumed to be an Employee

By WSTA Director of Governmental Affairs, Joe Rajkovicz

On April 30th 2018 the California Supreme Court issued a bombshell of a decision in a case titled, *Dynamex Operations West, Inc v. Chareles Lee et al.* The unanimous (7-0) decision was to invoke what is termed an A-B-C test to determine proper employment classification in the absence of a state wage order.

The A-B-C test in California courts replaces previous legal guidance used by judges in making decisions. Now anyone sued for misclassifying an independent contractor will need to satisfy all three prongs of the new A-B-C test in order to avoid massive liability related to misclassifying someone. Only two other states utilize an A-B-C test, Massachusetts and New Jersey.

As Lee explained in his Managers Report on page 5, you will need to pass all three prongs (A, B and C) in defending yourself. For trucking, B is impossible for most to pass. The B prong of the test is that “the worker performs work that is outside the usual course of the hiring entity’s business.”

Basically, if a trucking company contracts with an owner-operator in any way, you cannot pass the B part of the test. Should an owner-operator you contracted with decide to sue you, and the case were class certified, the financial liability is massive. Begin with meal & rest breaks, think of the employers half of social security contributions, the list is endless. In legal cases the statute of limitations is four years.

Many lawyers have publicly stated what I’ve written. We have additional concerns about how the A-B-C test will be applied. We’ve dealt directly with negative EDD and State Fund audits of members where assessments were into the hundreds of thousands of dollars. We were successful in helping beat back the assessments. It’s not too difficult to believe that state agencies and State Fund, absent a successful legal challenge or legislation will adopt the A-B-C test in making their determinations.

WSTA Will Sue

Association leadership approved moving ahead with litigation to directly challenge the permissibility of using an A-B-C test in trucking operations. When we made that announcement in our weekly e-newsletter I was contacted by trucking media and law firms. Thus far, media coverage in trucking has been what I’d consider sparse with some industry people being quoted basically saying they don’t have an opinion – they are still studying the decision. The lawyers are another story. They would like us to join in with other legal efforts. When I quizzed them on whether they think the *Dynamex* decision has an impact on brokers, they said they don’t believe it does.

It was clear that there is a complete lack of understanding how brokers operate in California, especially with regards to the construction trucking industry. Broker operations are not regulated as they are at the federal level and

the vast majority of brokering within California happens by those who are also registered motor carriers, so yes, there is exposure.

Another concern with joint litigation is the types of motor carriers being represented. Frankly, many of the adverse legal decisions amounting to hundreds of millions of dollars in California have dealt with motor carriers engaged in the practice of “lease-purchasing” or renting a truck to a driver. I am grateful to be with an organization that believes the practice is willful misclassification.

In 2009 while I was with the Owner-Operator Independent Drivers Association I was invited to speak before a group of harbor trucking companies in Los Angeles. The goal was to get OOIDA to sue the ports instead of the American Trucking Associations over the banning of owner-operators from serving the ports. That attempted ban led to a massive congressional hearing in Washington D.C. at which I testified and the focus turned entirely to lease purchasing scams.

I understand the Clean Trucks Program put every motor carrier in a difficult position, but I warned the group I spoke before in Los Angeles they don’t want to go down that road. They got encouragement from other associations to engage in the practice and now we all live with the end result. We cannot be a party to litigation where the interest of those to maintain that status quo and hopefully avoid payments to wrongfully classified drivers subjugates a purer legal argument.

Continued on page 33

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Meet WSTA's Legal Team

Ellison, Whalen & Blackburn – Attorneys at Law

Representing WSTA Legally & Legislatively Since 2002



Brooks Ellison is the managing partner of Ellison Wilson Advocacy and was admitted into the California Bar in 1986.

Led by experienced attorneys Brooks Ellison, Pat Whalen and Kirk Blackburn, the law firm of Ellison, Whalen & Blackburn – Attorneys at Law have protected the rights of our clients throughout the federal and state court systems and administrative agencies, notably winning several key, precedential legal victories for our clients. Having also served as long-time General Counsel for several clients, we are seasoned in providing sophisticated analysis and advice on sensitive legal matters for non- and for-profit corporations and individuals on both short-term unexpected issues and long-term strategic goals.

Collectively our attorneys have over 70 years of legal experience and have handled thousands of civil litigation cases, including serving as lead counsel in more than one hundred appellate cases before the California Courts of Appeals and extensive trial practice. Further, our attorneys have argued cases before the California Supreme Court and appellate cases in front of the federal Ninth Circuit Court of Appeals.

Additionally, Ellison, Whalen & Blackburn understands that many of its clients want to stay out of court and thus, has developed an extensive transactional practice to preemptively protect the interests of our clients in their interactions with competitors, employees, regulators, and other public entities. This includes drafting and negotiating contracts, forming legal entities and corporations, advising on general governance, commercial and compliance matters, developing personnel policies, as well as counseling our clients on real estate, regulatory, intellectual property and licensing matters, amongst many others.



Kirk Blackburn was admitted into the California Bar in 2006 and joined our legal team in 2007.

Notably, we have served as long-time General Counsel and lobbyists for the Western States Trucking Association



Pat Whalen was admitted into the California Bar in 1994, and was formerly with the California Attorney General's Office. He is licensed to practice before the U.S. Supreme Court.

In addition to the history of successes in the courtroom and boardroom, our attorneys have also successfully represented our clients at the California's State Capitol as legislative and regulatory advocates through their sister firm, Ellison Wilson Advocacy, LLC since 1980. Being at the epicenter of the convergence of all three branches of government allows us to see issues from multiple perspectives and attack those issues on multiple fronts.

(WSTA) and have been at the forefront of many of its legal and legislative battles, including filing a lawsuit and negotiating with the California Air Resources Board (CARB) over its Truck and Bus Rule, fighting for the owner-operator business model that the trucking industry has been

Continued on page 34

California Supreme Court – continued from page 32

Legal argument

While virtually every industry in California is impacted by this decision, no industry has the special legal protection enjoyed by the trucking industry.

In my article on page 10 I referenced the *Federal Aviation Administration Authorization Act of 1994* (FAAAA or F4A). That federal law will be used by everyone suing California including the WSTA. It is with good reason too, it's been used successfully to challenge the applicability of an A-B-C test to the trucking industry in Massachusetts.

The relevant language in the FAAAA to be relied upon states:

Except as provided in paragraphs (2) and (3), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier (other than a carrier affiliated with a direct air carrier covered by section 41713(b)(4)) or any motor private carrier, broker, or freight forwarder with respect to the transportation of property.

The State of Massachusetts attempted to apply its A-B-C test (specifically the B prong) to local last mile delivery companies (pretty identical to Dynamex). On appeal to the United States Court of Appeals First Circuit which has jurisdiction in Maine, Massachusetts, New Hampshire, Rhode Island and Puerto Rico the Appeals Court decided federal law preempted Massachusetts from applying its test to the trucking industry.

While we necessarily will be filing in the federal Ninth Circuit, it certainly has been hostile to arguments before the court invoking the FAAAA and federal preemption. That doesn't discourage us one bit. The number one consideration for the U.S. Supreme Court in accepting cases is when a split exists between the federal circuit courts.

We will have additional arguments based on federal law permitting the use of owner-operators. While we expect multiple lawsuits to be filed, we want to insure our members' interests are first and foremost. In the years I've worked for associations since coming off the road, I've been around many lawyers and have very mixed views on their abilities. The WSTA is represented by a group of lawyers I hold in extremely high esteem for many reasons. They want input from us and wrap that into their writings. They don't conjure up never-tried-before legal theories. In the world I've lived in, that has been rare and often resulted in snatching defeat from the jaws of victory.

US Supreme Court Hands Big Win to Employers

Uphold arbitration clauses in employment contracts

Washington D.C. – On May 21, 2018 the U.S. Supreme Court ruled 5-4 that employers can keep employees from filing class-action lawsuits if there are arbitration clauses in their employment contracts. The decision was another blow for organized labor and trial attorney's as it upheld the Trump administration's position on federal employment law.

In 1925, Congress passed the Federal Arbitration Act, which (among other things) provides that an agreement to arbitrate a dispute "shall be valid, irrevocable, and enforceable." Ten years later, Congress enacted the National Labor Relations Act, which makes clear that employees have the right to work together for "mutual aid and protection." The Supreme Court ruling allows that employers can include a clause in their employment contracts that requires employees to arbitrate their disputes individually, and to waive the right to resolve those disputes through joint legal proceedings instead.

Writing for the majority, Justice Neil Gorsuch wrote the opinion that cited earlier Supreme Court rulings protecting employers' and their ability to require employees surrender their right to pursue class-action litigation as a condition of their employment.

The ruling constitutes an endorsement of the Trump administration's position that employers are entitled to waive



their employees' right to file class-action lawsuits under the 1925 Federal Arbitration Act (FAA). The Obama administration, as well as the organized-labor movement, had argued that the National Labor Relations Act trumped the FAA and guaranteed employees' right to collective action.

Employers in California would be wise to contact their legal counsel if you do not have an employment agreement including an arbitration clause.

WSTA's Legal Team – continued from page 33

successfully utilizing for decades, statutorily securing a broker bond, as well as a host of other key fights over prevailing wages, drug and alcohol testing, meal and rest periods, hours-of-service, and insurance requirements, to name a few.

Ellison, Whalen & Blackburn is located a block away from the State Capitol in Sacramento, yet handles cases and clients throughout California. Please contact us at (916) 448-2187 or attorneys@ellisonlawoffices.com for further information.

Editor's Note: WSTA's attorneys will make themselves available to our members for a discounted fee of \$2,000 to make an evaluation of their vulnerability under the A-B-C test.



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ELDs Add to Pressure on Driver Pay and Truckload Costs

Article courtesy of DAT



Shippers are already paying more, sometimes a lot more, to move freight, and driver compensation will soon follow that upward trajectory, as relationships between carriers and their workers are reshaped by the ELD mandate and industry expansion.

This is all playing out against a backdrop that includes steep rate increases on the spot market. DAT's spot van rates for January illustrate the intensity, with the national average up 35% year over year to an all-time record. Contract rates were up 10% for the same period (or 7% if you don't count the fuel surcharge) and they could go higher, as bid season takes place this year against an economic backdrop that appears to favor carriers.

Driver Pay Could Get a Double-Digit Increase

Rate increases will be accompanied by pay hikes for over-the-road drivers, predicts Gordon Klemp, whose National Transportation Institute (NTI) has collected, analyzed and published compensation data from more than 300 truckload carriers over two decades. He anticipates 10% truckload rate increases on the contract side in both 2018 and 2019, with commensurate pay increases for the drivers.

Recent years have yielded overall average driver pay hikes in the 2% range, in general alignment with modest freight rate increases.

Klemp expects this year's compensation packages to go much higher than that.

It's difficult right now to get a timely and accurate read on the ELD mandate's specific effects on carrier-driver interaction, Klemp said. Fleets implemented ELDs on different schedules, and late adopters are still climbing the learning curve. Not all drivers have embraced the new technology, to say the least.

"There will be a number of people who say 'I hate ELDs and I will do something else,'" Klemp said.

Owner-operator Phil Killerlain is in that camp, at least for now. Killerlain has been parked since Dec. 17th. He's totally opposed to the ELD mandate and said he's parked on principle. Two months in, Killerlain hasn't decided whether to get back on the road in the spring.

Killerlain believes the next big step up in rates is already happening now, in mid-February. Owner-operators have become more selective, he says. They're shunning shippers and receivers that take too long to load and unload.

"Shippers and receivers will find it hard to get product moved," Killerlain predicted. He expects that large shippers will prefer to partner with fleets that can support drop-and-hook trailer operations. Other shippers will wind up paying more, adjusting service level requirements, or changing dock practices.

Embracing the Future, With ELDs

Mitchel Hulsey, an Alabama owner-operator, installed an ELD and kept running. His philosophy: "embrace the future or remain in the past."

"The mandate is forcing carriers to re-examine the way they take care of their customers," Hulsey said. He emphasized that ELDs require a renewed focus on faster loading and unloading, improved safety and easier tracking.

Restrictions Force Changes in Rates, Processes

Where does that leave freight brokers? They're stuck in the middle, trying to work with shippers and carriers, keeping friction to a minimum.

The mandate is forcing drivers and carriers to be more honest with each other about available hours, according to Anthony Rasak, who leads the brokerage division at Michigan's TOP Worldwide. Loading and unloading processes need to improve. Otherwise, Rasak believes the tighter restrictions on hours will eventually force fundamental changes in the basis for freight rates, so carriers will be paid by the hour instead of by the mile.

"Shippers are going to have to get hip to the game," he said.

Rasak expects that these changes will happen first on lanes with lengths of haul of 550 or 700 miles, which were often run as a two-day or a three-day roundtrip, respectively, before ELDs.

A study by Mark Montague of DAT found that lanes that used to be "borderline" one-day or two-day roundtrips are most affected by the ELD mandate, because a traffic jam or poorly timed break might cause the driver to run out of hours before completing the miles planned for that day.

Rasak also expects that credit lines will have to be adjusted upward for brokers who need additional coverage due to sharp rate increases.

Drivers Can Expect Bigger Sign-On Bonuses

NTI's Klemp and Steve Prelipp, a driver retention and recruiting consultant and former carrier executive, also identified other immediate effects of the ELD on driver compensation.

Sign-on bonuses will rise, and their performance-based pay components will disappear, as the driver shortage worsens, Klemp predicted.

Prelipp said it's too early to be sure exactly how carrier-driver relations will change, but some change is inevitable.

"This is just a really tough market," Prelipp said. "Need drives change and innovation."

From a broader perspective, Klemp sees 2018 as "a seminal year for trucking," driven by a stronger economy and the growing nationwide labor shortage, including truckers.

In the past, weaker economic growth and other market conditions enabled big fleets to get by with fewer drivers by conserving miles with relays, regional or intermodal runs. Driver recruitment and retention are huge issues for the entire industry, now more than ever.

If all the forces at work now don't wreak huge changes in the way carriers and drivers work with each other, it's hard to imagine what will.

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New USDOT Pilot Program Provides Boost to Military Recruitment

Omaha, Neb. – U.S. Secretary of Transportation Elaine L. Chao, on July 5th joined Nebraska Senator Deb Fischer and Congressman Don Bacon to announce that the Department of Transportation will launch a pilot program to permit 18-20 year olds who possess the U.S. Military equivalent of a commercial driver's license (CDL) to operate large trucks in interstate commerce.

"This program will allow our Veterans and Reservists, to translate their extensive training into good-paying jobs operating commercial vehicles safely across the country, while also addressing the nationwide driver shortage," said Secretary Chao.

As directed by Section 5404 of the Fixing America's Surface Transportation (FAST) Act, the pilot program will grant a limited number of individuals between the ages of 18 and 20 to operate large trucks in interstate commerce – provided they possess the Military equivalent of a CDL and are sponsored by a participating trucking company.

"As our nation prepares to celebrate Independence Day, Secretary Chao and I were excited to highlight a program I helped champion to provide truck driver jobs to young veterans," said Senator Fischer.



"This innovative program offers a way for our younger Veterans and Reservists to transition to the civilian workforce. I personally thank Secretary Chao and officials with the DOT who continue to find ways to utilize the training and talent of the men and women who served in uniform for our country," said Congressman Bacon.

During the pilot program, which is slated to run for three years, the safety records of these drivers will be compared to the records of a control group of drivers.

Complete information on the pilot program and the related information collection was published in the Federal Register on July 5.



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Association Members with May Anniversary

40-49 Years			
Member Name	Company Name	Join	Chap
Mr. Thomas A. Hodge	Hodge Trucking	1971	GG
Mr. Terry Klenske	Dalton Trucking Inc.	1977	SBR
Mr. Leonard C. Lindsey	L. Lindsey Trucking Inc.	1978	SOCAL
Mr. George Moore	George D. Moore Trucking	1978	FRE
30-39 Years			
Member Name	Company Name	Join	Chap
Mr. Jeff Hansen	Construction Specialty	1987	MOD
Mr. Kent Harris	Kent Harris Trucking & Materials	1984	SBR
Mr. James C. Nella	Nella Trucking	1987	GG
Mr. Terrence A. Rose	T. A. Rose Transportation	1983	GG
Mr. Dick Stevens	Dick Stevens Trucking	1987	CC
Mr. Bill Wrobel	Bill Wrobel Trucking	1982	GG
20-29 Years			
Member Name	Company Name	Join	Chap
Mr. Ron Albin	Albin Trucking	1990	GG
Mr. James C. Emery	Emery Landclearing & Grading, Inc.	1991	COA
Mr. Richard Gantenbein	Gantenbein Trucking	1997	GG
Mr. Manuel Gonzalez	M G Trucking	1991	SFV
Mr. Allyn Goodall	Allyn Goodall Trucking Inc.	1992	FRE
Ms. Leslee Guinn	Guinn Trucking	1996	HD
Mr. Gregory Menna	Greg's Trucking Service, Inc.	1990	GG
Mr. Ronald D. Miles	W W Trucking	1991	SFV
Mr. Kurt Mark Nicholson	Mark Nicholson Inc.	1997	MON
Mr. Louis Oviedo	C and R Trucking, Inc.	1997	GG
Mr. Dennis A. Ross	Dennis Ross Trucking	1997	SC
Mrs. Patricia Smith	Smith Trucking LLC	1992	HD
Mr. Oscar Uscanga	OUR Trucking & Tractor Svc.	1992	SBR
Mr. Thomas Wilson	Tom's Tractor Service	1992	SFV
Mr. William Wright	Bill Wright Trucking	1994	SOCAL
10-19 Years			
Member Name	Company Name	Join	Chap
Mr. Jeff Becker	Royal Trucking	2002	GG
Ms. Sharon Cutler	R & S Trucking	2005	GG
Mr. Randy Douglas	Tierra Contracting	2008	CC
Mr. Jim Knoll	Wetland Construction, Inc.	2005	FF
Mr. Daniel Stephens	Lana Stephens Trucking	2001	HD
Mr. Jake Ubil	Jake's Towing & Recovery	2006	SAC

5-9 Years			
Member Name	Company Name	Join	Chap
Mr. Joshua Christian	True Grit Transportation	2013	OUT
Mr. Warren Davis	WLD Trucking Inc.	2010	SD
Mr. Miguel Gonzales	M G Trucking	2012	SBR
Mr. Michael Parigini	Associated Concrete Pumping	2011	SAC
Mr. Chad Jacobson	Jacobson Trucking	2010	MON
Mr. Ken Neles	Ken Neles Trucking	2009	GG
Mr. Ron Nuss	Northwest Excavating, Inc.	2012	SFV
Mr. Jon Pittman	Pittman Trucking	2009	RED
Mr. Gregg Simpson	Gregg Simpson Trucking	2013	GG
Mr. Gene M. Willis	San Diego Florist Supplies, Inc.	2010	SD
Mr. Allan Young	Allan C. Young Trucking	2010	SBR
0-4 Years			
Member Name	Company Name	Join	Chap
Mr. Jorge Aceytuno	Jorge I Aceytuno	2018	SBR
Mr. Marty A. Austin	Martin Trucking	2018	SBR
Mr. Eric Baker	Reliable Transportation Logistics Co. LLC	2018	SBR
Mr. Karanbir S. Bal	Haver Trans Inc.	2017	GG
Mr. Gonzalo Cardenas	Cardenas Trucking	2017	CC
Miguel Luna & Cecilia Barnett Luna	Barnett Luna Transport Inc.	2018	SOCAL
Mr. Juan Carlos Ceja	Ceja's Trucking Inc.	2014	SOCAL
Mr. Matt Costello	Watsonville Grading & Excavation, Inc.	2017	MON
Mr. Carl Crane	Carl Crane Trucking	2015	OUT
Ramona Esquivel	Lavina Trucking, Inc.	2018	GG
Mr. David Fairrow Jr	Pacific Coast Logistics LLC	2018	SBR
Mr. Odin E. Fernandez	Fernandez Logistics	2018	SBR
Ms. Maria Flores	Cosmos Trucking	2018	SOCAL
Mr. Greg Glass	2nd Chance Trucking LLC	2018	SBR
Mike & Gretchen Munyon	Munyon Trucking Inc.	2018	SBR
Mr. Kevin Hawley	Sabot Transportation LLC	2018	SBR
Mr. Brandon Kerlee	M H Kerlee Company Inc.	2018	MOD
Mr. Donny Lawson	D.R. Lawson Trucking Company	2016	CC
Mr. Jose B. Lopez-Huerta	JVL Trucking	2018	SBR
Mr. Brandon McDonnell	PCC Logistics	2018	GG
Mr. Jairo Melendez	J. Melendez Trucking	2017	OUT
Mr. Manny Merida	Strength Transportation Management	2016	SOCAL
Mr. Jose A. Michel	Jose A. Michel	2017	SBR
Mr. Alberto Montemayor	Montemayor Trucking	2017	KER
Jorge L Munoz	J & M Transport	2018	SBR
Jesse & Kim Ney	D & J Ranch Trucking LLC	2015	FF
Ms. Jennifer North	Team North Construction Services, Inc.	2016	GG
Mr. William J. Ortega	O.S.T. Company	2016	SBR
MR. Mike Paggen	M. Paggen Trucking Inc.	2018	SBR
Mr. Abraham Rodas	Rodas Trucking	2017	SBR
Mr. Edward Rokotyansky	The Smiley Card Inc.	2017	HD
Mr. Pete Romero	Romero Express Deliveries LLC	2018	SBR
Mr. Salvador A. Sanchez Garcia	SG Trucking	2018	GG
Mr. Brian D. Sayer	Locust Hill Farms Inc.	2017	OUT
Mr. Garry Schwan	Schwan Bros. Excavating Contractors, Inc.	2015	CC
Ms. Karina Tkachenko	USKO Express Inc.	2017	SAC
Mr. Andy van Schaik	Heritage Logistics	2017	SOCAL

Association Members with June Anniversary

40-49 Years

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Mr. Willis E. Baugher	Bill Baugher Trucking	1978	GG
Mr. A. C. Byers	AC Byers Trucking Inc.	1977	SBR
Mr. Daniel Ruiz	Daniel Ruiz Trucking	1976	SD
Mr. Charles Touchatt	Touchatt Trucking	1974	GG

30-39 Years

Member Name	Company Name	Join	Chap
Mr. Michael Attema	Attema Trucking	1984	CC
Mr. William L. Balentine	Balentine Trucking	1987	SD
Mr. David Bravo	David Bravo Trucking	1988	SOCAL
Mr. Bob Brutto	Brutto Trucking Inc.	1987	SOCAL
Mr. Paul D. Burns	Burns Trucking Inc.	1987	CC
Mr. Steven Cummings	Cummings Trucking	1987	GG
Mr. John DiFederico	John's Trucking Inc.	1983	SD
Mr. Willie Dixon	Willie Dixon	1986	SOCAL
Mr. Chuck Duveneck	Cambria Rock	1986	CC
Mr. Mark Horner	P.T.I. Sand and Gravel, Inc.	1987	SBR
Mr. Steve Johnson	Steve Johnson Trucking	1987	HD
Mr. Steve Johnson	SA & MH Johnson Inc.	1987	SD
Mr. Tom Kiewlich	Tom's Trucking	1979	SD
Mr. Dale Kissinger	Kissinger and Herring Inc.	1983	SD
Mr. James B. Lewis	Lewis Trucking Services	1987	HD
Mr. Raymond Lial	Lial Farms	1987	MOD
Ms. Donna Montgomery	DL Montgomery Trucking Inc.	1987	SBR
Mr. Rex Morgan	Morgan Trucking	1988	MON
Mr. Ray Murin	Ray Murin Trucking	1987	SOCAL
Mr. Joe Rangel	Rangel Trucking	1987	SFV
Mr. Alberto S. Rios	Rios & Son Trucking	1987	MOD
Mr. Christopher Robin	Chris Robin Trucking	1986	SBR
Mr. Danny Sutton	Sutton Trucking	1987	CC
Mr. Bob Zadina	Bob Zadina Trucking, Inc.	1984	SBR

20-29 Years

Member Name	Company Name	Join	Chap
Mr. Dan Bianchi	Dan Bianchi Trucking	1993	RED
Mr. Rick Craig	Rick Craig Trucking	1992	SBR
Mr. Ken Dabbs	Kenneth R. Dabbs Trucking, Inc.	1993	SD
Mr. Bruce Degler	Dispatch Trucking	1989	SBR
Mr. Michael DeVore	Michael DeVore Trucking Company	1996	SFV
Mr. Edwin E. Estopinal	Estopinal and Son Trucking	1991	SBR
Mr. Steven Garner	Steven Garner Trucking	1994	GG
Mr. Michael J. Gribaudo	Gribaudo Transfer and Material	1992	MOD
Mr. Ronald G. Harl	Harl Trucking	1992	SAC
Mr. James Hernandez	Strictly Trenching	1994	SBR
Mr. George L. Mendes	George Mendes Trucking	1990	SOCAL
Ms. Jenny Ramirez	A & J Trucking	1997	SOCAL
Mr. Raul Rivera	Rivera Transfer Inc.	1990	SBR
Mr. Rudi Stockalper	Rudi Stockalper Fertilizer Service	1996	SD
Mr. Lance R. Verdugo	L.R. Verdugo Trucking	1990	SBR
Mr. Fred J. Willert	F. J. Willert Trucking	1996	SD

10-19 Years

Member Name	Company Name	Join	Chap
Mr. Robert Brown	Magnum Trucking Inc.	2002	MOD
Mr. Jerome Chetcuti	Roundtree Rock & Gardening	2007	SAC
Mr. James E. Cloud	Aggregate Import Inc.	2006	SD
Mr. Tom Hess	Heavy Cargo Inc.	2008	SD
Mr. Adra M. (Pete) Hubbard	AM Hubbard	2004	SBR
Ms. Mavis M. Miller	D & M Miller Trucking Inc.	2001	SD
Mr. Gregory Quarles	G Q Trucking	2004	SBR
Mr. Mike Ward	Rock Solid Trucking, Inc.	2005	SD

5-9 Years

Member Name	Company Name	Join	Chap
Mr. Bill Aboudi	Oakland Port Services Corp.	2013	GG
Mr. Samuel Alarcon	Alarcon & Sons Inc.	2012	SOCAL
Mr. Thomas Andrade	The Groundskeeper	2013	SBR
Mr. Joe Canatsey	Canatsey Trucking Inc.	2011	SOCAL
Mr. John H. Jamrog	Bow Valley Agri-Land Services	2009	CC
Mrs. Preet Johal	Economy Trucking Services, Inc.	2012	GG
Mr. Donald Reeve	Reeve Trucking Co. Inc.	2011	SAC
Mr. Tim McVay	Marco Transport Inc.	2012	SOCAL
Mr. Richard John Nannini	Nannini Trucking	2013	GG
Mr. Shane Pfitzenreuter	Shane's Trucking Inc.	2013	SAC
Karl Schwartz	A.G. Schwartz Trucking Co., Inc.	2012	GG
Mildred Wright	The Stake Mill	2011	KER

0-4 Years

Member Name	Company Name	Join	Chap
Mr. Elias Aguirre	E.A. Trucking	2017	SFV
Mr. Charlie Andrews	Tara Group of Lumberton	2015	OUT
Mr. Albert Arandanas	Arandanas Express Transport LLC	2018	OUT
Mr. Miguel Angel Arvizu	Diamond Trucking	2018	SOCAL
Ms. Lori Boes	Accounting Solutions	2018	SAC
Mr. Jason Bouquet	Bouquet Enterprise, Inc.	2016	SOCAL
Mr. Timothy Buckley	Pro Image Transport, LLC	2017	SBR
Mr. Ryan Bunker	Bunker & Sons Transportation	2017	MON
Mr. Bobby Carter	R & R Trucking	2015	SOCAL
Ms. Sonia Cheema	C.B. Roadways, Inc.	2017	GG
Mr. Mike Cole	Mike Cole Farms, Inc.	2017	CC
Mr. Robert Winston Ellinthorpe	Nematode Holdings, LLC	2016	GG
Brehanna Garcia	Garcia Transportation	2018	SBR
Mr. John Gardner	Gardner Tractor Service	2015	SOCAL
Ms. Robin Hartnett	California Earth Transport Inc.	2014	SOCAL
Mr. Henry Hernandez	R.A.M.S. Trucking Enterprises Inc.	2015	SBR
Mr. Ron Hill	Hill Crane Service	2017	SOCAL
Mr. Jaiyo Joseph Kandathil	Eli Logistics Solutions Corp.	2018	SFV
Mr. Jake Lewis	Quinn Truck Centers	2014	SOCAL
Mr. Joel Mendez	T & C Services	2017	SBR
Mr. Jerry W. Mitchell	Desert City Transportation	2018	SBR
Mr. Robert A. Nelson	Next Level Construction Services	2018	SBR
Mr. Leroy Peterson	Hansen Bros. Enterprises	2016	SIE
Mr. Rafael Quintero	Quintero Trucking Corp.	2017	GG
Ms. Crystal ReCupido	Terra Trucking Co., Inc.	2015	SBR
Mr. Joel A. Rivera	Unfiltered Trucking Corp.	2017	OUT
Mr. Ivan Segovia	Tractors of the West Services	2018	SFV
Mr. Tim Sheard Sr.	Tim Sheard Transport Express	2018	GG
Mr. Damien Shields	Black Sheep Transport Solutions LLC	2018	SFV
Mr. Richard Shyu	Nanshan America Co. Ltd.	2014	SBR
Mr. Marco A. Silva	Silva Sons Transport Inc.	2018	SOCAL
Ms. Crystal Singh	Vincent S. Singh	2018	SAC
Mr. Brian A. Smith	Smith Trucking	2018	GG
Mr. Art Soto	Art Soto Trucking	2015	HD
Ms. Tammy Stagner	Total Trans. & Distribution, Inc.	2018	SOCAL
Mr. Miguel Tapia	GM Materials Inc.	2018	SOCAL
Mr. Larry Texeira	LAT Trucking	2017	MOD
Mr. Omar Valenzuela	O.G. Hauling, LLC	2017	SBR
Mr. Marc Welden	Flying W Ranch	2014	SIE
Mr. Ron Willemsen	Intravaia Rock & Sand Inc.	2016	SBR
Mr. Jorge Zatarain	Zatarain Transport, LLC	2018	SBR
Mr. Alfredo Zepeda	D & S Hauling	2016	SBR

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www.roberson-ins.com
Lines of Insurance: Commercial/Transportation

THE ARK INSURANCE SERVICES

3740 Elizabeth Street
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(800) 843-2752
Lines of Insurance: Health

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Fresno, CA 93710
(559) 225-1300

90 Great Oaks Blvd. #201
San Jose, CA 95119
(408) 323-2280
www.calvalleyinsurance.com
Lines of Insurance: Commercial/Transportation & Workers' Comp.

COREMARK INS. SERVICES INC.

2520 Venture Oaks Way - Suite 240
Sacramento, CA 95833
(866) 340-2247
Lic# 0172684
www.coremarkins.com
Lines of Insurance: Commercial/Transportation, Health, & Workers' Comp.

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10201 Trademark St., Suite D
Rancho Cucamonga, CA 91729
(909) 476-0600
www.empire-co.com
Lines of Insurance: Commercial/Transportation, Worker's Comp.

G.M. LAWRENCE INS. BROKERAGE

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(209) 474-2771
Lines of Insurance: Commercial/Transportation

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40810 County Center Dr. #120
Temecula, CA 92591
(951) 200-5655
www.theinsurancestores.com
Lines of Insurance: Commercial/Transportation

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120 Main Street
Roseville, CA 95678
(916) 780-2535
Lines of Insurance: Commercial/Transportation

SAFER INSURANCE AGENCY

337D E. San Ysidro Blvd
San Ysidro, CA 92173
(619) 819-5184
www.saferinsurance.net
Lines of Insurance: Commercial/Transportation, Worker's Comp.

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Brentwood, TN 37027
(866) 245-3918
www.tax2290.com

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Laguna Hills, CA 92653
(949) 540-0320

LAW OFFICES OF ANTHONY G. PATCHETT
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Glendale, CA 91202
(818) 243-8863

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Brentwood, CA 94513
(925) 783-2319
legalshield.com/info/weststatestrucking

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Los Angeles, CA 90067
(310) 772-7283

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www.westernlubrication.com

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VULCAN ON-BOARD SCALES
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Kent, WA 98032
(800) 237-0022
www.vulcanscales.com

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Upland, CA 91786
(909) 260-1627

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homehelp4all@gmail.com

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www.cleanfleets.net

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Anaheim, CA 92805
(714) 276-2020
www.cleandieselspecialists.com

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(760) 518-1617
www.dieselpollutionsolutions.com

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Fontana, CA 92335
(909) 829-4444
www.artech2000.com

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Yankton, SD 57078
(619) 710-9949
www.shurco.com

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(619) 371-1990
www.unitedtirecenter.com

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www.fleetsservicesinc.com

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onsiterepairllc.com

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(925) 286-9970
www.laitm.com

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(916) 371-3372

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(510) 836-6100

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(408) 842-5383

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(800) 359-1639
www.rushtruckcenters.com

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Fontana, CA 92335
(951) 545-3102

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Oakland, CA 94621
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WSTA officers are elected for two year terms. Service on the Executive Board is a great way to give something back to your industry, and is also an education in government procedures.

Elections occur every two years. If you are interested in serving as an elected officer, please contact our office 909-982-9898.

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*Members/Affiliates - 3 lines **FREE**
 *Non-Members - 3 Lines **\$20**
 Additional lines - \$10 per line

*Members 1/8th Ads - **\$40**
 *Non-Members/Affiliates 1/8th Ads - **\$80**
 All ads are placed for 2 issues **ONLY**

westransnews.org/**classifieds/**

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EXPERIENCED BOTTOM DUMP DRIVERS WANTED: NY Transport | CA to TX Route Only! | Same Day Pay! | Immediate Hire 2 years minimum required | Call Now at 909-355-9832 Melissa

Need to place an ad? Provide us with a detailed description of your advertisement and we will put it together for you. **Call Rich at (909) 982-9898** or email publishing@westrk.org.

Let us help you list your classified

*Members & Affiliates receive up to **THREE LINES** of type for **FREE**. Affiliate members may only advertise free in the **WANTED** or other classified sections if it is for products or services not within the scope of the affiliate's business. All classified ads are placed for two issues. Deadlines are on the 15th of the month for the proceeding issue. Non-members must pay in advance for placement. We reserve the right not to place ads that may mislead or are considered offensive. If you are an affiliate and would like to know more about advertising in this magazine or in our electronic media, download our media kit from our website at westrk.org or contact Rich Roth at (909) 982-9898.

American Alliance Drug Testing



A business services unit of the **WSTA**

Nationwide Random Drug & Alcohol Testing
AADrugTesting.com
 (909) 982-8409

WSTA'S DUES DEDUCTIBLE BUSINESS EXPENSES

The Western States Trucking Assoc. (WSTA) is a 501(c)(6) organization serving the trucking industry with a united voice, promoting highway safety, professionalism, integrity, and education. For income tax purposes, member dues paid to WSTA are deductible as a business expense. However, WSTA estimates that 7.89% of all dues paid to WSTA are utilized for nondeductible lobbying expenditures. All members are advised that this percentage of dues paid to WSTA in Tax Year 2017 are nondeductible for income tax purposes. Consult your tax advisor.

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• **For heavy trucks filed using form 2290, federal highway use tax is due annually on July 1st**

• File form 2290 for renewal on or before August 31st for vehicles in use on July 1st

• For vehicles in use after July 1st tax is prorated **and filed using form 2290.**

• **Please see the affiliate directory on page 40 if you have questions or need assistance.**

TRUCKING DOCUMENTS & SUPPLIES

	Members	Non-Mem.
● Magazine Subscription 1-year CTN Magazine with Annual Dues	FREE	\$48.00
● Freight Bill-of-Lading Books 50 pg. /5 - Part Form <i>each book</i>	5.95	7.95
<i>case of 20 books</i>	107.00	143.00
● Daily Driver Vehicle Inspection Report (DVIR) Booklet 50 pg. /2 - Part Form <i>each book</i>	3.25	4.85
<i>case of 56 books</i>	165.00	245.00
● Transportation Contracts & Agreements Letter Size - 21 pages, 7 documents - Agreement for Transportation Services - Supplemental Agreement - General Agreement for Services - Truck Haul Quotation - Truck Transportation Agreement - Trailer Rental Agreement - Drug & Alcohol (CSAT) Agreement Guidance	10.00	N/A
● Copy of Uniform Business License Tax Code	FREE	2.00
● Driver Daily Log Book	3.10	3.70
● Federal Motor Carrier Safety Reg. Large Ed. - Ideal for O-O & Fleet Owners / Management	15.00	20.00
● Driver Pocket Handbook - Ideal for Employee Drivers	5.00	6.50
● Preventive Maintenance & Safety Kit NEW - Updated Information	12.00	18.00
● Annual Maintenance Folder - Ideal for DVIR	2.50	3.50
● Guide to Effective Use of Mechanics' Lien Law in Transportation <i>For 20-day Preliminary Notice, Stop & Release Forms. Go to Building Industry Credit Assoc. (BICA) at bicanet.com</i>	10.00	20.00
● Dump Truck Axle 101 Booklet <i>Introduction to Understanding CA Laws of Weight and Wheelbase Lengths in the Dump Truck Industry</i>	3.00	5.00
● Unattended Transfer Trailer Decals NEW Parking Exemption Kit w/Sticker	10.00	20.00
● WSTA Logo - 4"x4" Sticker	FREE	N/A

REFLECTIVE TRAILER TAPE KITS

	Members	Non-Mem.
1K2 Kit - Truck/Trailer Marking Kit - 53' Trailer	\$75.00	\$100.00
2K3 Kit - Truck/Trailer Marking Kit - 48' Trailer	70.00	95.00
150' Roll	120.00	150.00
100 Strip Pack	120.00	150.00

- All Kits come with 4 - 2" x 12" white strips for the top corners of rear trailer.
- All Kits come with 1 strip 2" x 90" and 1 strip 1.5" x 90" for rear rails of gate.
- All Kits come with application instructions and squeegee.
- **1K2** Kit comes with 36 - 2" x 18" red/white reflective strips.
- **2K3** Kit comes with 32 - 2" x 18" red/white reflective strips.

According to CVC 24612, not all trailers or semi-trailer are required to have reflective stickers. See further details at www.westrk.org/govaffairs/faq/. Copies of the Summary of the NHTSA rulemaking for trailer conspicuity marking are also available.

PLACE ORDERS THROUGH MAIN OFFICE
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All prices are subject to change and subject to sales tax and freight. Materials are shipped via UPS.

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San Bernardino/Riverside	24.95	32.95
San Diego County.....	22.95	26.95
San Joaquin Valley/Bakersfield to Lodi	14.95	15.95
Northern California / and any other area		
Call Office		

THOMAS GUIDE MAP BOOKS - ZONED

Los Angeles/Orange Co.'s	110.00	125.00
San Bernardino/Riverside Co.'s	105.00	120.00
San Diego County	105.00	120.00

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We are excited to announce that WSTA, AADT & AAA&C will be able to keep your secured credit card information on file.

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To sign up for this service, please visit our websites (westrk.org or aadrugtesting.com), download the form, fill it out, sign and return it to our office. If you need more detailed information about this new service, call our offices WSTA/AAA&C (909) 982-9898 or AADT (909) 982-8409.



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There is a 14 day grace period from the date of purchase to return or exchange all goods and products received back to WSTA in resalable condition. Unfortunately, after 14 days, purchasers will be credited 75% of the product cost less the original shipping and handling fees.

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*\$48 of membership dues are used to cover the cost of publishing the association magazine – Western Transportation News. By signing this application you agree to subscription terms.

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1.....3	\$186.00.....\$341.00	<input type="checkbox"/> General Freight	<input type="checkbox"/> Cattle	<input type="checkbox"/> California Concrete Pumpers Alliance	
2.....6	\$201.00.....\$368.50	<input type="checkbox"/> Port Drayage	<input type="checkbox"/> Hotshot	<input type="checkbox"/> Coalition of American-Latino Truckers	
3.....9	\$216.00.....\$396.00	<input type="checkbox"/> Heavy-haul	<input type="checkbox"/> Auto Transport	<input type="checkbox"/> West State Alliance (Port of Oakland)	
4.....12	\$231.00.....\$423.50	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Household Goods	<input type="checkbox"/> Heavy-Haul Conference	
5.....15	\$246.00.....\$451.00	<input type="checkbox"/> Cross-border (International)	<input type="checkbox"/> Broker	<input type="checkbox"/> AFFILIATE MEMBER (\$500), \$50 ea. additional location	
6.....18	\$261.00.....\$478.50		<input type="checkbox"/> Other _____	(1) Please download the media kit from our website for additional benefits and advertising rates	
7.....21	\$276.00.....\$506.00			(2) Please attach a brief description of your business (around 100-150 words) to be used for introducing your company to our members.	
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9.....27	\$306.00.....\$561.00				
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*Brokers With More Than 8-Trucks Should Utilize the Membership Dues Schedule Above.		<input type="checkbox"/> Number of Trailers _____			
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Retired Dues		Primary Contact / Contacto Primario		Position / Posición	
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DUES ARE TAX DEDUCTIBLE

WSTA Bylaws can be viewed at westrk.org

TO JOIN: Fill out the adjacent membership application, mail, scan, or fax with correct payment or credit card information to:

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