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MOVEFAX

October 2, 2010

Dear SMA Member:
SMA ANNUAL CONFERENCE

Evaluations from Attendees: We had more than 100 people attend the annual conference in Lost Pines last week. We have received 13 evaluations. Please download an evaluation form from www.mytexasmover.com and let us know what you liked and what you did not like. We try hard to structure the conference so that everyone will enjoy and benefit from attending; however, your suggested improvements are always welcome and will help us create a better conference each year. If you haven't filled out an evaluation form, please do so. Email or fax it to us.

Committee Volunteers: This form is also on SMA's website for downloading. It would be great if we had even more volunteers who want to support SMA by participating on a committee. Education: Chad Miller, Debbie McKinley, Garry Stehle, Alice Rawlings, Traci McCullah. Membership: Ron Clair, Traci McCullah, Dawn Linkski, Becky Mobley, Alice Rawlings, Bill Andis, Donna Smith, Tim Davis. Public Relations: Chris Rullo, Chuck Boydston, Garry Stehle, Alice Rawlings, Donna Smith, Tim Davis. Rates and Rules: Chris Moucka, Becky Mobley, Konrad Gwaltney, Clint Adams, Traci McCullah. Long Range Planning: Gary Hendley, Becky Mobley, Mark Southerland, Traci McCullah, Clint Adams. Government Affairs: Andy Crocker, Becky Mobley, Clint Adams, Konrad Gwaltney, Bill Andis, Traci McCullah. Associate Members: Mike Streckfus, Mark Southerland, Alice Rawlings, Chad Miller, Donna Smith, Tim Davis.

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Pinnacles: Andy Crocker, Clint Adams, Mark Southerland and all Pinnacle Movers. SMA has three regular meetings a year, but only the spring and summer meetings contain committee meetings. Members who volunteer to be on a committee should be prepared to attend all meetings.

Please send in your conference evaluation.

Also a reminder - whether you were able to attend the conference or not, you are invited and urged to participate on a committee and be a part of the governing structure of SMA. Please send in your committee volunteer form as well.

Thanks,

Dorothy Brooks
Director of Operations

Parts and Accessories Necessary for Safe Operation: Antilock Brake Systems

The FMCSA has published a direct final rule and request for comments regarding the existing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that trailers with antilock brake systems (ABS) be equipped with an external malfunction indicator lamp. The existing indicator lamp requirement was originally scheduled to sunset on March 1, 2009, but the National Highway Traffic Safety Administration (NHTSA) published a final rule on August 25, 2009, that made permanent the requirement in the Federal Motor Vehicle Safety Standards (FMVSSs) that manufacturers equip trailers with ABS and an external antilock malfunction indicator lamp. As the requirement for an exterior ABS malfunction indicator lamp on trailers of the FMCSRs cross-references the requirements of the FMVSSs, this direct final rule makes the FMCSRs consistent with the August 2009 NHTSA final rule.

DATES: This rule is effective November 22, 2010, unless an adverse comment, or notice of intent to submit an adverse comment, is either submitted to the online docket on or before October 21, 2010 or reaches the Docket Management Facility by that date.

If an adverse comment, or notice of intent to submit an adverse comment, is received by October 21, 2010, the direct final rule will be withdrawn.

Rights and Responsibilities Brochure Ready to Order

We have finished our negotiations for printing the Rights and Responsibilities brochure updated by TxDMV, and dated July 2010. If you use only a few forms, we recommend you go to the TxDMV website and download the form for your use. You may also purchase the forms from SMA. The form is in full color and can be customized with your company name, address, phone number, and TxDMV and US DOT numbers. Prices: 100-400 generic forms \$0.25/form; 500-900 forms imprinted \$0.23/form; 1,000-1,400 forms imprinted \$0.20/form; and 1,500+ forms imprinted \$0.18/form. Email your order to dorothy@tmta.com or ida@tmta.com.

Madison High School Band Looking for a Trailer

Madison High School in San Antonio is hoping for a donation of a 53 foot van in which to transport their instruments. Any company donating the van would have "Van Donated by COMPANY" emblazoned on the sides of the trailer. Contact Ron Wallace, 210/887-3570, or ron@movinon.info for more information.

Federal Small Business Tax Bill Enacted

On Sept. 27, the President signed into law the Small Business Jobs and Credit Act (H.R. 5297). Several provisions of the Act may be of interest to motor carriers. The new law extends the special expensing provisions for small businesses for 2010 and 2011 tax years, and expands the limits. Under the new rules a business may write-off, instead of having to depreciate, up to \$500,000 of capital expenditures. Although when the business makes total investments of over \$2 million in a year's time, the amount eligible for the write-off is decreased. This provision covers most types of machinery, equipment and software and some real property. The act also extends to 2010 tax years the 50 percent bonus depreciation provision for capital investments that has also been in effect for several years.

Business owners will be allowed to deduct the cost of health insurance for themselves and their families that they incur in 2010 for purposes of calculating federal self-employment tax.

The law also removes the troublesome provision that required employers to account for the personal use by their employees of cell phones the employers had provided as a part of their employment.

TMTA Launches San Antonio Chapter Meeting

Members of the Southwest Movers Association joined San Antonio area TMTA members and TMTA staff at The Petroleum Club in San Antonio Thursday to re-launch the San Antonio TMTA Chapter meeting after years of dormancy. "The old San Antonio BATTLE group is reawakening," TMTA President John Esparza said. Esparza spoke about the need to stay organized and focused on advocacy. "The best way to do that is to stay informed and to share your positions and opinions, we are fortunate to have friends in the legislature who are willing to listen." State Representative Ruth Jones McClendon from district 120 in San Antonio was on hand to deliver the keynote address. McClendon agreed that strong advocacy, good communication and thoughtful participation from the industry go hand in hand. "As constituents, it is so important that you continue to elect and send the right people to Austin to represent you," said McClendon. "We do our job best with your input; we depend on our constituents, on TMTA and groups like yours for your knowledge and expertise when making critical decisions that are going to directly affect you."

McClendon also spoke about the bill she authored last session that created the new Texas Department of Motor Vehicles and the need for the new agency to keep its focus on the customer.

She also spoke on the challenges of the upcoming session and emphasized that the time was now to let your concerns be heard. "We are fortunate to have her there," said Esparza, "She has been a champion for transportation and small business and her experience is going to be critical in a difficult session like the one we have ahead of us." McClendon is the chairman of the House Rules and Resolutions Committee and serves on the House Appropriations and House Transportation Committees.

Proposed Federal Rulemaking

The National Highway Traffic Safety Administration has announced a rulemaking regarding proposed safety standards for tires for vehicles with a GVWR of more than 10,000 pounds. Under the proposal, new truck tires would be subject to more stringent endurance tests and a new high speed test. The proposal would also require that the tire sidewalls be labeled with the tire's maximum speed rating.

Comments are due not later than November 29, 2010. Go to <http://www.regulations.gov> Follow the online instructions for submitting comments.

OSHA Issues Interim Rule

The Occupational Safety and Health Administration (OSHA) issued an interim final rule in early September establishing whistleblower procedures and time frames for handling employee complaints under sections of the Implementing Recommendations of the 9/11 Commission Act. The interim rule is effective immediately, although OSHA plans to take comments and issue a subsequent final rule.

Of particular concern to motor carriers is that a complainant may ask a U.S. district court to review whistleblower claims filed under STAA if the Secretary of Labor has not issued a final decision within 210 days after the filing of a complaint. Public comments on the interim final rule are due to OSHA by Nov 1.

E-Logging Legislation Introduced

Senators Pryor of Arkansas and Alexander of Tennessee introduced legislation that would require electronic logging devices in all commercial motor vehicles subject to both hours of service and record of duty status requirements. The bill has the support of several large motor carriers. Congress is not expected to act on the Pryor/Alexander legislation quickly. Since recess began and Congress is unlikely to act on it during the post-election lame duck session, the bill will need to be reintroduced when the next Congress convenes in January. FMCSA is also expected to issue a proposed rule mandating such devices for a very broad portion of the carrier population, perhaps as soon as the first quarter of next year.

North Central Texas COG Accepting Grants

The North Central Texas Council of Governments (NCTCOG) is now accepting grant applications for projects that reduce idling from heavy-duty diesel vehicles through the Diesel Idling Reduction Program 2010 Call for Projects. Eligible project types include both on-board projects, such as auxiliary power units, and on-site projects, such as truck

stop electrification. Eligible applicants include public and private sector entities, including commercial fleets, public fleets, owner-operators, and entities wishing to install and/or maintain on-site idle-reduction systems.

The application deadline is 5 p.m. on Friday, October 22, 2010. See www.nctcog.org/dirp for more information.

2011 Moving and Trucking Day at the Capitol

Moving and Trucking Day at the Texas State Capitol has been set for Feb. 16, 2011. SMA committees and board will meet on the 15th. This is a great opportunity to visit with your elected official during the 2011 Legislative Session. Mark your calendar and make plans to attend.

SMA Event Calendar for 2010 - 2011

October 27 - Austin Board of Realtors Trade Show, Austin, TX
February 16, 2011 - Moving & Trucking Day at the Texas Capitol

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