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MOVEFAX

May 28, 2010

Dear SMA Member:

SMA Foundation Scholarship Applications - We are targeting June 15 as the date we will have all the votes in and be able to announce the scholarship recipients.

Don't miss the opportunity to participate in the Silent Auction fundraiser to maintain the on-going scholarship opportunities. See the article below. A donation form was sent out this morning via email and/or fax for your convenience in making your donation. Your consideration toward supporting the SMA Foundation with your tax deductible donation will be much appreciated.

Please mark your calendars now for the summer meeting, July 11-13 in Hot Springs, AR; a registration form went out yesterday to all members; and the annual meeting, September 22-24 at the beautiful Lost Pines Resort, Lost Pines, TX. We are planning another first day of free educational opportunities at the annual meeting in hopes of having members attend for at least the one day. We think this will help members recognize the value of membership in SMA and make a commitment to start taking advantage of all we have to offer.

Speaking of calendars. TMTA regional chapter meetings are included in the SMA calendar below. SMA members are invited to attend those meetings and address locations may be found on the TMTA website at [www.tmta.com](http://www.tmta.com), Local Chapters. The round of CSA 2010 seminars in six different cities in Texas has concluded. SMA will continue to keep members updated in preparation for CSA 2010.

Thanks and have a safe Memorial Day holiday,

Dorothy Brooks  
Director of Operations

## SMA Closed for Memorial Day

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SMA will be closed for the Memorial Day holiday on Monday, May 31 and will reopen Tuesday, June 1. We wish everyone a safe holiday as we remember those military men and women who have given the ultimate sacrifice for our freedom. We are humbled and give thanks for their contributions.

### **SMA Foundation Fundraiser - Silent Auction**

The trustees voted at their September meeting to sponsor a silent auction at the 2010 September meeting and have asked that we announce to SMA members the opportunity to support the Foundation by making cash donations for the purchase of items to go into the silent auction. Donation of items, in lieu of cash, will be considered as well. To prevent overlapping or duplication of items, please email [dorothy@tmta.com](mailto:dorothy@tmta.com) first to make sure the same item has not already been donated.

Checks should be made payable to SMA Foundation, with a note on the subject line: "Silent Auction".

The SMA Foundation is a 501(c)3 charitable organization. Contributions to the SMA Foundation may be tax deductible. Please consult your tax advisor.

For a donation form, visit: [www.southwestmovers.org](http://www.southwestmovers.org)

### **SMA Summer Meeting - Register Today**

The SMA Summer Meeting will be held at the Embassy Suites Hot Springs Hotel and Spa in Hot Spring Arkansas beginning Sunday, July 11 to Tuesday, July 13. Registration is available on the SMA Web site.

We will also have a fabulous dinner benefiting MovePAC on Monday evening, July 12. Registration for this event is on a separate form that can also be found on the below link. Please join us!

To make hotel room reservations, call 800-362-2779. Be sure to mention the SMA room code - SMA - when making reservations. The SMA group rate is \$129. The cut off date for hotel room reservations is June 24.

To register for the meeting, visit [www.mytexasmover.com](http://www.mytexasmover.com). We look forward to seeing you in Hot Springs!

### **Annual Conference Education/Seminar Topics**

Last year, the format of the annual conference was altered to bring more emphasis to education and make it available without charge and without any obligation to attend the full conference to anyone who wishes to attend just for the education. It is our plan to follow the same format for this year's annual conference.

At this time, we have scheduled "Power of the Internet, Search Engines and Web Sites" with Sean Burchell, who appeared at the Kerrville meeting last year, and "Going from Good to Great: Will Your Company be an Enduring Company" with Bobby Albert and Jason Turner, The Albert Companies, Wichita Falls, TX. We still need suggestions for two more sessions, so please let us hear from you.

### **Roadcheck 2010 Takes Place June 8-10**

During a 72-hour period in the second week of June, thousands of inspectors will be examining over 70,000 vehicles. What they find (or don't find) can affect your CSA 2010 scores. And remember, even violations not resulting in an out-of-service order will be tabulated into the CSA 2010 Safe Measurement System.

Some facts to consider regarding last year's Roadcheck event:

- A record 72,782 inspections were conducted.
- Of the vehicles inspected, 19.6% were placed out of service for mechanical problems (that's about 14,130 vehicles).
- On average, approximately 17 trucks or buses were inspected every minute.

Roadcheck 2010 is less than two weeks away. (*Excerpted from a bulletin issued by J. J. Keller Associates*)

### **SMA 2010 Membership Directories**

The 2010 directories went into the mail to all members on Monday of this week. Member companies and representatives are listed alphabetically as well as by state and city. The directories contain SMA's code of ethics for membership; a history of SMA; the mission statement and the goals and objectives, as well as the heritage award recipients, committee assignments, officers and directors and the SMA by-laws. The directory serves many purposes for the membership. It also allows SMA to promptly introduce ourselves to new members. Please check your listing(s), and if you find any changes that need to be made, please email [tammy@tmta.com](mailto:tammy@tmta.com)

### **International Registration Plan Clarified**

On May 13, the International Registration Plan (IRP) Dispute Resolution Committee (DRC) met to consider a significant request for interpretation of the international registration plan. Texas inquired whether the plan allows the state to require Texas-resident carriers to register their trailing equipment in Texas, or at least in some state where such carriers have a location. The DRC answered no, that the plan clearly requires each IRP member to accord full and free reciprocity to trailing equipment properly registered in any jurisdiction.

### **FMCSA Adds Eight Members to Motor Carrier Safety Advisory Committee**

Federal Motor Carrier Safety Administrator Anne Ferro announced the addition of eight new members to the agency's Motor Carrier Safety Advisory Committee (MCSAC). The MCSAC is charged with providing information, advice and recommendations to the Federal Motor Carrier Safety Administration on motor carrier safety programs and regulations. The new members will begin their two-year terms on June 8, 2010. The new members are:

Kevin O'Brien, Director of Motor Carrier and Driver Safety Services, New York Department of Motor Vehicles

LaMont Byrd, Director of Health and Safety Department, International Brotherhood of Teamsters

Norman Dofflemyer, Commercial Motor Vehicle Division Commander, Maryland Department of State Police

Thomas Jacques, Commercial Motor Vehicle Enforcement Officer, Pittsburgh, Pennsylvania Bureau of Police

John Lannen, Executive Director, Truck Safety Coalition

Jane Mathis, Board Member, Parents Against Tired Truckers

Peter Pantuso, President and CEO, American Bus Association

Danny Schnautz, Professional Truck Driver, Clark Freight Lines, Inc.

### **TxDOT Management Review Completed**

Last year, the Texas Transportation Commission obtained the services of an independent audit firm,

Grant Thornton, LLP, to conduct a top-down management and organizational review of the Texas Department of Transportation. The Commission directed Grant Thornton to perform this review per a recommendation from the Texas State Legislature in 2009. The final report, which is available at [www.dot.state.tx.us](http://www.dot.state.tx.us), was delivered to the Commission during its workshop meeting Wednesday.

### **Court Ruling on Federal Preemption Against State Laws**

The U.S. District Court for the Southern District of Texas has ruled that the federal preemption against state laws affecting motor carrier rates, routes, and services barred various state law causes of action against a transportation broker. The case arose when a trailer-load of perfume was stolen, and it was discovered that due to an error on the part of the carrier hauling it, the trailer was uninsured. The shipper sued both the carrier and the broker that engaged the carrier for breach of contract and on other theories, including deceptive trade practices, negligence, and negligent misrepresentation. The broker moved for summary judgment on all but the breach of contract claim, arguing that under 49 U.S.C. §14501(c) such claims interfered with the federal regulation of transportation. Reasoning from the decision of the U.S. Supreme Court in *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374 (1992), which construed the similar preemption for airlines, the court here ruled that only the shipper's breach of contract claim could continue.

### **SMA Event Calendar for 2010**

May - National Moving Month

June 8-10 - National Council of Moving Associations, St. Louis, MO

July 11-13 - Summer Membership Meeting - Embassy Suites, Hot Springs, AR

September 22-24 - Annual Meeting & Trade Show, Lost Pines Resort, Lost Pines, TX

**TMTA local chapter addresses are posted on [www.tmta.com](http://www.tmta.com)**

June 16 - Houston Local Chapter Meeting

June 23 - Amarillo Local Chapter Meeting

July 13 - Tyler Local Chapter Meeting

July 21 - Houston Local Chapter Meeting

July 28 - Amarillo Local Chapter Meeting

July 27 - 29 TMTA Annual Conference

### **SMA Associate Member Ad: Trans Advantage**



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