



“NEWS & VIEWS”

A publication of The Machinery Haulers Association, Inc.

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The Big News at TMHA Right Now the Annual Meeting!



The 2019 TMHA Annual Meeting is only seven weeks away. That may sound like a while, but it will go very quickly, especially when the room block expires on February 6! Have you made your room reservation and meeting registration yet? It’s been a while since we’ve held a meeting in Las Vegas and we’re looking forward to getting back there.



We’ve got an event planned that should rival any previous TMHA annual meeting. There will be a Social/Dinner Event on Friday evening, March 8 you won’t want to miss. We’ll be dining at the fabulous Eiffel Tower Restaurant with fare sure to please and, with floor to ceiling windows all around, a view that will delight the eyes. Want to experience “Vegas lights?” Here they are!



The meeting will be on Saturday, March 9. Your TMHA staff and Board have worked hard to make this the best TMHA Annual Meeting ever, as we want to be certain our members will feel pleased they attended. To that end, we’re putting together another great line-up of speakers.

Confirmed speakers include, Barry Pottle (ATA’s Chairman, the #1 spokesman for the trucking industry), Beth Carroll (Managing Principal at the Prosperio Group), and David Heller (VP of Government Affairs at TCA). You will not want to miss what these, and other, exciting speakers have to say at this meeting!

Meeting registration and room reservations can be made on the TMHA website at www.machineryhaulers.org We’ve had record attendance at our last two meetings and we want to continue that trend with this one, but we can’t do that unless YOU are there! You will not be disappointed. We recommend everyone make their reservation promptly as rooms have filled up quickly.

TMHA Board of Directors Slate Announced Ballots Out Soon

In addition to a great line-up of speakers, the 2019 Annual Meeting will have another very important component and that will be the installation of a new Board of Directors. At TMHA, the board is not just figureheads, but is a group of members who meet regularly and who actively work with the TMHA staff to guide the organization in a direction that is productive and is beneficial to its members. TMHA is all about its members and the board wants to bring them the organization they want and expect.

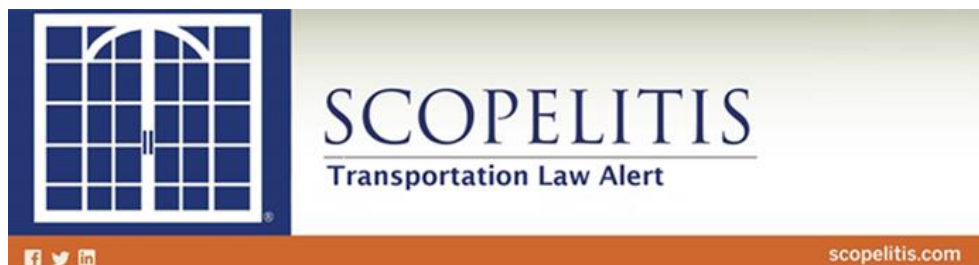
Soon, eligible voting members of TMHA will be sent a ballot for the election of the new board. It is very important that all voting members participate in the election and we ask that, at that time, you take a few moments to complete your ballot and submit it to us. It is the recommendation of the Board Development Committee that the following members be elected to the TMHA Board of Directors.

In alphabetical order, the slate consists of: Randy Amhof, Amhof Trucking, Inc.; Jon Coca, Diamond Transportation System, Inc.; Dave Gallano, Gallano Trucking, Inc.; John German, Hunt Transportation, Inc.; Wayne Hilburn, Hilburn Trucking, Inc.; Heather Johnson, Landstar Transportation Logistics; and Lance Votroubek, Warren Transport, Inc.

Don't Forget to



An Important Word from Our Friends at the Scopelitis Law Firm



U.S. Supreme Court Unanimously Declares Owner-Operators Exempt from the Federal Arbitration Act

In a case closely watched by the transportation industry, this morning the U.S. Supreme Court issued its opinion in [New Prime, Inc. v. Oliveira](#).

The case involved the exemption from the Federal Arbitration Act (FAA) for “contracts of employment” with “transportation workers.” Mr. Oliveira worked as an owner-operator under lease to New Prime and later sued the company, claiming he had been misclassified as an independent contractor. (For more background on New Prime, we previewed the issues presented in the case [here](#), and we recapped the oral argument [here](#).)

In a unanimous opinion (by a vote of 8-0, because Justice Kavanaugh had not been appointed at the time oral argument took place), the Court held that Mr. Oliveira had a “contract of employment” with

New Prime even assuming he was properly classified as an independent contractor. The Court reasoned that the phrase “contract of employment,” as it was used in 1925 (when Congress passed the FAA), encompassed “agreements to work” and was not limited to the modern conception of a formal employer-employee relationship.

The upshot is that owner-operators providing services to motor carriers pursuant to independent-contractor agreements are categorically exempt from the FAA, confirming the Firm’s long-standing guidance to clients that owner-operators may be found exempt.

While today’s holding would seem to foreclose efforts to enforce arbitration agreements with owner-operators under the FAA, it does not necessarily limit motor carriers’ ability to have those agreements enforced under state arbitration law. However, those laws will vary by jurisdiction, and some states have less favorable—or less well-developed—precedent on key issues, such as class-arbitration waivers.

During the oral argument, several justices probed whether an owner-operator who did not personally perform services or who operated multiple trucks would be subject to the exemption. The Court did not address these issues in its opinion, arguably leaving them open for future litigation.

Scopelitis Transportation Law Alerts are intended as a report to our clients and friends on legal developments affecting the transportation industry. The published material does not constitute an exhaustive legal study and should not be regarded or relied upon as individual legal advice or opinion.

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Diamond & Warren Owner/Operators Named Finalists!

TMHA has learned that two of its Motor Carrier Members, Diamond Transportation System, Inc. and Warren Transport, Inc., have independent contractor, owner/operators with equipment leased to their companies, who are finalists in the 2018 TCA Owner/Operator of the Year contest! That means, two of the three finalists for the prestigious award have contracts with TMHA member carriers!

Danny Jewell (wife, Sharon) of Warren Transport and Kevin Kocmich (wife, Joy) have been selected from among the very best owner/operators from all over the country. Both have sterling records and are stand-out individuals. TCA chairman, Dan Doran, president of TMHA member carrier Searcy Specialized, said, “Regardless of who may take home the grand prize award in March, each driver has made significant contributions to the industry and should be applauded for their efforts as they’re setting the finest example possible.” There will be more on Danny and Kevin in next month’s “News & Views.”

The winner of the award will be announced in Las Vegas the Tuesday after the TMHA Annual Meeting there on Saturday, March 9. We wish Danny & Sharon, Kevin & Joy, and their companies the best of luck!

TMHA Welcomes a New Motor Carrier Member

We want to welcome D/C Transport, Inc., out of Elk Grove Village, IL, to TMHA as a new Motor Carrier Member. D/C's primary representative to TMHA is their president, Dominick Cocciemiglo, Jr.

Dominick attended our Regulatory, Economic & Political Symposium in December, got to visit with our members, and liked what he saw.

D/C Transport, Inc. is a full-service transportation company offering everything from local container drayage to super-loads and high wide rail. D/C was incorporated in 1991 as a spin-off of sister company D/C Export & Domestic Packing, Inc. which was founded in 1974.

D/C uses a combination of their nationwide packing, handling and transportation services to offer one stop solutions for importers and exporters of capital equipment. At Elk Grove Village, D/C boasts a 55,000 sq.ft. facility, a 25-ton overhead crane, and multiple forklifts. In Warrenville, IL, D/C has a 45,000 sq.ft. facility, a 5-ton overhead crane, and multiple forklifts. Greer (Greenville) SC is home to D/C's 45,000 sq.ft. Free-Trade Zone facility which also has multiple forklifts.

We're happy to have Dominick and the good folks at D/C Transport on board as a member of TMHA. You can learn more about D/C at www.dctransport.com Please join us in welcoming Dominick and D/C Transport, Inc. to the Association.



TMHA Welcomes a New Allied Member

We are pleased to welcome Peerless Industrial Group, Inc., out of Winona, MN, as a new Allied Member of TMHA. Peerless' primary representative to the Association will be Cary Kronebusch, Senior Product Manager.

Peerless is a worldwide leader in lifting solutions utilizing innovative design, engineering, manufacturing and quality teams. The company's 100 years of experience provides its customers with trusted products. Through this customer commitment, Peerless is the largest chain manufacturer in North America. Peerless is part of KITO Corporation's global network providing its customers access to overhead lifting, below-the-hook & material handling, cargo control, hardware, marine and traction products.

We're happy to have Cary and all the good people at Peerless Industrial Group, Inc. on board as a member of TMHA. You can learn more about Peerless at www.peerlesschain.com Please join us in welcoming Cary and Peerless Industrial Group to the Association.



Bennett Secures 15,120 Wreaths for Gravesites at Andersonville Nat'l Cemetery

Bennett International Group and the Taylor Family Foundation concluded months of efforts to honor fallen veterans at Andersonville National Cemetery for the holiday season by laying over 15,120 wreaths during National Wreaths Across America Day on Saturday, December 15, 2018.

The week began with five Bennett drivers going to Harrington, Maine to pick up wreaths from the Worcester Wreath Company, the founders of the Wreaths Across America organization. They joined truckers who delivered nearly 600 truckloads of wreaths across America to 1,640 participating locations throughout the country, all committed to the mission to **Remember, Honor and Teach**. TMHA is proud to have a selfless and service-oriented company such as Bennett Motor Express as a Motor Carrier Member.



Hunt Transportation, Inc. Presents 2018 Driver Awards

TMHA Motor Carrier Member, Hunt Transportation, Inc., out of Omaha, NE, recently announced their annual Safety Award winners. Hunt is rightfully very proud of their company's safety record and of the following individuals who help make it happen.

Hal Page – 2018 Safe Driver of the Year

Hal Page is from Humeston, IA and has been with Hunt for more than 25 years. Page was honored as the Nebraska Trucking Association Driver of the Month in August of 2018 and is a 25-year Nebraska Trucking Association President's Club Member.

Michael Harvey – 2018 Owner / Operator of the Year

Mike Harvey is from Lubbock, TX and has been with Hunt for over 7 years, being an owner operator for 2 of those years. Harvey was Hunt's Owner / Operator of the Month in January 2018 and is a 6-year Nebraska Trucking Association President's Club Member.

Jeffery Martin – 2018 Company Driver of the Year

Jeff Martin is from Wilmington, DE and has been with Hunt for over 6 years. Martin was Hunt's September 2018 Company Driver of the Month and is a 4-year Nebraska Trucking Association President's Club Member.

TMHA congratulates Hal, Mike, Jeff, and the entire Hunt team for doing their part to keep our great nation's streets, roads, and highways safe.



Safety vs. Saturation



As technology puts more and more demands on drivers' attention spans, the risk of information overload and paralysis in the face of danger rises. (Image: U.S. Department of Transportation)

Wild, chaotic, and stressful beyond words. That's what it was like for the brave young Americans flying combat missions over North Vietnam a half century ago. And, believe it or not, there are more than a few parallels between problems the U.S. Air Force faced then and the trucking industry faces today. For starters, the war wasn't popular, so the Air Force was dealing with a severe shortage of qualified pilots. And the airspace around Hanoi was the most heavily defended in history, with myriad threats, including Soviet-made surface-to-air missiles (SAMs), radar-guided anti-aircraft artillery, and MiG fighter planes (also supplied to the North Vietnamese by the Russians). Clearly, the Air Force had to do something to help retain the pilots it had and reduce losses to both men and material over the North. To help its pilots perform better and stay safe in such a dangerous and dynamic environment, the Air Force supplied a multitude of technological aids. There were early-warning AWACs aircraft orbiting over the South China Sea, to provide a more complete picture of when and where North Vietnamese fighters were, as well as a full array of electronic warfare systems on American fighters to let pilots know when enemy radar systems were tracking them and alert them when enemy missiles were on the way. And, of course, there were other pilots, who were trained to look out for one another and call out threats on the radio to keep everyone safe and informed over the target. And still, it wasn't enough. The loss rate for men and aircraft over North Vietnam remained high for the duration of the conflict. After the war, one American F-4 Phantom pilot recalled his Very Bad Day over Hanoi, twisting and jinking his jet to avoid enemy fire, dodging other aircraft, all the while trying to get into position behind

a MiG 21 for a missile shot. He was almost lined up for the kill, when out of nowhere, a SAM exploded outside his cockpit, instantly turning his \$2 million Phantom Jet into so much falling junk.

The pilot and his back-seater ejected safely but were quickly captured by the North Vietnamese and spent several miserable years as guests at the infamous Hanoi Hilton. And during that long stretch of time in captivity, the pilot kept wondering how – with all of that technology and systems at his back – that SAM had gotten close enough to his jet to blow it out of the sky.

Upon his release at the end of the war, Air Force debriefers played back audio tapes of the shoot-down for the pilot. He was stunned to learn that, in fact, he'd had multiple warnings that enemy radar was tracking his jet and that a SAM was inbound. In fact, he'd had information coming in from several sources warning him of the danger – from his aircraft's own threat assessment systems, to AWACs warning, to his fellow pilots yelling at him on the radio that a missile was coming and he needed to maneuver out of the way.

But he'd heard none of it. "I was totally saturated with information," he said later. "In fact, I had so much information coming in, I couldn't prioritize it and act on it the way I needed to."

The lesson here – taken to heart by the Air Force – is that there is, in fact, such a thing as too much information in a dynamic work environment like an airplane cockpit (or a truck cab or a fleet manager's office). It's human nature to want to give people as much information as possible. But, given the average human being's ability to simultaneously process data from multiple sources, it's clear that there's a very thin line between actionable intelligence and information overload.

OEMs and telematics providers are aware of this problem – and they need to be. As our information technology gets faster and more detailed, the line between driver attentiveness and autonomous vehicle systems blur, and our roadways become more congested, the demands on driver attention grow more and more intense. As that Air Force pilot learned the hard way, if you focus on one problem too long, or tune out too many warnings, the consequences can be severe – even fatal. The trick here is to provide the right information at the right time in the right way so that a driver – or a fleet manager – can react quickly and correctly to the problem or the threat at hand. It's not an easy balance to strike. But

finding that information sweet spot, and constantly adjusting it as new technology comes online, will be increasingly important for all of us in the coming years. Because if you think you have a lot of data and information coming in to you now on a daily, hourly or even minute-to-minute basis – just wait.

(Attribution: HDT Truckinginfo, written by Jack Roberts)

New AASHTO Director Jim Tymon Outlines Goals for 2019

Advocating for a sustainable solution for the federal Highway Trust Fund will be a top priority for the American Association of State Highway and Transportation Officials' new leader.

AASHTO Executive Director Jim Tymon hosted a conference call Jan. 8 to discuss his goals for leading the agency in 2019. The Highway Trust Fund, which assists states with maintenance and construction projects, is expected to go bankrupt in 2020. Tymon, who started in this role Jan. 1, pledged to work with Congress to put the trust fund on solid ground.

Tymon, who formerly served as AASHTO's chief operating officer and director of policy, also listed working with federal and private sector partners to adapt new technologies to transportation needs and cultivating a talented workforce as his other priorities.



He encouraged states to be creative in their recruitment techniques, citing the Colorado Department of Transportation's partnership with a community college to offer a two-year applied science degree in highway maintenance management.

"We're doing this because we know state DOTs are evolving into innovation agencies and, as a result, they're looking to attract a different type of worker than maybe they have traditionally done," Tymon said.

Tymon's call occurred on the 18th day of the federal government shutdown, which began Dec. 22. Although the Highway Trust Fund is operating, Tymon said that state government agencies could feel the shutdown's effects as it wages on.

He explained that, because the government has been buoyed by continuing resolutions since the fall, states haven't received more than a quarter of the funding that was scheduled for them in the appropriations process.

"I think what you'll see in the short term is states finding ways to move money around from different pots in order to keep their systems operating as efficiently as possible. It's not something they can do

forever,” Tymon said. “The longer this drags on, you’re going to see states start to draw back on their letting for new projects because they won’t have their money coming in yet.”

Tymon expressed a positive outlook on the future of a federal infrastructure package. He noted that, after shutdowns, lawmakers often seek common ground to demonstrate that they can work together.

“Maybe this is an opportunity for infrastructure to step into that role and to serve as a way for the parties to come together and Congress and the administration and push forward with some kind of infrastructure package,” Tymon said. “Federal transportation infrastructure investment has traditionally unified political parties around the common belief that transportation serves all Americans.”

Tymon, who replaces Bud Wright, said he has spent most of his days as executive director greeting new state DOT chiefs as dozens of newly elected governors appoint them. He said he looks forward to working with this new crop of leaders, who hail from various transportation and political backgrounds.

Tymon acknowledged states’ various efforts to generate infrastructure revenue. Many have enacted hikes to their fuel tax rates. Several have experimented with miles-based user fee programs. Connecticut voters on Nov. 6 overwhelmingly supported an amendment to create a lockbox to protect transportation funds.

Although these efforts indicate an awareness of the need for infrastructure funding, Tymon said they are not enough on their own.

“Don’t mistake the success of raising revenue at the state level as an excuse for the federal government to walk away from their responsibility,” Tymon said. “States can’t do this work alone. They need a strong federal partner.”

(Attribution: Transport Topics)

TMHA to Introduce Updated Logo Soon

TMHA will soon be rolling out an updated logo. While we feel our brand is recognizable and does represent our organization, it needed to be updated to most properly represent who TMHA is today. We hope you will like the new logo, as it represents your Association. Watch for it.

(Scroll down to see TMHA’s Calendar of Events and Board of Directors.)

Calendar of Upcoming 2019 Events

March 8 & 9, 2019

2019 Annual Meeting (Board Election year)
Bally's/Paris Las Vegas @ Las Vegas, NV

July 24 – 26, 2019

Safety & Security Meeting
2nd Annual TMHA Invitational Golf Classic
The Abbey Resort @ Fontana-on-Geneva Lake, WI

December 4 & 5, 2019

Regulatory, Economic & Political Symposium
Jumers's Casino & Hotel @ Rock Island, IL



**Have You Reserved Your Room and Registered for the
March 8 & 9 Annual Meeting in Las Vegas? Don't Forget.
The Room Block expires on February 6!**

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