



“NEWS & VIEWS”

A publication of The Machinery Haulers Association, Inc.

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TMHA Thanks its Loyal Allied Members!

So far this year we have thanked our Sponsors and Motor Carrier Members, however, we want to change it up again and this month thank our loyal Allied Members. Our Allied Members support us in many ways, not the least of which are providing support to TMHA, but also supporting our Motor Carrier Members and our industry on a daily basis as they provide the needed and valued services and products that help our Motor Carrier Members be successful. It is our goal to bring our Allied Members value for their hard-earned dues dollars just as it is for our Motor Carrier Members.

Our members are loyal to our Association. They attend meetings at a high percentage of membership rate, they contribute valuable and useful input to our meetings, and they are generous with their financial support through prompt payment of their membership dues at the beginning of each year as well as providing additional sponsorship dollars.

Our Motor Carrier Members and the TMHA staff thank you, Allied Members, for your contributions and support. We do appreciate you!



Calendar of Upcoming Events

December 5 & 6, 2018

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

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
Jumer's Casino & Hotel @ Rock Island, IL**



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Have You Registered for the December 6 Meeting?



This year's Regulatory, Economic & Political Symposium is right around the corner (December 6) and we know our attendees will find the meeting to be enjoyable and to have real value.

Online registration for the meeting continues to be available on TMHA's website at www.machineryhaulers.org We've lined up a diverse group of very knowledgeable and interesting speakers

whom we know you will enjoy hearing. There will be some time for Q&A as well.

First up will be our friend, David Heller, TCA's VP of Government Affairs, who will, in his inimitable and dynamic style, bring us up to date with what's going on in Washington, now that the mid-terms are behind us, regarding regulations and other critical political activities that will be going on in the new year. Next up will be Todd Amen, President & CEO of ATBS, the foremost provider of accounting services, as well as other products, for independent truck operators. We can count on Todd to bring a wealth of important and helpful information and data to share. During a working lunch, we'll get to hear Curt Blades, Sr. VP of the Association of Equipment Manufacturers (AEM) fill us in on what's going on with the equipment manufacturing industry as well as giving us a peek behind the curtain and a look into the crystal ball for the new year. Many of AEM's members just happen to be some of our customers. Our next speaker will wrap up the meeting with a bang. Deborah Lockridge, Editor-in-Chief of Heavy Duty Trucking Magazine will offer her keen insights on what to expect during 2019 from an independent, journalistic point of view.

Before all of that though, be certain to join us for an opportunity to relax, socialize, and enjoy a great dinner the evening before (December 5) at one of the Quad City's finest dining establishments. We want to recognize and thank Searcy Trucking Ltd. for stepping up to sponsor the social hour for us. When you see Norm Blagden, be sure to thank him.

You will not be happy if you don't attend and then the next day hear what a great meeting you missed. This is an important meeting. We will have several prospective new members as well as guests in attendance. We're looking for 100% member participation! If you have not yet made your plans to attend, take care of it today! We need to see YOU in in Rock Island!

Spring 2019 Annual Meeting Coming Up Next!



While we've been putting together December's meeting, we've also been looking ahead. TMHA's first meeting of 2019 ... the Annual Meeting ... will be held in exciting and fabulous Las Vegas, Nevada!



Details and registration information will be available soon but to give you a brief preview, the headquarter hotel will be Paris Las Vegas with the meeting next door at Bally's on **March 9**. In addition, we'll be having our traditional TMHA Social / Dinner Event on Friday evening, **March 8**. Mark your calendar now and start planning to attend!

Diamond Transportation System Moves “The Wall that Heals”

(The following article appeared in The Journal Times. TMHA congratulates motor carrier member Diamond Transportation System, Inc. for its participation in this worthwhile project.)



(RACINE, WI) — More than 3 million Americans served in Vietnam during the Vietnam War. The conflict’s national memorial in Washington, D.C. — the Vietnam Veterans Memorial, aka “The Wall” — has more than 58,000 names inscribed on it, honoring the Americans who perished in the war. Since being erected in 1982, more than 400,000 items have been left at the foot of the 493-foot wall in memory of and honoring those who perished.

Some of those items, and a recreation of half the wall (375 feet), made a recent stop in Racine, WI. The mobile wall, called “The Wall That Heals,” was created by the Vietnam Veterans Memorial Fund. Diamond Transportation System, Inc. offered its services to transport the exhibit from Howell, MI to Crivitz, WI.

“The Wall That Heals” has stopped in about 40 different cities across the U.S. this summer. “We had drivers interested in driving it,” Steve Weidner, Diamond’s operations manager, said regarding his company’s involvement. The driver who had the honor of transporting the monument was D Dorvani, who said he only goes by the initial for his first name.

Dorvani is an independent contractor with Diamond, meaning he used his own truck to move the trailer that carries “The Wall That Heals.” He picked up the exhibit near Detroit and transported it to Crivitz in Marinette County after the stop in Racine. Dorvani has a military background; an Israeli national, he served in the Israel Defense Forces before becoming a truck driver in the U.S.



The “Gold Star Bike,” a motorcycle dedicated to the memory of Robert Cupp, an American soldier who died in the Vietnam War, travels with “The Wall that Heals” exhibit. Here it is pictured next to the memorial’s trailer at Diamond’s facility in Racine.

The Vietnam Veterans Memorial Fund is trying to raise money to construct a museum near the memorial in Washington. To learn more about the effort, go to BuildTheCenter.org.

Watch for Your 2019 Dues Invoice

Invoices for 2019 membership dues will start going out the middle of this month. Payment is due by January 15, 2019. In the meantime, **please send us the specific information regarding to whom the invoices should be directed at your company and their email address.** Simply send the information to us at tmha@machineryhaulers.org **Invoices will be sent by email only, so be looking for them in your Inbox around November 15, or soon thereafter, and be certain your company’s spam filter is not blocking them** (or any other communication from TMHA.) Thank you in advance for your support of TMHA! We plan to make 2019 TMHA’s best year ever!

A Few Important Words from our Friends at the Scopelitis Law Firm

(This article was reprinted with permission.)

SCOPELITIS-LABOR & EMPLOYMENT

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A Note About OSHA and Safety Compliance

The majority of transportation industry employers recognize the importance of a safe workplace and strive to promote a culture of safety through various practices and incentives. The Occupational Safety and Health Administration (“OSHA”) has recently provided guidance for safety-minded companies in the form of advice as well as citations issued. The guidance may not be all-encompassing, but it can nevertheless provide helpful assistance in various areas of an overall commitment to safety.

Lesson 1: OSHA has not abandoned jurisdiction over transportation industry employers.

Although it is true that OSHA generally refrains from exercising jurisdiction where the U.S. Department of Transportation would also have jurisdiction (e.g., highway safety), OSHA will enforce its regulations at various facilities, including terminals, warehouses, and even portions of rail yards. Transportation industry employers should therefore be careful to critically analyze whether OSHA regulations apply to a particular work area or circumstance.

Lesson 2: Training could provide the difference not only in preventing an injury, but also in avoiding or limiting a citation where training is required or even in the event an injury occurs.

OSHA last month investigated an employer following an injury and issued a citation identifying, in part, a lack of training. OSHA fined the employer over \$100,000. In addition, OSHA mandates training on particular topics such as fall protection and dock plate operation. Importantly, a failure to engage in the proper training of employees can itself lead to a citation even if no injury has occurred.

Lesson 3: Safety incentive programs and drug testing are good things, provided they do not unnecessarily discourage injury reporting.

Last month, OSHA issued guidance to clarify its position on workplace safety programs and post-incident drug testing. Specifically, OSHA confirmed that such safety programs and drug testing are not prohibited but that they should contain safeguards to avoid having the retaliatory effect of discouraging injury reporting.

Safety incentive programs that reward employees for accident-free periods naturally encourage safe practices. However, such programs can also discourage employees from reporting an injury, thereby preserving eligibility for a safety bonus. OSHA’s guidance attempts to bridge the gap by encouraging such an incentive program to also reward employees for identifying unsafe conditions, training employees to expressly reinforce reporting rights and responsibilities in an atmosphere free of retaliation, and providing a mechanism for measuring employee willingness to report injuries.

Similarly, a post-incident drug test that involves only the injured employee may discourage an employee from reporting the injury where the employee knows, regardless of actual fault for the accident, he or she will be discharged for failing the drug test. OSHA’s guidance notes that post-incident drug testing should involve all persons whose conduct could have contributed to the incident, not just the employee who reports an injury.

OSHA jurisdiction in the transportation industry can present complex issues, as can training requirements and anti-retaliation measures. For more information, please contact [Jack Finklea](#), [David Robinson](#), [Don Vogel](#), or [Sara Pettinger](#).

Allied Member's Products Prevent Truck & Cargo Theft



Recently, the attempted theft of a truck and cargo at a truck stop in Sparks, NV involving a major truckload carrier transporting a high-value load, was prevented by products offered by TMHA Allied member, Transport Security, Inc. The truck's dashboard was severely damaged, but The ENFORCER® Air Cuff™ Lock prevented the truck from being stolen. The cargo was still secure because the driver placed the ENFORCER® ABLOY® padlock on his trailer doors and had his ENFORCER® Air

Cuff™ Lock in place over the air valves on the dashboard.

The Last Word "Happy Thanksgiving!"

The "last word" this month is actually two words "Happy Thanksgiving!" The Thanksgiving holiday is one that is held dear by millions of Americans every November. It's that one day that is set aside for us to gather with loved ones family and friends to give thanks for our many blessings. In a time when discord seems to be all too common, let us not forget that, as Americans, we are fortunate and privileged to have much for which to be thankful.

TMHA wishes you and your family a very safe and Happy Thanksgiving holiday!

