House of Representatives Agrees to Long-Term Highway Bill

The House of Representatives passed its 6 year highway policy bill, the Surface Transportation Reauthorization and Reform (STRR) Act. While the bill put forward by the House did not include a funding source, and instead chose to rely on the Senate’s previously passed 3-year funding proposal, the bill did include several ATA policy priorities that were the direct result of ATA’s extensive advocacy efforts. The issues of importance to ATA and the trucking industry that are in the bill include:

- the allowance of hair testing for drug and alcohol screening;
- reforms to the CSA program;
- the establishment of a national freight program;
- the creation of an under-21 year old program for interstate driving that moves toward a graduated CDL approach for trucking; and
- language to inhibit the expansion of tolling on existing interstates.

During the course of the House’s consideration of the bill this week, over 300 amendments were filed to the bill, and ultimately, the House considered 126 amendments over a three day period. Particularly important to ATA, potentially harmful amendments were defeated relating to the CSA reforms, the younger driver graduated-type CDL pilot program, and the minimum insurance language. Additionally, the House soundly defeated an amendment supporting the devolution of the highway trust fund back to states. Finally, ATA was also successful in passing the Denham (R-CA) amendment to the bill, that clarifies the preemption provision of the Federal Aviation Administration Authorization Act of 1994 (FAAAA) to restore the goals Congress had in mind when it sought national uniformity for motor carriers in the transportation of property.

Following the week of consideration, on Thursday, the House agreed to their highway bill by a 363-64 vote. After passage of the bill, ATA President & CEO Bill Graves stated that “we congratulate Chairman Shuster and Ranking Member DeFazio for leading the passage of
a long-term, bipartisan highway bill, and now urge House and Senate leaders to come together on a final bill that increases highway investment to send to President Obama this year,” Additionally, ATA Chairman Pat Thomas, UPS senior vice president of state government affairs noted that, “it is refreshing, after so much delay, that Congress appears poised to pass this important bill. But the job isn’t finished and we look forward to Congress passing a long-term, well-funded bill that improves efficiency and safety on our highways.”

The next step will be for a House and Senate Conference to resolve the difference between the two somewhat varying highway bills, agree to the bill, and send it to the President’s desk for his signature before the current short-term extension expires on November 20. As the House and Senate move forward to conference the two bills, ATA will continue to work closely with Members and their staff to ensure ATA’s priorities included in the bill are protected, and to defend against efforts to harm those priorities.

Highlights from October 2015 ATA Leadership Conference

Reported by Jason Hammes, KMCA's Alternate ATA State Vice President & written by Ken Leicht, KMCA Public Relations Chairman

Safety
The Federal Motor Carrier Safety Administration regulation on Electronic Logging Devices and Hours of Service Supporting Documents (MAP-21) (RRR) final rule is currently under review <http://www.reginfo.gov/public/do/eoDetails?rrid=125351> by the White House Office of Management and Budget, where it’s been since July 30. The rule is expected out very soon.

Younger Driver Graduated CDL Research
John Hausladen, President of the Minnesota Trucking Association (MTA), outlined steps an MTA working group had set out to address the need to attract younger drivers. Specifically, MTA will undertake a graduated CDL training and monitoring research program to better understand ways to safely create career paths for younger drivers.

Speed limiter
The proposed rule is tied up in the Office of Management and Budget. There is no word when the proposal will be issued.

Productivity
No policy changes on productivity. ATA remained neutral on the 91k lbs. on 6-axles. The Highway Policy Committee considered the initiative and opted to table the matter due to a lack of consensus for or against.

Twin 33s
As for twin-33s, no policy changes were offered for consideration during the Highway Policy Committee. The ATA Exec Committee and Board continue to support the initiative, staff continues to pursue. The House and Senate Transportation-Housing and Urban Development Appropriations bills contain twin-33s authorizing language (as well as HOS permanent fix) and an omnibus apropos bill is expected sometime in the next 4-5 weeks.

Insurance
While it has been talked about, indications are FMCSA will not issue a proposed rulemaking to increase the minimum levels of insurance.

Automatic Emergency Braking Systems (AEBS)
Ted Scott, ATA’s Director of Engineering, discussed recent calls to mandate AEBS on large trucks. He then presented data on the efficacy of the devices and a summary of current research being done on them. The committee chairman led a discussion of ATA possible support for a mandate. A member introduced the following motion: “ATA should support a regulatory mandate for AEBS on all new vehicles (Class 1-8) and, due to the time...
it takes for the regulatory mandate to be promulgated, ATA should also support a NHTSA voluntary program, challenging truck manufacturers to offer AEBS as standard equipment on all new vehicles (class 1-8). Another member of the committee offered an amendment to the motion that was not considered. The original motion passed. The Technology and Engineering Policy Committee (TEPC) also reviewed and approved this motion. Acting on a recommendation from the Technology and Engineering committee (based on input from the Safety Policy and Labor/Regulatory Policy Committees), the ATA Board of Directors adopted a new policy with respect to Automatic Emergency Braking Systems (AEBS): that ATA support a NHTSA voluntary program challenging truck manufacturers to offer AEBS as standard equipment on new vehicles (class 1-8) and ATA support a regulatory approach for AEBS on all new vehicles (class 1-8).

Compliance, Safety, and Accountability (CSA) Program Reform
The house highway bill would require the Federal Motor Carrier Safety Administration (FMCSA) to commission a Transportation Research Board to conduct a study of the CSA program and carriers’ Safety Management System (SMS) scores. The study would evaluate whether SMS scores reliably predict future crash risk for motor carriers. The bill would require FMCSA to remove SMS data alerts, scores, percentiles and non at-fault crashes from public view until the study report and FMCSA’s corresponding corrective action plan have been published, and recommendations completed. Violations, measures and crash data would remain publicly available. Scores, alerts and percentiles would remain available to state and local agencies for enforcement purposes only, and could be made available to the respective driver or carrier upon request. Finally, FMCSA would be required to develop a program to recognize outstanding safety practices and provide positive SMS points for investments in select, non-mandated, safety technologies, tools, programs and systems.

Different from the Senate Highway Bill: The Senate bill defines which crashes should be considered “non at-fault” and tagged for removal from the SMS. The House language merely calls for their removal, but does not define them.

Shipper Protections Relating to CSA Scores
The House Highway bill would declare that if a shipper or broker verifies a carrier’s satisfactory safety rating and insurance, the shipper’s/broker’s verification of CSA SMS scores may not be entered into evidence in a negligent selection case or proceeding. The protection would remain in place until the SMS system is improved and scores made publicly available (see CSA Program Reform section above).

Exemptions Granted
AMERICAN FOOD TRANSPORTERS CONFERENCE (AFTC): AFTC received an exemption to the 30 minute rest break requirement for drivers hauling livestock. In their application, AFTC argued that the rest break requirement is inhumane to livestock in both extremely hot and extremely cold temperatures as the reduction of airflow that would result from stopping the vehicle to comply with the 30 minute would be harmful, and potentially fatal, to the livestock being transported. FMCSA initially limited the term of the exemption to one year in order to gather additional data about the highway safety of operations under the exemption. In that year, there were no attributable incidents by a carrier operating under the exemption. The terms of the exemption include
• Drivers must be hauling livestock as defined in the Emergency Livestock Feed Assistance Act of 1988. Empty back hauls do not qualify;
• Carriers must have a “satisfactory” or “unrated” safety rating; and
• Carrier must notify FMCSA by email within 5 business days of any accident and must provide detailed information regarding the incident. This exemption expires June 11, 2017.

Hours of Service (HOS) Subcommittee
ATA is currently pursuing two strategies. The first is an effort to obtain long term relief from the 34-hour restart restrictions through the Highway Reauthorization Legislation. The second seeks to use the appropriations process to ensure the suspension of the restart restrictions is only lifted if the FMCSA Hours Field Study clearly indicates the restart restrictions improve driver safety and health. The subcommittee engaged in an informal discussion about the impact of the recent HOS restart restriction suspension on their operations. Generally, the committee agreed that the benefits of the suspension of the restart restrictions outweigh the costs of reverting to the simple restart.

Safety Benefits
To understand the safety impacts of the 2011 Hours of Service rule, and GAO analyzed monthly crash data from 2008 through 2014. GAO sought to answer two questions:

1) did the rule affect the number of monthly crashes?
2) Did the rule result in a shift in the time of day in which crashes occurred?

GAO conclusion of the FMCSA report—which implies a direct relationship between the study’s results and crashes may overstate the findings and erroneously imply that this study provides evidence of reduced crash risk. GAO went on to conclude that in particular, through their review of literature and conversations with fatigue experts, it was uncertain the extent to which, if any, a difference of 0.3 or 0.8 lapses on the Psychomotor Vigilance Test (PVT), a basic reaction time test might be related to on-road safety outcomes.

Fatigue
GAO’s analysis also found that the percentage of drivers working between 35 and 55 hours per 8 day work week increased (from 48% to 57%), a result FMCSA did not anticipate. In ATA’s view, this is important because it may represent a counter balance to the reduction in drivers operating over 55 hours per week.

FMCSA’s Restart Field Study
The restart filed study which followed generally accepted research standards, found drivers obtaining two or more nights of rest in their restart periods were modestly less fatigued than those with only one night of rest. However, the agency did not tie this finding to a conclusion about real-world safety implications (i.e. that such small differences would result in fewer crashes), leading GAO to conclude: These shortcomings leave the agency open to criticism over the integrity of the study and invite skepticism about the results. As a function of weekly work hours, the rule may have reduced fatigue from some drivers, but increased it for others.

Health Benefits
With respect to driver health. GAO could not find a data source to evaluate the health benefits of the rule that FMCSA had previously projected. FMCSA has contended that such impacts could take many years to realize and measure. However, 16 of the 20 motor carriers that GAO interviewed said they noticed no health effects from the rule. The remaining four said they noticed negative health impacts due to increased stress or fatigue, or had no way to measure health impacts. In addition, of the eight drivers GAO interviewed, six said their health was negatively impacted by the 2011 HOS rule.

Concerns and Caveats
GAO expressed a number of caveats in its report, most importantly that the dataset it used (the driver log sample) was not representative. Hence, their findings could not be generalized to the entire industry. Also, GAO pointed out that findings based on changes in observed behavior (e.g., weekly work hours) and shifts in traffic volume could not be attributed to the rule change. Finally, the crash analysis was limited to 15 months of data, effecting their ability to draw inferences about the effect of the rule change on crashes.

Did the HOS rule affect the number of monthly crashes?
GAO stressed that data limitations, such as the relatively short time-frame during which post rule implementation data was available, hampered its ability to draw conclusions about the rule’s impacts. GAO’s initial analysis suggested that total number of crashes rose after the new HOS rule went into effect. However, interviews with motor carriers indicated that the winter of 2013 to 2014, (the winter immediately following the rule changes) was unusually severe, which may have contributed to the rise in CMV crashes. A second examination controlled for this factor and found the implementation of the rule did not result in a statistically significant change (increase or decrease) in truck accidents resulting in injuries. Notably GAO reported that fatal crashes may have decreased after the change to the HOS rules, but could not say so definitively.

Did the rule result in a shift in the time of day in which crashes occurred?
GAO found evidence supporting a shift in traffic volume from night to daytime (mostly 6 a.m. to 6 p.m.) but said these findings could not be directly attributed to the HOS rule change. GAO also evaluated the contentions raised by industry stakeholders that the rule change would result in increased truck traffic and crashes during the morning rush hour. However, GAO found no statistically significant increase in truck crashes during this time period. While GAO’s findings did not reveal an increase in crashes as a result of the changes to the restart provision, they also did not indicate the rule has made the industry safer (i.e., a reduction in crashes).

Economic Impact
GAO assessed key assumptions FMCSA had made about the economic, driver, safety, and health effects
to justify the 2011 HOS rule. The agency had acknowledged that the rule changes would cost $426 million, but would yield $282 million in safety benefits (fewer crashes) and $349 million in health benefits (improved driver longevity) for a net benefit of $205 million. Here is what GAO found:

**Drivers Affected**

To understand the impact to drivers’ schedules, GAO analyzed a dataset of logs from 15,000 drivers working for 16 for-hire motor carriers. They found that those drivers who were working in excess of 65 hours per 8-day work week saw a reduction in work week totals after the rule change. Specifically, GAO found that while 12% of drivers worked in excess of 65 hours per 8 days prior to the rule change, only 6% did so afterwards. GAO also found a reduction in the percentage of drivers working between 55 and 65 hours.

There was an increase in daytime truck traffic after the rule change was implemented, but this increase cannot be attributed to the rule change. There was no increase in crashes during morning “rush hour.” There was no discernible reduction in crashes overall. The rate of injury crashes did not change; fatal truck crashes may have decreased.

Fewer drivers worked long hours (e.g., work weeks greater than 55 hours); but the percentage of drivers working between 35 and 55 hours a week increased, an impact FMCSA did not anticipate or consider. There was no data source to reliably analyze the economic impact of the rule, but most motor carriers and trade associations reported negative impacts. Similarly, GAO could not find a data source to confirm the projected health benefits of the rule upon which FMCSA relied to demonstrate a favorable cost/benefit analysis. However, motor carriers and drivers GAO interviewed said they either noticed no health effects or experienced negative effects from the rule.

GAO did not find a data source to reliably analyze industry economic impacts. However, 11 out of 20 motor carriers interviewed reported negative economic impacts; the balance reported no negative impacts. 12 of the 13 industry associations interviewed also reported negative impacts such as reduced productivity. For example, some said that, to account for lost productivity, their members had to hire more drivers to perform the same amount of work.

From a regulatory policy standpoint, below are 3 updates

- The Federal Motor Carrier Safety Administration regulation final rule is currently under review <http://www.reginfo.gov/public/do/eoDetails?rrid=125351> by the White House Office of Management and Budget, where it’s been since July 30. The rule is expected out very, soon.
- Speed limiter proposed rule is tied up the Office of Management and Budget and no word when the proposal will be issued.
- While it has been talked about, indications are FMCSA will not issue a proposed rulemaking to increase the minimum levels of insurance.

**Update on Surface Transportation Reauthorization Bill**

Shant Boyajian, Senior Counsel, Senate Committee on Environment & Public Works, described the Senate’s DRIVE Act highway bill, including the new freight program and reforms designed to reduce project costs and speed approvals. He said the House proposal mirrors the Senate bill on many of the policy changes. Mr. Boyajian was optimistic that the House would quickly pass a highway bill and that a conference committee could act soon thereafter to finalize the legislation. He stated that without a significant education campaign, the fuel tax is unlikely to be increased, and consideration needs to be given to find an alternative revenue source. He said toll language in the Senate bill that ATA has expressed concern about is a more moderate proposal than toll proponents have been advocating for.

Over the course of the House’s consideration of the bill this week, over 300 amendments were filed to the bill, and ultimately, the House considered 126 amendments over a three day period. Particularly important to ATA, potentially harmful amendments were defeated relating to CSA reforms, the younger driver graduated-type CDL pilot program, and the minimum insurance language included in the bill. Additionally, the House soundly defeated an amendment supporting the devolution of the highway trust fund back to states. Finally, ATA was successful in passing the Denham (R-CA) amendment to the bill, that clarifies the preemption provision of the Federal Aviation Administration Authorization Act of 1994 (FAAAA) to restore the goals Congress had in mind when it sought national uniformity for motor carriers in the transportation of property.
Becky Crawford Accepts New Position

Becky Crawford Accepts New Position

Tuesday, November 24, 2015 will be the last day at KMCA for Becky Crawford, KMCA director of safety. Becky has accepted a position in Fleet Safety with Walmart Transportation in Ottawa. KMCA members have benefitted from Becky’s safety services over the last three years and we wish her well in her new endeavor.

For questions regarding safety issues, please contact Tom Whitaker, KMCA executive director at 785-267-1641 or tomw@kmca.org

2016 Buyers Guide Deadline

The advertising for the 2016 Buyers Guide Deadline was November 14, 2015. If you would still like to participate please contact Melissa Kershner, KMCA’s director of communications and events at 785-267-1641 or mkershner@kmca.org.

SUPPLY RATE INCREASE

Beginning October 1, 2015 KMCA will enact a price increase on supply orders. This increase is due to an increase in cost from our supplier. You can also order supplies online at www.kmca.org

2016 UCR

2016 UCR website is open for you to complete 2016 UCR registration. Deadline is December 31, 2015. www.UCR.in.gov

2016 IFTA

2016 IFTA renewals have been mailed to motor carriers. Deadline is December 31, 2015.

IRP & CMV

IRP & CMV tag information will be mailed in December.

HEAVY HIGHWAY VEHICLE USE TAX

Form 2290, Heavy Highway Vehicle Use Tax, was due August 31st, for the 2015-16 year.

PRE-ORDER 2016 ERG’S

KMCA is now taking pre-orders for 2016 ERG’s. ERG’s will be released in March of 2016. You can pre-order your 2016 ERG’s by calling KMCA at 785-267-1641 or email jgrubb@kmca.org. Discounts available for orders of 50 or more.

ERG Pricing

5x7 spiral bound $6.00
4X5 soft bound $3.40
4X5 spiral bound $3.80

Welcome New Members

Rockstar Logistics – Emporia, KS
Hoxie Tank Service LLC – Grinnell, KS

KMCA Dates to Remember

2015

November 26 - 27 - Closed for Thanksgiving
December 2 - KMCA Board Meeting - Wichita
December 24 KMCA Closed at noon - Christmas
December 25 KMCA Closed for Christmas

2016

February 15 - KMCA Day at the Capitol and Board Meeting
April 19 - KMCA Safety Banquet and Board Meeting
June 2 - Pro Truck Golf Classic
June 16 - 17 - Truck Driving Championships
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ATA Recognizes Trucking Executives for Notable Service
State Association Leaders Rack Up 105 Total Years of Service to Trucking

Philadelphia – During American Trucking Associations’ annual Management Conference & Exhibition, seven trucking association executives were honored for their distinguished service to the industry.

“Today, we commend these impressive individuals who represent the best in service to our industry,” said incoming ATA Chairman Pat Thomas, senior vice president of state government affairs for UPS. “The trucking industry is fortunate to have such committed individuals working as part of our ATA federation and we are honored to acknowledge them for their continued effort and dedication.”

This year, ATA honored seven executives with a combined 105 years of experience at the October 18th Advocacy and Government Affairs Breakfast:

- Gareth Sakakida, managing director of Hawaii Transportation Association, 25 years;
- Gregory Fulton, president of Colorado Motor Carriers Association, 20 years;
- J. Frank Filgo, president and CEO of Alabama Trucking Association, 20 years;
- Thomas Whitaker, executive director of Kansas Motor Carriers Association, 15 years;
- Gail Toth, executive director of New Jersey Motor Truck Association, 15 years;
- Brian Parke, president and CEO of Maine Motor Transport Association Inc., five years, and
- Crystal Collins, president of North Carolina Trucking Association, five years.

“These seven individuals are a great example of the diversity in our industry that stretches from coast to coast, and ATA gets tremendous strength from that diversity,” said ATA President and CEO Bill Graves. “It is reassuring to know that the work we are doing on the federal level in Washington is being strengthened and reinforced by these impressive individuals - and many others - on the state level. These executives and their colleagues have my many thanks.”

American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of 50 affiliated state trucking associations and industry-related conferences and councils, ATA is the voice of the industry America depends on most to move our nation’s freight. Follow ATA on Twitter or on Facebook. Trucking Moves America Forward
CVSA-certified commercial motor vehicle safety inspectors conducted 18,817 brake-system inspections on large trucks and buses throughout North America during the Commercial Vehicle Safety Alliance’s (CVSA) annual Brake Safety Week, Sept. 6-12, 2015.

During the week-long brake safety campaign, local, state, provincial, territorial and federal motor carrier safety officials throughout the United States and Canada conducted roadside inspections to identify out-of-adjustment brakes and brake-system violations.

“Brake-related violations comprise the largest percentage of all out-of-service violations cited during roadside inspections,” said CVSA President Maj. Jay Thompson with the Arkansas Highway Police. “Improperly installed or poorly maintained brake systems can reduce braking capacity and increase stopping distance of large trucks and buses, which poses serious risks to driver and public safety.”

“For everyone’s safety, it’s vital that every vehicle operating on our highways and roads is mechanically sound and properly maintained,” said Federal Motor Carrier Safety Administration (FMCSA) Acting Administrator Scott Darling. “We thank the CVSA members across North America for their longstanding strong partnership, for their professionalism and their dedication toward protecting the motoring public each and every day.”
Roadside inspections conducted during Brake Safety Week included inspection of brake-system components to identify loose or missing parts; air or hydraulic fluid leaks; cracked, damaged or worn linings, pads, drums or rotors; and other faulty brake-system components. Inspectors also checked anti-lock braking system (ABS) malfunction indicator lamps, inspected brake components and measured pushrod stroke, where applicable.

This year, inspectors from participating agencies inspected 18,817 vehicles throughout Brake Safety Week and placed 2,321 commercial vehicles out of service (OOS) for brake violations. Of the vehicles inspected, the OOS rate for all brake-related violations conducted in North America was 12.3 percent, compared to 16.2 percent from last year’s Brake Safety Week. The OOS rate for brake adjustment was lower at 7.7 percent, compared to 10.4 percent in 2014. The OOS rate for brake components was 6.9 percent, down from 9.3 percent in 2014.

Out-of-service rates for Canadian jurisdictions are historically lower than those in U.S. jurisdictions. This can be seen again this year with the OOS rates for:

- Brake adjustment violations – 8.2 percent in the U.S. versus 3.7 percent in Canada
- Brake component violations – 6.9 percent in the U.S. versus 6.2 percent in Canada
- Total brake violations – 12.7 percent in the U.S. versus 9.0 percent in Canada

2015 Brake Safety Week results for the U.S. and Canada combined:

- 18,817 vehicles were inspected (13,305 inspected in 2014)
- 1,457 or 7.7 percent of vehicles were placed OOS for brake adjustment (10.4 percent in 2014)
- 1,292 or 6.9 percent of vehicles were placed OOS for brake components (9.3 percent in 2014)
- 2,321 or 12.3 percent of vehicles were placed OOS for brakes overall (16.2 percent in 2014)

Brake Safety Week is part of the Operation Airbrake Program sponsored by CVSA in partnership with FMCSA and the Canadian Council of Motor Transport Administrators (CCMTA). The Operation Airbrake Program is an international enforcement activity dedicated to preventing large truck and bus crashes, and saving lives throughout North America. The campaign seeks to highlight the importance of proper brake inspection and maintenance in an effort to reduce the number of brake-related violations discovered during a roadside inspection. The program was first developed in 1998 in Canada and has grown to include two annual enforcement events, as well as educational outreach activities throughout the year all across North America. More than 3.8 million brakes have been inspected since the program’s inception.

Learn more about CVSA’s Operation Airbrake Program and Brake Safety Week at www.operationairbrake.com.

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**Save Time With This TSA Information Site**

Save time and effort when you use https://universalenroll.dhs.gov. The Universal Enrollment Services website is a great source of information regarding

- General TSA information
- Transportation Workers Identification Credential (TWIC) Enrollment
- TSA Pre Application Program Enrollment
- Hazardous Materials Endorsement (HME) Threat Assessment Program (HTAP) Enrollment
- Fingerprinting Information
- UES Mobile Services
- UES Enroll Your Own (EYO) Services
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