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OFFICIAL MAGAZINE OF THE
LOUISIANA MOTOR TRANSPORT ASSOCIATION



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Louisiana Motor Transport Association (LMTA) is a Louisiana association of trucking companies, private carrier fleets and businesses which serve or supply the trucking industry. LMTA serves these companies as a government affairs representative before legislative, regulatory and executive branches of government on issues that affect the trucking industry. The association also provides public relations services and serves as a forum for industry meetings and membership relations. For information contact LMTA at:

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LETTER FROM THE
EXECUTIVE DIRECTOR

“Trust is earned, respect is given, and loyalty is demonstrated. Betrayal of any of those is to lose all three.”

– Ziad K. Abdelnour

We call this issue of the LMTA OPEN ROAD, the annual “people” issue which is particularly appropriate since this magazine was launched to showcase the people who make this organization great. The common element among all those involved may be a truck, but make no mistake about it, it’s about the men and women who work hard every day to move those trucks and trust that LMTA will be there to protect and defend them.

Champions. Speaking of trucks, without our truck drivers those trucks would not move...and it is therefore our honor to recognize and celebrate those drivers who earn the right to be called “Champions.” My favorite pro-truck message highlighted the significance of their role in commerce by focusing on the fact that “Without Trucks, American Stops.” Actually, without truck drivers, American stops.

Seafood Gala. Contributing to making this our most colorful issue, the memories of our annual Seafood Gala capture the true spirit of our members. Still gathering in New Orleans after so many years, the Gala allows over 800 people in attendance to enjoy food, fellowship and fun with one common element in mind: trucks.

Annual Convention. We are looking forward to the 76Th Annual LMTA Convention that will be held on July 21-23 at the Perdido Beach Resort in Orange Beach, Alabama. Among several quite informative speakers, we will have an opportunity to hear from Brian Fielkow of Jetco Delivery, who will talk to us about creating a vibrant safety culture that builds employee morale and customer satisfaction.

Brian also has a presentation entitled “The Three Ts: Treatment, Transparency and Trust”, the keys to developing long-term, engaged employees. These principles also apply to maintaining healthy personal relationships outside of the business arena. Honesty and integrity are incredibly important as well, but in the end, it all comes down to establishing and maintaining trust – the glue that binds.

By the time you read this, we will have endured approximately four months of the legislature in session and preparing for the transportation funding dialog in 2017. The next nine months will be critical to our industry. It will be important to trust ourselves to do the right thing, trust our industry partners to stand with us and trust our elected officials to heed our message: Trucking Moves America Forward.

Cathy F. Gautreaux
LMTA Executive Director



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2016 General Membership Meeting

L'AUBERGE CASINO RESORT • FEBRUARY 24-25, 2016

This year's Annual General Membership Meeting was held at the L'Auberge Casino Resort in Lake Charles on February 24th and 25th. Meeting in Lake Charles was a change of pace from previous meetings held in Shreveport in our continuous efforts to reach out to all of our members across the state. We began on Wednesday with a meeting to discuss the rewrite of the Oversize/Overweight Permit Regulations followed by a meeting of the LMTA Board of Directors. We capped off the evening with a reception to which our members were encouraged to invite potential members to promote the benefits of LMTA membership.

OVERSIZE/OVER WEIGHT PERMIT REGULATIONS. Members met to review the current Oversize/Over Weight regulations including existing permits and travel restrictions. Following a lively discussion the group determined that they would like to see changes to allow "Night Moves", width and length regulations requiring escorts, certification for escort drivers, superloads, annual permits, 18-foot wide loads allowed on interstate highways and 10-foot wide loads allowed on 4-lane highways at night. LMTA participates on the DOTD Oversize/Over Weight Task Force

and will bring these requests to the table for further discussion.

LMTA BOARD OF DIRECTORS MEETING. All members in good standing were invited to attend the LMTA Board meeting on Wednesday afternoon. The Board discussed MVR fees, right-to-know violations and waste tire fees. The LMTA Board of Directors unanimously voted to oppose the increases proposed by the Waste Tire Task Force at their last meeting. Both the 2016 Special and Regular Legislative Sessions and Federal issues were also discussed.

GENERAL MEMBERSHIP MEETING. Thursday's General Membership Meeting included regulatory updates:

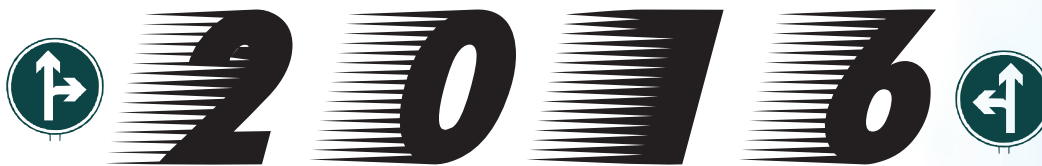
- **State Police Regulatory Update.** Capt. Greg Graphia, Louisiana State Police – Transportation Services provided an update on changes within the State Police along with a general motor carrier regulatory and enforcement update.
- **FMCSAs New Safety Fitness Determination & Methodology.** Jonathan Weiner, Federal Motor Carrier Safety Administration State Program Specialist discussed the new Safety Fitness and HOS Restart Rule. The Federal Highway Administration

(FHWA) has issued a memo providing guidance regarding the commercial motor vehicle size and weight changes included in the "Fixing America's Surface Transportation (FAST) Act of 2015".

- **New MVR Fees, Real ID Act Extension and IRP Privatization.** Staci Hoyt, Deputy Commissioner of the Office of Motor Vehicles discussed the self-certification inquiry. She also advised members that the OMV released the CDL official driving record database in January 2015. The information obtained from the CDL official driving record differs from a standard ODR in that it displays the information captured from the medical examiner's certificate. Information from the medical examiner's certificate will be displayed for those drivers self-certified as "Non-Excepted Interstate Commerce". Only the type of commerce selected will be displayed for those certifying as any other commerce type.
- **2016 Special & Regular Legislative Session Review.** Cathy Gautreaux, LMTA Executive Director and Lobbyist, provided our members with an update on the current Legislative Special Session and upcoming Regular Session. ♣



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TRUCK DRIVING CHAMPIONSHIPS



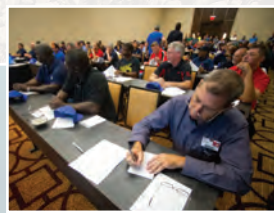
**MARCH 18-19
BATON ROUGE**

THE 2016 LOUISIANA MOTOR TRANSPORT ASSOCIATION (LMTA) TRUCK DRIVING CHAMPIONSHIPS

were held in Baton Rouge, Louisiana on March 18-19. 108 drivers totaling approximately 175 million accident free miles participated in this year's event. The Truck Driving Championships is designed to test a driver's knowledge and skill in a three-part challenge consisting of a written examination, pre-trip inspection and a field test.

There were nine classes of competition in the LMTA competition: Step-Van, Straight Truck, 3-Axle Van, 4-Axle Van, 5-Axle Van, 5-Axle Tank, 5-Axle Flatbed, 5-Axle Sleeper Berth and Twin-Trailers. All participating drivers were recognized at the 26th Annual Safety Banquet that followed the competition on Saturday night. Trophies were awarded to the First, Second and Third Place winners in each class. Also awarded during the competition was a Mechanics Award – given to the person who scored the highest in the pre-trip inspection; Rookie of the Year Award – bestowed to the driver with the highest overall score among all participants; Team Award – awarded to the company that has the highest overall average score based on the scores of all drivers competing from that company and the overall Grand Champion – the driver who received that highest overall score. All first place winners will represent LMTA and the state of Louisiana in the 2016 ATA National Truck Driving Championships in Indianapolis, IN on August 9th – 13th, 2016.





LMTA FLEET SAFETY AWARDS

(Sponsored by Great West Casualty Company)

The Louisiana Motor Transport Association (LMTA) held its 26th Annual Safety Banquet at the Renaissance Hotel in Baton Rouge, Louisiana on Saturday, March 19th. Among those honored were the 2015 Great West Casualty Fleet Safety Award winners. The Great West Casualty Fleet Safety Awards recognize companies with outstanding safety records in various mileage categories in Louisiana. Additionally, awards were presented to the company with the greatest improved safety record for 2015 compared to 2014 and the President's Trophy for the company with the overall best record from all categories. The 2015 Great West Fleet Safety Award winners for Louisiana, based on miles traveled in Louisiana, were:

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Arabie Trucking Services, LLC

1,000,001 – 3,000,000 MILES:
Brookshire Grocery Company
C & S Wholesale Services, Inc.
Groendyke Transport, Inc.

6,000,001 – 9,000,000 MILES:
Old Dominion Freight Line, Inc.
YRC Freight

9,000,001 – 12,000,000 MILES
Dupre' Logistics, LLC – Site Logistics
ELTM, L.P.
Quality Transport, Inc.

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- Frisard's Trucking Company, Gramercy
- Groendyke Transport, Lake Charles
- Haynes Motor Lines, Baton Rouge
- Hercules Transport, Choudrant
- Martin Brower, Port Allen
- Old Dominion Freight Line, Thomasville, NC
- UPS Freight, Port Allen
- Wal-Mart Stores, Opelousas

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- FedEx Ground
- Martin Brower
- Old Dominion Freight Line
- Penske Truck Leasing
- UPS Freight
- United Vision Logistics
- Walmart Stores
- YRC Worldwide



2016 DRIVER OF THE YEAR

HENRY BRUSTER - UPS FREIGHT

Henry Brewster of UPS Freight in Port Allen has left his mark on the trucking industry as a professional driver with over 18 years and 1.2 million miles of total driving experience.

Accident free for 5 years, Henry has distinguished himself as a leader and advocate for the trucking industry as a Captain on the American Trucking Associations' America's Road Team since 2015.

Henry was in the Army for 6 years as a Squad Leader and Section Leader and was active in the Desert Seal Campaign. He received several military citations including Good Conduct, and two for Army Achievement and Sharpshooter.

He and his wife Tiffany have 2 children and reside in Woodville, Mississippi.

LMTA is proud to recognize Henry Bruster with UPS Freight as our 2016 LMTA Driver of the Year.



LMTA WEIGHT ENFORCEMENT OFFICER OF THE YEAR

OFFICER MICHAEL WATKINS

After 31 years of service to the Baton Rouge Fire Department, our Weight Enforcement Officer of the Year – Officer Michael Watkins – began his law enforcement career in 2012 at the stationary scales and is currently with Mobile Weights/Commercial Vehicle Enforcement.

He is considered the “go to” guy for training and has taken the initiative to train officers on his own – often without compensation. He is certified in the North American Standard Part A/B, general hazardous materials, cargo tank inspection and other bulk packaging.

Whether performing service for his city, state or community, Officer Watkins dedicates his career to helping others.

In his spare time, Officer Watkins likes to fish, rebuild classic cars, spend time with his family...and play the guitar, fiddle, mandolin and drums!

Married for 39 years, he and his wife Brenda reside in Baton Rouge and have 2 daughters and 4 grandchildren.

LMTA is proud to recognize Officer Michael Watkins as the 2016 Officer of the Year.



MCSAP TROOPER OF THE YEAR

SENIOR TROOPER JOHN MARTINEZ

The LMTA Trooper of the Year – Senior Trooper John Martinez – began his career with the Louisiana State Police in 2004 at Troop B in New Orleans. While in patrol he received the Professional Excellence Award, the Meritorious Service Award and the Unit Citation Award.

In 2013 he was transferred to Commercial Vehicle Enforcement and has since received training and certifications in all the commercial enforcement areas.

His passion for highway safety has allowed him to develop a great rapport with the trucking industry. He is a true believer in the Motor Carrier Safety Assistance Program's core mission of improving safety through education and enforcement, which is why he is respected by his peers, drivers and the industry.

Married for 10 years, he and his wife Jennifer have 2 sons and reside in St. Tammany Parish where he is a coach for folk-style wrestling for youth. He actively supports the Troop B Grant-a-Wish Golf Tournament that benefits kids with terminal illnesses.

LMTA is proud to recognize Senior Trooper John Martinez as the 2016 Trooper of the Year.

2016 LMTA TDC WINNERS

STRAIGHT TRUCK

1st Place
Corey Mitchell
 Shreveport
 FedEx Freight

2nd Place
Jeffery Trim
 Baton Rouge
 FedEx Ground

3rd Place
David Walker
 Hodge
 Hercules Transport

3 AXLE VAN

1st Place
Joseph Brown
 Zachary
 FedEx Freight

2nd Place
Chris Hall
 Shreveport
 FedEx Freight

3rd Place
Leroy Williams
 Zachary
 XPO Logistics

4 AXLE VAN

1st Place
Xavier Theriot
 Shreveport
 FedEx Freight

2nd Place
Jordan Beni
 Marion
 Brookshire Grocery

3rd Place
Todd Watson
 Baker
 FedEx Freight

5 AXLE VAN

1st Place
Louis Scaruffi
 Kenner
 C & S Grocers

2nd Place
Calvin Cannon
 Springfield
 C & S Grocers

3rd Place
Larry Peltier, Jr.
 Brusly
 Martin Brower

5 AXLE TANK

1st Place
Kyle Mitchell
 Baton Rouge
 FedEx Freight

2nd Place
Gary Tyler
 Monroe
 Brookshire Grocery

3rd Place
Mickey St. Andrie
 Oakdale
 Quality Transport

5 AXLE FLATBED

1st Place
Curtis McMellon
 Calhoun
 XPO Logistics

2nd Place
Joseph Vital
 Port Allen
 FedEx Freight

3rd Place
Henry Cockerham
 Denham Springs
 UPS Freight

TWINS

1st Place
Mark Judson
 Maurice
 FedEx Freight

2nd Place
Damien Hebert
 Lafayette
 XPO Logistics

3rd Place
Richard Gibbs
 Shreveport
 FedEx Freight

SLEEPER

1st Place
Eric Courville
 Breaux Bridge
 FedEx Freight

2nd Place
Chad Rudesill
 Tickfaw
 FedEx Ground

3rd Place
Darrell Robichaux
 Metairie
 AAA Cooper

STEP VAN

1st Place
Cheremie Courville-Finnan
 Breaux Bridge
 FedEx Ground

2nd Place
Andrea Nixon
 Port Allen
 FedEx Ground

3rd Place
Randy Guillory
 Lake Charles
 FedEx Ground

OTHER WINNERS:

Mechanics Award:
Alfred Wire
 Covington
 C & S Wholesale
 Grocers

Rookie of the Year:
Jordan Beni
 Marion
 Brookshire Grocery

Team Trophy:
Walmart Stores
 Opelousas

Grand Champion:
Eric Courville
 Breaux Bridge
 FedEx Freight



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WASHINGTON... STILL DYSFUNCTION JUNCTION?

By Dave Osiecki, ATA EVP & Chief of National Advocacy

WE'VE ALL HEARD about the dysfunction in Washington DC, and how the lack of meaningful action by our Congress is harming our great country.

Having spent 28 years living and working in Washington, I've seen first-hand how Congress' inability to tackle tough issues has hurt us all. In trucking, we need to look no further than the continued underfunding of our highway infrastructure. But there's good news...Congress may be getting its mojo back.

As I write this in late May, I'm happy to report that both Chambers in Congress recently took action that just might make a difference for our industry.

On May 19, the U.S. Senate passed an important bill that includes fiscal year 2017 funding for transportation projects. That bill (which, believe it or not, is not yet named), also includes important language to protect the hours of service restart provision moving forward. ATA actively supported this language (except the part that adds a new weekly hours cap) since it fixes the legislative glitch that occurred late last year. The Senate introduced this bill, moved it through two committees, and passed it on the Senate floor in a matter of a few weeks. Real progress.

AND THE GOOD NEWS DOESN'T STOP THERE...

The U.S. House of Representatives Appropriations Committee advanced its FY 2017 transportation spending bill on May 24 and the legislation includes two important ATA sought provisions. Similar to the Senate bill, the House version protects the 34-hour restart provision by prohibiting funds from being used to enforce the July 2013 restrictions on its use. Equally important, the bill also includes a provision relating to federal preemption of state-imposed meal and rest breaks, and the language makes the preemption retroactive back to 1994. Prior to committee approval of the bill an amendment to remove these two provisions - and strongly opposed by the ATA Federation - was soundly defeated.

While the House bill still has a few steps to go, if it's passed, it could be reconciled with the Senate-passed bill and move to the President as early as this summer. Nothing is certain, and the House funding bill could still hit some bumps on the road, but the good news is that Congress is seemingly getting back to the 'regular order' of introducing, debating and moving bills through Committees as is intended in our legislative branch of government.

Shifting to the federal executive branch, we, of course, find ourselves in the last year of the Obama Administration. This means we will see President Obama and his

Department heads try to finish as many rules as possible in order to establish their 'legacy.' This rush to issue rules by a President in his final year is common practice, no matter which party holds the White House. Here are a few of the rules affecting our industry that we expect President Obama and his lieutenants to finish before the end of year:

- **Phase II Large Truck Fuel Economy rule** – Part of the President's climate change action plan, the Environmental Protection Agency and the National Highway Traffic Safety Administration will partner to issue this rule that will include new large truck fuel economy targets resulting from truck, engine and trailer changes. Expect this rule in late summer, with effective dates that start in 2018.
- **Drug & Alcohol Test Results Clearinghouse** – We expect this Administration to finish the MAP-21 required database which, if implemented properly by the Federal Motor Carrier Safety Administration, will provide trucking employers with a more complete picture of a driver-applicant's past drug and alcohol testing and use history. Expect this rule in Fall 2016, with a 2-year implementation window.
- **'Entry Level' Driver Training Standards** – The FMCSA also plans to finish and issue its new training standards for drivers seeking a CDL, or upgrading it from one class to another. FMCSA has been working on this rule for years, and 2016 is the year it will finish it. Expect a 3-year implementation window.

Busy times in Washington. Thank you for your involvement in, and support of, your state trucking association. Send an email if you have a comment or question about something raised in this article. 🍀

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TERRY WARREN

A PROVEN LEADER

By Steve Wheeler



THE NEXT TIME YOU PRESS THE BUTTON ON A CAN OF SPRAY PAINT AND YOUR FAVORITE COLOR COMES BLASTING OUT OF THE NOZZLE, YOU MIGHT THANK TERRY WARREN FOR HER ROLE IN MAKING THAT HAPPEN.

She's the distribution manager for the Aeropres Corporation's Louisiana plant that manufactures and distributes aerosol and other high-purity gasses.

Aeropres is a member of the Louisiana Motor Transport Association, and Warren was the first female named to a management position with the company back in the early 1990s. Last summer, she also became the first female to be elected president of the LMTA.

Warren's job at Aeropres is to make sure that aerosol propellant is transported safely from the Sibley, La., plant to companies that put it in many of the products consumers use every day. Let's put it this way: if you have ever sprayed anything from an aerosol can or bottle it's quite likely that you have used products from the Aeropres Corporation.



weeks. I was replacing a woman on maternity leave."

But when an opening for a secretary came up in the transportation department, "They offered me the position and I took it. I knew nothing about trucks or trucking," she laughed. "It was a tough time for a while."

But when her boss, Bob Wilkie, was promoted in the early 1990s, he wanted Warren to take over the department. "There were no women in management positions back then," Warren said. But her boss told her, "I know you can do it." He told her, "Prove to them you can do it."

Warren has been proving she can do it ever since, along with many other women now in management positions at Aeropres.

"I just try to do the best job I can do. I don't really see myself as a trailblazer" for women, she said. "I supervise mostly men," Warren said, adding, "I'm not a big drama person. I have great respect for all of our drivers."

THE AEROPRES CORPORATION

In 1973, B.C. McKeever and eleven other local investors bought the fledgling Illinois-based company and moved it to Shreveport, where Aeropres began with a single plant and three employees. But by the year 2000, annual sales had exploded to \$75 million. Last year, Aeropres sales topped \$200 million.

Today, the company has 98 trailers, 22 tractors, 170 rail cars and five plants across the country. Warren's plant in Sibley is the company's largest, and the company's headquarters is still in Shreveport.

Aeropres is also the largest manufacturer and marketer of ecologically safe propellants, which are used in a variety of spray cans from hair spray and mousses to shaving cream and spray paint. "We actually blend it here at the plant," Warren said.

While the aerosol industry is the mainstay of the Aeropres product line, the company also provides natural gas liquids to the polymer and plastic foam blowing industries. These high purity products include propane, normal butane, isobutane, isopentane, normal pentane, Dymel 152a (Difluoroethane) and Dimethyl Ether, singly or in any combination.

LIKE FAMILY

The trucking industry requires much from its drivers, and Warren said she always tries to keep that in mind when making decisions that affect them. "They miss a lot of ball games, a lot of things because of the nature of this business."

Warren – who has a 27-year-old son, Mackenzie, and a 24-year-old daughter, Lindsey – said she makes it a priority to allow as much flexibility as possible with her drivers.

BLAZING TRAILS

Warren, 57, was first hired by Aeropres in 1982. "I came as a temp," she remembered. "I was planning to work for six





"I think they have a respect for that and an appreciation for that," she said. "We ask a lot of them but we pay them well. We really have a low turnover rate for drivers. I've watched their kids grow up. We are a very family oriented company and we always have been. I'm very proud of that."

The company's color is bright blue, and Warren said there's a saying around the office that "we have Aeropres blue running in our veins."

IT CAN BE DANGEROUS

Every day, Aeropres drivers transport 40,000-lb. tanker loads of flammable and potentially dangerous product across the country, Warren said. Of the company's core values, the most important is environmental health and the safety of its employees, Warren said. "We put safety first in everything."

Out of the Sibley plant's 15 drivers, "We have 10 drivers with 12.3 million accident-free miles," she said.

As distribution manager, Warren meets with Louisiana State Police and other regulatory agencies to make sure the roads are kept safe. "We run legal; that's No. 1," she said.

Aeropres was a pioneer in Electronic Logging Devices 15 years ago, when the company had them installed in the company's trucks. Back then, she had to convince drivers they needed them. But today, as other companies scramble to install ELDs, Aeropres drivers already know and appreciate them, she said.

Aeropres also installed on-board cameras inside and outside trucks in the Aeropres fleet for the protection of drivers and the company. Aeropres also makes sure the fleet is properly maintained, and trucks over five years old are replaced. "We just received seven new Freightliner trucks," Warren said.

"We are a member of the SmartWay Program," Warren added. "We are very proud of that." The program is a public/private initiative to reduce greenhouse gas emissions and air pollution created by freight transportation in corporate supply chains.

"I'VE ENJOYED EVERY MINUTE"

Warren was elected 2016 president of the LMTA at the group's annual conference last July. She was always involved as an LMTA member, but knew that as president she'd be spending a lot more time on industry issues.

"I come down to Baton Rouge every two or three months," she said, adding that her location in north Louisiana can make her job as president somewhat more challenging. "But I've enjoyed every minute of it!"

Everyone in LMTA, from the headquarters office to members statewide, has been supportive, she said. "I have had the opportunity to meet and work with some of the true trucking leaders in Louisiana. That is very rewarding."

Warren said she's especially enjoyed the truck driving championships sponsored by LMTA, where in the past three of her drivers have won and advanced to nationals. "It's amazing to see the pride the drivers have in their jobs."

Finally, Warren said that until she became involved with LMTA she never paid that much attention to government and politics. "I was never that politically involved," she said. "I've become more so. I've got to where I love it now. It's so important."

Work done by LMTA Executive Director Cathy Gautreaux and the rest of the staff "is just truly amazing," Warren said. "She fights tooth and nail to defend the interests of motor carriers in Louisiana. She does a great job."

Under her watch, Warren said she'd like to see the LMTA continue to grow membership and stay strong politically for the good of the trucking industry in Louisiana.

The LMTA has "really opened my eyes" to how the government and politics can affect business, Warren said. Warren has attended two of the LMTA's "Call on Washington" events, meeting in the nation's capitol with the Louisiana congressional delegation. "It was so interesting," she said. ♣

GAUTREAUX HONORED BY TRALA

The Truck Renting and Leasing Association honored Cathy Gautreaux, executive director of the Louisiana Motor Transport Association, with the association's inaugural State Trucking Award at its 2016 annual meeting in Scottsdale, AZ in April, 2016.

Gautreaux, who has served as LMTA executive director for 28 years, is the first to receive this distinction. She is a member of several boards of state and national committees, and represents LMTA during all legislative sessions as a registered lobbyist. She also offers technical support and advice to members and serves as editor of several association publications. She is a past chariwoman of the Trucking Association Executives Council.



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TASK FORCE TAKES ON

Oversize, Overweight Permits

By Ted Griggs

Ideally, the newly created state Task Force tackling a rewrite of the permits for oversize and overweight trucks could simplify the current process and create a more balanced fee structure.

A sensible and reliable fee structure could also serve as the jumping off point for an ambitious plan to repair and armor many of the wooden bridges in Louisiana that serve, and limit, the freight community.

"I recognize that trucks are going to get bigger and heavier and wider That just happens in the freight and multimodal industry," said Department of Transportation and Development Secretary Shawn Wilson. "But our bridges, so far, have not been given the attention that they so greatly need and as we look at the users of our system, a bridge can be the Achilles heel for the freight community."

The state may have a great two- or four-lane road. But if the bridge on that road can't handle a load for whatever reason, the load has to be rerouted or reduced, and that costs businesses money.

Right now, Louisiana has thousands of load-posted wooden bridges. Wilson wants to reduce that to a manageable number. DOTD could take some of the money generated from oversize and overweight permits and dedicate it to bridges. Industries would help decide which bridges to repair first.

"I don't have a set dollar amount. But if I could find \$8 million to \$10 million a year, I could bond that out and have a really robust bridge program," Wilson said. "We could tackle 50 to 75 small to medium-sized bridges a

year ... and really start to change the infrastructure in Louisiana."

Wilson said the first step for the Task Force will be narrowing the 30-plus permits now issued for oversize or overweight loads to something more sensible, tying the permit to the load's weight rather than the industry.

"We'd like to introduce a system that is much more fair and balanced in its approach, not as a money grab but as a consistent permitting process that offers some consistency and certainty to industry," Wilson said.

Right now, some industries pay drastically more than others for oversized or overweight trucks with the same configuration. If a truck is moving 90,000 pounds of corn or wheat or lumber, with the same configuration, it makes sense for the permit to be based on the load's weight.

Ellis Vliet with Turner Industries said his big concern with rewriting the regulations is the potential for fee increases.

*"...the first step for the Task Force will be narrowing the 30-plus permits now issued for oversize or overweight loads to something more sensible, tying the permit to the load's weight rather than the industry." – Shawn Wilson
DOTD Secretary*

To a certain degree, restructuring the permit program could smooth out some of the inconsistencies, Vliet said. That is part of DOTD's goal.

"But the other part of it is to increase the fees to generate more revenue," he said. .

No one knows if that's what will happen, but it seems a logical end to the rewrite.

Still, Vliet said he'd like to see more a consistent approach to the regulations. He wouldn't mind seeing fees and rules applied more uniformly.

For example, a mobile home that's 14 feet wide can travel on the interstate, but no one else can. "If it's good for them, why isn't it good for everyone else?" he said.

In addition, Louisiana limits the movement of some of Turner's bigger cranes to daylight hours. Texas actually encourages moving those same cranes at night, when there's less traffic. Meanwhile, Mississippi has yet another set of rules.

If the states could develop some consistency and create a regional approach, that would be "a dream world," Vliet said. But it will have to start in Louisiana.

His wish list also includes "a reasonable" rate for an annual or semi-annual permit for the commonly used 152,000-pound load configuration. The state has those permits for 100,000- and 120,000-pound loads but requires a new permit for each 152,000-pound load.

"If a truck driver leaves the yard and goes from Baton Rouge to New Orleans, drops off a load, he's got to get a permit. If he's got to take a load back, he's got to get another permit," Vliet said. "So have to call it in or go online. Each. And. Every. Time."

Bret Berard, vice president of Berard Transportation, said he would like the new regulations to allow moving slightly oversize loads at night, up to 12 feet wide, although he admits 10 feet might be more realistic at first.

"Mostly because a lot of the equipment is wider now for bigger cargoes. So empty trailers that are 12 feet wide, it's tough to get them back to our home office, especially in the winter months when it gets dark at 5 p.m. or 5:30 p.m.," Berard said.

The result is that trucking companies have to leave their equipment and crews in certain areas until the next day, he said. If the loads could be moved at night, the equipment could be used on a new job the next day.

Wilson said the permit restructuring, in whatever form it takes, will have to be phased in and it will have to be phased in a collaborative way.

"We are not so high on ourselves

that we think our way is the only way and the right way," Wilson said. "I will tell you most of the industries understand and know their business much better than we do, and we want to be sensitive to that."

Wilson would much rather present some general principles and values to provide policy guidance. If the industry can adopt that framework and work within it, the task force can come up with a collective solution, he said.

"We would hope that bringing folks together will allow all of us to come to the table, and say, 'Can we all explore our system?' Because when they all come to an agreement to do something, it's our roads that are going to benefit," Wilson said. ♣

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EMERGENCY

PREPAREDNESS

By Olivia McClure

As the 2016 hurricane season gets underway, state officials — including some new faces — are working to make sure Louisiana residents have enough fuel to safely weather a storm and its aftermath.

A key part of that effort is the Louisiana Fuel Team, which is made up of representatives from public and private groups. Each member of the team offers input on how to move fuel most efficiently before, during and after disasters. It was created several years ago during Gov. Bobby Jindal's administration.

"Our mission is to reduce any impacts to the public's fuel supply during times of emergency," said Sara Krupa, a coastal resource scientist supervisor in the Department of Natural Resources, which is the lead agency of the fuel team.

The new secretary of DNR is Thomas Harris, who was appointed in January by Gov. John Bel Edwards to replace Stephen Chustz. Harris previously served as the administrator of DNR's Technology Assessment Division. Before coming to DNR, Harris worked for DEQ, where he developed regulations and standards for evaluating regulated sites.

Harris holds a bachelor's degree in biochemistry from LSU and a master's degree in public health from Tulane University.

The fuel team, which was last activated in 2015 for Tropical Storm Erika, will continue responding during storms and other disasters in the same way it has under previous administrations, Krupa said.

Still, the team is constantly looking for ways to improve. Krupa, who has been on the team for five years, said she and her teammates have realized how important communication is during emergencies.

That is one reason why several government agencies and private groups are part of the team.

"During that time, any red tape would slow you down," Krupa said. "We're all responding to a public demand and need, and anything we can do to overcome the challenges that we all face without duplication of effort saves everyone time, and it could save a life."

The team is a partnership of public entities, including the state Department of Environmental Quality, the Department of Transportation and Development and the Department of Agriculture and Forestry, plus DNR. The private sector is also represented, with transporters, convenience store owners and oil marketers participating.

The Department of Agriculture and Forestry is in charge of moving the state's emergency fuel supply — "fuel needed for immediate life-saving needs, gas to run a hospital generator, gas to run a police station, things like that," Krupa said. The DNR-led fuel team facilitates the distribution of the public fuel supply to gas stations around Louisiana.

An important goal of the group is ensuring private entities are able to operate as seamlessly as possible during emergencies, and letting them know how they can get in touch with government groups if there is a problem, Krupa said.

Hurricanes, for example, can be stressful times for anyone buying or selling gasoline. Demand spikes as people fill up gas cans and vehicles, creating shortages that could hamper evacuation efforts before the storm or recovery once it's passed.

Poor planning is the biggest reason for that problem, Krupa said.

"Everybody's bringing all their cars and fuel tanks and their 55 gallon drum," she said. "If they had made a plan earlier and filled up all these things in advance, there would still be an increase in demand," but not so suddenly.

Getting more gas to a station is problematic amid stormy weather and possible road closures. The fuel team helps navigate those kinds of hurdles, too.



"We have to be able to work around whatever the situation that has been given to us," Krupa said. "If there's only one way in and one way out ... that's definitely an impediment to refueling an area."

Once gas stations are able to operate again, "anyone that can drive a truck is greatly needed at that time" to help bring in the fuel and meet the increased demand, she said.

The team is also working to make its website, where people can see what gas stations are open during and after emergencies, easier to use, Krupa said.

Like DNR, the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) plays a major role in responding to disasters and has a new leader at the helm. James Waskom, a retired U.S. Army colonel and a former prosecutor in Louisiana's 19th Judicial District, was appointed director of GOHSEP in January after Gov. Edwards took office.

Waskom earned a master of strategic studies degree from the U.S. Army War College and a juris doctorate from LSU. He replaces Kevin Davis as director.

Despite having new leadership, GOHSEP officials don't expect many changes to the way they handle emergency operations.

"We have not made any major changes to the current State

Emergency Operations Plan and therefore our response to incidents have not changed in any major way," said Christopher Guilbeaux, deputy GOHSEP director for preparedness, response and interoperability.

The operations plan lays out procedures that different state government agencies must follow when responding to a variety of situations, including natural disasters and terrorist attacks.

GOHSEP is involved with the DNR fuel team, too. GOHSEP helps keep other members of the team posted about fuel needs and emergency declarations in addition to getting important information to the public.

Hurricane season begins June 1 and ends on Nov. 30. Information from GOHSEP about preparing for hurricanes is available at getagameplan.org.

Note: LMTA is an active participant on the Louisiana Fuel Team.

(THE) GOAL OF THE GROUP IS ENSURING PRIVATE ENTITIES ARE ABLE TO OPERATE AS SEAMLESSLY AS POSSIBLE DURING EMERGENCIES...

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THE NEVER ENDING DEBATE: IS YOUR OWNER OPERATOR AN EMPLOYEE? (Update)

by Douglas K. Williams, Partner, Breazeale, Sachse & Wilson, L.L.P.

In prior articles, the “employment” status of owner operators was examined. Court decisions regarding that issue were discussed.

This issue continues to be a hot one, with recent decisions which have reached opposites results. It looks like this issue is ripe to go to the U.S. Supreme Court.

In *Costello v. BeavEx*, the U.S. Seventh Circuit held that state law classification of employees is not preempted by federal law specifically the Federal

Aviation Administration Authorization Act (FAAA). The

BeavEx case involved a “misclassification” claim by drivers/couriers who were contracted to provide same day delivery services. BeavEx used owner operator contracts with the couriers. Some couriers were incorporated; some couriers

subcontracted the work. The couriers were paid per delivery/route, and not by the hour. At issue was whether the couriers were employees under the Illinois Wage Payment and Collection Act. That act defines an employee as “any individual permitted to work by an employer in an occupation.” The exceptions are very narrow. The Illinois law makes it virtually impossible for a commercial driver to be classified as anything but an employee.

The BeavEx couriers alleged that BeavEx violated the Illinois law by failing to compensate them for “all hours worked” and by taking “unlawful deductions.” The trial court found that federal preemption did not apply, and then granted a partial summary judgment for the drivers finding that they were “employees” under Illinois State Law (thereby entitling them to all “employee” benefits).

On appeal, the Seventh Circuit also held that the FAAA does not preempt Illinois Wage Law. The Seventh Circuit then remanded the matter to district court for evaluation of class action certification.

This U.S. First Circuit has come to a different conclusion. In *Schwann v. FedEx*, the United States First Circuit Court of Appeal held that a similar Massachusetts law was preempted.

There is a distinct possibility that a significant decision could be forthcoming from the Supreme Court early in the next session.



In the Schwann matter, the Fed Ex delivery drivers (first and last mile pickup and delivery services) brought a class action alleging "misclassification". They asserted that they were employees, and not independent contractors. They further asserted that they were entitled to damages, including lost wages, improper deductions, and loss of benefits. The Fed Ex drivers were governed by an operating agreement with designated geographical areas. The agreement established a structure by which the contractors were compensated, and contemplated that services might be provided by persons other than the individual contractor.

Massachusetts state law contains a three prong test for determination of employment status. The second prong of the Massachusetts test for employee status was whether the "services performed [were] outside the usual course of the business of the employer". As with the Illinois statute, that requirement made it virtually impossible for truck drivers to be considered independent contractors (of the carrier).

The court analyzed the language of the FAAA, and the potential impact of the Massachusetts Statute on motor carriers' prices, routes, or services.

The First Circuit specifically noted that the application of Massachusetts State Law, with regard to motor carriers, "poses a serious potential impediment to the achievement of the FAAA's objectives..." As applied, the First Circuit found the second prong of the Massachusetts Employee Classification Test preempted.

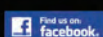
This issue is important, not only because of the boundaries being pushed by states such as California, but because of the need for uniformity as drivers travel between the various

states. Issues relating to piecemeal pay, delay time and meal breaks continue to be uncertain, and a fertile feeding ground for plaintiffs' lawyers. The defendant in Costello, has already filed a writ application with the United States Supreme Court (no action has been taken yet), and it is likely that the Schwann plaintiffs will also seek relief from the Supreme Court. Stay tuned. There is a distinct possibility that a significant decision could be forthcoming from the Supreme Court early in the next session. ♣

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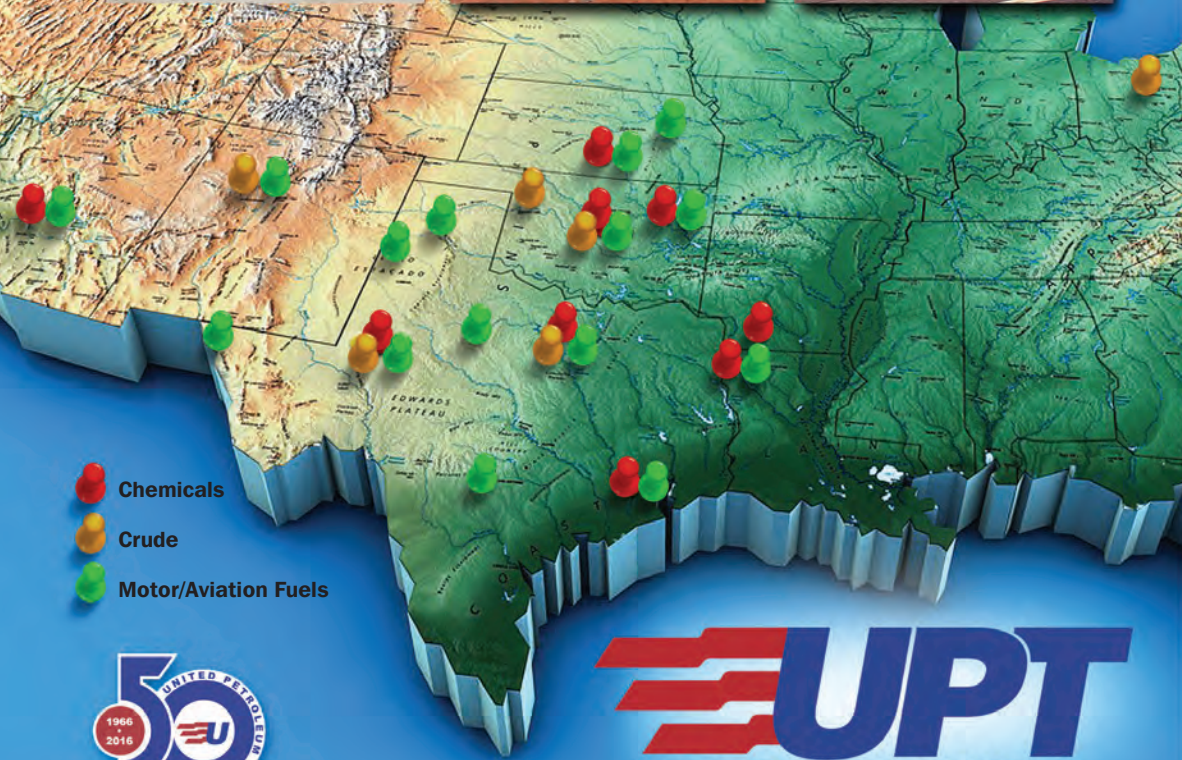
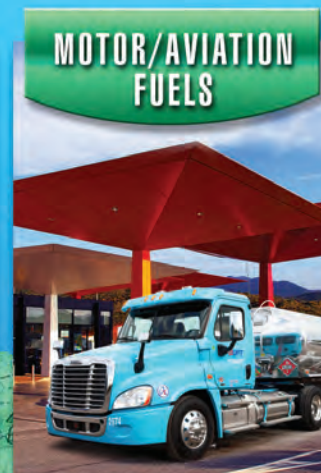
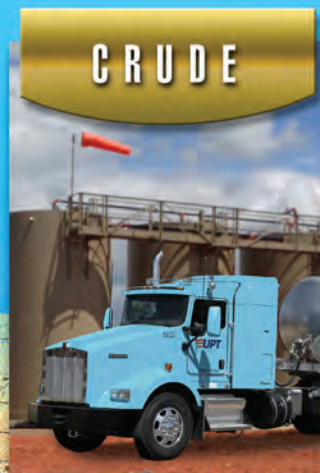
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