

KENTUCKY TRUCKER

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KENTUCKY TRUCKING
ASSOCIATION 2021 DRIVER
OF THE YEAR
**MR. MATTHEW ALPAUGH,
ABF FREIGHT**

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GETTING TO KNOW LESHA
AND KRISTEENA BREEDING
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“To promote the trucking industry by educating government entities, the general public, customers and related industry groups through advocacy, career development, and the support of value-added programs that enhance industry safety and productivity.”

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Chairman's Corner



Dewell Gossett
Kentucky Trucking Association
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One issue that should be on everyone's mind is the state of our recovery, including the shortage of parts for our trucks, leading to problems purchasing new trucks. If we order trucks today, they will probably be delivered in the late spring, early summer of 2022, or longer, depending on the spec you have on your truck. That is a major problem in our industry.

New truck builds have been slowed down or stopped by building material constraints and persistent supply chain problems. Trucks, like other vehicles, use semiconductors, and semiconductors have been the most highly publicized shortage caused by the pandemic. Semiconductor shortages are expected to continue into 2022. Tires, O-rings, and forged parts such as blocks and housings have been affected by volatile prices for steel and rubber.

Why is rubber a problem? China has been stockpiling it, and rubber trees have been affected by flooding and disease. It's also hard to find truck mirrors, plastic parts and wiring harnesses.

Lead times for parts that used to be measured in days are now measured in weeks. Other problems include:

- A worker shortage, which means not having enough people to use steel and other raw materials to build hard parts and problems finding enough employees to build the trucks
- Union walkouts in places such as the Volvo Trucks North America factory in Dublin, Virginia
- Manufacturing price increases

In fairness, it is hard for manufacturers to find the sweet spot between a fair price and being profitable. Material prices are so high that some manufacturers have delayed placing orders because they hope part prices will go down again after the shortages ease up. But prices may not go down anytime soon.

How bad is the shortage? In July 2021, vehicle makers built 14,920 Class 8 trucks in North America. The truck backlog for July 2021, at 262,100 orders for Class 8 trucks, was three times bigger than in July 2020. Auto manufacturers are moving semiconductors from

smaller trucks to Class 8 trucks because of the demand for Class 8 trucks. They are also working hard to communicate with customers about delays.

Truck owners sometimes cannibalize other trucks for parts or check supplies on the other side of the continental U.S. to see whether they can find what they need. If they need tires, sometimes they keep using the tires longer than they normally would — a necessary economy, maybe, but also dangerous.

Freight demand is strong, so North American trucking companies ordered 36,900 trucks in August. That is a 90% increase over August 2020. Used equipment prices went up, and (since fleets usually place big equipment orders in the fall), the shortage is likely to worsen.

Some carriers ordered key parts and the most commonly used hard parts, such as water pumps, engine sensors and turbos, in early 2021. Their preparation allowed them to get through some supply chain disruptions, but the market

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has gotten even more constricted since then. Many companies have increased their stockpiles of necessary parts, and they are also increasing the number of parts they consider necessary. Currently, sourcing parts can be done, but it involves extended lead times. Buyers who are used to complaining about fulfillment rates at 80% or less are now grateful for 30% fulfillment rates.

Put the shortages in context. Cars have about 30,000 parts. I don't know how many parts are in trucks, but I am pretty sure the number is more than 30,000. There's a tier system to provide OEMs with those parts. Tier 1 suppliers sell to OEMs. Most have a close business relationship with one or two OEMs, but they may also have a more distant relationship with other OEMs.

Tier 2 suppliers don't sell directly to OEMs, but their parts often wind up in cars anyway. Tier 3 suppliers sell raw or close-to-raw materials. The shortages have affected all Tier 2 and Tier 3 suppliers.

Stockpiling is a natural reaction to shortages, but some large companies have taken out loans so they can spend three times as much money as usual on parts this year. They want to prevent shortages during the next three years. But their stockpiling strategy causes problems for smaller companies that can't spend that kind of cash on parts. It's like someone buying all the available toilet paper and leaving empty shelves for everyone else.

Key relationships with parts suppliers have been important. If you can be proactive and call the right person about a part that isn't

generally available, sometimes you can find one after all. But as time goes on and supply chain problems persist, it is harder to make that call and still be successful. And there are other problems, too. For example, you might find aftermarket parts, but they often won't be covered by a warranty. However, you might not care about a warranty if that's the only way to get a key part.

The hardest problems are always the ones where you can't take care of them alone, and you have to rely on other people. But fortunately, KTA members are not alone. We want to help you stay in business. It is a tremendous advantage to have help from the association, and we want you to know that we are aware of your business challenges.

Let's work together to solve these difficult problems. 🚛



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President's Message



*Rick Taylor, President
Kentucky Trucking Association*

When President Biden addressed G-20 leaders Oct. 31, 2021, at their annual gathering, he acknowledged something truckers have always understood: “Supply chains are something that most of our citizens never think twice about until something goes wrong.”

The trucking industry is a key part of the nation’s supply chains, and our work is important to this country’s health and vitality. But supply chains, and truckers in particular, depend on good roads and bridges. That is why the KTA strongly advocated for the \$1.2 trillion infrastructure bill that finally passed Nov. 5, 2021. There were 19 Republican Senators who voted for the bill, including Mitch McConnell, and 13 House Republicans who voted with the bill’s Democratic supporters.

Truckers understand the importance of keeping to schedules and getting goods to their destinations as efficiently as possible. If they don’t understand, they soon move on to other industries. The infrastructure bill is an important step for reducing or eliminating the country’s current problem with supply chain

bottlenecks, and we are happy it passed even though the supply chain problems are likely to continue well into 2022 or even 2023.

The U.S. has gone through entire decades where infrastructure was either neglected or given an inadequate amount of money for repairs. Despite that reality, freight demands have seen exponential growth. ATA President and CEO Chris Spear said the following after the bill had been passed: “Roads and bridges are not political — we all drive on them. A majority in the House realized this today and did what’s right for the country, not themselves.”

He went on to explain, “From farmers to truckers, the millions of hard-working people who make this country great won today. Those lawmakers who put their constituents before themselves to help seal this achievement have cemented a lasting legacy that the American people will now see, feel, and use for many decades to come.”

When talking about the infrastructure bill, President Spear mentioned the decision to lower the age requirement for drivers. The age change will allow



“Supply chains are something that most of our citizens never think twice about until something goes wrong.”



18-year-old drivers to drive trucks across state borders. According to the Fleet Owner website, the bill establishes the DRIVE Safe Act and a Women in Trucking Advisory Board to work with the Federal Motor Carrier Safety Administration. DRIVE Safe will let up to 3,000 drivers at a time who are 18-20 undergo advanced safety training as preparation for interstate commerce. We should start to see the effects of that soon. But it will still take time to implement other aspects of the infrastructure bill, such as allocating \$347.5 billion for highways and \$37 billion for bridges.

Meanwhile, another rule can also make an immediate difference. I'm talking about the recent modifications to vaccination requirements.

KTA has been especially concerned about the Occupational Safety and Health Administration's (OSHA) vaccination requirements for drivers. We favor vaccination, but we also favor policies that consider real-world circumstances. Jeremy Kirkpatrick, an ATA spokesperson, explained the argument against overly aggressive vaccination requirements for drivers when he said, “[Drivers] spend the vast majority of their workday alone and have minimal contact with others indoors.” I agree: drivers who work alone 90% of the time shouldn't be forced to get vaccinated unless that's what they choose. It's unnecessary.

A vaccination exemption for single drivers makes even more sense when you think about the driver shortage. Forcing drivers to be vaccinated unnecessarily is the

sort of policy that can discourage people from becoming or continuing to be drivers. If an unvaccinated driver isn't going to be face-to-face with others most of the time, they should wear an effective, high-quality mask when contact does occur. That's the accommodation that makes sense. A mask will keep everyone involved safe and healthy without making anyone's life overly complicated.

The vaccine mandate could have affected the commercial truck driver population, but Labor Secretary Walsh apparently agreed with leaders in the trucking industry. OSHA has now issued a temporary emergency standard on the vaccine mandate. Like the successful infrastructure vote, the adjustment to the standard took place Nov. 5, 2021.

It took a long time to get an agreement about the infrastructure bill's contents, in part because many industries (including the trucking industry) were lobbying hard to keep the parts of the bill that made sense and to leave out the parts that didn't. President Biden correctly said the bill's passage is “a monumental step forward as a nation.” He's right about that.

The infrastructure bill has been a long time coming, and I am relieved that fight is over. Now comes the next struggle: doing our part to make sure those dollars are used wisely.

KTA looks out for its members. Please call us, and me, when you need help. We want to hear from you and will do what we can to make your job a little easier. 🚛

KENTUCKY TRUCKING ASSOCIATION 2021 DRIVER OF THE YEAR

MR. MATTHEW ALPAUGH, ABF FREIGHT



Pictured are Rick Taylor, Matthew Alpaugh, and J.P. Rimstidt

“He has been a tremendous resource to new hires in Lexington, KY, where he has provided exceptional leadership, training, and guidance that has influenced the safety culture of the ABF Service Center.”

2021 Driver of the Year

The motor carrier industry has a great responsibility of making our roads as safe as possible for all the motoring public. We can use the best safety technology available on our vehicles, but ultimately the driver is the most important part of the safety equation. Making the selection for Driver of the Year is not always easily done because each applicant is deserving of this honor. The 2021 Driver of the Year is

Mr. Matthew Alpaugh with ABF Freight. Mr. Alpaugh has worked as a professional driver for 31 years, the last 11 with ABF. His manager, J.P. Rimstidt, said, “He has been a tremendous resource to new hires in Lexington, KY, where he has provided exceptional leadership, training, and guidance that has influenced the safety culture of the ABF Service Center.” 🚛

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Old Dominion Freight Lines, Inc.



Dan Martin, Parker Harrison with ODF, and Stewart Easter with Great West

LTL Division of 5 – 10 Million Miles is
AAA Cooper Transportation



Truckload Division 1st Place is
Castellini Company, LLC



2nd Place is **Rogers Trucking Company**



Dan Martin, Ron Bryant, Safety Director of Rogers Trucking, and Stewart Easter

Tank Truck Division
Usher Transport Inc.



Dan Martin, Ryan Usher, and Stewart Easter

Flatbed Division
Mercer Transportation Company



Dan Martin, Todd Felty, Mercer, and Stewart Easter

Grand Champion
Castellini Company LLC



Driver of the Year
Matthew Alpaugh with ABF Freight



GETTING TO KNOW LESHA AND KRISTEENA BREEDING OF ROGERS TRUCKING



Would you please tell us about your family?

Lesha: My parents, Tommy and Phyllis Rogers, started the company. My father passed away in 1999, and my mother in June. I have three siblings, and we are all very close as a family. My youngest sibling, Carla, works in the business. The third generation is now part of the operation; that is, my children Kristeena and Charles. My daughter-in-law, Kate, is our accountant. My husband, Glenn, has been a key asset to work alongside me. My father brought him into the company, so he is very knowledgeable in all aspects of the business. My Aunt Marsha has been here from the beginning, and she is still the glue helping to hold all of us together.

I was 33 when I was placed in the leadership role after my father passed away. My mother, though still alive, wasn't active in daily

operations. After the recent passing of my mother, I became the primary owner. I have worked alongside aunts, uncles, cousins, and others who have become family, so it truly is a family business.

The company website had information about Charles Tommy Rogers and his legacy of determination and self-reliance. He sounds like a remarkable man. What was the most important business lesson he taught you?

Lesha: He was my father. There are many valuable lessons I could take from him. One of the most valuable lessons he taught me was to treat people the way you want to be treated and to be fair and honest.

Another lesson was determination. My parents had very humble beginnings in the industry. I remember the tough times when they weren't sure how payroll would be made or where they

would get the fuel money. My father would talk about not having money for food on the road. He had a vision of owning a fleet of trucks, and nothing was getting in the way. He was determined to succeed in building something that he loved.

Kristeena: I was only 9 when my grandfather, Tommy, passed away, but I have a host of memories of him as my grandpa more than just a businessman. As I have gotten older, I reflect on things he did to teach me early on. When I was about 7, I wanted a dog. He gave me a job to make money for the dog, so I cleaned his office. At the end, he handed me money and took me to get the dog. Of course, \$500 was a little steep for a 7-year-old to clean his office, but the moral is you have to work for what you want in life. He would take my brother Charles and me with him to meet business people or take us to events from a very early age. He wasn't just spending time with his grandkids,



*Kristeena Breeding's parents,
Glenn and Lesha*



*Kristeena Breeding and her
brother Charles*

he was making introductions and grooming us from a very early age.

The website also lists three women: Phyllis Rogers, Lesha Breeding and Marsha VanArsdale. Would you please tell us a little more about these women?

Kristeena: Phyllis Rogers is my grandmother. She started the company with my grandfather Tommy. She was a tough, very blunt, super smart and loyal woman. She was no longer an active participant in day-to-day operations after I joined, but she stayed very informed. She lived right across from the business, so she watched every move from her large window. We gave her updates often on how things were going. With her being my grandmother, I was blessed to know a lot about past operations in RTC.

Lesha is my mother. I have been blessed with her not only as my mother but a true idol when it comes to being a businesswoman. My brother and I joke and say

we lived at the office growing up. We know firsthand what she has sacrificed to keep her father's dream alive.

Marsha is my great aunt. She has been a key player for over 40 years, and she knows the ins and outs of the industry. If a question is asked in the office, many times the answer has been, "Ask Marsha." I am very blessed to be able to work alongside her and continue to learn.

What is your educational background?

Lesha: I have some college, but at the time, being an active participant in the business prevailed. Education is very important to me. It was a requirement for both Charles and Kristeena to be employed at RTC. Charles received an economics degree from the University of Kentucky.

Kristeena: I have a B.S. in financial economics from Centre College and an MBA from the University of Louisville.

How did Rogers Trucking Inc. get started in 1965?

Lesha: My dad always talked about being a little boy, seeing semis pass and saying, "I will own those." The beginning wasn't quite that easy, though. He had to quit school in eighth grade and start logging with his father. Life threw lots of curveballs, but he became a truck driver and hauled commodities. He started buying trucks along the way. He drove and worked on them while my mother dispatched. The company hauled various commodities, with tobacco being a key player in the early stages. The buying of one B Model Mack led to the start of RTC.

Are there specific individuals who had a major impact on your career?

Kristeena: My parents. They have given me countless opportunities that have influenced my career. Also, just being able to grow up with people who know so much about the industry that I can learn from daily.

There are people on the RTC team that have been here a majority of my life, so being surrounded by those people that know more than I ever will is priceless.

Lesha: This is not a one-person show, so there are many people who have impacted me. First, my parents, aunts, uncles, and a strong team of drivers and employees have helped me.

What is the most rewarding part of your career for each of you?

Lesha: Relationships and friendships are important to me. The most rewarding part of my

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career is making a difference in other people's lives.

Kristeena: My brother Charles and I, as part of the third generation, can affect the lives of hundreds of people, both teammates and families. We both have a vision for the company to grow but grow with a purpose. To be a part of something that is a family legacy that can impact the lives of others makes it all worthwhile.

Your motto is, "Everyone is someone." What's the story behind that?

Lesha: My father always said, "Everybody is somebody, no matter your role in life." Frequently, he would remind me to be nice going up the ladder, but who knows, you may meet the same ones coming down! RESPECT!! EVERYONE!!

Your customer service pledge is, "On Time, All the Time." Why that specific pledge?

Lesha: Nothing's perfect, but that's the goal. People want their freight on time, and service is all we have to sell.

Rogers Trucking is certified as a Women's Business Enterprise by the Women's Business Enterprise

National Council (WBENC). Why is diversity important in the trucking industry?

Kristeena: We became members shortly after I joined the company. I saw the need for the company to be part of a bigger movement.

It's important for everyone to realize you don't have to fit a mold to be in an industry. Diversity drives innovation, and at RTC, that is what we want to see. If we employ people of different ages, genders and personalities, the company becomes more innovative and can contribute more to society.

How has the pandemic affected Rogers Trucking?

Kristeena: Just like every company, we've put precautions in play to protect our drivers' and customers' safety. Their health and well-being have been most important too. We have been affected when multiple drivers have been quarantined at the same time; it has caused issues in shipping. On the mechanical side, Glenn hasn't been able to get new trucks, trailers or parts.

Lesha: It is hard to get anything right now. Like everyone is seeing, the backorders on equipment have

caused issues. Most importantly, we worry about the health and well-being of our teammates.

What is the biggest impact of being a KTA member? What makes it beneficial?

Kristeena: Being a member has allowed me to network with knowledgeable people within the industry. The more you network and the more you are out there, the more opportunities you have. Also, just surround yourself with like-minded people and make friends who will last for years.

If you look back at your professional life, what would be three things you have learned that you would pass on to someone looking at trucking as a career?

Lesha: My first role in life was being a mother. Trucking came second. My earliest memories are always of a truck being involved.

1. Trust your instincts. Accept change and grow with the times.
2. Do what you love. It's true that if you do, you will never work a day in your life.
3. Work hard. Be kind and respectful.

Kristeena: I feel I am a little green to give much advice, but this is what I would say at this point in my life:

1. The industry has been going through constant change ever since I started working in it, especially with technology, so always stay in the know.
2. Surround yourself with people who make you better and sharper. You will never gain anything if you are always in your comfort zone.
3. Have a vision for where you are going. It is easy to get caught up in the rat race and lose sight. Dream big, and teammates will follow if they know where they are going. If you don't have a vision and a path of direction, you will often find yourself at a standstill.

What are some professional moments that make you proudest?

Lesha: I spent a lot of my early years crawling into a truck with my dad. As a child, I begged to ride with him. I always wanted to ride and drive. We had older trucks, and they were not nice. But not too long ago, I went on a drive with my son in a new truck. He has his CDL, and the truck was air-conditioned and comfortable. We had come a long way, and I was overjoyed to be with my son in a brand-new truck. My heart overflows watching my children engaged in operations with so much love and passion for the industry.

Was there an “aha” moment in your career that defined you?

Lesha: On a personal level, my father's funeral — I realized in business that he had touched the



lives of many. Secretly. He took resources from his business and blessed many. I knew the sacrifices, but I didn't realize just how much my parents had sacrificed to help others. “Rogers” was bigger than I imagined. I quickly realized I had big shoes to fill. I am working to keep their dreams and legacy alive while at the same time remaining humble.

Kristeena: We are a close business family and have many strong teammates working on our team. We may know their jobs mean a lot to them, but it's more than that for some of them. We don't always realize that they have given their lives to “Rogers” because they love the company as much as we do.

One of our drivers had a fatal heart attack while parked in his truck. He had been with us for 20 years. My brother Charles and I had an eye-opening experience at his funeral. We saw Rogers items everywhere. The family asked us to lead the funeral procession in his semi. This was the moment that I realized we had a good thing at “Rogers,” and I wanted to make decisions in the future to make it an even better thing. It was a great feeling knowing that my brother and I

were part of something bigger than just a place to work.

Do you have any last words?

Lesha: God, Family, Friends and Business.

“Rogers” is a multitude of families coming together, uniting as one! I am grateful and respectful to each one of our teammates and their families. Lots of sacrifices are made when a parent or spouse is gone all week. Thank you to those who help me keep our dream alive. I hope I never wake up. As my Daddy would say, “Keep on Trucking.”

Kristeena: As “Rogers” experiences changes and growth, like I said earlier in the interview, it is being done with vision and purpose. As part of the third generation, I do have dreams to take my grandparents' legacy to another level. At that next level, I can reach even more people and be part of an even bigger change. My grandparents set a culture at RTC from the beginning, and my mother has carried on. I want to keep that same “Rogers” culture no matter the size of RTC. Rogers Trucking isn't just a business. It's a family of people all working for a greater cause. 🚛

GETTING TO KNOW BRIAN WHITAKER OF CORETRANS



How and why did CoreTrans get started in 2002?

I had worked for a year in the sales department of a trucking company. The 9/11 terrorist attacks caused a local trucking company to go out of business, and I had an opportunity to buy some of its assets. I used the assets to start CoreTrans.

The website says Brian Whitaker is the third generation to be involved in the transportation industry. Please tell us about the first and second generations.

My grandfather, Kenneth Whitaker, was in the kind of trucking business that used to be called the hub and spoke LTL. He ran loads from Somerset to Knoxville or Cincinnati. He died when he was 46 after more than 25 years in the business.

My father, Mike Whitaker, worked for my grandfather, and then he started a couple of trucking companies of his own. He started the first company with some high school friends. He got out of trucking for about five years, and then he started another trucking company. He had 50 years of experience in trucking before he stopped a second time. He isn't in the trucking business now, but he is still heavily involved in the KTA.

I've been in the trucking business for more than 22 years.

How has KTA supported CoreTrans during the pandemic?

Probably more than anything, KTA is a good sounding board. We use it when we have questions or want to see what the industry as a whole is doing. KTA is also involved on the political level and helps shape policies.

Why is KTA membership important?

It's important because of the services it provides, which I just listed in the previous answer, but it also gives us the chance to network with other trucking companies and vendors who are members.

How and why did MB2 Logistics, the company's sister company, get started? How do the two companies work together?

MB2 Logistics started in 2005 to fill in a gap. It finds outside carriers to haul freight if CoreTrans cannot.

CoreTrans specializes in supply chain management. What is the continuing impact of the pandemic on supply chains? When do you think the supply chain issues will be solved?

COVID-19 has taken out many drivers who would normally be part of the supply chain. For example, we had about 210 drivers before COVID-19. Now we have about 185, which is well below what we need. The worker shortage means CoreTrans and other suppliers



cannot keep up with the magnitude of goods that have to be transported.

We will probably continue to see worker shortages most of 2022 and possibly part of 2023.

How has CoreTrans mitigated the effect of the pandemic and taken care of its customers?

We've just tried to do more with less. We did a fairly sizable driver pay increase to get drivers into trucks, and we have added one more customer load a week per driver.

According to LinkedIn, CoreTrans claims the most efficient and responsive customer service in the industry. That's a big claim. What has CoreTrans done to make its customer service so excellent?

We have a top-notch customer service team and manager. They do a good job with customers. We also have technology in the trucks and on the trailers. The tracking technology allows customers to track their trucks and loads themselves.

Would you please tell us about your management team and the current goals?

Our management team has over 100 years of experience in the transportation industry.

CoreTrans is a family business, so many of our goals reflect that. We want CoreTrans to be a good place to work. We have worked hard to create a positive culture and atmosphere, and we have an open-door policy for employees.

CoreTrans is a major employer in Somerset, Kentucky. What makes Somerset special?

It's a great place to raise a family because it is beautiful and has many outdoor activities available. Also, Lake Cumberland is nearby. Lake Cumberland is one of the largest reservoir lakes globally and in the U.S. 🚚

TRUESDELL'S SAFETY TIPS

By Tristan Truesdell



Does FMCSR §392.80 or §392.82 look familiar? Hopefully not! In case you're not familiar, §392.80 refers to the prohibition against texting while driving, and §392.82 refers to using a hand-held mobile telephone. Both regulations can be detrimental to both the driver and the carrier, as they relate directly to "Distracted Driving."

In today's world, we sometimes have "information overload." From scheduling delays to telemarketing calls and even a quick text to ask a simple question. Although technology keeps us much more connected to people, it can distract us from the task at hand, in this case, driving an 80,000-pound commercial vehicle.

For clarification, let's look at each regulation straight from the source:

§ 392.80 Prohibition against texting.

- (a) **Prohibition.** No driver shall engage in texting while driving.
- (b) **Motor carriers.** No motor carrier shall allow or require its drivers to engage in texting while driving.
- (c) **Definition.** For the purpose of this section only, driving means operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a

commercial motor vehicle with or without the motor running when the driver moved the vehicle to the side of, or off, a highway, as defined in 49 CFR 390.5, and halted in a location where the vehicle can safely remain stationary.

- (d) **Emergency exception.** Texting while driving is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

§ 392.82 Using a hand-held mobile telephone.

- (a) (1) No driver shall use a hand-held mobile telephone while driving a CMV.



Do you have a policy for your drivers as it relates to texting and cell phone use?



- (2) No motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV.
- (b) **Definitions.** For the purpose of this section only, driving means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.
- (c) **Emergency exception.** Using a hand-held mobile telephone is permissible by drivers of a CMV when necessary to communicate with law enforcement officials or other emergency services.

Lastly, let's look at what it means when referring to "Using a hand-held mobile telephone." Definitions are important!!

- (1) Using at least one hand to hold a mobile telephone to conduct a voice communication;
- (2) Dialing or answering a mobile telephone by pressing more than a single button; or
- (3) Reaching for a mobile telephone in a manner that requires a

driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

This definition can sometimes be subjective when it comes to enforcement actions. Most officers will only go by their perception of events. If they see the driver holding the phone, dialing, or manipulating the keypad, they are most likely to take enforcement action upon that driver. Could it fall outside the definition, possibly, but most enforcement officers won't hold court on the side of the road. The best way to eliminate the consequence is to eliminate the behavior that falls within the prohibitions.

Do you have a policy for your drivers as it relates to texting and cell phone use? A violation of either of the regulations discussed will almost certainly impact your CSA scores in the Unsafe Driver category. Both violations are "10-Pointers" each, something the carrier, as well as the driver, want to avoid. Drivers are human; they sometimes will most certainly answer the phone when it rings; it is just a natural reaction. The danger lies with, will that distraction be the cause of an

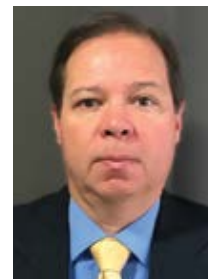
unforeseen event that will impact both the driver and the carrier? "To err is human; to forgive divine."

Tips for dealing with distracted driving behavior:

- Driver Training: Even a 10-minute video on the consequences of "Distracted Driving" can have an impact on driver behavior.
- Document the training on distracted driving
- Implement a "cell phone" and/or "texting" policy
- Progressive Discipline: Do you have a policy in place?

These are just tips to hopefully make your company safety conscious about potential violations which could impact your operation. 🚚

References: FMCSR §390.5, §392.80, §392.82



Tristan Truesdell

CRASH HUSTLERS

STAGED “ACCIDENTS” ARE ON THE RISE; EXPERTS ADVISE HOW TRUCKERS CAN FIGHT BACK



By Steve Brawner

Fraudulently staged “accidents” targeting truckers are increasing, but motor carriers can fight back with video evidence by educating their drivers and being prepared before the encounter happens.

That advice came from Matthew Smith, executive director of the Coalition Against Insurance Fraud and an attorney who, for 35 years, defended insurance companies in court.

Smith said staged accidents were common for many years, but then happened less often at the turn of the millennium when crooks shifted their focus to internet-based fraud. They returned with the advent of the Great Recession

around 2008 and 2009 and have increased since then.

In Louisiana, an organized crime ring led by an attorney staged a series of accidents that so far has led to 33 indictments and 23 guilty pleas, as reported by Transport Topics. The attorney in June pleaded guilty to conspiracy to commit mail and wire fraud, and faces up to five years in prison. In June, a married couple who was part of the ring was sentenced to 48 months in federal prison for participating in a staged accident that resulted in \$4.7 million in court settlements with C.R. England. That carrier and also Southeastern Motor Freight have filed racketeering lawsuits against the perpetrators.

Dangerous Plots From Criminal Minds

Fraudsters are targeting commercial vehicles for several reasons, Smith said. First, while a passenger car may or may not carry adequate insurance, a commercial vehicle is assured of having a large-dollar insurance policy. Also, a big rig is harder to brake [to a stop], and the “accident” is more likely to create a more dramatic impact and graphic photos, Smith said.

Smith’s Coalition Against Insurance Fraud was created in 1993 by two groups that often work against each other – what is now the American Property and Casualty Insurance Association,



“One of the things that seems to be also true across all aspects of insurance fraud: The fraudsters are smarter than people often give them credit for.”

– Matthew Smith, Executive Director, Coalition Against Insurance Fraud



which represents insurance companies, and the Consumer Federation of America, a consumer advocate organization. The groups came together to target insurance fraud, which Smith called “the crime we all pay for.”

Smith said many staged accidents occur on larger roadways and interstate highways. Crooks will stake out areas where they are sure there are no cameras. Sometimes they will stage accidents shortly after a rainstorm because the wet roads make it harder for the big rig to stop. Sometimes they will commit the crime in the early morning hours because fewer witnesses will be present.

“One of the things that seems to be also true across all aspects of insurance fraud: The fraudsters are smarter than people often give them credit for,” he said.

Fraudsters use a variety of methods to try to bait truck and passenger drivers into an accident. One is the “swoop and squat,” where one motorist will settle in front of the truck and then another motorist will cut in front of that vehicle. Then the middle vehicle will hit the brakes, causing an accident blamed on the

truck. Rear-end collisions pay out more therapy and medical claims because of neck and back injuries. Other tricks include a simple sideswipe where a passenger vehicle enters the truck’s lane, hits the truck and then the fraudster claims the truck came into their lane. In the “wave-in” method, a motorist at an intersection will signal to another driver that the coast is clear, but it’s a setup for another car to be hit. Once the “accident” occurs, the wave-in driver disappears. Fraudsters using the T-bone method wait at an intersection, strike another vehicle and have a witness planted who claims the victim ran a stop sign.

What kind of driver would purposely let himself be hit by a big rig? Someone who wants money. Smith said perpetrators have an advantage over regular accident victims because they are prepared and even trained.

“If you’re in a staged accident and you’re in the middle vehicle that’s in the swoop and squat, you know exactly what’s going to happen, and you know the speed that you want to be at,” Smith said. “Some of these are even trained people who’ve done this multiple times under multiple identities. So they

know the correct speed to go, they know when to brake, they know how to brace themselves for the impact itself, and they know exactly what is going to happen.”

Capturing Evidence

How can trucking companies defend themselves? The first, most basic tool is to equip their cabs with video. As Smith explained, “If we say a picture is worth a thousand words, literally the video to be able to show to law enforcement, to be able to show in a court of law is worth 10,000 to 100,000 words.”

Jim Angel, vice president of video telematics for EROAD, said customers have told him that after a staged collision, they could see the incident on their web portal, contact the driver and send the video to his cell phone to show the officer.

“The quicker you can get that information to enforcement, the larger opportunity there is to reverse the narrative around whether or not your driver receives the citation. ... If the driver does receive a citation, then that starts the blame of whose fault

continued on page 24 →

the accident was,” he said. “So it’s very important to try to get that information out there sooner than later to be able to direct that narrative.”

In one case, video showed the truck stopped at a red light along with a sport utility vehicle carrying five adults. When the light changed to green, the car and truck accelerated. Another SUV appeared on the right-hand side and accelerated to take position as part of a swoop-and-squat operation.

But the scammers’ timing was off. The truck driver’s video showed the middle SUV hit its brakes a full second to a second-and-a-half before the associate SUV swerved in front. There was no reason to do so and cause the minor collision with the truck behind it. The video also showed the crooks climb out of the SUV and wander around looking uninjured. Two walked back to the truck driver and talked to him.

Captain Peter Bergstresser of the Florida Highway Patrol likewise encouraged motor carriers to equip their trucks with cameras.

“It’s up to the trooper to really look at things, but it’s also up to the truckers to really safeguard themselves, have those cameras on the trucks, have cameras everywhere,” he said. “Somebody waves you out, maybe think about that for a second – like, hmm. Is this a trap? Is somebody going to try to sue me or run into me?”

Sometimes there can be an interaction with a passenger that can provide information advantageous to the truck driver.



Drivers should be taught that they can gather information at the scene – skid marks, broken tail lights, positions of vehicles, etc. They can take their own photographs.



When it comes to using video properly, Angel recommends carriers create a policy and then stick to it. Following a policy inconsistently can get a company in real trouble.

In addition to equipping their trucks with cameras, Smith said motor carriers should inform their drivers about these schemes and scams so they can use the right words when talking to the officer. Drivers should be taught that they can gather information at the scene – skid marks, broken tail lights, positions of vehicles, etc. They can take their own photographs.

“They need to have an active plan in place,” he said. “They need to inform their drivers, whether they have two drivers or two thousand drivers, here’s our anti-fraud plan. If you suspect that you’ve been in an accident that may involve insurance fraud, here’s who you notify, here’s how you do it and here’s how you document it. And have those written plans, policies and procedures in place.”

A Good Defense

Finally, motor carriers should partner with their insurance providers. They have a right to demand information about the provider’s anti-fraud program before purchasing coverage.

Smith’s group does more than just instruct carriers how to protect themselves against staged accidents. It also advocates for regulatory and legislative changes. One New York law named for grandmother Alice Ross, who died in a staged accident, made it a crime to cause one. Smith’s group and other industry advocates are seeking to pass the law on a national level and in other states with increased penalties if the victim is injured or killed.

The fear of staged accidents goes hand in hand with the fear of a large settlement. In the American Transportation Research Institute’s annual “Critical Issues in the Trucking Industry” survey, insurance cost/availability and tort reform both returned to the top

10 after many years outside it. In another study, ATRI reported that nuclear verdicts are on the rise.

One factor that is leading to more of those huge verdicts is the plaintiff's attorneys' skillful use of the "reptile theory," which activates jury members' primal fears to inspire them to protect themselves, their families and the rest of society against the big, bad trucking companies.

But Smith said the same theory can be used by trucking's defenders when it comes to staged accidents. A jury member also doesn't want to become an innocent victim of insurance fraud.

"What became very clear to me, and my entire 35 years were spent as an insurance defense lawyer was, first, this works, and second, this is a great way for me to win cases for my clients," he said.



Smith said fraudsters will say, after being caught, that they know which insurance companies investigate fraud and how thoroughly they do so. They also know which trucking companies don't investigate potential fraud committed against themselves. Those that don't are more exposed.

"They will test," he said. "So they'll do a staged accident, and if it's not investigated and there's a very quick settlement for what they consider to be a very large amount of money,

you just put a target on the back of your truck because they're going to get you again."

Angel said carriers must stand up for themselves and their industry.

The consequences of not responding to suspicious accidents are huge. "It'll just continue to happen," Smith said. 🚛

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Source: <https://www.trucking.org/economics-and-industry-data>

2021 MEMBERSHIP CONFERENCE & EXPO RECAP



Sponsor Awards – Platinum Sponsors (left to right) Brando Colliver and Roger Johnson with Marvin Johnson & Assoc., Todd Felty – Mercer Transportation, Dan Martin and Stewart Easter Great West Casualty Co., Rick Taylor



Sponsor Awards – Gold Sponsors (left to right) Rick Taylor, Hal Dowland – PrePass Safety Alliance, Terry Elrod – Apex Trailer Service and Sales, Chris McDonogh – Kentucky Truck Sales, Dallas Barnes, Uhl Truck Sales A Trivista Co.

Over 100 of our members attended the 2021 Annual Membership Conference & Expo in French Lick, Indiana, the first weekend of August. We had a wonderful time at the Welcome Reception and Sponsors Awards, where we found out what some of our members learned during the COVID-19 pandemic and Art Potter shared his “new talent” with the group.

During our educational sessions on day two, we learned about upcoming changes and challenges for new CDL drivers. We looked at the data from the drug and alcohol clearinghouse and we heard from Mr. Dan Cook of the TrueNorth Companies on strategic risk financing in a challenging litigation environment. We had outstanding weather for our golf and sporting clays outings during the afternoon – Chris McDonogh, Wade Bryant, Matt Goudy, and Adrien Voellinger won the golf tournament and Mr. David Meiners was the best shot of the group.

At the Chairman’s Banquet, Mr. Bob Costello, the Chief Economist & Senior Vice President of International Trade Policy with the American Trucking Association, spoke about the trucking demand and the trucking

supply, including the driver shortage. Mr. Dan Martin with Great West Casualty and Rick Taylor with KTA presented the Safety Awards. Mr. Matthew Alpaugh with ABF Freight was named Driver of the Year and the Castellini Company was our Grand Champion.

On our final day, we had an eye-opening presentation from Ms. Jennifer Hall, General Counsel and Executive Vice President for Legal Affairs for the American Trucking Association on lawsuit abuse. She presented on various issues from other states such as failure to equip, preventable determination, phantom damages, seat belt gag rule, and the reptile theory. Our final speaker was Ms. Mindy Peterson with C2 Strategic Communications. She provided updates to several major projects, including the Ohio River Crossing I-69 bridge in Henderson, KY, the rehab of the Sherman Minton bridge in Louisville, and the upgrade of 24 miles in Indiana between Evansville and Indianapolis that is part of completing the I-69 corridor.

We want to thank all those who attended and helped make this event such a success! 🚛



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Safety Awards – Rick Taylor, Driver
of the Year Matthew Alpaugh – ABF
Freight and J.P. Rimstidt –
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We want to
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Safety Awards – Dan Martin – Great
West Casualty Co., Ryan Usher –
Usher Transport, Steward Easter –
Great West Casualty Co.



Sponsor Awards – Silver Sponsors (left to right) Brian Wallace – Cummins Sales &
Service, Mark Pitcock – Paschall Truck Lines, Tim Almack – Katz Sapper & Miller,
Brian Farmer – The Larson Group, Laura Mattingly – Phil Brown Insurance, Rick Taylor





Welcome Reception – Dewell Gossett – Bulk First LLC, Ed O’Daniel – O’Daniel Law Office, and Larry Glasscock – Glasscock Transport



Welcome Reception – What Art Potter learned during COVID – Laura Mattingly (Phil Brown Insurance) in the background

We had a wonderful time at the Welcome Reception and Sponsors Awards.



Kentucky Road Team (left to right) – David Proctor -FedEx Freight, Wayne Walker – Walmart Supply Chair, Lindsey Trent – Ryder Systems/Next Generation in Trucking, Rick Taylor, John Higgs – FedEx Freight, Dale Brenaman – UPS, Art Potter – MAP Logistics



Sporting Clays – Tracy Stephens - M & M Cartage Co.



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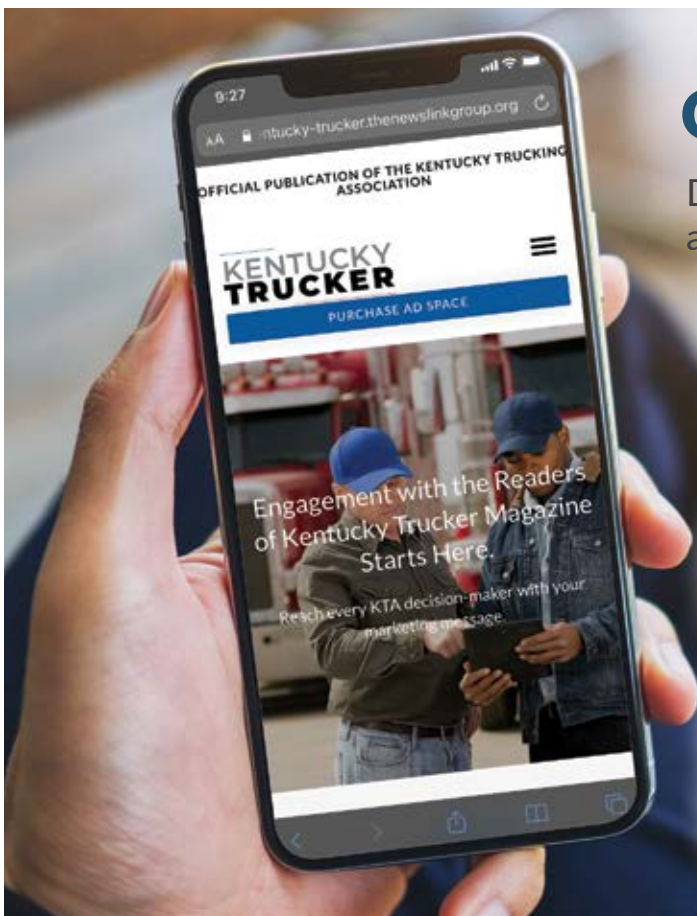
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