



## MEETING SUMMARY

### MOTOR CARRIER DIVISION INTERMODAL ASSOCIATION OF NORTH AMERICA

SATURDAY, NOVEMBER 15, 2008  
10:00 a.m. - Noon

CRYSTAL BALLROOM – SALONS I AND II  
HYATT PIER 66 HOTEL  
FORT LAUDERDALE, FLORIDA

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The meeting was called to order at 10:06 a.m. by Greg Stefflre of Rail Delivery Services Inc. and Vice Chairman of IANA. IANA counsel John Bagileo reviewed the Association's antitrust guidelines, after which self-introductions were conducted.

#### Approval of Minutes

David Manning of Tennessee Express Inc. moved for acceptance of minutes from the division's last meeting, held November 10, 2007, in Atlanta, Georgia. David Langrehr of Fox Transportation seconded and the motion carried unanimously.

#### Legislative/Regulatory Update

IANA staff member Tom Malloy said two major topics – Roadability and the Transportation Worker Identification Credential – would be covered due to the high level of interest and the relative timeliness for compliance with both items.

#### Roadability

Malloy furnished a timeline, reiterated the current DOT schedule for publication and provided a “key issue” refresher of compliance items. He stated that the rule will call for substantially greater levels of record-keeping for all industry participants. He added that certain response mechanisms, required documentation and the civil penalty structure remain uncertain. He said it appears that the roadability rules appear on track for Dec. 1 clearance by the Office of Management and Budget and for Dec. 8 publication in the Federal Register. Malloy said the actual effective date could be anywhere from 6 to 18 months from publication and that IANA will be vigilant on getting the information to its membership once it is published.

He also commented on the possibility of the issuance of an interim final rule, similar to what was in place for the hours of service regulation. Also, he said, there exists the possibility that OMB and DOT clearance and publication may be delayed until the new administration takes office. Malloy urged members to check the IANA Web site – [www.intermodal.org](http://www.intermodal.org) – for updates. **[Meeting note: On December 17, 2008, the final rules were published in the Federal Register. Please refer to the IANA web site [www.intermodal.org](http://www.intermodal.org) for more information]**

## **Transportation Worker Identification Credential**

Malloy continued with an update on the federal TWIC program which included a chronological review of the 2008 TWIC timeline and the phased-in compliance dates by specific port zone through the April 15, 2009. He noted that many issues have developed in the last five months including an announcement in May that effectively moved the original September 25, 2008 compliance date to April 15, 2009. Malloy said the delayed schedule could be beneficial to the industry due to the lower than expected level of enrollments thus far, and some recent software challenges that TSA has experienced. He also reported that there have been recent activation issues caused by a power outage at the sole TWIC activation facility that has delayed activations for approximately three weeks. **[Meeting note: On November 17, 2008, all activation issues were restored and nationwide activations resumed.]**

Malloy stated that the real test of the system will take place during the December to April port implementation period as facilities in the southeast will be rolling out compliance dates with TWIC being used initially as a flash pass. Malloy said he believes, with Congressional pressure behind the effort, the April 15, 2009 nationwide implementation date will be met. Also, on September 30, 2008, the U.S. Coast Guard issued a policy decision regarding rail worker access to maritime facilities. The USCG position is that all railroad crew members should be in possession of a TWIC.

He concluded the update with a straw poll/show of hands of division attendees that indicated encouraging levels of driver compliance and activations. He noted that it appeared that the majority of those organizations present had a 75 to 100% compliance rate.

## **UIIA Overview**

Greg Stefflre noted recent modifications to the Uniform Intermodal Interchange and Facilities Access Agreement (UIIA), which went into effect Aug. 1, and said perhaps the most important development was the establishment of a binding dispute resolution process. He said resolutions through the three-member panel are far less expensive than going through traditional legal avenues. Stefflre advised that four cases had been reviewed under this process with two of those being what he termed "precedent setting." Stefflre added that he hopes the process will lead to development of a significant foundation of precedents that can be posted to the UIIA Web site for future reference.

John Bagileo stated the process was made binding because it is thorough, quicker and less expensive than arbitration and, because it utilizes three well known, knowledgeable industry experts, which works in the best interest of participants. Further, Stefflre said the process has underscored the importance of extensive documentation on the part of all parties. Stefflre noted that the current fee for the process is \$50 and that small disputes can carry a larger message.

## **New UIIA System Overview**

Stefflre then introduced Peter Klaus, IANA's new vice president of information services and business development, and commented that he would like to see the intermodal driver database service extended to include water carriers and ports. Klaus provided a detailed overview of the new UIIA application, which has gone from a DOS to a Web-based system. The overview included an array of multiple screen shots of the new application and highlighted several key components that contribute to

electronically expediting many previously manual transactions. He said the new system enables insurance agents to submit key renewal data online and enhances the ability of motor carriers to view, download and utilize a myriad of information. Klaus encouraged use of new online user guides and said several motor carrier focused Webinar sessions are slated for December 2008 through March 2009. Klaus commented that motor carrier and insurance agent feedback has been very positive and invited anyone with questions to contact a UIIA customer service representative.

### **Update on California Clean Air Initiatives**

Greg Stefflre introduced Curtis Whalen, Executive Director of the American Trucking Associations Intermodal Motor Carriers Conference, who described in detail the five distinct legal proceedings taking place relative to the Clean Truck Programs of the ports of Los Angeles and Long Beach. Whalen noted that concession plan elements are among several aspects of the programs being targeted by ATA legal efforts, and he added that the Port of Los Angeles has been “by far the most egregious actor,” using employee-driver and company-owned truck mandates in hopes of entirely reshaping the drayage industry. Whalen said he is optimistic about prospects for ATA to prevail on multiple court fronts and through actions being undertaken by the Federal Maritime Commission. He cited the delay of fee implementation by the ports as an indicator of the FMC’s insertion in such matters as these efforts. John Bagileo reported that the IANA board of directors has determined it will file an amicus (friend-of-the-court) brief in support of ATA. Stefflre commended the ATA efforts and underscored the need for this battle to be won.

Peter Klaus returned to provide an update on the California Air Resource Board (CARB) state efforts on emissions control and the proposed IANA Drayage Truck Registry (DTR). He said CARB is highly supportive of IANA’s proposed DTR process and shares in the belief that an expanded Intermodal Driver Database (IDD) can provide a centralized repository for collecting and managing owner and specific tractor engine information. Klaus also presented a flow chart of how the tractor information can be collected through an expanded IDD process.

### **FMCSA’s Comprehensive Safety Analysis Initiative/CSA 2010**

Paul Tamburelli of the Commercial Vehicle Safety Alliance/CheckMark furnished a presentation on the Comprehensive Safety Analysis 2010 initiative, a program under development through which the Federal Motor Carrier Safety Administration seeks to conduct in-depth analyses of every carrier in hopes of achieving greater reductions in large truck and bus crashes and fatalities. Unlike the current program model, which focuses on carriers, the new initiative looks at both carriers and drivers, Tamburelli said. He detailed how driver data, even that which predated employment by their current carrier, will go into a driver’s profile. Tamburelli said an operational test of CSA 2010 began in February in Colorado, Georgia, Missouri and New Jersey. A second phase, to begin Dec. 1, is to include more on-site investigation and increased use of notices of violations, he said. Paul provided his contact information for any additional questions.

### **Other Business**

A motion by Jeffrey Lang of Eagle Systems Inc., seconded by Dave Howland, Schneider National, to adjourn the meeting was unanimously approved and the meeting adjourned at 12:09 p.m.