



TIA ON THE HILL

The Latest News and Updates from TIA's Government Affairs Department

SPEED LIMIT

IN THIS ISSUE

FMCSA BEGINS FACT FINDING ON SPEED LIMITERS

FMCSA Begins Fact Finding on Speed Limiters

Last week, the Federal Motor Carrier Safety Administration (FMCSA) issued a notice of intent to proceed with a rulemaking that would require the use of speed limiters on heavy trucks.

DOL ANNOUNCES OVERTIME LISTENING SESSIONS

In 2016, this same topic was broached and comments were gathered from industry stakeholders on the potential max speed limits of 60, 65, and 68. This notice does not specifically list any particular speeds but rather gauges the industry and the public's appetite for changes and regulations. According, to the FMCSA this data will help the Agency develop potential rules and regulations.

FMC RELEASES VIDEOS FOR STAKEHOLDERS TO FILE COMPLAINTS

The American Trucking Associations (ATA) has long been a proponent of speed limiters and applauded the Agency for this undertaking.

TIA CALL TO ACTION: RATE TRANSPARENCY

Obviously a lot of the details are still under development and we do not know a lot yet or will for awhile, but there discussions that this rule if implemented would look to likely only regulated trucks that are 2003 or newer.

TIA will continue to follow this issue and take action as necessary through our TIA Highway Logistics Conference Committee.

DOL Announces Overtime Listening Sessions

The Department of Labor (DOL) has announced additional listening sessions regarding overtime regulations. You can [click here](#) to view the times that are available to your area and register for the call. The call will go over the current overtime regulations that went into effect in 2019, as the Administration weighs possibly making further changes to the overtime rules. The 2019 final rule updates the earnings thresholds necessary to exempt executive, administrative and professional employees from the Fair Labor Standards Act's (FLSA) minimum wage and overtime pay requirements and allows employers to count a portion of certain bonuses/commissions towards meeting the salary level. The new thresholds account for growth in employee earnings since the thresholds were last updated in 2004.

In the final rule, the Department is:

- Raising the “standard salary level” from the currently enforced level of \$455 per week to \$684 per week (equivalent to \$35,568 per year for a full-year worker);
- Raising the total annual compensation requirement for “highly compensated employees” from the currently enforced level of \$100,000 per year to \$107,432 per year;
- Allowing employers to use non-discretionary bonuses and incentive payments (including commissions) paid at least annually to satisfy up to 10% of the standard salary level, in recognition of evolving pay practices; and
- Revising the special salary levels for workers in U.S. territories and the motion picture industry.

If you have any further questions, please do not hesitate to reach out.

FMC Releases Videos for Stakeholders to file Complaints

The FMC is out this week with a new multi-media presentation with instruction on how to file formal complaints. The notice goes on to say “Viewers will learn how to determine which process is most beneficial to achieving a complainant’s desired outcome. The video has three segments that explain how to report a potential violation of the law to Commission investigative staff for possible enforcement action; how to work with the Commission’s Office of Consumer Affairs and Dispute Resolution Services (CADRS) to achieve speedy commercial solutions; and finally, how to file small claims or formal civil complaints heard by the Commission’s Administrative Law Judge.”

TIA members are no stranger to dealing with ocean shipping carriers, marine terminal operators, and other drayage actors and they deserve every right to file a complaint without fear of retribution. There is an effort on Capitol Hill to modernize our shipping laws. TIA supports this effort because our members have spoken about retaliatory practices for filing complaints like these.

Please see the full press statement [here](#). If you have any questions about the FMC or filing complaints, do not hesitate to reach out to TIA.

TIA Call to Action: Rate Transparency

In the Summer of 2020, right at the peak of the COVID-19 pandemic and what would be the start of a global supply chain crisis small motor carriers took to the National Mall in Washington D.C. to protest of alleged abuses by brokers. No such abuses existed. As we all know market conditions dictate rates, plain and simple. Never-the-less action was taken by organizations representing small trucking companies. The petition filed by the organizing groups asks for two regulations from the FMCSA, that included:

- a federal mandate that property brokers must transmit, electronically, a copy of each transaction within 48 hours after delivery of the freight; and
- prohibiting property brokers from including language in their contracts that proclaims that motor carriers waive their rights to see the “commission” per 371.3.

These requests are anti-free market and call for an unprecedented level of transparency, this would be unique in the American economy where a mandate would be put in place to reveal private companies’ internal rates to the public. These suggestions are anti-business, anti- broker, and anti-truck. We all thought this issue was put to bed with the drastic shift in the market over the past year and half and the market basically seeing record levels of rates for motor carriers, but we have heard that FMCSA could very well resurrect this issue and start the process of implementing this request, through a “compromise” between TIA and small trucking companies.

This cannot happen as it would result in the elimination of brokers in the supply chain. Let us be clear there is no compromise that we could live with that requires our members to share their internal proprietary or that data of their customers.

Our message today: Reject calls for Rate Transparency & Protect the Supply Chain.

STAY TUNED FOR A FULL GRASSROOTS ADVOCACY CAMPAIGN SOON!

