



BI-STATE NEWS

NEWSLETTER FOR THE ASSOCIATION OF BI-STATE MOTOR CARRIERS

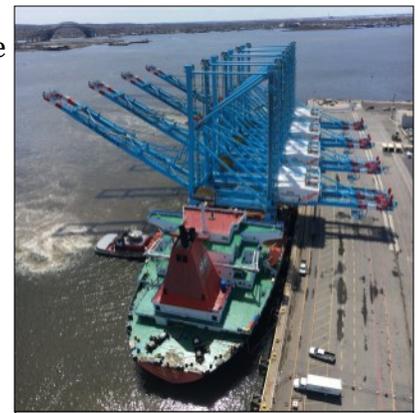
May 2018 Volume 5, Issue 5

Meeting at APMT Focuses on Turn Times, Equipment Upgrades

Bi-State Board Members attended a Focus Group Meeting at APM Terminal on May 2nd as part of ongoing discussions related to overall efficiency, turn times, and facilities upgrades currently underway.

Attendees agreed that the goal for all of the terminals at the Port of NY & NJ is to consistently achieve a high level of efficiency. The management team at APM acknowledged that there were some issues that needed to be addressed, and offered details on ways that they working to reduce turn times and continue investing in infrastructure improvements, in order to service the larger container volumes that are expected now that the Bayonne Bridge project is completed. Recent action items include: adding additional terminal equipment (including 2 new gantry cranes, delivered on April 26th) ; hiring a Director of Strategic Planning to oversee and organize planning operations; increasing the inventory of chassis available for on-terminal chassis changes; investing \$10 million in upgrades to RTG equipment. The Bi-State will continue advocating on behalf of our members, keeping the lines of communication open with APMT as we work together to resolve any outstanding issues.

APMT also recently broke ground on a new gate system, which will have 24 outbound gates, 16 inbound gates, and will feature technology such as Optical Character Recognition, Closed Circuit TV, and Weigh-in-Motion scales. The estimated date of completion for the project is April 2019, which is also the time frame by which the terminal hopes to implement a Truck Appointment System, similar to the one in place at GCT-Bayonne.



New cranes arriving at APMT

Part of the APMT's \$200 million infrastructure investment plan also includes reinforcing berths which have been dredged to 50 feet to handle larger vessels. In 2017, the Port of NY & NJ handled a combined 6.7 million TEUs, with APM Terminals Elizabeth accounting for 1.43 million TEUs, or 21% of the port's container volume.

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OCEA-N Chassis Pool Launches May 14th

The Open Choice Equipment Agreement-Northeast (OCEA-N), a port-wide cooperative chassis pool operated by FlexiVan and NACPC, will begin service at the Port of NY & NJ on Monday, May 14, 2018.

According to an announcement released by OCEA-N, "the fleet will consist of premium 20', 40' and 40'/45' chassis, all equipped with LED lights, ABS brakes and radial tires. Meanwhile, the pool is governed by strict business rules to ensure higher standards for fleet quality, with chassis marked 'OCEA-N' in black and white to distinguish each unit."

Charles Wellins, President and COO of FlexiVan, said, "From the motor carrier, BCO and shipper perspective, competition through open choice results in more price, service, and equipment quality options."

"These are exciting times, said Rich Mazur, Vice President of Sales for NACPC, "to work in conjunction with FlexiVan on a pool offering alternatives to the Motor Carrier and BCO community further highlights the spirit of modernization. Open choice and interoperability to the international community is important, and we are glad to be part of a program offering these options."

Interested parties can register for OCEA-N at Flexivan.com under [Pool Chassis Customer Registration](#), or email <mailto:OCEANINQUIRIES@flexivan.com> for more info. Answers to Frequently Asked Questions are posted [HERE](#).

Port Earth Day 2018

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2018 Cunninghame Scholarship Award Recipients Chosen

The Association of Bi-State Motor Carriers is proud to announce the 2018 recipients of our Samuel L. Cunninghame Memorial Scholarship: Shannon O'Hea and Leigha Stuiso, a senior at Nutley High School. Each recipient will receive a one-time \$1,000 scholarship to use towards their educational expenses.

The annual scholarship, named in memory the Bi-State's longtime government relations director, the late Samuel L. Cunninghame, recognizes college-aged students who exhibit excellence in academics, while also making a positive impact on the community through volunteer service. Applicants are sponsored by Bi-State member companies where their parent or guardian works.



Shannon O'Hea

Shannon O'Hea is a 20 year old college student at SUNY-New Paltz. Shannon volunteers at a nearby hospital working with mentally ill patients, and at a nursing home. She is pursuing a degree in Clinical Psychology, and intends to continue her education in graduate school to obtain a Master's Degree. Her father, Chris O'Hea, works in operations and maintenance at C & K Trucking in South Kearny.

Leigha Stuiso is an 18 year old high school senior set to graduate this Spring, and will be attending The College of New Jersey this Fall. Leigha has participated in many school activities, including 4 years of service on Student Council and playing soccer. She was also inducted as a member of the Italian National Honor Society. Leigha

volunteers as a Counselor at a camp for children with congenital heart disease; her major is still undecided, but she's looking forward to taking classes in Engineering. Her mother, Patti Stuiso, is the office manager at BEST Transportation in Newark.



Leigha Stuiso

"Sam Cunninghame was a tireless advocate for the intermodal trucking industry," said Executive Director Dick Jones, "and his contributions to the Association of Bi-State Motor Carriers are still apparent today. This annual scholarship helps to ensure that Sam's legacy with our organization lives on, and allows the positive impact he had on our community to continue for many years to come. We're proud to honor these two outstanding young women, Shannon O'Hea and Leigha Stuiso, for their dedication and hard work in pursuit of higher education, and to recognize them for their service to their local communities."

Shannon and Leigha will be presented with their Scholarship Awards at our Member Meeting in July.

BEST Transportation Participates in Earth Day 2018 Clean-Up



As part of port community's ongoing environmental stewardship initiatives, volunteers from BEST Transportation, including owner and President Tom Heimgartner, participated in the Port Authority of NY & NJ's Earth Day clean-up event on April 20th. Flowering plants and trees were placed in a newly-installed planter (handmade by BEST employees) at the company's Distribution Street headquarters.

Volunteers also cleared away and disposed of debris along the nearby railroad tracks, from Marlin Street down to Doremus Avenue in the seaport. "Best Transportation is

committed to sustainability," Heimgartner. "We are proud to be part of the Port of NY & NJ community, and continue to do our part to keep the Port of NY & NJ and the environment clean."



NJ Department of Labor Proposes Eliminating 20-Factor Test

The Independent Contractor model provides a level of autonomy that many people find appealing, and is an essential component of several industries, including intermodal trucking. According to recent SeaLink figures, 80% of the 14,000 drivers registered to serve the Port of NY & NJ are independent owner operators—more than 11,000 truckers.

In New Jersey, whether or not a worker can be classified as an independent contractor requires an analysis under the "A-B-C Test" in the State's Unemployment Compensation Law. The A-B-C Test is a difficult test to satisfy, especially for trucking companies since the "B" factor requires a showing that the service being performed by the purported independent contractor is "either outside the usual course of business for the service recipient, or is performed outside of all the places of the business of the service recipient." Thankfully, owner-operators of trucks weighing 18,000 pounds or more qualify for an exemption from the A-B-C Test, provided they can demonstrate they satisfy the Internal Revenue Service's "20-factor" test, which is much more forgiving.

The New Jersey Department of Labor has proposed eliminating the 20-factor test as acceptable evidence that services are exempt from coverage under the Federal Unemployment Tax Act (FUTA) and, therefore, exempt from the State's A-B-C Test. Instead, employers would need to provide one of the following:

1. A private letter that shows an official ruling from the Internal Revenue Service;
2. An employment tax audit conducted by the Internal Revenue Service after 1987 which determined that there was to be no assessment of employment taxes for the services in question (the determination must not have been the result of the application of Section 530 of the Revenue Act of 1978); or
3. Determination letter(s) from the Internal Revenue Service for each worker in question

If the 20-factor test is eliminated, this would trigger a massive amount of paperwork and red tape for any businesses that has not received the official IRS rulings or determinations as specified above, in order to prove that the workers they hire as independent contractors are exempt from FUTA coverage.

"Eliminating the IRS test would essentially eviscerate the owner-operator exemption from the State's A-B-C Test," according to John Vreeland, Esq., of Genova Burns LLC. "The proposed substitutes for the 20-factor test analysis all require the involvement of the Internal Revenue Service. Employers would have to be willing to risk an audit in the event of an adverse determination, a risk few employers likely would be willing to take."

The Association of Bi-State Motor Carriers will be expressing its opposition to the proposed change on behalf of our membership. If you would like to submit comments regarding the proposed elimination of the 20-factor test, you may send them to: Mr. David Fish, Executive Director Office of Legal and Regulatory Services, NJ Department of Labor and Workforce Development, PO Box 110-13th Floor, Trenton, New Jersey 08625-0110 You can also email comments directly to: david.fish@dol.nj.gov **All comments must be submitted in writing by Friday, May 18, 2018.**

Special thanks to John Vreeland, an attorney with Allied Member Genova Burns, for contributing to this article. For more information on Genova Burns' Transportation, Trucking & Logistics Law services, [CLICK HERE](#).

MEMBER SURVEY: Share Your Feedback On Appointment Systems



Now that Global Container Terminal-Bayonne has implemented their Truck Management System, other terminals in the Port of NY & NJ plan to follow suit. As part of our ongoing communications with the marine terminals at the Port of NY & NJ, we've been asked for our members' feedback Appointment Systems, so that we can assist the terminals in making any necessary adjustments as they begin implementing appointments on a wider scale.

Tell us: what questions or concerns do you have about the implementation of appointment systems port-wide? What features do you find most helpful in the current appointment system, and is there anything you'd like to change? Are there any features or functionality you'd like to see added? We want to hear from you! **Please email your responses to Communications Director Lisa Yakomin, LisaY@thebistate.com by Wednesday, May 23rd.**

Sprint Offers Safety Solutions to Stop Distracted Driving



Chris Whiteside, Fleet Services Manager for Allied Bi-State Member Sprint, gave an informative presentation at the May General Meeting regarding the dangers of Distracted Driving, and the risks it presents for motor carriers and their drivers.

In order to assist motor carriers in increasing drivers' safety and reducing the risks associated with distracted driving, Sprint offers customized software solutions that allow users to control mobile device functionality while driving. [Associate PLEDGE](#) utilizes enhanced Sprint network call-routing technology, GPS tracking, and provides accurate reports on distracted driver behavior that allow carriers to correct unsafe driving.

If you missed the meeting and would like more information about Associate PLEDGE, or to request a demo, please contact Chris at 201-355-5160, christopher.whiteside@sprint.com. *SPECIAL OFFER FOR BI-STATE MEMBERS: upon request, Sprint will provide motor carriers with a customized Safety Report Card based on FMCSA records, analyzing distracted driving violations incurred and fines levied, in order to assess your company's overall risk exposure, determine ways to increase driver safety, and reduce costs. Contact Chris Whiteside for details.



Sprint's Associate Pledge app automatically reroutes calls to driver voicemail or driver-designated representatives.

PLEDGE locks the phone screen while devices are in motion, and customers can set different phone access policies for each user.



Association of Bi-State Motor Carriers

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DATES TO REMEMBER

May 28	Memorial Day
June 12	General Meeting
July 4	Independence Day
July 10	General Meeting
Sept. 17	Golf Outing & Awards

Join us for our next
General Member Meeting*
Tuesday, June 12th
@ 1000 hours

NYSA Training Ctr. Auditorium
1210 Corbin Street
Elizabeth, NJ

**Meetings are for Bi-State Members only, and are not open to the public.*