



# Board of Directors/Executive Committee/General Membership Meeting

Chairman: Dave Williams, Sr. Vice President, Equipment & Government Relations,  
Knight-Swift Transportation  
Staff Liaison: Jim Ward, President, TCA

## MINUTES:

MEETING DATE: Tuesday, March 26, 2024  
TIME: 3:15 p.m. – 4:30 p.m.  
PLACE: Gaylord Opryland Resort and Convention  
Center

### BOARD OF DIRECTORS

Al Anderson	Shepard Dunn	Bob Kretsinger	Jason Smith
Mehdi Arradzadeh	Amber Edmondson	Trevor Kurtz	Jim Stockeland
Mike Bash	John Elliott	Jason Miller	Russell Stubbs
Joe Beacom	Wendell Erb	Ed Nagle	David Taylor
Adam Blanchard	Andrew Erin	Dean Newell	Lori Teders
Terry Burnett	Dave Gallano	John Pope	Paul Truman
Tim Chrulski	Tim Hadden	Barry Pottle	Lance Votroubek
Jon Coca	Raymond Haight	Robert Ragan	David Williams
John Culp	Michael Hedstrom	Allie Schwalb	Nicholas Wingerter
Dale Decker	Pete Hill	Mark Seymour	
Dennis Dellinger	Joey Hogan	Stephen Silverman	
Dan Doran	Brad Klepper	Karen Smerchek	

### GUESTS

Martin Ambros	Cynthia Corby	Trent Gilley	Joe Licussi
Todd Amen	Shelley Dellinger	Jamie Hammons	Edgar McGonigal
Courtney Antonsen	Alfonso Donzol	John Henches	David Millds
Catherine Berni	Jeff Doras	Mark Jamieson	Matt Miller
J.S. Bouchard	Cory Dorzek	Peter Jenkins	Graig Morin
Dave Brown	Phillip Edwards	Drew Karpen	Shawn Nelson
John Chemi	Jason Fisher	Douglas Konnelly	Steve Newton
Eugenia Churilov	Gene Funk	Tim Kordula	Chris Patrick
Chris Coolep	Olivia Gillber	Manon L'Esperano	Wendy Patton

Doug Petit	Steve Schunk	Mike Stapleton	Louis Ule
Mark Pfaendter	Prasad Sharma	Bryan Stefan	Derek Van Blargen
Steve Ponder	Jerry Sigmon Jr	Michael Stuene	D.Houston Vaughn
Meredith Prestly	Rob Sillito	Marilyn Surber	R. Eddie Wayland
Kevin Ramesan	Melanie Simard	Sum Sussengata	Bill Wettstein
Scott Randall	John Simms	Tyler Tigges	David Widley
Kim Richardson	Bill Skinner	Kevin Tobin	Lori Widly
Lloyd Sanferd	Glynn Spangenberg	Zach Trepanier	Jon Wildish

### **TCA STAFF**

Hailey Betham	Lilly Grossman	Hunter Livesay	Catherine Robbins
Zander Gambill	Sarah Hammons	Amanda Pearson	Jim Ward
Diane Gleason	David Heller	Eric Rivard	

Call to Order: The motion for the approval of the antitrust review and the minutes of the previous meeting held were approved at 3:17 p.m.

- I. Chairman Remarks Dave Williams
  - a. Chairman Dave Williams expressed his thanks to those who attended Truckload Strong. As TCA membership looks for ways to garner more support for the Truckload Strong initiative, the events are strongly committed to safety, the use of advanced technology, and the goodwill of TCA's drivers and carriers. The second Vice Chair, Jon Coca, was recognized for his leadership in growing TCA's Annual Convention. In addition, Chairman Williams thanked BOD guests and officers for their ongoing support during his tenure as chair and expressed his appreciation to those who have volunteered their time at TCA.
  
- II. Treasurers Report John Culp
  - a. Treasurer John Culp presented the Financial Review, noting that the annual convention revenues are anticipated to come close to TCA's Budget.
  
- III. Committee Reports Mark Seymour
  - a. Secretary Mark Seymour called each committee chair to give the report of their respective committees. He also took this time to thank Dave Williams for his time as Chairman.
    - i. By-Laws Jon Coca

1. Committee Chair Jon Coca recommended that the Truck Driver Training Committee, Carrier Shipper Relations Committee, Industry Supplier Relations Committee, and Bylaws Committee will be removed from the bylaws as they are antiquated and not reflective of how the association operates. In addition, TCA officers will continuously review the bylaws and recommend changes to the Board. Based on these recommendations, a motion was made to accept the Bylaws committee recommendation. The motion carried.

ii. Advocacy Advisory Committee

Karen Smerchek

1. Committee Chair Karen Smerchek shared that the Advocacy Advisory Committee's Tier One issues are issues they would like the association to act upon as they are currently being considered by federal lawmakers. No actionable items were reported to the Board during this briefing.

iii. Regulatory Policy Committee

Jim Stockeland

1. Committee Chair, Jim Stockeland delivered his report noting that TCA's Senior Vice President of Safety and Government Affairs, Dave Heller, shared the summary of comments filed on federal rulings since the committee's last meeting, as well the future comments TCA is planning on submitting.
2. Stockeland also presented to the Board of Directors the policy changes recommended by the Regulatory Policy Committee; a motion was made, seconded and passed unanimously to accept the following recommended changes.
  - a. Equipment
    - i. " Motor carriers have the responsibility of operating safe and efficient equipment. Standards for new and in-service truck equipment should be based on sound economic and engineering principles that enhance safety. Federal rulemakings on engineering standards for new truck equipment should address performance capability and not design technology. Performance standards should be cost-effective. Standards for trucks in use must consider new vehicle standards, fair wear and tear, and the consumer's ability to comply. The federal government, not state or local governments, should have exclusive jurisdiction over equipment performance standards. TCA is eager to work with all parties in assuring that future equipment developments are safe, efficient, reliable, long-lived, and easily maintained."

b. Equipment – Driver and Vehicle Data Privacy

i. "Data Security

Commercial vehicles and drivers generate data from onboard and off-board systems regarding information that may involve vehicle performance, cargo status, and navigation connectivity that can be used for system diagnostics, identifying freight, and an intelligent transportation network.

TCA supports government and industry initiatives to ensure that vehicle ownership conveys the following rights of access and control to the vehicle owner, and owner's designees:

1. Direct access to data collected, generated, recorded, or stored by the vehicle.
2. Access to and use of operator data which may be personally attributable or identifiable, including driver behavior data and geolocation data, and right to grant or limit access to this data by other parties.
3. A dependable, low risk means of interfacing with the vehicle to retrieve data.
4. Any Data collected, recorded, or stored should be protected by industry standard data security measures protecting all stakeholders involved."

c. Safety – Electronic Logging Devices

i. "TCA supports federal laws and regulations requiring the use of electronic logging devices (ELD) for documenting compliance with hours of service (HOS) rules. TCA believes the following issues should be addressed in regard to ELDs:

1. ELDs requirements should be based on the minimal, functional, and performance specifications necessary to accurately record and report HOS compliance and assure reliability and utility of operation.
2. Except for HOS compliance data, statutory protections should be afforded to motor carriers pertaining to the control, ownership, and admissibility/discoverability of data generated and derived from ELDs, and to assure the privacy rights of drivers.

3. Drivers shall be responsible for operating ELDs in full compliance with all applicable regulations.
4. ELD regulations must address the operational diversity of the trucking industry, continue existing exceptions to the record of duty status, and consider additional exemptions that balance compliance and the evolving industry diversity.
5. Motor carriers using compliant ELDs should be relieved of the burden of retaining supporting documents for verification of driving time.
6. ELDs should be made simultaneously applicable to all vehicles of the affected population of motor carriers. It should avoid any implementation inequities identified and take measures to eliminate them. Tax incentives should be pursued as a means to facilitate adoption of ELD systems.”

d. Other

- i. The removal of TCA’S Department of Defense Policy as these practices are best left between DOD and the motor carrier.
- ii. The removal of TCA’s policy regarding Antilock Brake Systems due to being outdated.
- iii. The committee will also begin work on policy that supports the association position on human trafficking which will be presented to the Board in September.

iv. Membership Committee

Tim Chrulski

1. Tim Chrulski, Chair of the Membership Committee, presented his report, stating that TCA membership is up by 3%. In addition, he brought updates regarding the success of TCA’s Elevate Program and the New Membership Mixer that was hosted at the Annual Convention to be a huge success. Additionally, Chairman Chrulski recognized TCA’s Ambassadors for their years of membership.

v. Highway Policy Committee

Adam Blanchard

1. Committee Chair Adam Blanchard shared that the Highway Policy Committee hosted TCA’s Lobbyists Missy Edwards and Richard Sullivan to give committee members a legislative update on the upcoming 2024 election. The committee also had representatives from Texans for Lawsuit Reform share their initiative and provide information to the committee.

2. Blanchard also presented to the Board of Directors the policy changes recommended by the Highway Policy Committee; a motion was made, seconded and passed unanimously to accept the following recommended changes to TCA Policy.

- a. Economic Regulations

- i. “Maintaining state regulation affords shipper protection and assures transportation service is adequate to meet the full needs of intrastate commerce economically and efficiently.

TCA advocates for the preservation of states' rights to regulate intrastate motor carriers, emphasizing the importance of allowing individual states to determine their specific regulations.

TCA does not believe it should become actively involved in this issue at the state level and recommends that each state review its economic regulation of trucking and determine if changes — less, more, or different regulation — are necessary in the public interest.

TCA recognizes that states have a legitimate interest in maintaining safety and insurance information. TCA will work with states to place safety and insurance regulations in appropriate state agencies. Additional insurance and safety indicia are unnecessary. Existing documents associated with the issuance of license plates can be used for this purpose.”

- b. Energy – Emission Regulations

- i. “TCA supports lower emissions and as an association we believe the best way to reduce the contribution heavy-duty trucks make toward air pollution is to set emission standards in a manner that allows for, and encourages, improvements in productivity and fuel efficiency. The standards established for pollutant emissions can be developed by working with industry stakeholders to incorporate realistic, technically achievable timeframes.

TCA supports idling reduction efforts made through motor carrier anti-idling programs and self-governance.”

c. International Commerce – USMCA

i. “ In recent years, an increasing number of TCA members have been affected by government policies concerning international transportation and trade policy. The TCA general policy on international issues is “reciprocity”. The following applies this principle to specific issues as they relate to the United States-Mexico-Canada Agreement (USMCA) and adopts new policy in the area of equipment imports and immigration:

1. Ownership: Eliminate Mexican and U.S. restrictions immediately, or in the interim, provide U.S. citizens with the reciprocal rights Mexican citizens enjoy in the U.S., i.e., minority ownership.
2. Access: Immediate reciprocity for U.S. on Mexican frontier zone access; and phase in of interior access based on infrastructure development in Mexico. Progress should be measured by the bilateral transportation working group and access granted based on further infrastructure development.
3. Economic Regulation: The USMCA cannot be used to revise economic regulation on the Federal or State level.
4. Qualified aliens should be permitted to immigrate into the U.S. for the purpose of taking permanent driver positions during times of driver shortages.
5. Customs: Increase border inspection facilities; expand and harmonize hours of operation; dedicate existing commercial user fees to improvements in Customs facilities; and establish uniform electronic filing systems.”

d. Transportation – Insurance

- i. “A sound transportation system requires adequate insurance to cover potential liability exposure risks. These include public liability and property damage, workers’ compensation, cargo loss and damage, and umbrella or excess coverage above the retention sometimes used by self-insurers.
1. As national policy, motor carriers should be required to have liability coverage adequate to protect the public, at reasonable minimum limit

levels. If Congress creates legislation for the minimum limit levels to be increased, it must be increased at reasonable increments.

2. Liability insurance should be available at reasonable and relatively stable rates. Those rates should be reflective of the claims and safety experience of the motor carrier. Policies should not be cancelled without adequate notice to the insured. Unusual and arbitrary exclusions should be discouraged. State assigned risk pools should at least provide coverage to meet Federally imposed minimums. Assigned risk pools should be self-supporting for the claims of its policyholders.
3. Congress should clarify the legal definition of “sudden and accidental” environmental damage, to permit insurance companies to assess the risk and provide adequate insurance.
4. The insurance industry must avoid unreasonable increases in premiums or arbitrary cancellations if such actions threaten to disrupt interstate commerce.
5. Cooperation between the insurance and trucking industries is based upon mutual trust. Financial and operating data of both industries must be mutually shared.
6. A motor carrier should be allowed to self-insure under certain controlled conditions if it can show an ability to meet its obligations. Regulations and procedures for self-insurance should be uniform among the various controlling agencies.
7. Carriers should be permitted to use surcharges to recoup their insurance costs. Carriers should be permitted to exclude from the computation of their gross revenues the revenues they derive from their surcharges. The revenues received from the surcharges should inure to the benefit of the person actually incurring the expense.
8. Motor carriers should not be required to purchase or maintain insurance coverage, such as uninsured motorist coverage, that is unnecessary or duplicative.”

e. Transportation – Lawsuit Abuse

- i. “TCA supports lawsuit abuse reform measures on both the federal and state levels. The injured party should not



be compensated beyond the level of his or her injuries; nor should the party causing the injury be punished beyond the portion of the plaintiff's injuries and losses for which he or she is responsible.

Excessive litigation costs and court awards increase the costs of essential products and services for all American businesses and consumers. In recent years, the transportation industry has been made aware of the effects of these factors through the cost to trucking companies of federally mandated insurance. While litigation costs are not the only reason for the unjustified increase in insurance premiums, they have been a major factor.

A party's liability should be based on its comparative responsibility for the injury suffered. The concept of joint and several liability should be eliminated.

- ii. There are other principles of lawsuit abuse which TCA should also support and seek to have enacted:
  1. A ceiling should be placed on awards for non-economic damages, such as pain and suffering, and on awards of punitive damages. Further, awards of punitive damages should be limited to instances where the defendant's actions are shown to be reckless or involve gross misconduct.
  2. Federal and state laws should be revised to encourage the use of alternative dispute settlement procedures. These procedures may include arbitration or other expedited settlement procedures. The use of these procedures reduces the litigation costs of all parties and is more likely to result in dispute settlements that are rationally related to the injury of the plaintiff and the responsibility of the defendant.
  3. Federal and state laws should be revised to allow for periodic payment of awards of non-economic or future losses above a certain level.
  4. Any money received by a plaintiff for the loss or injury complained of, from any collateral source, shall be admissible before a jury in any action seeking compensation for that loss or injury.

Awards to plaintiffs for loss or injury should be reduced by the amount of any payment to plaintiff from any other source intended to compensate him or her for the same loss or injury.

5. Courts should be able to impose sanctions against attorneys who bring frivolous suits, offer frivolous defenses, or take any other unwarranted action intended to unnecessarily delay the legal proceedings or increase litigation costs.
6. Principles of comparative fault should be adopted that bar a plaintiff's case if that plaintiff is substantially negligent or at fault."

f. Other

- i. Removal of the TCA Policy regarding Conversion to a Metric System
- ii. The Highway Policy Committee will begin work drafting association policy language that reflects our position on electric vehicles that will be presented to the Board in September.

vi. Communications & Image Policy Committee

Lori Teders

1. Lori Teders, Chair of the Communications & Image Policy Committee highlighted the committee's focus on key priorities, including the recognition of the TCA Highway Angels of the Year and the Professional Drivers of the Year. Representatives from the Wall That Heals and Wreaths Across America were also present to discuss their respective initiatives with the committee.

vii. Independent Contractors Practices Policy Committee

Lance Votroubek

1. Lance Votroubek, Chair of the Independent Contractors Practices Policy Committee shared that the committee had Bill Webb from the Coalition for Independent Truckers discussing their coalitions initiatives and how they help the Independent Contractor community. In addition, the committee is looking for volunteers for a subcommittee regarding the Myths of the Independent Contractor Business, so the TCA can promote their stance to legislators on the recent DOL ruling.
2. Votroubek also presented to the Board of Directors the policy changes recommended by the Independent Contractors Practices Policy committee; a motion was made, seconded and passed unanimously to accept the following recommended changes.

a. Status

- i. “Persons, either as sole proprietors or via formally established business entities, that own (or bona fide lease) motor carrier equipment and operate, or arrange for the operation of, that equipment often choose to contract to operate with a for-hire or private motor carrier under such motor carrier’s operating authority as an independent contractor truck owner/operator. Alternatively, such persons also may choose to obtain their own motor carrier authority and operate as an independent for-hire motor carrier.

The status of the business and legal relationship of a person who chooses to operate as an independent contractor truck owner-operator, and not as an employee of a motor carrier or as an independent for-hire motor carrier itself, should be honored by regulators, legislators and others in the enforcement of state and federal law. Indeed, as this form of business and legal relationship has existed in the trucking industry for many decades, many state laws expressly recognize independent contractor truck owner-operator status and specifically exclude it from the definition of “employee” under applicable state workers’ compensation and/or unemployment tax laws.

Additionally, as independent contractors, these persons should not be considered leased employees for the purposes of counting them for company-provided pension, health or insurance benefits. Leased employees used in this context would refer to truck drivers who are provided to a for-hire or private motor carrier by a professional employer organization.

Any attempt to categorize independent contractor truck owner-operators as employees or leased employees by regulatory, legislative or administrative efforts should be challenged as an erosion of independent status. Legislation and regulations should preserve the independent contractor relationship between motor carriers and those persons who lawfully choose to operate as independent contractors and maintain the vital role of independent contractor truck owner-operators in the trucking industry. Government agencies should recognize that contractual terms, including with respect

to rates of compensation between motor carriers and independent contractors, are matters of private contract subject to an existing federal regulatory framework under the Federal Leasing Regulations (49 CFR Part 376).

The continued availability of independent contractor status under state and federal law must remain a high priority concern for the trucking industry and those segments that work with independent contractor truck owner/operators.”

b. Other

i. Removal of TCA’s Lumping policy

viii. Recruitment and Retention Human Resources Committee Mike Bash

1. Committee Chair, Mike Bash presented the report for the Recruitment and Retention Human Resources Committee, highlighting that the committee had reviewed the policies on the TCA website related to HR. They determined that these policies did not require revision as they were already up to date. Bash announced the formation of two subcommittees within the committee: an Education subcommittee and a GOT Truckers Act subcommittee. The Education subcommittee will play a key role in providing strategic feedback on TCA's educational products and programs. This subcommittee will focus on enhancing the effectiveness of these initiatives to better serve the needs of the trucking industry. The GOT Truckers Act subcommittee will delve deeper into the details of S.4823, a bill that mandates employers of commercial truck drivers to provide overtime pay to such drivers engaged in a workweek longer than 40 hours. This subcommittee will analyze the implications of the bill and provide recommendations on how TCA can best support or address the concerns of its members regarding this legislation.

ix. TCA Profitability Program Pete Hill

1. Pete Hill provided an update on the Truckload Carriers Association's Profitability Program (TPP). It was announced that Steve Phillips has joined as a new facilitator. While there have been some glitches with the TPP composites, TCA is actively working on resolving these issues. Additionally, there are outstanding TPP member agreements that need to be signed and returned. To gather feedback and insights, a survey was sent out to the membership. The TPP groups are looking to expand and grow their membership. Hill also mentioned the upcoming CFO summit, which will focus on composites and related financial matters.

IV. Nominating Committee Report

John Elliott

- a. During the meeting, TCA's Immediate Past Chairman John Elliott, presented the nominating committee report and expressed gratitude to the officers for their cooperation. The nominating committee made recommendations for the Board, Financial Oversight and Long Range Planning Committee, Executive Committee, Nominating Committee and Officers slates including a nomination from the floor for Glynn Spangenburg for the Board. Motions were made to accept the Nominating committee recommendations, were seconded, and carried unanimously. The 2024/2025 recommendations are available as an addendum to these minutes. Dave Williams introduced John Culp, the new TCA chairman, who expressed his eagerness for the role and respect for TCA's history and past chairmen. He also commended John Elliott for his service and acknowledged Dave Williams for his time as chairman. Dave Williams then administered the oath of office to John Culp.

V. Task Force Reports

a. Annual Convention Planning Task Force

Jon Coca

- i. Jon Coca presented the Annual Convention Planning Task Force report, expressing gratitude to all who contributed to the success of the convention. As the chair of the committee, Jon emphasized the importance of feedback for future improvements. He encouraged attendees to share their thoughts and suggestions to make next year's event even more successful.

VI. TCA Scholarship Fund Update

Bob Kretsinger

- a. Bob Kretsinger stated that the TCA scholarship program will be reviewing applications and actively exploring various fundraising opportunities. This dual focus highlights their commitment to supporting aspiring individuals in the industry while also ensuring the sustainability and growth of the program.

VII. NATMI Update

Karen Smerchek

- a. During the NATMI update presented by Karen Smerchek, several significant developments were reported. The Board of Directors approved the creation and funding of a new reserve investment account, indicating a strategic move to strengthen NATMI's financial stability. Additionally, there has been an expansion of the board with the addition of new director positions, suggesting a broader range of perspectives and expertise guiding NATMI's operations. Two important bylaw amendments were also passed, one concerning Board of Director terms and the other related to ex-officio members. These changes reflect an ongoing effort to enhance the governance structure and effectiveness of NATMI. Smerchek also highlighted NATMI's current year membership growth, indicating a positive trend in attracting new members and retaining existing ones. The partnerships with state trucking associations were noted, underscoring NATMI's collaborative approach to advancing industry standards and practices. It was also announced that NATMI's Annual Meeting is scheduled for June 1st, prior to TCA's Safety and Security Division Meeting.

VIII. President's Remarks

Jim Ward

- a. TCA President, Jim Ward acknowledged members, officers, and drivers and encouraged staff to step forward for recognition. He expressed sincere appreciation for their hard work, additionally highlighting Dave Williams's chairman year. Ward also extended his gratitude to all attendees, recognizing the trucking industry's challenges. He thanked everyone for their participation in the committee meetings, emphasizing the importance of enhancing the educational content provided. Ward discussed initiatives like the "Best Fleets to Drive For" program and the new membership directory, highlighting TCA's commitment to excellence. Reflecting on his experience, Ward expressed how privileged he feels to have worked at TCA for the past two years.
- IX. Old/New Business
- a. There was no old or new business to discuss.
- X. The meeting was adjourned at 4:18 p.m.