



SSDA News

Service Station Dealers of America and Allied Trades

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Another Phenomenal WMDA/SSDA-AT Convention

By Roy Littlefield

Once again, the 2013 Ocean City WMDA/SSDA-AT Convention and Mega Trade Show was something special.

In my relations with SSDA-AT and TIA, I have an opportunity to attend numerous industry trade shows and conventions. In the last 15 months, I have at-

ended over 15 state association conventions; and national shows in Las Vegas, Puerto Rico, Panama City, Essen Germany and Bologna, Italy. In my opinion, none compare to the Ocean City WMDA/SSDA-AT event in terms of professionalism, enthusiasm, friendships, and value.

Clarion during the Fourth of July weekend, and the hotel was not sold out. But the "No Vacancy" sign was lit when WMDA/SSDA-AT members showed up for the September 26 - 28 event!

Special thanks are extended to SSDA-AT President Peter Kischak, and to the following "VIP"s that make the annual



tended over 15 state association conventions; and national shows in Las Vegas, Puerto Rico, Panama City, Essen Germany and Bologna, Italy. In my opinion, none compare to the Ocean City WMDA/SSDA-AT event in terms of professionalism, enthusiasm, friendships, and value.

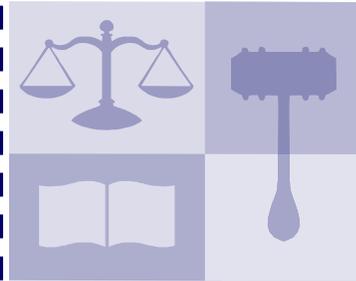
I know that all participants in Ocean City do not stay at the host hotel, but I was impressed at the turnout. I stayed at the

SSDA-AT Board Meeting and the Legislative Workgroup such informative events:

- Sal Risalvato, New Jersey**
- Carla Obaldi, New York**
- Nancy Maricondi, Pittsburgh, Pennsylvania**
- Pat LaVecchia, Michigan/Ohio**
- Billy Hillmuth, Maryland**
- Peter Gunst, SSDA-AT Counsel**

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GENERAL COUNSEL CORNER



A “Readily Achievable” Strategy to Avoid ADA Liability

By Peter H. Gunst
pgunst@lawyers.com

“Owners/lessees are required to make reasonable modifications to barriers in public areas of existing facilities that deny equal access to individuals with disabilities.”

In the last few years, there has been a sharp increase in lawsuits filed against business owners for violations of the federal Americans with Disabilities Act (ADA). Many actions relate to violations of the Title III provisions of the ADA, applicable to public accommodations such as gas stations and c-stores.

Title III prohibits discrimination “on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations” of any place of business by anyone “who owns, leases, ... or operates a place of public accommodation.”

Owners/lessees are required to make reasonable modifications to barriers in public areas of existing facilities that deny equal access to individuals with disabilities.

The provisions of Title III specifically require removal of architectural barriers at existing facilities ... where removal is “readily achievable,” *i.e.*, easily accomplishable without undue difficulty or expense. Factors for consideration in determining whether barrier removal is “readily achievable” include costs of labor and materials, safety requirements, impact on facility operation and effect on business expense and resources.

Title III modifications apply to exterior areas such as parking lots, walkways, pump islands, card readers, fuel dispensers, and air and vacuum equipment. Also falling within its scope are interior bathrooms, hardware, food service and storage areas, towel and soap dispensers, shelving, and the like.

Enforcement actions may be triggered by a private individual or the Department of Justice. Private parties who sue under the Act may request that the court order ADA compliant architectural modifications, and also order payment of costs and legal fees expended in pursuing a claim. A complainant is not required to prove intentional discrimination or to have sustained a physical injury, but need only allege existence of a barrier that made the premises inaccessible to the disabled.

Meet your obligations under the ADA and avoid penalties for violations of the Act. Target potential accessibility problems and manage solutions using the following best practices and consult the helpful ADA Checklist for Facilities link at <http://www.ada.gov/racheck.pdf>.

Best Practices:

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Maryland Governor Announces \$1.5 Billion in Transportation Funding for Baltimore Region

Maryland Governor Martin O'Malley joined state and city officials in Baltimore days ago to announce significant investments in the Baltimore region's transportation network. The \$1.5 billion investment is expected to support more than 13,000 jobs and reduce traffic congestion by investing in major transportation projects in the city and surrounding counties.

"Thanks to the better choices we've made together, we've been able to put hardworking Marylanders back to work," O'Malley said in a statement. "That didn't happen by accident. To create jobs, a modern economy requires modern investments like the ones we are announcing today for the Baltimore region."

Funding for transportation projects include \$98 million to upgrade MARC commuter rail service,

including the start of weekend service in the region. The rail line connects communities in Maryland with Baltimore and Washington, D.C. MDOT plans to improve transit in the area with \$246 million towards upgrading the city's Metro subway, and \$689 million towards investments and construction on the Red Line project in Baltimore. The Red Line will be a major east-west transit project for the Baltimore region. The remaining millions will go towards highway and road improvements to improve traffic conditions.

"These critical investments are key to unlocking Baltimore's potential to grow and will create a regional transportation system that connects Baltimore to major job centers in surrounding communities," said Baltimore Mayor Stephanie Rawlings-Blake in a statement.

December 1st Training Deadline for New OSHA Labeling Rule

The Material Safety Data Sheets the federal government requires to disclose the presence of hazardous chemicals to your employees is being replaced. On December 1, 2013 a new rule takes effect for employers such as refiners, marketers, and gasoline retailers.

You will now be required to train your employees on how to read the Occupational Safety and Health Administration's (OSHA) new generation of labels, pictograms, and Safety Data Sheets that were created to conform with the United Nation's Globally Harmonized System of Classification and Labeling of Chemicals. Those who will require training are any employee that may come in contact with hazardous products such as gasoline, liquid petroleum, motor oil, charcoal lighter fluid, and cleaning solvents.

Be aware that OSHA plans to conduct unannounced inspections as well as strictly enforcing the

training deadline. Those who are not in compliance will be subjected to steep fines.

The key components of the training are nine pictograms that symbolize various types of hazards. These new OSHA labels are more comprehensive than the ones they will replace, and a rigidly formatted "Safety Data Sheet" will replace the less formal Material Safety Data Sheets in use now.

Please make sure you have your employees trained by the December 1st deadline. Also, please note that in addition you must put a hazard communication program in writing and make it available to the public if anyone asks for it.

For more information, please visit www.osha.gov and click the publications tab at the top, then scroll down the alphabetical list to "Hazard Communication Standard." Under that section you will find links for pictograms, labels, and the December 1st training.

Environmental Protection Agency and Energy Department Release Fuel Economy Tool for Used Vehicles

As part of the Obama Administration's ongoing efforts to increase fuel efficiency, reduce carbon pollution and address climate change, the U.S. Energy Department and the Environmental Protection Agency (EPA) released a new label that features EPA fuel economy estimates and CO₂ estimates for used vehicles sold in the United States since 1984.

Consumers may create the new label electronically as part of a new tool on FuelEconomy.gov. This electronic graphic can be downloaded and included in online advertisements on the web, while the paper label may be printed and affixed to the vehicle window. As a vehicle's fuel economy changes very little over a typical 15-year life with proper maintenance, the original EPA fuel economy estimate remains the best indicator of a used vehicle's average gas mileage.

"Making fuel economy information more easily accessible can help Americans save money at the gas pump and reduce carbon pollution," said EPA Acting Administrator for Air and Radiation Janet McCabe. "Buying any vehicle is an investment, and the information on these labels will help consumers make informed decisions and calculate the cost of ownership."

"Fuel efficient vehicles cut carbon pollution, reduce our dependence on foreign oil and help American families and businesses save money," said Assistant Secretary for Energy Efficiency and Renewable Energy David Danielson. "The new fuel economy label gives consumers an easy,

quick way to get the information they need to find the used vehicle that's right for them."

The Obama Administration has taken unprecedented steps to improve the fuel efficiency of vehicles sold in the U.S., establishing the toughest fuel economy standards for passenger vehicles in U.S. history. These standards are expected to save consumers \$1.7 trillion at the pump – or more than \$8,000 in costs over the lifetime of each vehicle – and eliminate six billion metric tons of carbon pollution.

All new vehicles now include a comprehensive fuel economy and environmental window sticker from the U.S. Environmental Protection Agency, including passenger vehicles that meet the new fuel economy standards. With the FuelEconomy.gov tool released today, used vehicle sellers can provide potential buyers with comparable fuel economy information. Last year, over 40 million used cars were sold in the United States – roughly three times the number of new cars sold in 2012.



TIA Releases Winter Tire Replacement Video

The Tire Industry Association (TIA) has announced the release of a new training resource that covers the installation guidelines and safety advantages of winter and studded tires on passenger and SUV/LT vehicles. Winter Tire Replacement is a 15-minute video that retailers can use to explain the differences between all-season and winter/studded tires. Winter Tire Replacement was made possible by a grant from Nokian Tyres to the TIA Foundation.

"During our annual meetings with the tire manufacturers, the subject of how TIA can help the industry is always addressed," said Roy Littlefield. "A few years ago, we brought up the idea of an industry video that addresses the recommended practices for installing winter tires. We partnered with Bridgestone to release Passenger Tire Replacement back in 2009 and felt Nokian would be the perfect partner to produce a winter tire version."

"As a company that specializes in tires for consumers in northern climates, our focus for the past 70 years has been to design and build tires that improve the overall safety of the vehicle in winter conditions," said Todd McDonald, Vice President Products & Pricing/Customer Service for Nokian Tyres. "We know that TIA specializes in tire training, so we were excited to work with them to develop a much-needed in-depth training video on the safety guidelines and benefits of winter tires."

Winter Tire Replacement is another consumer and industry educational video that people can view, download and distribute at no charge. It is currently available on TIA's "tiresafetystartshere" YouTube and Google+ pages and covers three specific areas:

- The differences between all-season and winter tires.
- Winter tire selection and installation procedures.
- The performance advantages of winter tires when compared to all-season.

Filmed at Nokian's Ivalo Proving Grounds in northern Finland about 175 miles north of the Arctic Circle, Winter Tire Replacement features a series of tests between all-season and winter tires. Identical passenger cars and SUV's were tested on snow and ice for stopping, acceleration, lateral traction, and incline traction. The video also examines the effects of installing winter tires on the front axle while all-season tires are installed on the rear axle.

"There is no way that TIA can produce a video like this without the support and assistance provided by everyone at Nokian in the US and in Finland," remarked Kevin Rohlwing, TIA Senior Vice President of Training. "We were able to film head-to-head tests between all-season and winter/studded tires to show drivers the safety benefits of tires engineered to perform in winter conditions. By providing the test track and facilities in Ivalo, Nokian made it easy to capture some incredible images that are sure to leave an impression on the viewer."

Retailers are encouraged to provide links to Winter Tire Replacement using the following URLs:

www.youtube.com/tiresafetystartshere
[Google+ tiresafetystartshere](https://plus.google.com/tiresafetystartshere)

Retailers who want to download a copy should contact Donna Sage at dsage@tireindustry.org.

DOT Awards \$474 Million In TIGER Grants

The Department of Transportation (DOT) announced last month that it was awarding \$474 million in grants to 37 states.

The grants, from the agency's Transportation Investment Generating Economic Recovery (TIGER) grant program, were awarded to states that submitted bids for the money through a competitive process, the DOT said.

Fifty-two projects were selected in total. Transportation Secretary Anthony Foxx said in a blog post on the DOT website that the projects that received grants were just a start on the amount of investment that is needed in the U.S. transportation system.

"The projects we're supporting today represent the kind of work we should be doing more of across the country," Foxx wrote. "And that's a message the House and Senate need to hear loud and clear as they get back from their summer recess. The President has laid out his plan. Now, we need Congress to act."

The TIGER grant program was first created in the 2009 economic stimulus bill. The program allows states to apply for funding for transportation projects that "will have a significant impact on the nation, a metropolitan area or a region," according to the DOT's website.

The grant program quickly proved popular with both Republicans and Democrats, and it was expanded in the surface transportation bill that was passed by Congress last year.

Transportation Secretary Foxx said that the TIGER program was providing funding for projects that were essential to the future of the American transportation system.

"The projects TIGER supports ensure a stronger transportation system for future generations by repairing existing roads, bridges, rail, and transit; connecting people to new jobs and opportunities; and contributing to our nation's economic growth," Foxx wrote. "These projects are the best argument for increased investment in America's transportation infrastructure."



Business Starts Early on Next Transportation Bill

Some supporters are already hard at work on the transportation bill that comes due in October 2014.

Some groups started rolling out grass-roots letter-writing efforts and ad buys over the August recess, timed for lawmakers' visits home. But the real race starts now that Congress is back in town.

That's why a national gathering of asphalt pavers descended on Washington, D.C., this month, the U.S. Chamber of Commerce is trying to sell business executives on the need for road and bridge spending, and road builders are hoping to change public attitudes about gasoline taxes. Infrastructure backers are deploying opinion polls, smartphone apps and old-fashioned office-by-office Hill visits.

The stakes for equipment and aggregate manufacturers, construction businesses, road builders, state transportation departments and others are particularly high. Not only does last year's transportation bill expire in little more than a year, but nobody is sure how Congress will pay for the next one.

Typically, the expiration of a transportation bill brings expectations that Congress will kick the can down the road, passing short-term extensions until lawmakers can eventually come together on a new bill that funds highways and transit.

But this time, the Highway Trust Fund's worsening structural deficit leaves little room to kick the can down. Because the trust fund takes in less money in gas tax revenues than lawmakers have been

spending, even passing an extension at current funding levels will require programmatic cuts or additional revenue — or both.

So groups with a stake in the game are having to think creatively.

Janet Kavinoky, the U.S. Chamber of Commerce's executive director of transportation and infrastructure, recently told a crowd at the National Asphalt Pavement Association's fly-in that her organization is retooling at least some of its messaging to appeal to the CEO set.

Kavinoky said that when a business asks investors for money, it lays out the business case — the problem, the company's solution and the expected return on investment. She said the chamber's plan, still being developed, will make a similar case for federal infrastructure funding.

"We're trying to take a different approach to making the arguments about investment in infrastructure that will complement what the industry itself has been doing for years," she said.

In that vein, Building America's Future and the National Association of Manufacturers just released a survey of more than 400 manufacturers and their concerns about how poor infrastructure harms their businesses. About 70 percent of those surveyed said America's infrastructure is bad and getting worse, and 65 percent



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TRANSPORTATION TOPICS

A survey released by the National Association of Manufacturers said industry leaders think roads in the United States are getting worse and transportation infrastructure needs to improve.

Of the more than 400 leaders of manufacturing firms surveyed, 70% said roads are getting worse, while 70% also said U.S. infrastructure is generally in "fair or poor" shape, said NAM, which commissioned the survey. Roads had the worst reviews in the survey, and smaller portions of the respondents said other modes of infrastructure, such as water, rail and aviation, are deteriorating.

"This survey clearly demonstrates that our nation's approach to investing in infrastructure is not improving at a pace to keep up with the growing needs of manufacturers and that the United States risks falling behind," Jay Timmons, CEO of NAM, said in a Sept. 17 statement. Timmons announced the survey at the Port of Philadelphia along with Ed Rendell, co-chairman of Building America's Future and former governor of Pennsylvania.

"Improving our ports, highways and bridges is essentially an economic driver," Rendell said in the statement. "Modernized ports and transportation systems enable American manufacturers and businesses to export their goods to countries around the world, which strengthens our economy here at home."

MANY US BRIDGES OLD, RISKY AND RUN-DOWN

Motorists coming off the Frederick Douglass Memorial Bridge into Washington are treated to a postcard-perfect view of the U.S. Capitol. The bridge itself, however, is about as ugly as it gets: The steel underpinnings have thinned since the structure was built in 1950, and the span is pocked with rust and crumbling concrete.

District of Columbia officials were so worried about a catastrophic failure that they shored up the

horizontal beams to prevent the bridge from falling into the Anacostia River.

And safety concerns about the Douglass bridge, which is used by more than 70,000 vehicles daily, are far from unique.

An Associated Press analysis of 607,380 bridges in the most recent federal National Bridge Inventory showed that 65,605 were classified as "structurally deficient" and 20,808 as "fracture critical." Of those, 7,795 were both — a combination of red flags that experts say indicate significant disrepair and similar risk of collapse.

A bridge is deemed fracture critical when it doesn't have redundant protections and is at risk of collapse if a single, vital component fails. A bridge is structurally deficient when it is in need of rehabilitation or replacement because at least one major component of the span has advanced deterioration or other problems that lead inspectors to deem its condition poor or worse.

Engineers say the bridges are safe. And despite the ominous sounding classifications, officials say that even bridges that are structurally deficient and fracture critical are not about to collapse.

The AP zeroed in on the Douglass bridge and others that fit both criteria — structurally deficient and fracture critical. Together, they carry more than 29 million drivers a day, and many were built more than 60 years ago. Those bridges are located in all 50 states, plus Puerto Rico and the District of Columbia, and include the Brooklyn Bridge in New York, a bridge on the New Jersey highway that leads to the Lincoln Tunnel, and the Main Avenue Bridge in Cleveland.

The number of bridges nationwide that are both structurally deficient and fracture critical has been

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TRANSPORTATION TOPICS

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fairly constant for a number of years, experts say. But both lists fluctuate frequently, especially at the state level, since repairs can move a bridge out of the deficient categories while spans that grow more dilapidated can be put on the lists. There are occasional data-entry errors. There also is considerable lag time between when state transportation officials report data to the federal government and when updates are made to the National Bridge Inventory.

Many fracture critical bridges were erected in the 1950s to 1970s during construction of the interstate highway system because they were relatively cheap and easy to build. Now they have exceeded their designed life expectancy but are still carrying traffic — often more cars and trucks than they were originally expected to handle. The Interstate 5 bridge in Washington state that collapsed in May was fracture critical.

Cities and states would like to replace the aging and vulnerable bridges, but few have the money; nationally, it is a multibillion-dollar problem. As a result, highway engineers are juggling repairs and retrofits in an effort to stay ahead of the deterioration.

There are thousands of inspectors across the country "in the field every day to determine the safety of the nation's bridges," Victor Mendez, head of the Federal Highway Administration, said in a statement. "If a bridge is found to be unsafe, immediate action is taken."

At the same time, all that is required to cause a fracture critical bridge to collapse is a single unanticipated event that damages a critical portion of the structure.

"It's kind of like trying to predict where an earthquake is going to hit or where a tornado is going to

touch down," said Kelley Rehm, bridges program manager for the American Association of State Highway and Transportation Officials.

Signs of age are clear. The Douglass bridge, also known as the South Capitol Street Bridge, was designed to last 50 years. It's now 13 years past that. The district's transportation department has inserted so-called catcher beams underneath the bridge's main horizontal beams to keep the bridge from falling into the river, should a main component fail.

Alesia Tisdall, who drove over the bridge every day for 15 years but now crosses it only occasionally, said she found its "bounce" unnerving.

"You'd look at the person sitting next to you like, 'Did you feel that bounce?' And they'd be looking back at you like they were thinking the same thing," said Tisdall, a computer systems specialist at the Justice Department.

Peter Vanderzee, CEO of Lifespan Technologies of Alpharetta, Ga., which uses special sensors to monitor bridges for stress, said steel fatigue is a problem in the older bridges.

"Bridges aren't built to last forever," he said. He compared steel bridges to a paper clip that's opened and bent back and forth until it breaks.

"In a bridge system, it may take millions of cycles before it breaks. But many of these bridges have seen millions of cycles of loading and unloading."

That fatigue is evident in a steel truss bridge over Interstate 5 in Washington state — south of the similar steel truss that collapsed in May. The span that carries northbound drivers over the east fork of the Lewis River was built in 1936.

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TRANSPORTATION TOPICS

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Because of age, corrosion and metal fatigue caused by vibration, the state has implemented weight restrictions on the bridge. Washington state Department of Transportation spokeswoman Heidi Sause said the bridge wasn't built for the kind of wear — bigger loads and more traffic — that is now common.

The biggest difference between the bridge over the Lewis River and the one over the Skagit River that collapsed May 23 is that the span still standing has actually been listed in worse condition. State officials hope to replace it in the next 10 to 15 years.

While the Skagit span was not structurally deficient, the I-35W bridge that collapsed in Minneapolis in 2007 had received that designation. The bridge fell during rush hour, killing 13 people and injuring more than 100. The National Transportation Safety Board concluded that the cause of the collapse was an error by the bridge's designers, not the deficiencies found by inspectors. A gusset plate, a fracture critical component of the bridge, was too thin.

There are wide gaps between states in historical bridge construction and their ongoing maintenance. While the numbers at the state level are in flux, Iowa, Nebraska, Missouri and Pennsylvania have all been listed recently in the national inventory as having more than 600 bridges both structurally deficient and fracture critical.

Pennsylvania has whittled down its backlog of structurally deficient bridges but still has many more to go, with an estimated 300 bridges in position to move onto the structurally deficient list every year if no maintenance is done.

Officials say northeastern states face particular challenges because the infrastructure there is older and the weather is more grueling, with dramatic and frequent freeze-thaw cycles that can put stress on roads and bridges.

Many Pennsylvania lawmakers have long sought to boost transportation funding, in part to address crumbling bridges. But this year's proposals, including Gov. Tom Corbett's \$1.8 billion plan, stalled amid fights over details.

That's a common issue among infrastructure managers in other states, who say they don't have the money to replace all the bridges that need work. Instead, they continue to do patch fixes and temporary improvements.

Washington's Douglass bridge has been rehabilitated twice. Ronaldo Nicholson, the chief bridge engineer for the area, emphasized that if city officials feel the bridge is unsafe, they'll prohibit trucks from crossing or close the span entirely. Inspections have been stepped up to every six months instead of the usual two-year intervals for most bridges. In the meantime, officials are trying to stretch the bridge's life for another five years — the time they estimate it will take to build a replacement.

Congressional interest in fixing bridges rose after the 2007 collapse in Minneapolis, but efforts to add billions of extra federal dollars specifically for repair and replacement of deficient and obsolete bridges foundered. A sweeping transportation law enacted last year eliminated a dedicated bridge fund that had been around for more than three decades. State transportation officials had complained the fund's requirements were too restrictive. Now, bridge repairs or replacements must compete with other types of highway projects for federal aid.

The new law requires states to beef up bridge inspection standards and qualifications for bridge inspectors. However, federal regulators are still drafting the new standards.

"Do we have the funding to replace 18,000 fracture critical bridges right now?" Rehm asked. "No. Would we like to? Of course.

Another Phenomenal WMDA/SSDA-AT Convention

Continued from page 1

(and a heartfelt "hope you are feeling better" to **Ralph Bombadiere of New York**).

I would also like to thank our SSDA-AT Legislative Intern, Roy Littlefield, IV, for all of his hard work to ensure that the SSDA-AT Board Meeting and Legislative Workgroup went off without a hitch.

Congratulations are extended to the following SSDA-AT award recipients:

Golden Nozzle Award - Peter Kischak, New York

Friend of the Industry - Nancy Maricondi, Pennsylvania

Hall of Fame - Michael Ingle, Maryland



Roy Littlefield presents the Golden Nozzle Award to SSDA-AT President, Peter Kischak of New York.



Roy Littlefield presents the Friend of the Industry Award to Nancy Maricondi, Executive Director of PRARA



Roy Littlefield present the Hall of Fame plaque to Michael Ingle for all of his work with SSDA-AT

The golf tournament was a great success with about 50 golfers. The trade show featured over 100 booths. Attendance at the seminars was strong, Murf's Turf Town Hall Meeting on the Health Connections was filled to capacity, and we had a special speaker...Comptroller Peter Franchot, and attendance at the Grille on

the Bay, the Welcome Reception at Seacrets, and the Crab Feast at Higgins's Crab House North was up significantly over 2012.

The Hospitality Suites on Friday evening at the Clarion Hotel were first class and very well attended. Special thanks are extended to Carroll Motor Fuels, Ewing Oil Company, Ocean Petroleum LLC, PMG, SMO/PEH, Sunoco, and the Repair Facilities/CAR.

Once again, the Awards Ceremony was professional and impressive. Special thanks to Kirk McCauley, Marta Gates and Dave Feinberg for maintaining the high standards of the Harry T. Murphy Customer Service Contest.

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Another Phenomenal WMDA/SSDA-AT Convention

Continued from page 11

A special recognition is in order for the Convention's Keynote Speaker - J. Blacklock "Lock" Wills, Jr., Chairman, President, and CEO of The Wills Group. His presentation on the changing petroleum retailing market, the role of dealers, and the demands and needs of the petroleum distributor was one of the most enlightening discussions ever presented at a dealer conference. His insight,

knowledge of the industry, and honest predictions for the future made the presentation invaluable.

Another WMDA/SSDA-AT convention and trade show...another very meaningful and special event. The 2013 Convention and Mega Trade Show was again, a very successful and spectacular event.

Thank you all for your continued support. See you in 2014.



Convention Highlights



Business Starts Early on Next Transportation Bill

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agreed that infrastructure in their regions will hurt their companies' competitiveness over the next 15 to 20 years.

The survey also contains graphics with comparisons with other countries, as well as manufacturers' perceptions about how far behind U.S. infrastructure is falling – perhaps to inspire a sort of Sputnik effect.

Former Pennsylvania Gov. Ed Rendell, one of BAF's co-founders, said in a statement that he hopes Congress will “seize the opportunity to make the significant investments our country really needs to stay competitive in the global economy.”

Beth McGinn, a spokeswoman for the American Road and Transportation Builders Association, said ARTBA is also searching for a way to frame arguments that might resonate more effectively with a public that often isn't aware of how poor infrastructure affects their daily lives.

Part of that approach involves using Ipsos polling data ARTBA commissioned over the summer, which McGinn said the group will sprinkle into its messaging.

“Most people don't know how much they're paying for services in relation to basic necessities,” McGinn said. “Once you start talking about it in terms that make sense for their household budget, they're willing to pay for it.”

MARK YOUR CALENDAR

**SSDA-AT Meeting -
January 15, 2014**

Will be held at NJGCA

**For more information, or to RSVP,
please contact Kirk McCauley at**

301-390-0900 ext 114 or kmccauley@wmda.net

GENERAL COUNSEL CORNER

Continued from page 2

- Conduct a thorough premises audit of ADA priority areas such as entrances and restrooms, and all areas accessible to vendors, customers, and guests.
- Provide at least one route of travel that is safe for everyone, including disabled individuals. Pathways should be stable, slip-resistant, uncluttered, and at least 36" wide.
- Inspect curbs and ramps for appropriate curb cuts and height and slope increase as recommended by ADA design guidelines. Utilize proper railings.
- Inspect entrance doors for proper width, clear wall space on pull side of doors, and install signs to warn of inaccessible entrances.
- Arrange furnishings, displays, vending machines, and freestanding racks to provide adequate access.
- Comply with height and width requirements for seating, tables, and counter spaces.
- At least one public restroom should be wheelchair accessible and hardware, stalls, and lavatories ADA compliant.
- Develop a feasible barrier removal and compliance plan.
- Maintain accurate records of alterations to premises and barrier removal projects.

Helpful Resources:

ADA Regulations Applicable to Public Accommodations
http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm

ADA Standards for Accessible Design

<http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm>

* * * * *

When you contemplate items to stock on your ADA-friendly shelves, you should also consider this update to the September article concerning the consequences of selling synthetic marijuana or “spice” in stations and c-stores. A wrongful death action was recently filed by the mother of a teen who purchased “spice” from a c-store in Colorado.

Nineteen-year-old Nicholas Colbert died of “synthetic cannabinoid toxicity” as a result of smoking synthetic marijuana marketed as “Mr. Smiley” that he purchased from a Kwik Stop c-store in his hometown of Colorado Springs.

Attorneys for the teen’s mother brought suit against the c-store and its employees or agents, as well as against the unknown manufacturers of the drug. The lawsuit seeks actual and punitive damages for violation of the state’s Organized Crime Control Act, and also alleges negligence, breach of warranty, civil conspiracy, and violation of the Colorado consumer protection statute.

Selling products like “Mr. Smiley” isn’t worth the risk.

pgunst@agtlawyers.com

To access the latest articles by the Service Station Dealer’s legal counsel, please visit the “Service Station Dealers: Legal Issues” section of the Astrachan Gunst Thomas, P.C. website at:

<http://www.agtlawyers.com/resources/petroleum.html>.



1532 Pointer Ridge Place, Suite G
Bowie, Maryland 20716

Phone: 301-390-0900

Fax: 301-390-3161

E-mail: mgates@wmda.net

2012-2013 SSDA-AT Officers

President: Peter Kischak, New York	914-698-5188
1st Vice President: Fred Bordoff, New York	718-392-9605
2nd Vice President: Billy Hillmuth, Maryland	301-390-0900
Treasurer: Hugh Campbell, Pennsylvania	724-863-3524
Past President: Dave Freitag, Ohio	419-217-0870

For more information on SSDA-AT, please contact::

Marta Gates, Managing Director

mgates@wmda.net ♦ 301-390-0900 ext. 115