Trucking Blasts HOS Plan

Drive Time May be Cut; Restart Rules Altered

By Michele Fuetsch, Transport Topics

The Federal Motor Carrier Safety Administration’s proposed new hours-of-service rule would cut driving hours, a move that trucking industry leaders said was politically motivated, adding cost and complexity while jeopardizing safety advances made in recent years.

The proposed rule, released Dec. 23, was the results of a settlement FMCSA reached with advocacy groups that have twice sued successfully in federal court to block the safety agency’s revision of Depression-Era driving limits.

FMCSA’s proposal would restrict drivers’ ability to restart their weekly work cycle with a 34-hour rest period, effectively cutting the total work cycle. It also leans toward cutting allowable driving time before a break to 10 hours from the current 11.

“When viewed against trucking’s sterling safety record, it’s plan that the Obama administra-
tion’s willingness to break something that’s not broken likely has everything to do with politics and little or nothing to do with highway safety or driver health,” said Bill Graves, president of American Trucking Associations.

The proposed rule, Graves said, “begs the age-old question: What part of success didn’t you like?”

“The current rule has been working quite well by every measure, every assessment,” Graves said, referring to federal data showing that truck-involved traffic fatalities have fallen steadily since 2003 when the first HOS rule was adopted.

FMCSA, whose new proposal follows a legal settlement last year between the federal government and a coalition of labor and advocacy groups, will take public comments on the proposal for the next 60 days, with the final rule expected by July 26.

While FMCSA stopped short of proposing a 10-hour driving limit to replace the current

(Trucking Blasts HOS Plan cont. on page 5)
Welcome 2011! Another New Year is upon us and with it comes our resolutions for the New Year. For most of us, these tend to be made up of a more personal nature such as eating better, exercising, and living healthier. But as business owners and entrepreneurs, we should also consider adding some business specific resolutions to our mix.

Resolutions are easy to talk about, but they take a lot of dedication and hard work in order to become a reality. We must first take the time to review our business goals and carefully examine what worked and what didn’t in 2010. Some of the thoughts that I had as I looked at creating some of my own business resolutions for 2011 were to try to be more specific about my resolutions than I have been in the past. If one of my resolutions was to grow my business, then what segment or segments should I focus on and how do I measure success?

I will need to clearly identify any obstacles, categorize them, and determine what items have caused me to fail in the past so that I can plan around them in the future.

And lastly, I will need to set up and execute a Plan of Action. This plan will need a detailed list of all the steps that need to be accomplished to get each of my goals completed.

As we all take a look at our New Year resolutions, I want to encourage all of you to make one of your resolutions for 2011 to be your continued support of the California Moving and Storage Association. If you are a current member, resolve to become more active in supporting your local chapter and chapter events. If you are not a member, resolve to join us in making our industry stronger and healthier in 2011.

Happy New Year! I hope to see all of you at our 93rd CMSA Annual Convention at the Hilton Torrey Pines in La Jolla from April 12 to 17, 2011.
President’s Comments
By: Steve Weitekamp

Happy New Year! Chairman Larson’s column speaks of resolutions and improvement in your business or process. CMSA attempts to be an organization that seeks constant improvement. For those members that have made a pledge to get more involved in their Association, CMSA has many activities scheduled between now and the summer season. In addition to regular chapter meetings and fundraising events, there is our upcoming CARB Regulation Seminar and 93rd Annual Convention.

CMSA’s Annual Convention is the highlight of our Association year and anyone who has been to one will attest that it is a value packed event that delivers educational, networking, and social opportunities that are not available at other venues. The program will include motivational and education speakers and panels as well as awards and celebrations. You will also have a rare opportunity to spend an evening at a private dinner event at the world famous San Diego Zoo. Register now for CMSA’s 93rd Annual Convention, April 12-17, 2011 at the Hilton La Jolla Torrey Pines

I would encourage you to register today for our upcoming CARB Regulation Seminar with CMSA consultant and presenter, Sean Edgar, on February 15 in Long Beach and on February 16 in Pleasanton. CARB’s recent modifications to the On-road Diesel Engine Regulations make attendance at this seminar your best opportunity to get information that will be critical to your business. Our last CARB Workshop in December of 2009 was extremely popular and highly educational. (Information and registration forms are on pages 10 and 11 of this issue.)

Further, as we begin a new year it can be helpful to look back at tasks that possibly were overlooked or left undone from the previous year. Have you looked into the new CMSA Pro-Mover program? The CMSA is the first state association to allow movers the prospect of

(President’s Comments cont. on page 9)
### CALENDAR OF EVENTS

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>Jan. 27th, Thurs.</td>
<td>Ventura/Santa Barbara Chapter Meeting</td>
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<tr>
<td>Feb. 8th, Tues.</td>
<td>Greater LA Chapter Meeting</td>
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<tr>
<td>Feb. 15th, Tues.</td>
<td>CARB Regulation Seminar—Long Beach</td>
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<tr>
<td>Feb. 16th, Wed.</td>
<td>CARB Regulation Seminar—Pleasanton</td>
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<tr>
<td>March 11th, Fri.</td>
<td>Ventura/Santa Barbara Chapter Bowl-A-Rama</td>
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<tr>
<td>March 16th, Wed.</td>
<td>San Diego Golf Tournament</td>
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<tr>
<td>March 20th, Sun.</td>
<td>Greater Los Angeles Day at the Races</td>
</tr>
<tr>
<td>March 23rd, Wed.</td>
<td>Northern Region Golf Tournament</td>
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<tr>
<td>March 24th, Thurs.</td>
<td>Sacramento Golf Tournament</td>
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<tr>
<td>March 30th, Wed.</td>
<td>Twin Counties Chapter Golf/Bocce Tournament</td>
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<tr>
<td>April 2nd, Sat.</td>
<td>North Bay Chapter Bocce Tournament</td>
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<tr>
<td>April 12-17th, 2011</td>
<td>CMSA’s 93rd Annual Convention in La Jolla, CA</td>
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For more information or to access event registration forms, please visit [www.thecmsa.org](http://www.thecmsa.org).

Or call the CMSA office at (562) 865-2900 or (800) 672-1415 (within California), and a staff member will be happy to assist you.

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11-hour limit, the agency said it favored 10 hours as the maximum and will make a final decision after it reviews the public commentary.

Graves excoriated what he said was a political agenda behind the proposed HOS changes.

“The most egregious part is the way it was sort of politically orchestrated to basically shake down the Department of Transportation over confirmation of an [FMCSA] administrator in exchange for reopening a rule,” Graves said.

In its push-back against the proposed changes, ATA said the Senate Commerce Committee approved Anne Ferro’s confirmation as FMCSA administrator shortly after the federal government agreed to revisit the HOS rule as part of a settlement with those advocacy groups that have repeatedly challenged HOS rule revisions in court.

The nomination of Ferro, former director of the Maryland Motor Truck Association, initially drew criticism from the same groups.

John Conley, president of the National Tank Truck Carriers, also lashed out at the administration, saying the proposed new HOS rules prove that “elections have consequences.”

“This is politics, not safety management based on facts and performance,” said Conley, who also pointed to the declining accident figures as proof the current HOS rule is working.

“This is Washington and facts are not as important as politics,” Conley said. “The DOT had a gun at its head and it caved in to the anti-truck special interests.”

The new rule, Graves said in a written statement issued immediately after the unveiling, is “overly complex, chock full of unnecessary restrictions on truckers” and would reduce trucking’s productivity.

What is more, Graves later told TRANSPORT TOPICS, “I think the law enforcement community is going to be troubled by the complexity of this rule.”

Annette Sandberg, a former FMCSA administrator and a former top state law enforcement officer, echoed Graves, saying she was troubled by the complexity of the proposed new HOS rules that she said should be easily understood by the average trucker.

“I get concerned anytime . . . a rule becomes so complex that neither side really, truly understands it,” said Sandberg. “It almost gets to the point where it’s unenforceable.”

Before heading FMCSA from 2002 to 2006, when the current rule was written, Sandberg served as chief of the Washington State Patrol.

If adopted, the new rule is “certainly going to complicate everyone’s lives, especially drivers,” Graves said.

Even those whose job it is to “understand policy and regulatory issues” are having a difficult time understanding the new rules.

### FMCSA’s HOS “WEEKLY DRIVER PROVISIONS”

<table>
<thead>
<tr>
<th>Provision</th>
<th>Current Rule</th>
<th>Proposed Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. on-duty hours</td>
<td>60 hours in 7 days/70 hours in 8 days</td>
<td>No change.</td>
</tr>
<tr>
<td>Restart</td>
<td>34 consecutive hours</td>
<td>See “limits on restarts” below.</td>
</tr>
<tr>
<td>Limits on restarts</td>
<td>None</td>
<td>(1) Must include two periods between Midnight-6 a.m.</td>
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<td></td>
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<td>(2) May Only Be Used Once Per Week.</td>
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### SLEEPER BERTH

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<thead>
<tr>
<th>Provision</th>
<th>Current Rule</th>
<th>Proposed Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>When used as substitute for 10 consecutive hours off duty</td>
<td>Two periods: One at least 8 consecutive hours in sleeper berth; other at least 2 hours sleeper or off-duty. The shorter period does NOT extend the driving window.</td>
<td>Continue 8/2 hour periods, but apply same new driving, on-duty, and duty-period limits as proposed for non-sleeper drivers.</td>
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### DEFINITION OF ON-DUTY TIME

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<tr>
<th>Provision</th>
<th>Current Rule</th>
<th>Proposed Rule</th>
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<tr>
<td>On-duty time</td>
<td>Includes any time in truck except sleeper berth.</td>
<td>Does not include any time resting in a parked truck. In moving truck, does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper berth.</td>
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</table>
difficult time grasping the proposal’s changes, Graves said.

That means people “getting up every morning trying to make a living driving trucks, running, especially small fleets of trucks” will have a difficult time understanding how to comply, he said.

Within the new HOS proposal, for instance, is a provision that would, in most cases, also reduce maximum on-duty time allowed to 13 hours by requiring drivers to take two 30-minute rest breaks during the current 14-hour duty time.

And the rule changes how many off-hours team drivers can sit in the cab rather than spend in the sleeper berth.

One of the most troubling provisions, said trucking representatives, is a complicated change in the 34-hour reset time for drivers.

Although FMCSA said that under the new rule, the reset – which enables drivers to restart their weekly cycle after a 34-hour break – would not change, in fact, it is dramatically changed, trucking experts said.

Under the new proposal, the 34-hour reset break must include two six-hour rest periods between midnight and 6 a.m.

“I happen to find the suggestion that the 34-hour restart was retained is borderline on being a fairy tale,” said Graves. He said the new reset provision is impossible to meet within a 34-hour time line.

“It hasn’t been retained,” Graves said. “It’s been dramatically changed and what it will contribute to is a tremendous loss in driver productivity.”

The new rule will push the reset time up to nearly 48 hours of off-duty time for drivers, according to Graves.

Rob Abbot, vice president for safety operations in ATA’s law department, said, “What you’re talking about is industry capacity, and so by reducing industry capacity, you’re reducing supply, you’re increasing costs and you’re increasing costs and you’re going to have a ripple effect on the entire economy.”

“Everybody in the supply chain has an interest in this,” said Sandberg, “because any loss in productivity does impact the supply chain and in turn impacts the cost of goods.”

The proposal is expected to generate intense debate between the trucking industry and...
the coalition of labor and highway safety advocates that has been jockeying over HOS since Congress created FMCSA in 1999, directing the nascent agency to rewrite driver rules that dated back to the 1930s.

The first HOS rule to be written was scrapped as too complex and twice advocacy groups successfully argued in court against FMCSA’s attempts to write HOS rules.

Although truckers were upset by the proposed HOS rule, those pressing for fewer driver hours also said they were disappointed by the proposal.

“Although the agency says it is considering 10 hours, even maybe leaning that way, it’s still considering 11 hours,” said Henry Jasney, counsel for Advocates for Highway and Auto Safety. That group is one of several that have sued FMCSA and the Department of Transportation in an effort to reduce drivers’ hours on the road.

“We have always felt that the data and research and studies are pretty clear, and their findings in the past are pretty clear, that more hours of driving is less safe,” said Jasney. “So we’re somewhat disappointed that they didn’t just come out and say it should be 10 hours.”

While ATA officials pointed to federal traffic accident data that showed a dramatic decrease in the number of truck accidents and fatalities since 2003 under the current HOS rule, Jasney said the issue is not the number of accidents but accident rates.

More accidents occur during the first eight hours of an 11-hour shift on the road because more truckers drive for eight hours than drive for 11 hours Jasney said. But he said the accident rate is higher for the last three hours of a shift than it is for the first eight hours.

Jasney said the groups he works with believe that an 8-hour driving rule would be ideal.

Sandberg said she hoped that the new rule was not a back-door way for FMCSA to compel trucking to adopt electronic onboard recorders that would allow law enforcement officers to track driver hours.

ATA’s Graves and Abbot, as well as Sandberg, said they were bothered by what they perceived as an attempt within the new rule to affect driver health. There is an implication within the rule, Graves said, that with more time off, drivers will adopt habits that make them healthier.

Sandberg, who supervised FMCSA’s current HOS rule, said it was odd that FMCSA didn’t specify a 10-hour limit in the proposed rule, given FMCSA’s stated preference.

She said she wondered whether the lack of a 10-hour provision means the government does not have the evidence it needs to justify changing the current 11-hour rule.

“I haven’t seen any new science, and I guess that’s what I’m looking for is new science and new data,” Sandberg said.

Graves and others said that in at least one way, the proposed rule was at odds with other public-policy initiatives that are encouraging truck traffic to shift to nighttime deliveries.

The required rest times contained in the proposed rule, they said, mean drivers would have to work more daytime hours, which means more trucks on the road during peak daytime traffic hours.

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More information and signup/order sheets for all programs above are available on the CMSA website www.thecmsa.org or by calling the CMSA office.

CMSA’s enduring goal is to be an ever more important asset to our members and their businesses. 2011 will be a year with opportunities and challenges and the question is what will we do together to make it a success? Make sure that CMSA is a part of your 2011 plan.
CMSA SEMINAR
“MOVING FORWARD WITH COMPLIANCE”
CALIFORNIA AIR RESOURCES BOARD
(CARB) REGULATIONS

The December 2010 CARB Board meeting resulted in “New and Modified” regulations for Diesel Trucks. This important workshop will address these changes and answer your questions regarding how to comply with the regulations.

Our presenter and CMSA advisor, Sean Edgar, is a Project Manager at www.CleanFleets.net, a fleet engineering and consulting group. Clean Fleets has been helping CMSA and its membership understand and implement CARB truck rules. He will be presenting important information on understanding and complying with CARB regulations.

- On-Road Diesel Engine Rule
- CARB Trailer Rule
- Development and Implementation
- Compliance & Fleet Registration
- Real World Examples
- Other CARB rules to be reviewed:
  Snap Idle, Engine Label, Idle Rule
  and Forklift Rule

Sean Edgar, CleanFleets.net

Stephen Weitekamp
CMSA President

- TWO SEMINAR DATES -

<table>
<thead>
<tr>
<th>February 15, 2011</th>
<th>February 16, 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 am - 2:30 pm</td>
<td>10 am - 2:30 pm</td>
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<tr>
<td>Holiday Inn - Long Beach Airport Hotel</td>
<td>Four Points by Sheraton Pleasanton</td>
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<tr>
<td>2640 N. Lakewood Boulevard</td>
<td>5115 Hopyard Road</td>
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<tr>
<td>Long Beach, CA 90815</td>
<td>Pleasanton, CA 94588</td>
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<td>(Special room rates available. See registration form for details.)</td>
<td>(Special room rates available. See registration form for details.)</td>
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CMSA Members: $50.00
Non-Members: $80.00
CARB REGULATION SEMINAR

Speakers:
Sean Edgar, CleanFleets.net
Steve Weitekamp, CMSA President

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E-mail: bwahlstrom@thecmsa.org Phone: (562) 865-2900 Fax: (562) 865-2944
The Federal Motor Carrier Safety Administration has proposed fines up to $2,750 for truckers who use a handheld cell phone while driving, as well as the possible suspension or revocation of a commercial license for repeated offenses.

The agency is accepting public comments on the proposal until Feb. 22.

“Every time a commercial truck or bus driver takes his or her eyes off the road to use a cell phone, even for a few seconds, the driver places everyone around them at risk,” Transportation Secretary Ray LaHood said in a statement. “This proposed rule will go a long way toward keeping a driver’s full attention focused on the road.”

“We are committed to using every resource at our disposal to ensure commercial drivers and vehicles are operating safely at all times,” FMCSA Administrator Anne Ferro said. “Implementation of this proposal would help make our roads safer and target a leading cause of distracted driving.”

The proposal would ban commercial drivers from “reaching for, holding or dialing a cell phone” while behind the wheel.

The rule also would apply to fleets, by prohibiting them “from requiring or allowing drivers [of commercial vehicles] to engage in the use of a handheld mobile telephone” while driving.

Fleets found in violation of this provision, FMCSA said, could face a maximum penalty of $11,000.

“ATA’s members are generally supportive of a ban on handheld cell phone use, and we’d like to see it extended to

(FMCSA Fines continued on page 13)
drivers of all vehicles,” said Rob Abbott, vice president of safety for American Trucking Associations.

However, he said ATA has some concerns with the proposal, including that, even though it does not propose a ban on hands-free use, FMCSA could include it in a final rule. Abbot said a hands-free ban would be “problematic” because data show that simply talking on a hands-free phone can reduce the risk of a crash, compared with using a handheld phone.

Abbott also said ambiguity in FMCSA’s definition of dialing was a concern.

“They haven’t distinguished the risk of dialing a 10-digit number from push-to-talk or pushing a speed-dial number so that you can have that hands-free conversation,” he said, adding that ATA would discuss this point further in its comments.

Stephen Keppler, executive director of the Commercial Vehicle Safety Alliance, said the law enforcement group supports the proposal. “Generally speaking, anything that takes a driver’s attention away from the road is a bad thing,” he said. “I think FMCSA going forward and putting these proposals out makes sense.”

The proposal is the second one focused on curbing distracted driving. During 2010, FMCSA finished a regulation banning truck drivers from sending or reading text messages on a cell phone.

The agency is also in the process of examining other in-cab distractions for possible future regulations.

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EVANSVILLE, Ind. — According to the 2010 Atlas Van Lines Migration Patterns study, more Americans are on the move. In 2010, Atlas saw increases in the number of household moves, a possible sign that the economy is improving. Atlas' annual study has tracked the nation's moves since 1993.

For some states, outbound moves were high. Due to high unemployment, especially with declining manufacturing and automotive jobs, residents of the Rust Belt continue to relocate elsewhere. States adjacent to the Rust Belt saw a great increase in the number of inbound moves.

For the first time in two years, Kentucky joins its surrounding Mideast states — North Carolina, Maryland, and Washington D.C. — as inbound states. For the fifth year in a row, Washington D.C. had the highest percentage of inbound moves, while Ohio came out the clear leader in the highest percentage of outbound moves.

Regardless of economic highs and lows, several states have remained constant in status for ten or more years. California, Kansas and South Carolina have been balanced, Indiana has been outbound, and Alaska and North Carolina have remained inbound.

As the year progressed, Atlas saw increases in the monthly totals of household moves. Summer months continued to see the highest number of moves per season. Overall, the total for 2010 was 74,541.

"Every year we look forward to sharing the results of the Atlas migration study — it is a great bellwether for the economic situation of the country," said Jack Griffin, president and COO of Atlas World Group. "The results are especially promising this year, as the number of moves has increased, with monthly numbers higher than last year's."

Here's a closer look at relocation patterns in 2010 as identified in the Atlas study:

Westward-ho!

Much of the West continues in a balanced state. For the first time in three years, Idaho moves from an outbound state to a balanced state, joining California, Oregon, Washington, Nevada, Montana, Colorado, Utah, and Arizona.

Déjà vu

For several states, economic ups and downs have had little influence on the number of residents moving in or out of that state. For ten or more years, six states — California, Alaska, North Carolina, Kansas, South Carolina, and Indiana — have remained constant in their inbound, outbound or balanced status in Atlas' annual study.

(2010 Migration Trends cont. on page 15)
Silver lining

Despite high foreclosure rates and poor housing sales, a large pocket of southeastern states — including Florida, Alabama, Georgia and South Carolina — saw no drastic increase in the number of outbound moves; in fact they remained balanced in their number of outbound and inbound moves. A reason for the balance could be these states' popularity as a retirement destination.

For full results of the migration survey and to view a map and annual histories for each state, visit www.atlasvanlines.com/migration-patterns/.

How Status is Determined

Each state/province has a threshold value, which is the total number of shipments multiplied by 0.55 (for example, in a state with 100 moves, at least 55 of them would have to be outgoing to classify the state as outbound). A state/province is considered:

Outbound when outbound shipments exceed the threshold.
Inbound when inbound shipments exceed the threshold.

All other states are classified as balanced. Shipments noted for Canada are cross-border-to the United States or from the United States (not inter-provincial).

Source: Atlas Van Lines
The FMCSA has acted on an AMSA petition that will require interstate household goods brokers to comply with a number of rules and consumer requirements - many of them mirroring those already required for household goods carriers.

Until now, brokers have not been subject to the same consumer protection requirements as licensed interstate movers. Few, if any, consumers understood the distinction between brokers and carriers, with the result being frustrated consumers who often felt cheated of their rights.

Highlights of the new rule include requirements that brokers: 1) must include their US DOT number in their advertisements and on their websites; 2) must provide the same consumer information brochures as required of interstate household goods carriers; 3) must make clear their policies on deposits, cancellations, and refunds; 4) by January 1, 2012, must provide an increased $25,000 surety bond (currently $10,000).

AMSA policy objectives include recommendations for additional broker consumer protection requirements. The FMCSA’s ruling addresses all but one of our additional recommendations:

- Brokers can now only provide estimates performed by authorized carriers with whom the broker has a current agreement and then only based on the carrier’s tariff;
- Requires physical surveys for shipments located with 50 miles of the authorized carrier's place of business and only permits an electronic waiver of the physical survey, if agreed by both carrier and shipper, as evidenced by an agreement on the bill of lading;
- Requires that broker advertisements and internet sites only include names and logos of FMCSA authorized carriers with whom the broker has a current agreement, and AMSA also

(AMSA’s Request cont. on page 17)
recommended that broker fees or charges should be separately identified on estimates, and clearly distinguishable from transportation charges - this last AMSA initiative was not granted in the final rule, but the FMCSA did not rule it out either. They advised that they simply did not have sufficient information about how the fees are charged and what effect this change might have - clearly an opening for AMSA to pursue this matter in the future.

Of special note is that the FMCSA also granted AMSA’s request that, in addition to brokers, carriers also, as of January 20, 2011, must be able to provide the required consumer information (the "Your Rights and Responsibilities When You Move" brochure and the "Ready to Move" brochure) electronically. The present regulation at 49 CFR 375.213 is being revised to allow carriers to provide the information either via printed copy or via a hyperlink on your website to the FMCSA website which contains these publications.

Take note however, that carriers cannot simply provide a PDF copy of these brochures on their websites. The carrier must provide a link to the FMCSA website where the publications are posted. Further, when a carrier elects to provide access to the consumer brochures electronically, it must also: 1) include a clear statement on the bill of lading that the shipper elected to access the consumer protection information on the Internet, and 2) the carrier must obtain a signed and dated electronic or paper receipt showing that the shipper has received both brochures and verification of the shipper’s election to obtain the information on the Internet. The carrier should maintain a copy of the signed receipt for three (3) years from the date the shipper signed the receipt.
By Sean McNally, Transport Topics

The Federal Motor Carrier Safety Administration opened its CSA safety-monitoring system to public view for the first time last week, after a federal court rejected a lawsuit seeking to keep the system closed.

The CSA website was overwhelmed with inquiries early in the week, and some carriers said that the change to CSA from SafeStat had raised the likelihood that they will be targeted for roadside inspection.

Dave Osiecki, American Trucking Associations senior vice president of policy and regulatory affairs, said the high traffic and interest was not surprising.

"There’s been such a buildup to this date . . . and a lot of marketing on FMCSA’s part and the fact that the lawsuit was filed to stop this from happening that just increased the press coverage on this issue," Osiecki told Transport Topics. "I’m not terribly surprised that carriers and shippers and the public are going in there and trying to find out what people’s scores are."

FMCSA launched the program Dec. 13, after the U.S. Court of Appeals for the District of Columbia ruled against the National Association of Small Trucking Companies and two other groups that had asked the court to keep the CSA scores out of public view.

Kenneth Siegel, the lawyer representing NASTC, said that despite the setback, the lawsuit would continue.

"The court gave us an expedited briefing schedule, so we’re going on to challenge it," he told Transport Topics. "We would have preferred if it wasn’t sitting there already in effect, but we feel the still violated the [Administrative Procedures Act], so we’re going ahead."

Briefs in the case are due in early February and March.

In their lawsuit, the plaintiffs said that the allowing scores to go public would harm carriers, brokers and shippers because it would affect the transportation market.

“The CSA program will help us more easily

(CSA System cont. on page 19)
identify unsafe commercial truck and bus companies,” Transportation Secretary Ray La-Hood said in a Dec. 13 statement announcing the program. “Better data targeted enforcement will raise the safety bar for commercial carriers and empower them to take action before safety problems occur.”

FMCSA spokeswoman Candice Tolliver said that in the early days of the public viewing, the CSA website experienced “an extremely high volume of external users, at the rate of approximately 22,000 an hour.”

“These users include website ‘scraping’ companies that consume large amounts of bandwidth as they attempt to obtain safety data on multiple commercial motor carriers,” Tolliver said. Website users are greeted with a warning that the data are “used to identify potential safety problems with individual carriers and determine when an enforcement intervention might be appropriate.”

(CSA System cont. from page 18)

(CSA System cont. on page 20)
“Use of the CSA system “for purposes other than those identified above may produce unintended results and inaccurate conclusions,” the website also warns.

The process has led some carriers to see a “spike” in their Inspection Selection System score, the number used by roadside enforcement officers to flag trucks for inspections, said Rob Abbott, ATA vice president of safety policy.

In the changeover to CSA, Abbott said, carriers that have two or three deficient BASICs, or are now being flagged, and “that is causing some carriers to encounter some change and they’re probably scratching their heads.”

In the CSA program, all carrier violations are separated into seven Behavioral Analysis Safety Improvement Categories, or BASICs. Since the switch to CSA, “the biggest surprise was that our ISS [Inspection Selection System] score jumped,” said Mel Simon, president of Styer Transportation Co., Lakeville, Minn.

The company’s scores under SafeStat “were in excellent shape . . . so we were just surprised that it was that big of a difference between the systems,” Simon said. Specifically, Simon said his firm had higher scores in the cargo-related and fatigue-related BASICs.

“We’re doing manual logs, and we brought that [fatigued] score down considerably, but we’re still slightly above the threshold,” he said.

Stephen Keppler, executive director of the Commercial Vehicle Safety Alliance, said that ISS scores indicating more carriers need inspections has yet to translate into more inspections.

“Unfortunately, there’s not more money to do more roadside inspections,” Keppler said, adding that these ISS scores are a byproduct of CSA’s design.

“We’re using more information and more data, so logic would dictate that, with more data in the system, you will potentially have more people showing up in the system,” he said.

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