

MOVING FORWARD

Pennsylvania Moving & Storage Associates Newsletter

July 1, 2022

Volume 16 Issue 7



Interim Executive Director, Charlie Morris

Happy July everyone.

If you are reading this newsletter, you made it through another June. Congratulations! Hopefully, the high volume of business you enjoyed last month will continue this month and for a couple of months to come.

As you may have read in emails I sent out, there were new "interstate moving rules" from FMCSA originally scheduled to go into effect on June 27th that have now been postponed until the end of October. I am certain the postponement is good news to many movers since changing rules during the Peak Season not the best time to start doing some things differently. Information regarding the rules and the postponement are included in this month's newsletter. We will be setting up a webinar with Ryan Bowley, Executive Director, at the Moving & Storage Conference of ATA to review the rules before they go into effect.

Plans are in the works for an "in-person" PMSA conference in State College for this fall. It will be a dinner meeting on the evening of Tuesday, November 8th and meetings throughout the day on Wednesday, November 9th. Details will be forthcoming as everything is confirmed. Also looking into a possible golf tournament on Tuesday afternoon, November 8th. Please advise us of your interest in having a golf tournament, as well as, attending the dinner on Tuesday evening and the meetings on Wednesday.

Wish everyone all the best this month. The Pennsylvania Fuel Surcharge for July 15th through August 14th will be emailed on Wednesday, July 6th, due to Monday being a holiday. Both PMSA and Tristate office will be closed on Monday, July 4th. Charlie



President, Rebecca George

Hope everyone is surviving the summer. I feel like we are treading water, praying each day gets a little better. Feast or famine, the moving business has seen it's highs and lows with driver shortage, labor and fuel costs inflating at a 30%+ increase, it's no wonder we all shake our heads every morning. Have a Happy 4th and soak up the sunshine. Thank you to all the members and don't forget to take care of your people!



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Sen. Lisa Boscola proposes temporary halt in Pa. gas and diesel fuel taxes: 'Give it back to the people'

Compliments of The Morning Call

HARRISBURG — New proposals from state Sen. Lisa Boscola to temporarily get rid of Pennsylvania's ultra-high gasoline and diesel fuel taxes would keep about \$460 million in consumers' pockets over a two-month stretch, the Northampton County Democrat said.

Pennsylvania's diesel tax of more than 74 cents is the highest in the nation. The gasoline tax of more than 57 cents per gallon, coupled with federal taxes, creates the third-highest tax burden on gasoline-using motorists in the nation.

Both gas and diesel prices have hit record highs repeatedly this year.

On Monday, AAA listed the average price of gasoline at \$4.96 a gallon, up \$1.77 from a year earlier, and diesel was at \$6.15 a gallon, up \$2.59 from a year ago.

Boscola said she wants to help price-shocked consumers immediately. Her proposal would cover for lost state revenue by tapping into unspent federal COVID relief funds, and let PennDOT borrow more money to cover road projects.

"Why can't we give it back to the people?" she said of the federal money, which came to the state through the 2021 American Rescue Plan Act.

Boscola's proposals are among many similar ones made in Harrisburg this year.

But the economic landscape continues to change dramatically for consumers, with the latest federal inflation figure of 8.6% the highest in 41 years. There are many predictions of a recession.

And in Harrisburg, top lawmakers and the Wolf administration are in closed-door budget negotiations that almost certainly include the fate of about \$2 billion of unspent ARPA money in state coffers.

Questions about gas and diesel tax relief for consumers, Boscola said, should be in the thick of negotiations.

Lehigh County Republican Sen. Pat Browne, a participant in those talks, said of the Boscola proposals, "Like all Senate members' proposals at this point, we will give it due consideration as part of the overall '22-23 Commonwealth budget plan."

Pushback and support

Boscola's proposals, like all that propose reducing fuel taxes, face pushback and skepticism in Harrisburg.

A top AAA official as well as former Pennsylvania Chamber of Business and Industry CEO Gene Barr have questioned their wisdom. Top lawmakers in the Republican majorities in the Senate and House stress the need to conserve money to prepare for an expected downturn in state revenue.

Republican House Majority Leader Kerry Benninghoff of Centre County said the nation was on a "cliff" headed for recession.

Referring to inflation, he criticized proposals for "giving away free money to try and buoy up a problem that was caused by giving away free money."

Republican Senate President Pro Tempore Jake Corman of Centre County issued his own gas tax-cut proposal earlier this year. Spokesman Jason Thompson said Corman still believes his is the best plan but is evaluating all that have been put on the table.

An oft-heard criticism of the gas tax-cut concept is that after the cut occurs, retailers or corporations will nullify at least part of it by raising the price on fuel itself.

"I believe the way that it is structured opens the door for corporations to rip consumers off," said Lehigh County Democratic Rep. Mike Schlossberg. "Gas tax holidays are one of those things that sound really good, but there seems to be nothing to stop people from getting ripped off."

Schlossberg said he preferred the approach of Attorney General Josh Shapiro — the Democratic nominee for governor — who in March proposed using federal pandemic aid to send \$250 to each car-owning household in the state.

Continued on Page 3

"It's not about ideas. It's about making ideas happen." - Scott Belsky

Continued from Page 2

Nonetheless, Boscola's proposals are likely to get attention in Harrisburg in part due to her history of bucking partisan trends and her profile on substantive issues.

In 2019, she was prime sponsor of the bill that became Act 77, the sweeping election-reform law that vastly expanded mail-in voting, and she sat next to Gov. Tom Wolf when he signed the bill into law. A few weeks ago, she was the only Senate Democrat to vote for a Republican-backed bill designed to prevent athletes who were male at birth from participating in women's and girls' school sports.

Earlier this year, she backed Corman's proposal, and she said her own new proposal drew on his for ideas.

Senate Democrats spoke in favor of temporary gas tax cuts at a recent news conference.

"We know there is concern about a loss of revenue while the pause is in place, but Pennsylvania has billions in surplus funds that can be used to maintain roads and bridges during the gas tax holiday," said Senate Democratic Leader Jay Costa of Allegheny County.

Nicole Reigelman, spokesperson for top House Democrat Joanna McClinton of Philadelphia, said Boscola's proposal was being reviewed.

"Over the summer, our caucus is supportive of providing direct relief to our neighbors while also addressing the root cause of skyrocketing gas prices, which is corporate greed," Reigelman said.

Beth Rementer, a spokesperson for Wolf, said he he has long called for a phase out of the state gas tax, and enacting a federal gas tax holiday.

Rementer said the administration will review tax-cut proposals "but the Republican majority controls the legislative agenda and there has been no movement on this issue."

Biden's choice to lead FMCSA one step closer to attaining job

Compliments of The Trucker

WASHINGTON — President Joe Biden's choice to run the Federal Motor Carrier Safety Administration is one step closer to being the agency's full-time administrator.

Robin Hutcheson's nomination was recommended on June 22 by the Senate Commerce, Science and Transportation Committee. She now awaits approval by the entire Senate. If approved, she would become the FMCSA's first full-time administrator in almost three years.

No date has been set for a vote on her nomination.

Transportation Secretary Pete Buttigieg appointed Hutcheson deputy administrator in late January after Meera Joshi left the agency to take a post in the New York City mayor's office. As deputy administrator, Hutcheson also serves as the acting administrator. President Biden nominated her for the role of administrator in April.

FMCSA hasn't had a full-time administrator since Ray Martinez, who stepped down from the post in October 2019. The job has since been held by Jim Mullen, Wiley Deck, Joshi, and Hutcheson, each as acting administrator.

Hutcheson sailed through her committee interview and has the support of trucking's major stakeholder groups, including the American Trucking Associations, the Owner-Operator Independent Drivers Association, the Truckload Carriers Association and the Commercial Vehicle Safety Alliance.

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During Hutcheson's appearance before the Senate committee Chairperson Maria Cantwell (D-Washington) began the questioning by asking Hutcheson about her number one priority for reducing highway fatalities. In response, Hutcheson listed:

- Increasing investigations of high-risk carriers.
- Getting infrastructure funding into the hands of states.
- Closing loopholes so unsafe drivers aren't on the road.
 Before joining FMCSA, Hutcheson served as the deputy assistant secretary for Safety Policy for the Department of Transportation.

Prior to that she was the director of public works for the City of Minneapolis overseeing a team of 1,100 people across nine divisions including drinking water, surface waters and sewers, solid waste and recycling, fleet management, and all transportation functions.

Hutcheson also previously served as the transportation director for Salt Lake City, working to improve all modes of transportation.

PA's overtime rule repealed but federal changes could follow

Compliments of biznewPA

The state budget passed last week axes an overtime rule that would have made more Pennsylvania workers eligible for overtime pay.

But the apparent victory for the business community and GOP lawmakers could be short-lived.

The Biden administration is reportedly weighing an expansion of overtime pay at the national level.

In other words, the long-running fight over who should qualify for time-and-a-half pay is headed into overtime.

Why is this happening: Gov Tom Wolf reportedly accepted a repeal of the state's overtime rule in return for extra spending on the state's poorest school districts, <u>according to the Associated Press</u>. He is expected to sign the budget for the new fiscal year, which starts July 1.

The overtime repeal was <u>celebrated by the **Pennsylvania Chamber of Business and Industry**</u>, which had opposed the state rule.

- Wolf initially proposed an overtime expansion in 2019.
- Slated to take effect in October this year, it would have mandated overtime pay for people making up to \$40,560 per year, higher than the current federal threshold of \$35,568 per year.
- The Pennsylvania threshold would have jumped to \$45,500 per year in October 2022 and then be adjusted every three years based on changes in the average wage of workers not eligible for overtime.

The background: In 2016, former President Barack Obama proposed doubling the salary threshold to nearly \$47,500 per year, up from \$23,600, a move that drew heavy flak from the business community.

 The Obama-era change stalled over legal challenges but the Trump administration eventually enacted a rule in 2019 raising the threshold to \$35,568. It had been \$23,660.

In congressional testimony earlier this month, U.S. Labor secretary Marty Walsh called the current threshold "too low" and said it is under review at the department, according to Bloomberg Law.

"I learned the value of hard work by working hard."
- Margaret Mead

CBC Marketplace investigated these movers. Now police have arrested them

Compliments of CBC News

Group of Toronto-based movers offered low quotes, but costs ballooned after pickup

Following an <u>undercover investigation</u> by CBC's *Marketplace* into a group of national moving companies accused of deceptive pricing, Toronto police have arrested two key figures and charged them with a slew of criminal offences.

The charges come after a raid Friday, as the two bosses arrived at a Scarborough address where the moving companies are based. Within moments, a large police presence descended on the premises, seizing the company's assets and recovering customers' belongings, including family heirlooms and the ashes of at least one deceased person being held by the movers.

A police press release alleges customers were "provided with a low-cost contract for moving their belongings," but once the items were loaded onto a truck, "the men would contact the customers making a demand for more money."

Customers who wanted their belongings delivered "would be forced to pay the inflated prices," often in the thousands of dollars.

Friends and business partners Cemal Ozturk and Dogan Celik, both 30, have been <u>charged</u> with four counts each of fraud, mischief, possession of property obtained by crime and false pretence, as well as conspiracy to commit indictable offences.

Ozturk and Celik were detained for at least 72 hours, until a bail hearing Monday. None of the allegations have been proven in court.

In an email statement at the time of the *Marketplace* investigation, Celik said his companies value customers and treat them with respect, and that his companies will be "doing a full review of all of our operations and procedures to ensure that the companies are following these important company values."

Despite several attempts by phone, registered mail, email and social media, Ozturk could not be reached for comment at the time of the *Marketplace* investigation. CBC has been unable to identify Ozturk and Celik's lawyer.

Customers forced to pay inflated prices

The findings of the police investigation parallel what *Marketplace* producers heard from customers, including during a hidden-camera segment with one of the companies connected to the two men.

A *Marketplace* producer posing as a customer was told her move would cost vastly more than originally quoted. This was only revealed to the undercover producer once the movers had left with her belongings.

Police say Ozturk and Celik operated a series of moving companies offering services across Canada, changing names often as bad reviews would accumulate. Their businesses included O'Canada Movers, Roadway Moving and Storage Inc., SafeBound Moving and Storage Inc., Canadian Principal Movers, All You Can Move, Right on Track Moving, New Vision Moving, Greenway Moving and 12282569 Canada Inc.

It is alleged customers who were unable to pay the inflated prices had their belongings held in an undisclosed warehouse, incurring storage fees.

"It is definitely the scam of the season," Nancy Irvine, president of the Canadian Association of Movers (CAM), said in the spring. Her organization receives complaints from the public about moving companies and different types of alleged scams.

Irvine said CAM has received many complaints connected to the family of companies in the Marketplace investigation.

These companies are not affiliated with her association, which has a rigorous certification process. In fact, CAM issued a warning about the companies on its consumer alerts page in June 2021.

Continued on Page 6

The association is working with police to return or store belongings that were held by the businesses after the police raid.

Other moving companies offer trucks to rescue belongings

During the raid on Friday, the police seized computers and other equipment, while some officers headed into a neighboring warehouse where customer belongings were being stored.

Rocco Scocco, the lawyer for a number of customers of the affected moving companies, said the raid is "the first step." He also said other law enforcement agencies should step up investigations into moving companies that bait customers with budget prices and then switch to much higher costs once they have the belongings.

Over the weekend, families and moving trucks arrived at the warehouse to collect their boxes and furniture. Some of the trucks and crews were donated free of charge by other moving companies. In many cases, customers had not seen their belongings in months — not since a moving truck had come to collect them.

Police also removed a luxury Volvo SUV and Range Rover connected to the business.

Multiple civil lawsuits against Ozturk and Celik are expected to be launched by former customers.

Toronto police believe there are other customers who have been victims, and urge them to contact police as the investigation continues.





1200 New Jersey Ave, SE Washington, DC 20590

JUNE 24, 2022

NOTICE OF ENFORCEMENT DISCRETION DETERMINATION CONCERNING CERTAIN REQUIREMENTS FOR THE HOUSEHOLD GOODS INDUSTRY IN 49 CFR PARTS 371 SUBPART B AND 375

[No. 2022-006]

This document is a temporary Notice of Enforcement Discretion Determination (NEDD). Regulated entities may rely on this notice as a safeguard from enforcement as described herein. This NEDD is to advise the household goods industry, and the individual shippers the industry serves, that the Federal Motor Carrier Safety Administration (FMCSA) is exercising its discretion not to enforce the revised provisions of 49 CFR Part 375 and Part 371 Subpart B, adopted by the final rule issued in Implementation of Household Goods Working Group Recommendations, 87 FR 24431 (April 26, 2022) until October 31, 2022. The rule is scheduled to go into effect on June 27, 2022. In the final rule, FMCSA made a number of revisions to its household goods consumer protection regulations in response to a workgroup established under the Fixing America's Surface Transportation Act, P.L. 114-94 (Dec. 4, 2015). The regulatory changes in the final rule, all of which are subject to this NEDD, can be found in the Federal Register Notice that is attached.

The American Trucking Associations' Moving and Storage Conference (ATA) submitted a request for an extension of the final rule's effective date to December 27, 2022. Its rationale is that the current effective date falls within the peak moving season, which according to ATA runs from May 1 to September 30. According to ATA, during peak moving season, more than 50% of the industry's household goods moves take place. Atlas Van Lines, Inc. (Atlas) submitted a similar request and indicated that it supports ATA's request.

This NEDD responds to ATA's and Atlas' requests, and the Agency's response is described in more detail in its responses to ATA and Atlas, which will be placed in the rulemaking docket.

This Notice acknowledges that business owners in the household goods industry would likely face serious service disruptions in an effort to be compliant by the final rule's effective date of June 27, 2022. This notice creates no individual rights of action and establishes no precedent for future determinations.

Issued: June 24, 2022

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Robin Hutcheson Deputy Administrator

Monday morning, the FMCSA announced an Enforcement Discretion Determination for the HHG Rules that were effective as of today. The agency will not be enforcing the rules changes until October 31, 2022. This follows a request from the ATA MSC.

We are planning to have a webinar regarding these changes closer to the time they go into effect at the end of October.

The Impact of Small Verdicts on Trucking Companies

Compliments of HDT Truckinginfo

If you pay attention to local radio and television ads, you may notice attorneys, big and small, seeking to represent those involved in accidents with a truck. Why? Because there's big money in it for them.

"Even the smallest guys out there, one-man, two-man lawyer shops, are putting out these ads, and trucking fleets are the target. That's absolutely true," explained Steve Stanaszak, partner at transportation law firm Scopelitis, Garvin, Light, <a href="Hanson & Feary, during a session at HNI Risk Advisors' DeRiskathon executive leadership conference in June. "They know that [trucking fleets] all have big policies; you all have assets. This is big money. They're trying to attract it."

While "nuclear verdicts" — awards millions of dollars more than the damages suffered in an accident — are a reality in the trucking industry, what's even more concerning is that the litigious environment the industry is in now means plaintiff attorneys are attempting to maximize value on all lawsuits, explained Stanaszak and fellow Scopelitis partner Jay Starrett.

The smaller claims — the ones that happen thousands of times a day and result in non-catastrophic injuries such as neck, back and shoulder problems and soft-tissue injuries — are now raking in more money than ever before. There are cases where what used to be a \$200,000 claim turned into a \$750,000 verdict. Bluewire Founder and CEO Steve Bryan said juries now have a "numbness to the numbers." (Bluewire uses a data-driven approach to help motor carriers protect themselves against "false narratives.")

The cost of doing business for those claims is skyrocketing, and fleets should pay attention.

"There is, from jurisdiction to jurisdiction, no continuity about how these cases are coming back," Starrett said, calling the environment erratic and unpredictable. "What's happening is this: People have become politically divided. People have cocooned themselves during the pandemic. People are getting their information from limited sources. People are coming into jury pools no longer as sort of a community, but as ... individuals who have their own ideas about what's right and what justice means."

The average size of a settlement payment for a soft-tissue injury in a case with one or two injuries was \$331,000, according to a November 2021 American Transportation Research Institute report, "The Impact of Small Verdicts and Settlements on the Trucking Industry."

Starrett said the environment the industry is in now is a whole new monster.

"We have a history of being able to put a number on [the case files that come across our desk], and Steve and I do this every single day," he said. "Our job is to evaluate claims. Our job is to find the value of what those claims are. I can tell you that within our office we're checking each other on a daily basis, because what we thought we always knew, we're not sure anymore. You know, I'm more unsure about putting a number down today than I probably have in the last 20 years in my career."

All cases are more valuable than they used to be, he said. Although part of that is the rising cost of medical care, what's really leading to unpredictable settlements is the cost of pain and suffering.

"Even when you get a case that you think is a relatively minor case, do the due diligence as you would on a major case, because these smaller cases are becoming more and more expensive," Starrett said.

Starrett advised fleets to have an expert witness, such as an engineer or doctor, on retainer, because expert witnesses have been shown to result in a 25% reduction in average verdict size. He also said fleets should have, and closely follow, corporate policies.

"A good plaintiff's lawyer is not necessarily going after your driver. That's kind of the easy part," Starrett said. "Frankly, a good plaintiff's lawyer is going after you and your practices, seeing whether or not you follow your own internal rules and procedures. When your driver gets on the witness stand, he looks like everybody else. Your driver looks like somebody trying to put food on the table, pay the mortgage ... looks like everybody else on the jury. But the big corporation raking in millions of dollars a year, that doesn't follow its own procedures or doesn't follow all the Federal Motor Carrier Safety regs? That's the target."

Pa. Commonwealth Court permanently blocks Gov. Tom Wolf's bridge tolling plan

Compliments of Pittsburgh Post-Gazette

Pennsylvania's Commonwealth Court on Thursday permanently blocked Gov. Tom Wolf's plan to toll as many as nine major state bridges, including one on Interstate 79 in Bridgeville, ruling his administration had not properly followed state law in getting the plan approved.

A panel from the court sided with the towns of Bridgeville, Collier and South Fayette to end the tolling plan. In a separate case from May, a Commonwealth Court judge imposed a temporary injunction on the tolling projects.

PennDOT has said the bridges are in deteriorating condition and wants to use tolls to pay for replacement and maintenance, while bringing on a private firm to complete the work. The agency got unanimous approval for the proposal from the state's Public-Private Partnership Board in November 2020, and only <u>announced</u> in February 2021 which bridges it intended to use for the program.

The three towns argued the board improperly approved the plan since it did not list affected bridges, and the towns did not receive proper consultation, as required by state law.

The judges agreed, and said in <u>a ruling</u> written by Judge Ellen Ceisler that the towns had "credibly shown that the initiative lacks sufficient specificity, such that the board cannot have performed, and indeed did not perform, all of its essential duties in approving the initiative."

"The board essentially approved a multibillion-dollar transportation project based on what was essentially a four-page PowerPoint recommendation from DOT that failed to delineate which, or how many, pieces of public infrastructure the initiative would affect," Judge Ceisler wrote.

John Smith, a lawyer representing the three towns, said in a statement that they were "pleased" with the ruling.

"PennDOT's wrongful attempt to circumvent the statutorily required municipal input and mandated oversight by the General Assembly by way of its ill-conceived plan to toll 9 bridges in the commonwealth ... was correctly halted," he said.

State Rep. Jason Ortitay, a Republican whose district includes the three towns, also lauded the decision.

"Listening to the arguments in court earlier this month, it was clear PennDOT violated the Public-Private Partnerships (P3) law and doesn't have a leg to stand on pushing this boondoggle," he said. "The state could have saved a lot of time, millions of dollars and energy if the Wolf administration had just played by the rules to begin with and followed the law."

Neither of Mr. Wolf's potential successors, Democrat Josh Shapiro or Republican Doug Mastriano, supports the tolling plan.

PennDOT spokesperson Alexis Campbell said the legislature has "failed" to offer solutions beyond the P3 program to assist with infrastructure funding that is declining because of dropping revenue from the gas tax due to the rise of more fuel-efficient vehicles and the switch to electric vehicles.

"The Wolf administration continues to welcome discussions with the General Assembly on alternative funding sources that can replace the gas tax, which is no longer a dependable source of funding to meet all bridge and highway needs in this commonwealth," she said.

ASSOCIATION LEADERBOARD

PMSA / May 2022 MONTHLY REPORT

Food collected and delivered

MONTHLY

YEAR TO DATE

ALL TIME

241 lbs. 201 meals 1,440 lbs. 1,200 meals

2,449,054 lbs. 2,040,878 meals

Top 5 Agents of 2022:

- 1. S&P Network; 611 pounds
- 2. Bekins Transfer & Storage of Pottstown; 588 pounds
- 3. George Moving & Storage; 172 pounds
- 4. Davcon Relocation Services; 53 pounds
- 5. Bayshore Moving & Storage; 16 pounds



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Dates To Remember

July 4: Independence Day





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Fuel Prices

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U.S. On-Highway Diesel Fuel Prices*(dollars per gallon)full history XLS

Change from

	5/30/2022	6/6/2022	6/13/2022	week ago	year ago
<u>U.S.</u>	5.539	5.703	5.718	NA	2.432
East Coast (PADD1)	5.848	5.922	5.852	NA	2.577
New England (PADD1A)	6.226	6.195	6.122	NA	2.919
Central Atlantic (PADD1B)	6.225	6.196	6.084	NA	2.649
Lower Atlantic (PADD1C)	5.552	5.707	5.736	NA	2.555
Midwest (PADD2)	5.247	5.468	5.631	NA	2.398
Gulf Coast (PADD3)	5.18	5.309	5.37	NA	2.33
Rocky Mountain (PADD4)	5.494	5.591	5.692	NA	2.31
West Coast (PADD5)	6.134	6.441	6.423	NA	2.621
West Coast less California	5.67	5.999	6.022	NA	2.557
<u>California</u>	6.542	6.831	6.887	NA	2.803



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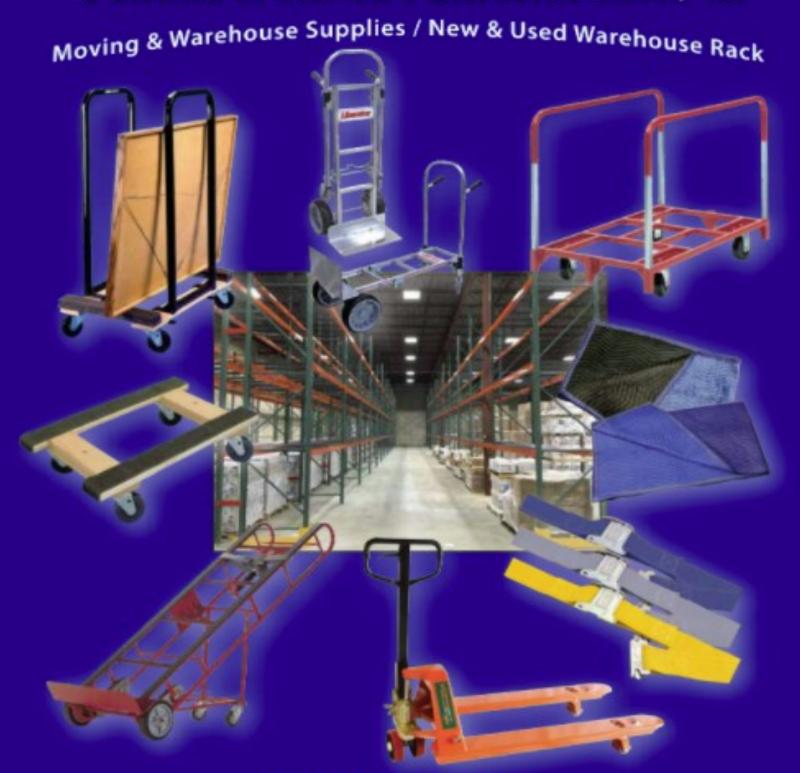
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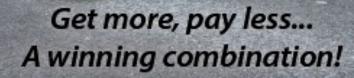
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Clock Boxes

Sofa Boxes

TV Boxes Small, Standard, X-Large

Bubblewrape

Tape

Stretch Wrap

CORRUGATED LIFTVANS





MOVER EQUIPMENT

Mover Blankets

Hand Trucks

Appliance Trucks

Walkboards - Auto Loaders

Mover Bands

Logistic Straps

4 Wheel Dollies

PLASTIC CRATE SALES AND RENTALS



MOVERS PACKAGING

OVER THE ROAD PICK-UP LOCATIONS

NorthEast

Long Island City, NY

New Milford, CT

Brookfield, CT

MidAtlantic

Newark, DE

Manassas, VA

SouthEast

Charlotte, NC

Augusta, GA

MidWest

Clinton Township, MI

Naperville, IL

South

Houston, TX

(Carrollton)Dallas, TX

Albuquerque, NM

West

Aurora, CO

Phoenix, AZ

Santa Ana, CA

Livermore, CA

Lathrop, CA

NorthWest

Tualatin, OR

Kent, WA