

Before the

DEPARTMENT of TRANSPORTATION
SURFACE TRANSPORTATION BOARD

Amendment No. 5 to
Released Rates Decision No. RR 999

231820

ENTERED
Office of Proceedings

FEB 08 2012

Part of
Public Record

RELEASED RATES
of
MOTOR COMMON CARRIERS
of
HOUSEHOLD GOODS

PETITION FOR POSTPONEMENT
OF THE EFFECTIVE DATE OF THE DECISION

EXPEDITED ACTION REQUESTED

AMERICAN MOVING
AND STORAGE ASSOCIATION

Paul C. Oakley
Senior Vice President
Government Affairs

1611 Duke Street
Alexandria, Virginia 22314

(703) 683 - 7410

Dated: February 8, 2012

Before the

DEPARTMENT of TRANSPORTATION
SURFACE TRANSPORTATION BOARD

Amendment No. 5 to
Released Rates Decision No. RR 999

***RELEASED RATES
of
MOTOR COMMON CARRIERS
of
HOUSEHOLD GOODS***

PETITION FOR POSTPONEMENT
OF THE EFFECTIVE DATE OF THE DECISION

EXPEDITED ACTION REQUESTED

Comes now the American Moving and Storage Association (AMSA) on behalf of its member carriers and requests postponement of the effective date of the January 10, 2012 Decision of the Board, as served January 12, 2012 in this proceeding.

Household goods (hereinafter "HHG") carriers have historically been liable for the loss or damage caused to property they transport. See 49 U.S.C. 14706. The Surface Transportation Board (hereinafter "STB" or "Board") allows HHG carriers, pursuant to prescribed terms and procedures, to limit the liability they would otherwise incur by offering consumers a choice of

two alternative carrier liability options based on the rate that the consumer agrees to pay for transportation of its goods.

Section 4215 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (“SAFETEA-LU”), Pub. L. 109 – 59, 119 Stat. 1144 (2005) directed the STB to review current federal regulations addressing the level of cargo liability protection offered by HHG carriers and, if necessary, to revise the regulations to provide for enhanced loss or damage protection. In addition, Section 4207 of SAFETEA-LU in part amended the statutory cargo loss and damage scheme by requiring a carrier’s maximum liability for household goods that are lost, damaged, or destroyed to be equal to the replacement value of such goods, subject to the declared value of the shipment.

In issuing their most recent January 10, 2012 Decision in this matter, the Board is requiring an April 2, 2012 effective date for compliance with their Decision. The Board’s Decision requires that carriers must design and reprint a variety of shipment documentation, make corresponding changes to their internal processes, and undertake an educational effort for their customer service and sales force representatives. In addition, carriers must provide consumer information as mandated by the Federal Motor Carrier Safety Administration’s consumer regulations at 49 CFR Part 375, Appendix A. The April effective date of the January Decision does not allow sufficient time for carriers to make the necessary changes and to obtain updated corresponding consumer information from the FMCSA so as to be in compliance by the April date.

I. IDENTITY of COMMENTOR and BACKGROUND

The AMSA is the largest national trade association representing the segment of the motor carrier industry that specializes in household goods transportation and commercial moving and storage. AMSA has approximately 3800 members, including national and international van lines with agency networks; independent national and regional van lines; local agents affiliated with a van line network; and local unaffiliated movers. AMSA members are domiciled and provide relocation and warehousing services throughout North America and at strategic points throughout the world.

As the representative of the nation's household goods movers, we support effective government regulations and policies which enable our members to provide quality service at compensatory prices. Along with providing advocacy for consumers utilizing professional moving and storage services, we strive to furnish information that informs the public about their rights and responsibilities when they move and the value of professional moving and storage services.

II. SPECIFIC COMMENTS

Need for Postponement of the Effective Date of Decision. While the AMSA is generally in support of the Board's Decision, it will nevertheless require that our interstate carrier members make substantial changes in their shipment documentation and the manner in which they advise their customers of the available shipment options. The Board's Decision means that carriers must have in place a new method for offering the full value protection level of liability to their customers. In order to accomplish this, carriers will need to address the following –

A) We are concerned that the information provided in the FMCSA's required publication, "*Your Rights and Responsibilities When You Move*" will not correspond to the terms of the Board's Decision and, as such, will cause substantial confusion among consumers who compare the information in the FMCSA brochure with the information provided by the mover in complying with the Decision. Postponing the effective date of the Decision will allow the essential time needed for the FMCSA to issue corresponding revisions to their Rights and Responsibilities (R & R) brochure. We have been in contact with the FMCSA who has advised that revisions in their *Your Rights and Responsibilities When You Move* booklet (which is required to be provided to every individual shipper before their move) to correspond with the STB Decision will require a rulemaking and comment period to update Appendix A of 49 CFR Part 375. We believe that it will almost certainly take well beyond the April 2, 2012 effective date of the STB Decision for the FMCSA to complete this process. Our members are concerned, and we believe rightly so, that the information they are required to provide in the R & R booklet will not correspond to the shipment documentation required by the STB, with the end result being understandable confusion on the part of consumers. Our members would like to avoid this confusion by requesting a postponement of the effective date of the STB Decision.

B) In addition, a new Valuation Notice must be added to all estimates which will require redesign and printing of hundreds of thousands of estimate forms. Plus,

since the Decision will affect the valuation declaration provided on the Bill of Lading form it will also require redesign and reprinting of hundreds of thousands these forms as well. Even for carriers that use electronic versions of these forms, the Board's Decision represents a significant reprogramming effort and expense.

- C) Also, a significant educational effort must also be undertaken by carriers to inform and train their customer service and sales force representatives about the Board's Decision and their responsibilities when presenting and discussing the valuation options and limitations of carrier liability with their customers. This effort is essential and must be accomplished with a sufficient "lead time" since household goods shipments are normally booked well in advance of the consumers' desired moving dates. It is common for moves to be booked at least 90-days in advance (estimates are already now being provided to consumers who are planning moves in April and May); so sufficient lead time must be allowed for these changes to be reflected.

In consideration of the foregoing, this Petitioner respectfully requests that the current Decision effective date of April 2, 2012 be postponed to November 1, 2012. This would permit implementation of the required changes that are 1) in concert with the anticipated changes in the FMCSA Consumer Publication at 49 CFR 375, Appendix A, and 2) when movers have had the opportunity to fully incorporate the needed changes into their documentation and operational procedures; namely, after the summer cycle of business when movers are the busiest. Traditionally, the summer season represents at least fifty (50%) percent of a mover's business. During this busy time, movers have little time or

resources available to devote toward changes in their documentation and administrative procedures.

III. CONCLUSION

AMSA respectfully submits its petition for postponement of the effective date of the Decision as described herein. Further, we request expedited action on this petition. The fact that the effective date of the Board's Decision will require implementation of the new released valuation standards well prior to the availability of the accompanying consumer information, as required by the Federal Motor Carrier Safety Administration, will result in considerable unwarranted confusion with consumers in the marketplace. Also, there are a number of other associated changes required throughout each carrier's operation that must be made to conform to the new requirements. And as previously explained this situation is exacerbated by the fact that household goods shipments are normally booked by consumers well in advance of the actual shipment date.

For the foregoing reasons, AMSA respectfully petitions the Board for consideration of this request. We submit that adopting this postponement in the effective date of the Decision will result in better served and informed consumers and eliminate the valuation confusion that is likely to arise from using shipment documentation that is in conflict with the required FMCSA informational booklets.

Respectfully submitted,

AMERICAN MOVING AND STORAGE ASSOCIATION



By: PAUL C. OAKLEY
Senior Vice President - Government Affairs

Dated: February 8, 2012

I, Paul C. Oakley, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this pleading. As executed on February 8, 2012.

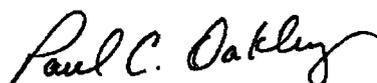
AMERICAN MOVING AND STORAGE ASSOCIATION



By: PAUL C. OAKLEY
Senior Vice President - Government Affairs

I further certify that I have on this 8th day of February 2012 served all parties of record in this proceeding with this document by United States first class mail properly addressed with postage prepaid.

AMERICAN MOVING AND STORAGE ASSOCIATION



By: PAUL C. OAKLEY
Senior Vice President - Government Affairs