

**Surface Transportation Board Affirms Earlier Decision that Truck-Licensing Issues--Including Definition of "Household Goods Carrier"--Should Be Resolved by Federal Motor Carrier Safety Admin.**

Surface Transportation Board (Board) Linda J. Morgan announced today that the Board has issued a decision affirming an earlier ruling that the determination of whether particular trucking companies are household goods carriers ("moving companies") should not be resolved by the Board but, rather by the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT). The Board's decision, along with a recent FMCSA action, should help clarify the role assigned to each agency under the ICC Termination Act of 1995 (ICCTA), which abolished the Interstate Commerce Commission (ICC), reassigned certain of the ICC's responsibilities to the Board, and reassigned certain others to DOT.

Today's decision was issued in a case that began when the Household Goods Carriers' Bureau Committee of the American Moving and Storage Association (HGCB) filed requests with both the Board and DOT for a ruling that certain trucking companies--companies that, according to the HGCB, offer to transport household goods without performing the functions of packing and unpacking the shipments or loading and unloading the vehicles used to provide the transportation--are in fact household goods carriers operating without proper authority. Under the ICCTA, the Board has some responsibilities with respect to rate reasonableness, tariff requirements, and limitations on liability ("released rates") for household goods carriers. However, the determination that a given trucking company is a household goods carrier is fundamentally a licensing function, which, under the ICCTA, is within the subject-matter jurisdiction of the FMCSA, rather than the Board. Accordingly, in a decision issued last March, the Director of the Board's Office of Proceedings (Director) declined to institute a Board proceeding to address the HGCB's request. The HGCB then filed a petition for the Board's reconsideration of the Director's decision. Today's decision affirms the Director's finding that the FMCSA, rather than the Board, is the appropriate agency to make the substantive ruling the HGCB seeks.

The Board's decision notes that the FMCSA already has ruled on the merits of the matter the HGCB has placed before both agencies. In a letter the FMCSA issued last month, that agency found that, on the basis of ICC precedent declining to apply household goods regulatory requirements to general freight trucking companies transporting crated household goods, household goods carrier licenses are not required for the operations the HGCB discussed in the requests it filed with the Board and with the FMCSA.

The Board issued its decision today in *Household Goods Carriers' Bureau Committee --Petition For Declaratory Order*, STB Docket No. 42055. A printed copy of the decision is available for a fee by contacting **D~To-D~ Office Solutions, Room 405, 1925 K Street, NW, Washington, DC 20006, telephone (202) 293-7776**, or via [http://Da\\_To\\_Da@Hotmail.com](mailto:Da_To_Da@Hotmail.com). The decision also is available for viewing and downloading via the Board's Website at <http://www.stb.dot.gov>.

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