

CMSA

April/May 2017

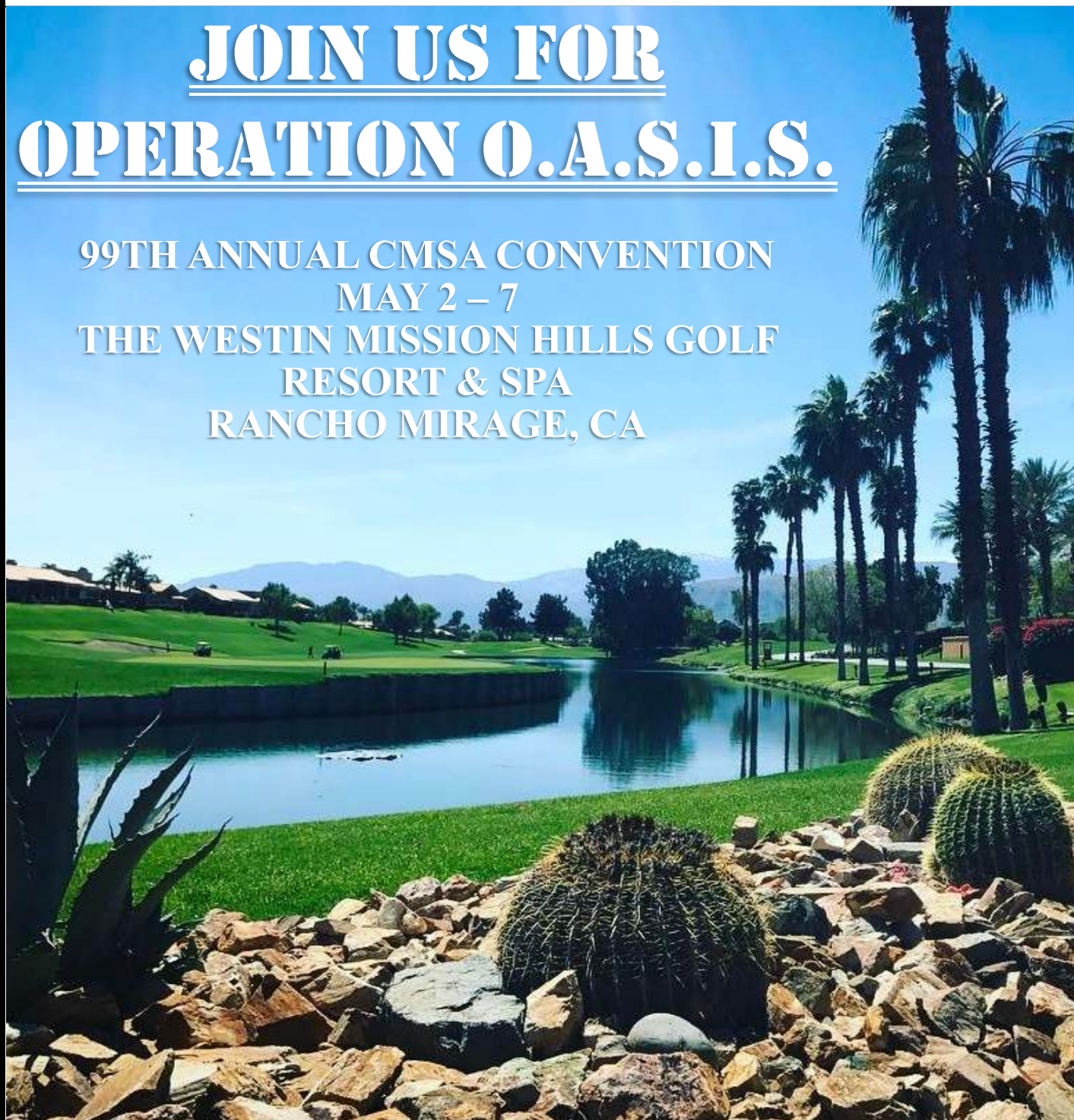
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CHAIRMAN'S CORNER

By Robert Fraser

"Where'd the time go?"

It doesn't seem right that our internal clocks are wound backwards. Didn't it seem that our earliest school years just dragged on and on? That it took forever to get that

driver's license and again to turn 21? As most of us started our families and careers, the time certainly seemed to speed up. Watching our children grow and our jobs expand, we all look back later and say, "Where'd the time go?" Wouldn't it be so much better if our internal clock slowed down as we got older instead of speeding up? Wouldn't it be better if our clocks were wound the other way?

As I embarked on the path this year as your Chairman of the Board, numerous past CMSA Chairs told me to be sure to enjoy every moment of the journey. It's hard to believe that my term is just about over. Where'd

the time go?

I'd like to thank all of our Chapter Presidents for all of their efforts and contributions to our Association. More specifically, I'd like to thank them for hosting those amazing dinner meetings as I toured our chapters throughout the state. I had a blast at each and every one of them. Good food, good people and good times. I'd like to thank all of the companies that I visited along the way. I've always been amazed by the size and diversity of California geographically, culturally and economically. After driving through your cities, touring your facilities meeting with all of the owners, managers and personnel of your companies, I really had no idea. Even though most of us in this industry abide by the same rules and regulations, use the same paperwork and equipment, and pack and load our trucks the same way, I'm impressed by how each of our companies has its own work cultures and personalities. Thank you again for the generosity and enthusiasm that you all showed me along the way.

I want to thank our CMSA President

(CHAIRMAN'S CORNER continued on page 4)



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PRESIDENT'S COMMENTS

By Steve Weitekamp

The final months of the California Moving and Storage Association (CMSA) year, culminating with our annual convention, are always extremely busy. Fundraising events up and down the state, legislative and regulatory activity, and convention planning make for a full schedule. If you don't regularly participate in chapter events, we couldn't encourage you more to take advantage of the chance. That's right: Take advantage. Because there are few opportunities for hard-working movers and industry partners to gather with their peers to enjoy a few hours of fun while raising money for the terrific charity programs that benefit CMSA members and our community. You might even learn something new.

Members of the CMSA board and Government Affairs Committee recently gath-

ered in Sacramento for our annual legislative day. The day began with a briefing in the office of Avocation Inc., where our legislative advocate Chuck Cole and several of his colleagues shared in some detail the current political climate in the California legislature as well as regulatory agencies with whom we engage. In the afternoon, we had meetings with legislators and legislative committee leaders, as well as a discussion with CPUC Director Nick Zanjani, in the historic state Capitol building. We had the special treat of being able to use the governor's conference room for our meetings.

I want to express my gratitude to 2016–2017 Chairman Robert Fraser for his dedication and leadership over the last year. His commitment and support on behalf of the Association and its membership have been of the highest level and he has earned the respect of all who have had the opportunity to serve with him. He now joins an exclusive group in the CMSA. Bob, all of those who have served before you welcome you to the Former Chairman's club. We know that you

(PRESIDENT'S COMMENTS continued on page 4)



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(CHAIRMAN'S CORNER continued from page 2)

Steve Weitekamp for everything. Steve has got to be one of the hardest working presidents of any association in the world. He's got such a passion and wealth of knowledge about our industry that's truly incomparable. I had a great time traveling the state getting to know him and developing what I'm sure will be a life-long friendship.

Lastly, I'd like to thank the CMSA Board of Directors and all of the membership for allowing me the privilege to serve as the 98th Chairman. It has been an experience that I will never forget. I would encourage anyone who has ever thought "maybe I should get involved" to not hesitate. The personal growth and friendships developed with your involvement is unbelievable.

Although I'm closing in on the finish line, I still have more to do and see. By the time

you read this, I will have attended our legislation day at the state Capitol with some of you. We will have met with CARB representatives, CHP officers, CPUC staff and several legislators. We all know that there will be many changes in our industry over the next few years. How those changes will impact all of our businesses will be shared at our 99th CMSA Convention in Rancho Mirage in a few short weeks. I can't wait to see you there!

I ran across this quote from Aristotle that I wanted to write as my last line in my Chairman's Corner. I have no idea what it means but it sure sounds appropriate (and I will ponder it forever):

"Time is not composed of indivisible nows any more than any other magnitude is composed of indivisibles" ARISTOTLE, *Physics*

(PRESIDENT'S COMMENTS continued from page 3)

will continue to serve and be a valued resource for years to come.

If you haven't registered for the upcoming 99th Annual CMSA Convention, do so today. Come join your fellow members for a

couple of great days of education and fun. While you're there, thank Bob for his service and join in the celebration as we welcome in our 2017-2018 Chairman John Lance. See you in Rancho Mirage!



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California's Bumpy Path to Road Repairs

By Lisa Renner, Capitol Weekly

California's already poor roads deteriorated to a whole new level of disrepair this winter. Sinkholes have popped up throughout the state and major roads have closed because of damage.

To cite just a few major examples: Portions of Interstate 80 and Highways 50 and 49 were closed due to mudslides. Parts of Highway 1 remain closed because of storm damage. Numerous local roads were battered severely.

Advocates say there is a backlog of \$130 billion in needed repairs — \$58 billion for state highways and \$73 billion for local streets and roads.

As Californians suffer through crumbling highways from severe winter storms, the governor and legislators are aiming to approve a transportation funding package by April 6 that will start to repair the damage. Some say it's about time.

"If we fail to invest today, we will pay far more deeply in the future," said San Jose Mayor Sam Liccardo, who is part of a group called Fix Our Roads. "The cost of doing nothing is far, far greater than the cost of investing in maintenance."

Democrats are proposing plans that include gas tax and vehicle registration fee hikes. Republicans would instead repay transportation funds, including vehicle weight fees, that have been sent to the general fund.

According to Fix Our Roads, a coalition of local governments and businesses that support the tax and fee hikes, there is a backlog of \$130 billion in needed repairs — \$58 billion for state highways and \$73 billion for local streets and roads.

Republican State Sen. Ted Gaines of El Dorado Hills said the state should prioritize funding for road repair over other government costs, instead of increasing taxes.

(CALIFORNIA'S PATH TO REPAIRS continued on page 6)



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(CALIFORNIA'S PATH TO REPAIRS continued from page 5)

"I resent the fact that (tax increases) are always the solution," he said. "They can't fee you or tax you enough to get the services they need."

Mark Watts of the advocacy group Transportation California said he doesn't think it's realistic for the state to find enough transportation dollars from the general fund.

He pointed to a Legislative Analyst's Office report that said the California Department of Transportation is over-staffed by 3,500 people, wasting \$500 million every year.

It hasn't helped improve roads that the state's excise tax of 18 cents per gallon has not been raised in 24 years. Revenue has remained flat because of more fuel-efficient cars and electric cars on the road. So even though there are more cars on the road,



drivers are using less gas and less tax money is available.

Gov. Jerry Brown wants to increase transportation funding an annual average of \$4.2 billion over the next 10 years. He would increase the gas excise tax by 11.7 cents

per gallon and the diesel excise tax by 11 cents per gallon. His plan would also impose a new \$65 vehicle registration fee.

Senate Bill 1 (SB 1), authored by Sen. Jim Beall, D-San Jose, would generate an estimated \$6 billion annually for roads. It would increase the gas tax by

12 cents a gallon over three years, increase the diesel excise tax by 20 cents and increase vehicle registration fees by \$38. Zero-emission vehicles would have to pay \$100 toward road maintenance and repair.

"We don't want to get on the rollercoaster

(CALIFORNIA'S PATH TO REPAIRS continued on page 7)

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Program Administrator

(CALIFORNIA'S PATH TO REPAIRS continued from page 6)

of the state general fund,” said Chris Lee, legislative analyst for California State Association of Counties.

“This is a first step toward making our roads safer, improving our quality of life and giving a much-needed boost to our economy,” said Beall in a press statement. “With much of our roads and bridge infrastructure past its expected lifespan, rehab and maintenance costs for both the state system and local streets and roads are skyrocketing.”

Watts said he doesn't think it's realistic for the state to find enough transportation dollars from the general fund. There are too many competing interests looking at that money and it would be hard to keep the focus on preserving money for transportation, he said.

Lee agreed. “Our board feels pretty strongly that the proper way to pay for the system is where users pay for it,” he said. “We don't want to get on the roller coaster of the state general fund.”

Emily Cohen, executive vice president of

United Contractors, a union-affiliated contractors association, said her group supports SB 1 because it comes with accountability measures that will protect the investment for transportation. “The money is lock boxed,” she said. “It's transparent. It would have independent oversight.”

SB 1 would establish the independent Office of Transportation Inspector General to perform audits.

It's difficult to find anybody that doesn't agree that California's roads are in crisis. A 2015 report from TRIP, a Washington, D.C.-based nonprofit transportation research group found that four out of five of the nation's metro areas with the worst roads were in California: San Francisco-Oakland, Los Angeles-Long Beach-Santa Ana, Concord and San Jose.

On a scale of 0 to 100 with 0 being failing, the statewide average Pavement Condition Index is 66.

“Infrastructure is a core function of government,” Cohen said. “The Legislature has failed to fulfill this primary and core function of their duties. It's pretty horrifying.”



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CALENDAR OF EVENTS

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- Fri., April 14 Sacramento Chapter
Golf Tournament
- Fri., April 28 Central Valley
Chapter Meeting
- 2017 CMSA Convention
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- April 17-22 2018 CMSA
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Greater LA Chapter Holds Day at the Races Event

By Patrick Longo, Andy's Transfer & Storage

On Sunday, April 2, the Greater Los Angeles Chapter held its 17th annual Day at the Races at Santa Anita Park. This year's event had a great turnout with perfect weather and exciting races.

The event was held at the park's Clockers Corner, where CMSA members had their

own private area next to the track to enjoy.

Thank you all who attended, especially our major sponsors: **New Haven Moving Equipment Corp., Dewitt Companies/ Royal Hawaiian Movers, Champion Risk & Insurance Services, Ship Smart, Rush Truck Fontana and Vanliner Insurance Company.**

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TWO MEN AND A TRUCK Kicks Off Movers for Moms Drive to Help Mothers in Shelters

Community-Supported Program Aids Moms in Crisis on Mother's Day

SACRAMENTO — Though Mother's Day is intended to be a joyous occasion for women across the country, thousands of moms will be overlooked on this special holiday because they are forced to live in shelters as a result of domestic abuse or homelessness.

Heartbreaking statistics from the Domestic Violence Resource Center state that one in every four women will experience domestic violence in her lifetime, and an estimated 1.3 million women are victims of physical assault by an intimate partner each year. Ac-



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cording to a national study from the New York State Office for the Prevention of Domestic Violence, approximately 25 percent of homeless women are homeless because of violence in the home.

To ensure moms in crisis receive the love and appreciation they deserve this Mother's Day, TWO MEN AND A TRUCK Sacramento is hosting its Movers for Moms collection drive to

provide critical gifts to local women staying in community shelters this spring.

This year, the Sacramento moving

(MOVERS FOR MOMS continued on page 13)

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(MOVERS FOR MOMS continued from page 12)

company is working with local pre-schools such as La Petite Academy and Childtime to collect essential and comfort items for women staying at WEAVE.

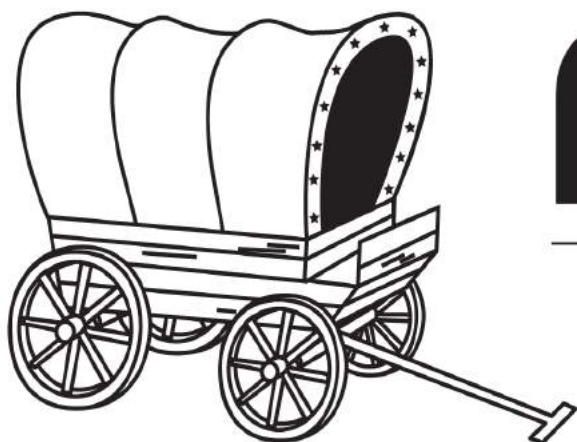
Each year, WEAVE provides safe shelter to 500 adults and children and 24/7 crisis intervention and support to another 12,000 survivors of sexual assault, domestic violence and sex trafficking. WEAVE depends on the community for support to meet an ever-increasing demand for its trauma-informed and victim-centered services.

"The cost and complexity of serving 12,000 individuals with unique needs is significant" states WEAVE CEO Beth Hassett. "Our 10-year relationship with [TWO MEN AND A TRUCK Sacramento] through the Movers for Mom partnership is one of our best examples of how working in partnership with our community ensures survivors receive the support they need to be safe and

thrive. It's through this donation drive that we ensure a family fleeing from a violent home can enter the safe house without worrying about having the most basic essential such as shampoo and deodorant. It's through the efforts of The Fish that the needs of victims can be communicated to caring and compassionate people who will answer this call for help."

This spring marked the 10th anniversary of Movers for Moms. Since its introduction, the program has expanded nationally to 39 states and more than 300 franchises. Last year was the program's most successful year to date, with more than 285,000 items collected for donation to hundreds of shelters across the country. This year, TWO MEN AND A TRUCK's goal was to collect more than 300,000 items for moms in need across the country.

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More Restrictive Restart Provision Appears to be History

By Lyndon Finney/The Trucker Staff

WASHINGTON — The so-called July 1, 2013, 34-hour restart provision that required two consecutive overnight periods and could be used only once a week is history.

The Department of Transportation's Office of the Inspector General (OIG) had sent a letter earlier to the Department of Transportation (DOT) and several members of Congress saying that based on a congressionally mandated study, the 2013 rule did not explicitly identify a net benefit from the use of the two suspended provisions of the restart rule on driver operations, safety, fatigue and health. Less than one week after that letter was sent, the Federal Motor Carrier Safety Administration

(FMCSA) passed on the report to Congress.

The July 1, 2013, rule required two consecutive 1 a.m. to 5 a.m. overnight periods and allowed the use of the restart provision only once a week.

The pre-July 1, 2013, rule, which now becomes the permanent rule, allowed unlimited use of the restart and does not require the two consecutive overnight

Must include two periods from 1 a.m. to 5 a.m.
home terminal time, and may only be used once
per week, of 148 hours, measured from the
beginning of the previous restart.

Suspended

periods.

Congress first mandated the study in December 2014 in the Consolidated and Further Continuing Appropriations Act, 2015, which also suspended the 2013 rule and replaced it with the pre-July 1, 2013 version.

(RESTART PROVISION continued on page 15)



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(RESTART PROVISION continued from page 14)

Congress further reiterated the mandate in the Further Continuing and Security Assistance Appropriations Act, 2017, which was a continuing resolution extending funding for the federal government through April 28, 2017.

The FMCSA sent the final report on the restart provisions to Congress.

Here is the agency's final conclusion to the report:

"The study was not able to demonstrate conclusively that the restart rule that went into operational effect on July 1, 2013, provided "a greater net benefit for the operational, safety, health and fatigue impacts" compared to the restart rule in operational effect on June 30, 2013. Because the study did not demonstrate that the revised restart rule satisfied even the initial outcome requirements in [S]ection 133 of The Act, FMCSA has elected not to re-open the study to assess the additional outcome requirements of the Further Continuing and Security Assistance Appropriations Act, 2017."

Translation: The July 1, 2013, restart rule is dead in the water.

It is considered a victory for trucking interests who have railed against the July 1, 2013, restart provision since it first appeared in the December 2010 Notice of Proposed Rulemaking on Hours of Service (HOS), and became official when the final HOS rule was issued in December 2011 along with the

(RESTART PROVISION continued on page 16)

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(RESTART PROVISION continued from page 15)

July 1, 2013, implementation for that portion of the HOS rule.

"As we expected, the restrictions imposed by the Obama administration in 2013 yielded no safety benefit to America's truck drivers. Had the agency undertaken a more data-driven, inclusive rulemaking process at the time, this long and largely unnecessary process could have been avoided," said Chris Spear, president and CEO of the American Trucking Associations. "That said, this study does highlight an important issue — that there is a need to identify ways to increase the amount of time drivers spend sleeping within the 10 consecutive hours of off-duty time, under the current Hours of Service rules. We agree, and while there is



no way to regulate or mandate what a driver does on their off-duty time, it is why ATA is supportive of initiatives like the North American Fatigue Management Program and similar efforts to educate drivers and work with them on managing fatigue and getting sufficient rest. We look forward to working with FMCSA and DOT on these efforts."

There are some in the trucking industry who feel the more restrictive restart rule was including the 2011 final rule as an olive branch to safety advocates who wanted the FMCSA to reinstitute the 10-hour driving day, which had been in place prior to a major overhaul of HOS in 2003–2004.

The 2011 rule maintained the 11-hour driving day.

(RESTART PROVISION continued on page 17)

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(RESTART PROVISION continued from page 16)

Teamsters General President James P. Hoffa blasted the report.

"The DOT inspector general signed off on a study which had been rigged by the trucking industry from the start. Their friends in Congress attached a rider to a spending bill which dictated the parameters of the study in order to ensure its outcome. DOT had to reach a very high evidentiary bar while examining limited data, and in turn came to a conclusion which runs counter to what Teamsters and common sense knows to be true, that more rest for drivers means greater safety.

"The rollback of these rules is short-sighted and one that could jeopardize the lives of Americans traveling on the nation's thoroughfares. Truckers, like most of us, do their job better when they get proper rest. That was more likely under the HOS rules originally approved in 2013 that required drivers to take two nighttime breaks during a 34-hour period and only use their restart once a week. But lawmakers continued the

process of pushing drivers to the limit, by continuing the suspension of these rules as part of the approval of a budget continuing resolution last December.

"The consequences of curtailing rest breaks could be quite real. Already, nearly 4,000 lives are claimed each year on U.S. highways in accidents involving tractor-trailers. And in the most recent available numbers from 2013, 97 percent of vehicle occupants killed in two-vehicle crashes involving a passenger vehicle and a large truck were occupants of passenger vehicles."

What is frustrating to trucking stakeholders is the fact that the report sat in the office of then-Secretary of Transportation Anthony Foxx 14 months before it was submitted to the OIG, time that could have been spent on other advocacy issues.

The agency had wasted little time in getting the study underway. The study was approved in February and March of 2015, recruitment of drivers to participate in the

(RESTART PROVISION continued on page 18)

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study concluded in April 2015, data collection ended in September 2015 and the report was sent to Foxx in December that year.

"It's unfortunate they came out with the report 14 months after it was complete because the manpower alone dedicated to resolving this issue was astounding since all that time we could have focused on moving the needle on other issues that are equally important, issues that have been bogged down such as autonomous vehicles, hair testing, drug and alcohol clearinghouse ... you name it ... all caught in a logjam because of something that could have been fixed long ago," said Dave Heller, vice president of government affairs for the Truckload Carriers Association.

When the OIG issued its report, Heller said the restart study had been saying for years that requiring the two 1 a.m. to 5 a.m. time periods and limiting the use of the restart to once a week didn't hold any net benefit for the industry.

According to the report, the study:

- Compared work schedules and assessed operator fatigue for two groups of drivers — those operating under the original restart provisions and those operating under the July 2013 restart provisions — each large enough to produce statistically significant results.
- Compared work schedules and assessed safety-critical events and operator fatigue between drivers from a statistically significant sample of drivers comprising fleets of all sizes (e.g., long-haul, regional and short-haul operations) in various industry sectors, including flatbed, refrigerated, tank, and dry van to the extent practicable.
- Assessed driver safety-critical events, fatigue, levels of alertness and driver health outcomes by using both electronic and hard copy records-of-duty status.

- Used data from electronic logging devices to the extent practicable, and
- Developed a plan and final report subject to independent peer review by a panel of individuals with relevant medical and scientific expertise.

The trucking industry has been at odds with FMCSA since the agency first revealed in December 2010 that it was recommending the restart rule be changed to include the two consecutive time periods and the once-a-week restriction, but to no avail, and the new provision went into effect July 1, 2013. Two hundred thirty-five drivers participated in the study — 43 from small carriers, 73 from medium-sized carriers and 119 from large carriers.

Of those, 187 were long-haul drivers, 31 were regional drivers and 17 were short-haul drivers.

One hundred thirty were dry van drivers, 35 were flat-bed drivers, 59 reefer were drivers and 11 were tank drivers.

During the study, drivers were monitored for up to five months, permitting up to 32 duty cycles (observational periods), each of which constituted a unique sampling unit for analysis. Each sampling unit was defined to include the restart period and the duty or non-restart period. The study team recruited

(RESTART PROVISION continued on page 19)

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(RESTART PROVISION continued from page 18)

CMV drivers who indicated they routinely drove duty cycles that involved one of the two restart provisions.

In total, 235 individual CMV drivers provided more than 3,000 restarts for analysis.

Male drivers comprised 95 percent of the sample (mean age: 45 years; range: 22–67 years). Female drivers comprised 5 percent of the sample (mean age: 42 years; range: 26–56 years). All participating drivers were asked a series of questions about their health to identify

whether there were any medication or health issues that could have an impact on their levels of fatigue or alertness. Participating drivers provided a total of 26,964 days of data (17,628 duty days and 49,336 restart days) and drove a total of 140,671 hours



during this field study. Each driver received compensation for participating in the study.

The final report is in stark contrast to a January 2014 release of a field study the agency conducted involving 106 participants, 1,260 days of data and nearly

415,000 miles of driving that were recorded by the truck-based data acquisition systems.

Less than half the participants were long-haul drivers.

The agency said the study proved that the provision would reduce fatigue and improve safety in the trucking industry.

The agency said that real world, third-party study provided further scientific evidence that the more restrictive restart provision for truck drivers was more effective at combating fatigue than the one in force now.

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HISTORICAL PHOTO

As the CMSA closes in on its 100th year, join us in looking back down memory lane at these wonderful historical pictures. If you have any pictures you would like to share, please email them in JPEG format to: rhifumi@thecmsa.org.



This photo was taken at the CMSA Legislative Day on April 4, 2017. CMSA members who attended were Karl Anderson, Sally Bolger (not pictured), Vince Cardinale, John Chipman Jr., Chuck Cole, Ryan Fichtner, Robert Fraser, Alan Freese, Olga Garcia, Griselda Gonzalez, Mark Hegarty, Casey McCann, Tim McCarthy, Mitch Snelson, Fred Wallace and Steve Weitekamp.



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