

Truck Manufacturers Group Files Lawsuit Seeking More Lead Time for CARB Regulation

The Truck and Engine Manufacturers Association filed a federal lawsuit May 27 alleging that California environmental regulators have failed to give manufacturers enough lead time to meet the state's new, more rigid emission standards.

In its lawsuit, filed with the U.S. District Court for the Central District of California, EMA alleges that the federal Clean Air Act requires that manufacturers be given "four full model years" of lead time before new emission standards become effective.

The manufacturers said that the California Air Resources Board gave them only two years.

"On Dec. 22, 2021, CARB adopted the Heavy-Duty Engine and Vehicle Omnibus Regulation, a package of stringent emission standards, test procedures and other emission-related requirements applicable to new heavy-duty on-highway engines and vehicles sold in California," EMA said in a statement. "The Omnibus Regulation requires heavy-duty engine and vehicle manufacturers to comply with the new standards on Jan. 1, 2024, providing manufacturers only two years of lead time."

EMA said the Omnibus Regulations would require engine manufacturers to redesign, test and build their engines to comply

with all of the new requirements.

"This lawsuit is simply to ensure that CARB follows all of the prescribed rules — one of which is intended to maximize the likelihood of the smooth and successful implementation of new emission standards," EMA President Jed Mandel said in a statement.

Specifically, the lawsuit asks

the court to declare that the provisions of the Omnibus Regulations that would take effect starting in MY [model year] 2024 are invalid and unconstitutional under the Supremacy Clause of the U.S. Constitution "insofar as they would apply prior to MY 2026."

The new rule drew support from state air quality officials nationwide, but was opposed by EMA and some trucking industry trade groups, including American Trucking Associations and the California Trucking Association.

The new regulation reduces the current heavy-truck NOx standard from 0.20 grams per brake horsepower hour to 0.050 g/bhp-hr from 2024 to 2026, and to 0.020 g/bhp-hr in 2027.

The regulation also lengthens the useful life and emission warranty of heavy-duty diesel engines for use in vehicles with a gross vehicle weight rating greater than 10,000 pounds. The stringent NOx emission

(CARB LAWSUIT continued on page 4)





CHAIR'S CORNER

by Shiree Hammer

May has come and gone! As challenging as the next couple of months will be, they will likely go by even faster. Known as National Moving Month, May did not disappoint and lived up to the start of the summer peak season.

As movers, we prepare during the slower months for this time of year; however, challenges always seem to arise. One being that consumers do not always plan ahead and wait until the last minute to schedule surveys and moves. Not understanding the true meaning of peak season or capacity issues movers face during the summer months.

This is where unfortunate mistakes can be made, and unlicensed movers are chosen due to availability to service a move over a licensed mover. The rogue operators and brokers seem to have mastered the attentive nature needed to "seal the deal."

The CMSA, BHGS, and FMSCA offer a place for consumers to search for licensed movers. Plus, there is a lot of information online provided by these websites, and others, to help consumers make educated decisions regarding their move.

Question is, how do we get the consumer to plan ahead and research? It is frustrating enough that rogue movers tarnish the industry's reputation but hearing the stories of lost or stolen personal effects makes it even worse.

The FMSCA and BGHS both have options online to file complaints against these movers. The FMSCA has recently updated its website to include a link to find state enforcement agencies as well. Hopefully, this will encourage victims of fraudulent moves to not only file a complaint with FMSCA but in their home state as well.

On May 24th the CMSA hosted a virtual warehouse lien seminar. CMSA President Steve Weitekamp and CMSA Legal Counsel Gregg Garfinkel lead the workshop and educated attendees on sections 7209 and 7210 of the California Commercial Code.

(CHAIR'S CORNER continued on page 4)



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PRESIDENT'S COMMENTS

By Steve Weitekamp

A major issue that remains on the front burner when it comes to the California Moving and Storage Association (CMSA) and the broader moving industry around the country is AB 5 and the labor code modifications to the concept of Independent Contractors vs. Misclassified Employees. One of the tracts to address the challenge is the California Trucking Association's (CTA) Federal Court litigation, CTA v. Bonta. Their case is currently waiting for a hearing at the US Supreme court on the issue of the lower court's decision to initially exclude enforcement of AB 5 on Federally defined Motor Carriers during the term of the litigation. On May 24, the Solicitor General of the United States (Solicitor General) filed her brief in the matter of *CTA v. Bonta*, the industry's challenge to AB 5 related to Federally defined Motor Carriers. Our posi-

tion is that, related to our industry, this case would potentially provide an exemption for pure interstate van line drivers and others who only handle interstate shipments.

As you may have seen, the Solicitor General's office is recommending that the CTA's cert petition be denied. Meaning, the brief states that the US Supreme Court should not hear this case.

This outcome was not unexpected, as this position of Solicitor General is a President Biden appointee, and the recommendation reads as a proponent of the administration's agenda. The CTA and others remain optimistic that the United States Supreme Court (Court) will ultimately grant the cert petition.

The CMSA has donated \$28,700.00, the result of a request to membership, to CTA litigation fund to defend the industry's position on AB 5.

Our business is based on change, for most a move is one of the more significant changes in their life. Yet when the change impacts us directly, we can still feel uneasy.

(PRESIDENT'S COMMENTS continued on page 6)

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(CHAIRMAN'S CORNER continued from page 2)

This seminar also included a review of the warehouse lien rights manual, best practices, warehouse lien procedures, and important forms.

Emphasis on issuing a warehouse receipt was noted as a best practice in and of itself. A warehouse receipt provides information regarding the inventoried items in storage as well as the storage contract details. This form protects the consumer and the warehouse. The notice of lien letter is also crucial and is the first step needed to start the lien sale process. This step is followed by the posting of two legal ads prior to the actual physical auction of the goods.

The CMSA had three of its auctioneer Associate Members in attendance. Ron Scheenstra from American Auctioneers, Dave Hester from Dave Hester Auctioneers, and John Cardoza from Storage Auction Experts joined in and offered advice and knowledge based on their experiences with the auction process and the sale of used household goods.

As great as it was to see everyone online during this seminar, I look forward to the coming months. Visiting each chapter and meeting with the CMSA movers and vendors in person. In the meantime, I wish everyone a smooth, successful peak season.

(CARB LAWSUIT continued from page 1)

standards begin with the 2024 model year engines and become more stringent with 2027 and subsequent model year engines.

"The highly diversified and low-volume commercial engine and vehicle manufacturing industry must design multiple new engine and exhaust after-treatment technolo-

gies, conduct extensive testing to ensure long-term durability, integrate the new systems into extensive distinct vehicle chassis and assure customers that the new products will meet their needs through real-world demonstrations," EMA's statement said.

"EMA's challenge has merit in that the federal Clean Air Act requires four full model

(CARB LAWSUIT continued on page 7)

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The advertisement features a man's face wearing large sunglasses. The reflection in the sunglasses shows a covered wagon. Above the face is a brown moving box with two blue arrows pointing up and the text "THIS SIDE UP". The background is a light blue sky with the words "MOVING Boxes" in a white, bubbly font. The word "PIONEER" is written in large, stylized letters with a red, white, and blue striped pattern. Below the name are social media icons for LinkedIn, Instagram, and Facebook, followed by the company name and address. At the bottom, the phone and fax numbers are listed. A small red apple is visible in the bottom right corner.

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(PRESIDENT'S COMMENTS continued from page 3)

One significant change directly impacting our industry is the dramatic increase in both cost and demand for commercial warehouse space. Over the last number of years, we have seen an increase in demand as a result of the recently legalized marijuana industry's need for space and its willingness to pay a significant premium to existing market prices. We have also seen what Amazon has done to the marketplace. Now we are seeing an almost insatiable demand for space from manufacturing and distribution, as their long-held practice of right-on-time distribution has failed in the pandemic era of lockdowns and log jams. Several long-term and successful CMSA movers with significant commercial real estate holding have been impacted by this market demand.

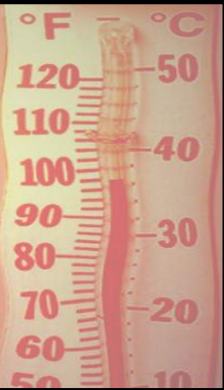
On June 1, longtime CMSA member Beverly Hills Transfer and Storage closed its doors. After almost 100 years and two CMSA Chairmen, father and son, Ralph and Frank Rolapp respectively (we almost had a third generation when Frank's son Terry Pettigrew Rolapp served on the CMSA Ex-

ecutive Committee several years ago) have sold their warehouse to a company that will not use the space for house goods or O & I storage. Another longtime Allied agent and CMSA, Schick Moving and Storage, whose founder Art Schick was also a CMSA Chairman, has ceased its moving and storage operations and is leasing its warehouses to non-moving entities.

For those of us still in the business, capacity remains one of our biggest challenges, Labor, Equipment, and Real Estate continue to be significant challenges for most companies. They also are major factors that must be considered in determining our value to the marketplace.

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Glen Kedzie

years of lead time from adoption of a new emission standard to its implementation date,” said Glen Kedzie, vice president of energy and environmental counsel for ATA. “Such lead time is critical to give manufacturers the ability to financially plan and undertake the necessary re-

search and development needed to engineer solutions to meet any new standard. Congress never intended to afford CARB a lower lead time threshold than that of EPA. To draw such a conclusion is baseless.”

CARB said it could not comment on the pending litigation, but said in a statement, “We can say that of all the measures we rely on to achieve healthy air, the heavy-duty Omnibus Regulation targets the largest contributor of NOx emissions (on-road heavy-duty emissions account for 31% of total NOx

emissions) and is expected to provide the most NOx emission benefits to help the state reach its federal air quality standards.

“These NOx reductions are the equivalent of taking 16 million light-duty cars off the road, resulting in nearly 4,000 avoided premature deaths and 3,150 avoided hospitalizations statewide over the life of the rule. The rule will also have total statewide health benefits of approximately \$36.8 billion and most greatly benefits those disadvantaged communities living in close proximity to heavy truck traffic.

“The benefits of this regulation will be particularly important in California’s most environmentally and economically burdened communities, whose residents live in the shadow of freight terminals, and whose neighborhoods line the busiest freight corridors in the state. It is appalling that anyone would try to weaken this rule.”

Source: *Transport Topics*

Moonlighting OK, But Not Job Performance/Attendance Issues

Can California employers require employees to submit written notification/disclosure that they have a second job?

California is very protective of employees who engage in “lawful conduct,” and it is illegal to discriminate against employees or applicants on the basis of such conduct that they engage in during nonworking hours away from your premises. (See California Labor Code sections 96(k), 98.6).

Lawful Conduct

Having a second job, or “moonlighting,” is one example of such lawful conduct. Requiring written notification as noted above could be violative of their privacy and have a chilling effect on the employee seeking a second job.

This right to have a second job does not, however, prevent an employer from having a rule that employees cannot engage in conduct that actually is in direct conflict with

your essential interests if the conduct would disrupt your operation.

Right to Discipline

Additionally, an employer has the right to discipline an employee who has performance/attendance issues due to working a second job. For example, if an employee is consistently late due to working another job, that may be addressed.

Also, if an employee is exhausted from the long hours at the second job, or can’t work scheduled time, that too is subject to discipline. The discipline would not be for having a second job, but for the primary job performance/attendance.

If an employer decides to terminate an employee with a second job, it is wise to consult with an attorney to guide the employer through that decision to avoid an appearance that the employer is motivated by the employee’s lawful moonlighting.



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Griselda Gonzalez of CG Moving Co. is Appointed to California Insurance Diversity Task Force

SACRAMENTO, Calif. — Insurance Commissioner Ricardo Lara today announced several new appointments to multiple statewide boards to advance the Commissioner's and the Department of Insurance's mission to protect California policyholders.

One of these appointments include CMSA Member **Griselda Gonzalez** of **CG Moving Co.** in South San Francisco, Calif. to the Insurance Diversity Task Force.

The Insurance Diversity Task Force oversees the Department's nationally-recognized Insurance Diversity Initiative, which encourages insurers to increase procurement contracts with diverse business owners, such as a woman-owned, veteran-/disabled veteran-owned, historically disadvantaged community-owned, and LGBTQ+-owned businesses, as well as advance diversity of insurance company corporate boards. The Task Force makes recommendations to the Insurance Commissioner regarding innovative ways to increase diversity within the insurance industry.

"The leaders and entrepreneurs joining these boards are lending their unique experiences and knowledge to protect consumers and I thank them for serving their fellow Californians," said Commissioner Lara. "I have no doubt their contributions will help ensure consumers' claims are honored, push for more diversity in the insurance industry's boardrooms, and expand contracting opportunities for our state's small businesses."

Griselda Gonzalez is Chief Financial Officer of CG Moving Company, Inc., where



she works with corporate clients, government agencies, and non-profit clients in offering office relocation and storage solutions in the San Francisco Bay Area. Her previous experience was in financial services, working for First National Bank of Northern California and then at Cal State 9 Credit Union. She currently serves on the California Moving and Storage Association Board of Directors and is also Co-Chapter President of the Northern Region Chapter,

which has won CMSA's "Chapter of the Year" award four times. She serves on the American Trucking Association-Moving and Storage Conference Board of Directors and represents independent movers. She is also a member of the Golden Gate Business Association. Gonzalez joins the Task Force as an advocate/representative for women business enterprises with a term ending on April 29, 2024.



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Wheaton | Bekins Earns 2022 Fleet Safety Award

Indy company declared best in safety for companies logging over 10 million miles.

INDIANAPOLIS – Wheaton | Bekins – the fourth largest van line in the United States – earned the [American Trucking Associations Moving & Storage Conference](#) (ATA MSC) 2022 Fleet Safety Award in the Over 10 Million Miles category. The industry association awarded the safety recognition at its Annual Meeting in Orlando on Tuesday, March 8.

“Our van line has long been one of the safest on the road, with an outstanding crash record year after year. There is nothing more important than the safety of



ATA MSC Chairman David Marx awards Wheaton | Bekins CEO Mark Kirschner and Wheaton | Bekins president A.J. Schneider with 2022 Fleet Safety Award.

our drivers and each motorist with whom they share the roads,” said Ron Borkowski, Vice President of Operations for Wheaton | Bekins.

Wheaton | Bekins is headquartered in Indianapolis and has undertaken many acquisitions in the past decade. Founded in 1945 as Clipper Van Lines, it became Wheaton World Wide Moving along the way before acquiring

Bekins Van Lines in 2012; Clark & Reid in 2013; Stevens Worldwide Van Lines in 2019; and Arpin Van Lines in 2020.

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CMSA Association Leaderboard Report



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National Van Lines Promotes Susan Staszewski to International Division President

Broadview, IL Apr. 26, 2022— National Van Lines has promoted Susan Staszewski to President of the National Van Lines, International Division.

Starting with National Forwarding Company in 1989 as Domestic Military Dispatcher, Susan moved up to Operations Manager, Office Manager. In 2001, she joined National Van Lines, International division as Managing Director. Susan was appointed Vice President of National Van Lines, International Division in 2011, and then Executive Vice President in December 2018.

Over the last 20 years, the International Division has seen tremendous growth under Susan's leadership, becoming a multi-



million-dollar revenue source for parent company National Holding Company. Her broad base of experience and strong leadership skills have fueled the growth and development of the International Division, which operates autonomously as a separate profit center.

Susan is an Executive Board member with the International Association of Movers. She is Chair of the Claims Committee and a member Government Traffic Committee

for that same organization. She is a past member of the former American Moving & Storage Association International Committee and has been a Global Mobility Specialist with Worldwide ERC since 2004.

(STASZEWSKI continued on page 19)

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Yolo Transfer Awarded Agent of the Year

WOODLAND, Calif. -- Yolo Transfer of Woodland, Calif., was awarded Stevens Worldwide Van Lines 2021 Agent of the Year this month at Stevens Worldwide's third annual Van Line Summit & Awards Gala. The award is given to the top interstate agent for Stevens Worldwide Van Lines that exemplifies putting customers first and the characteristics of quality, professionalism, empathy for customers, fellow agents, drivers and van line employees.

Owner/President Josh Tracy acquired Yolo Transfer in 2011, and the company joined Stevens in 2016. The Wheaton Group acquired Stevens Worldwide Van Lines in 2019, with Yolo Transfer continuing to act as a Stevens agent. In 2022, the van line has transitioned the California moving

company to become an agent for another of its brands, Bekins Van Lines, so Yolo has the privilege of being the final Stevens Agent of the Year in the van line's history.

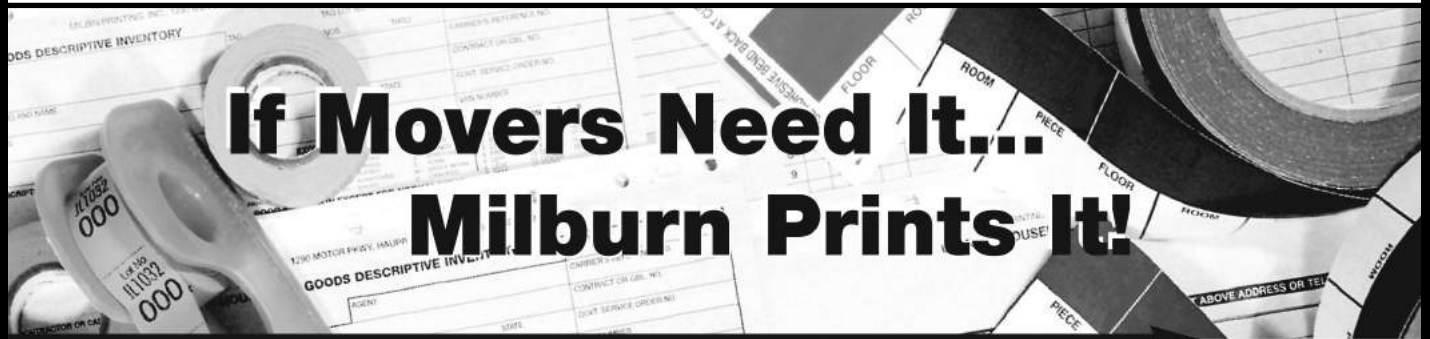
"Yolo Transfer has been a terrific partner to our van line network," said Mark Kirschner, CEO of The Wheaton Group. "The agency consistently provides a great customer experience the whole way through the moving process, which is why we're proud to call Yolo Transfer our 2021 agent of the



Yolo Transfer team accepts Agent of the Year trophy onstage from Stevens executives.

year."

Yolo Transfer earned the Agent of the Month distinction in June 2021, the agency's third Agent of the Month award. Other recent awards include the 2021 Spire award, the 2021 Bronze Hauling award and the 2021 Bronze Sales award.



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FMCSA Issues 'Notice of Intent' to Require Speed Limiters on Heavy Trucks

The Federal Motor Carrier Safety Administration on April 27 issued a notice of intent to move forward with a rulemaking to require the use of speed limiters for commercial motor vehicles.

The notice, which does not specify a specific speed, will follow up on a Sept. 7, 2016, joint proposal by FMCSA and the National Highway Traffic Safety Administration.

"The notice of intent provides a series of questions to gather information and data to assist FMCSA in drafting a Supplemental Notice of Proposed Rulemaking," the notice said.

"The supplemental rule would propose requiring interstate motor carriers that currently operate CMVs with electronic engine control units to set a maximum speed to be determined through the rulemaking process. After reviewing the public comments to the notice of intent, the future SNPRM will present the proposed regulatory text, estimated costs and safety benefits of using speed limiters."

Officials said the speed limiter rule would offer significant safety benefits.

"The National Roadway Safety Strategy identified speed as a major factor in fatal crashes, and speed management as a primary tool to reduce serious injuries and fatalities," the notice said. "FMCSA envisions the rule as a commonsense approach to reducing crashes and saving lives as the agency continues to work with drivers and

advocates for the CMV community towards a goal of zero lives lost on our nation's roadways."

"FMCSA is moving forward with this rulemaking because of concerns about the number of CMV crashes and fatalities traveling

at high speeds. In 2019 alone, there were nearly 900 fatal crashes in areas with posted speed limits over 70 miles per hour."

Public responses will be accepted for 30 days once the Notice of Intent is published in the Federal



The proposed regulation would require vehicles weighing more than 26,000 pounds be equipped with a speed limiting device set to a maximum speed to be specified in a final rule.

Register, the notice said.

In a statement, American Trucking Associations said it is pleased that FMCSA is pursuing "a constructive, data-driven approach to the issue of truck speed limiters in its latest proposal."

"We intend to thoroughly review FMCSA's proposal, and we look forward to working with the agency to shape a final rule that is consistent with our policy supporting the use of speed limiters in conjunction with numerous other safety technologies," said ATA President Chris Spear.

The proposed regulation, as originally crafted in 2016, would specifically require vehicles weighing more than 26,000 pounds be equipped with a speed limiting device set to a maximum speed to be specified in a final rule. It would require motor carriers operating such vehicles in interstate commerce

(NOTICE OF INTENT continued on page 19)

(STASZEWSKI continued from page 15)

"Susan's promotion to President of National Van Lines, International Division is a testament to her outstanding work in growing the revenue and profitability of the international division," Tim Helenthal, Chairman & CEO of National Van Lines, Inc. said. "She's a tremendous asset to the organiza-

tion and I'm very proud to have her be a vital part of our continued success."

"I'm excited to lead the International Division as President. It's been an honor to be part of the International Division's growth and development for the last 22 years, and I'm looking forward to many more successful years as President of National Van Lines, International Division." said Susan.

(NOTICE OF INTENT continued from page 18)

to maintain functional devices set to that speed for the service life of the vehicle, according to the notice of intent.

At the time of the earlier proposal, FMCSA and NHTSA stated that all vehicles with electronic engine control units are generally electronically speed governed to prevent engine or other damage to the vehicle. "This is because the ECU monitors an engine's RPM, from which vehicle speed can be calculated, and also controls the supply of fuel to the engine," the notice of intent said.

DOT officials at the time touted the origi-

nal proposal as not only offering significant safety benefits, but also fuel savings.

"In addition to saving lives, the projected fuel and emissions savings make this proposal a win for safety, energy conservation, and our environment," said then-Transportation Secretary Anthony Foxx.

"This is basic physics," then-NHTSA Administrator Mark Rosekind said in 2016. "Even small increases in speed have large effects on the force of impact. Setting the speed limit on heavy vehicles makes sense for safety and the environment."

Source: Transport Topics

CALENDAR OF EVENTS

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CMSA Donates a Total of \$10K to Charities at the 2022 Convention

Through the fundraising efforts of the California Moving & Storage Association's 12 chapters, the Special Olympics of Northern California and Grateful Gatherings each received a \$5k ceremonial check at the 2022 CMSA Convention held at the Peppermill Resort Spa Casino in Reno, Nevada on April 19, 2022.

Special Olympic Athlete Eric Dart and Director of Corporate Sponsorships Vanessa King was there to accept the donation and thanked the delegates for their generosity.

Grateful Gatherings, with the CMSA Board's approval, was CMSA 2020-2022 Chairman John Chipman Jr.'s Chairman's Choice Charity. Co-Founders Donna Wright Somerville and Chris Flitter were appreciative, not only for the monetary donation, but also for the in-kind donation of moving services provided by Chipman Relocation & Logistics over the years.

CMSA President Steve Weitekamp, Special Olympic Athlete Eric Dart, and Special Olympic Dir. of Corporate Sponsorships Vanessa King.



CMSA President Steve Weitekamp, Grateful Gatherings Co-Founders Donna Wright Somerville and Chris Flitter, and CMSA 2020-2022 Chairman John Chipman Jr.



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