



Ryan Bowley
Executive Director, Moving & Storage Conference

306766

June 20, 2023

Ms. Mai Dinh
Director, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
June 22, 2023
Part of
Public Record

RE: Petition for Advisory Opinion on Reasonableness of Limited Hourly Interstate Moving Rates and for Released Rates Order Amendment No. 6, Docket No. RR 999, Submitted by The Small Business in Transportation Coalition, May 30, 2023

Dear Director Dinh,

The American Trucking Associations' Moving and Storage Conference (ATA-MSC) urges the Surface Transportation Board (STB / Board) to dismiss in full the petition to Docket No. RR 999 filed by The Small Business in Transportation Coalition (SBTC Petition) on May 30, 2023 with no further action.

ATA-MSC is the national trade association for the professional moving and storage industry. Our members handle uniquely regulated commodities and are required to adhere to stringent and specific federal regulations when conducting interstate moves to ensure certain protections and fairness for consumers. According to a 2021 economic impact study, the moving industry accounts for more than \$90 billion in economic output and employs nearly 500,000 Americans.¹

The SBTC Petition first asks the Board allow movers to "offer interstate moving consumers hourly rates in their tariffs."² The Board should dismiss this portion of the Petition as Federal statute does not allow for hourly rates for household goods shipments under a nonbinding estimate:

*Nonbinding.-A nonbinding estimate under this paragraph must indicate that the **actual charges will be based upon the actual weight of the individual shipper's shipment** and the carrier's lawful tariff charges. The carrier may not impose a charge for providing a nonbinding estimate.*

- 49 United States Code 14104(b)(1)(C)(iii)

Federal regulations further emphasize that final charges on moves under a nonbinding estimate must be based on the actual weight of the shipment:

*A non-binding estimate is what you believe the total cost will be for the move, based upon both the estimated weight or volume of the shipment and the accessorial services requested and the physical survey of the household goods, if required. A non-binding estimate is not binding on you. **You will base the final charges upon the actual weight of the individual shipper's shipment and the tariff provisions in effect.***

- 49 Code of Federal Regulations 375.401(b)(2)

¹ "The American Trucking Associations Moving & Storage Conference Economic Impact Study", October 2021. AVAILABLE: <https://www.trucking.org/news-insights/new-report-outlines-economic-impact-moving-and-storage-industry#:~:text=Industry%20Directly%20Supports%20More%20than%20186%2C000%20Jobs%2C%20%2432,and%20has%20%2432.2%20billi on%20in%20direct%20economic%20activity>.

² SBTC Petition at 8.

Finally, the Board has noted in Amendment No. 5 to the Released Rates Rule the requirement that charges for moves under a nonbinding estimate must be based on weight:

*"There are various ways to estimate the cost of a move, including the weight of the goods or the cubic feet or linear feet that the goods occupy. For a binding estimate, the mover may use whatever estimating method it chooses, and as long as the customer agrees to the estimate, that is the price that should be charged for the move. **For a move under a nonbinding estimate, by contrast, whatever the basis of the estimate, the charges actually billed to the customer must be based on weight.**"*³

The SBTC Petition further requests that the Board amend the Released Rates Rule to adjust the minimum per-pound valuation for inflation. Since 2006 the Board has provided individual household goods movers with the authority to independently and optionally index the value level at their discretion, and our understanding is that many moving companies have done so in response to consumer demands. As such, a change in policy is not necessary.

ATA-MSC greatly appreciates your attention to this matter and thanks you for your continued engagement, support, and guidance for the HHG industry and with the ATA-MSC.

Sincerely,



Ryan Bowley
Executive Director, Moving and Storage Conference
American Trucking Associations

CC: Parties of Record

³ Released Rates of Motor Common Carriers of Household Goods Docket No. RR 999 (Amendment No. 5), Surface Transportation Board, January 12, 2012, at 9.