

# O'Brien's Moving & Storage

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IRRC

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3041

April 1, 2015

Mr. John Mizner, Chairman  
IRRC  
333 Market Street 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear John:

This is in reference to the April 16, 2015 public meeting on the PUC final rulemaking order #57-298. "Household Goods in Use Carriers and Property Carriers (IRRC #3041)". My company, as well as several others feel that the order has several shortcomings that will drastically effect the moving industry. I have four main issues with the order, all of which has been addressed with the PUC via letters and face to face meeting. The four issues are:

- (1) Requiring all movers to be domiciled within the state. Require them to have "brick and mortar" locations to keep their trucks and equipment. Require them to get their vehicles registered within the state. Our neighboring states of New Jersey and New York have this requirement. Not requiring gives out of state movers an unfair competitive advantage and takes much needed tax revenues out of the state. Apparently for legal reasons, we have had to take the arduous route with this and introduce legislation to approach the domiciliary requirement.

Items (2), (3) and (4) are all closely related.

- (2) Require all new applicants to carry workmen's compensation insurance at the minimum level of \$750,000 that all existing movers must have. Workmen's Comp coverage is very expensive. It is very expensive for a reason. The moving industry is classified in the highest category of "heavy industrial", due to the risk of injuries. Not requiring it not only leaves current movers at a severe disadvantage but puts the consumer at risk. If any worker is injured while in the house or on the consumers property and they do not have coverage, the consumer can be held responsible for. This is a serious omission, and must be part of the applicant approval process.



Other Locations:  
O'Brien's Moving and Storage, Leesport, PA  
O'Brien's Moving and Storage of NJ, Lebanon, NJ

- (3) All applicants must have proof of paying payroll taxes and unemployment compensation taxes. To obtain legitimate workmen's comp coverage (not independent contractor workmen's compensation), all moving businesses must provide proof of payroll when applying for insurance, and then that payroll is audited each year by the insurance companies through the employer UC2-A's (quarterly unemployment compensation wages report). Not requiring applicants to have proof of workmen's compensation insurance and payroll and u/c taxes paid allows unscrupulous and rogue movers (that are a huge problem) to pay all their employees cash. In addition to giving them a completely unfair advantage, it denies the state a large amount of workmen's compensation fund revenues, payroll taxes and unemployment compensation fund taxes. Worse yet, it allows these unscrupulous movers to by-pass the all important background check. The driver in the tragic accident enclosed never would have been allowed to drive for a licensed mover, as he would not have been insured.
- (4) The illegal or "rogue" mover problem. Due to the onset of the internet, this is a huge and growing problem. For various reasons, the PUC has been woefully inept at addressing this problem. They actually even address it in the order, stating that they need to be more "vigilant". How do you draw up an order, state in the order that you have a deficiency and not address how to fix it?? We have been able to get legislation drafted to increase the fines, etc. for this criminal activity. However, without proper enforcement the fines are meaningless.

I can't emphasize enough how much we need the IRRC's help in getting the rulemaking order stopped in its current format. Myself, and most of the industry have concurred that some of the PUC laws are antiquated. We recognize that the requirement for "need" is outdated, and have no problem with statewide authority. However, the four issues mentioned here must not be separated from the order. The goal should be to improve the industry, not hurt it. I haven't spoken to one mover that has a problem with increasing competition. There are some types of moves that we just don't want, and during the summer season there are some moves that we cannot handle. However, the effect of the order should not be to create unfair competition by establishing an unlevel playing field. This will only drive honest, legitimate taxpaying movers out of the business. An industry by the way, that the Attorney General's office gets practically zero complaints on. I highly doubt there is any other state that can boast of this.

Thank you for your time and consideration.

Sincerely,

*Rick Christ, President*

Rick Christ, President  
O'Brien's Moving & Storage, Inc.

cc: Scott R Schalles



**Severe weather alert in Philadelphia, Northampton, Bucks, Lehigh, Monroe and Carbon counties.**

December 9

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## Man must face court on charge he caused deadly Route 22 crash in Whitehall

By Manuel Gamiz Jr.,  
Of The Morning Call

NOVEMBER 25, 2014, 7:33 PM

A woman moving from Brooklyn, N.Y., to Whitehall Township in late May noticed a heavy smell of cigarettes, and possibly alcohol, on one of the movers, she testified Tuesday.

Dina E. Leh said she and her mother drove ahead of the moving truck and had almost made it to Leh's new home when she got a call from Robert J. Kritzar, driver of the moving truck.

"He said, 'Just called to let you know we're leaving Manhattan,'" Leh testified, adding that Kritzar sounded giddy and was cursing.

Leh testified she asked what time he'd be at her new home and was shocked when Kritzar responded, "I don't want to be in this [expletive] city any longer than you want me to be."

Hours later, state police investigators said, Kritzar smashed into the back of a Jeep Wrangler on Route 22 in Whitehall, killing Nathan Warke, 34, of Allentown.

A state police accident reconstruction expert testified Kritzar, 42, of Hellertown, was going 66 mph in stop-and-go traffic and took 3 seconds to finally slam on his brakes after Warke had stopped for traffic ahead of him. Kritzar's box truck was "embedded" in the back of Warke's vehicle, police said.

District Judge Wayne Maura determined Kritzar must face Lehigh County Court on charges of homicide by vehicle while driving under the influence of alcohol, homicide by vehicle, driving under the influence, reckless endangerment and summary offenses in the May 28 three-vehicle crash.

Police said that when Kritzar crashed into the rear of Warke's Jeep at 8:30 p.m., the Jeep crashed into a tractor-trailer. Frederick Ackerman, driver of the rig, testified he was going west on the highway when he had to brake hard because traffic had backed up. He said he heard a crash from behind, and then his rig was rear-ended.

State Trooper Robert Griffin testified he arrived at the scene and tried to talk to Kritzar, who was out of it, repeating "I killed a guy, I killed a guy." Police said that about an hour after the crash, Kritzar's blood-alcohol content was 0.22 percent, nearly three times the legal limit to drive in Pennsylvania.

Javier Alvarez was one of the first troopers at the scene, near the Lehigh River, where he and an unidentified paramedic checked on Warke and found no signs of life.

Brianne Glad, a state police accident reconstruction expert, testified that while it took Kritzar 3 seconds to apply his brakes, the normal reaction time would have been 1.6 seconds.

"Not being impaired, he may have been able to slow his vehicle, hit his brakes on time and not hit the vehicle in front of him," she testified.

According to court records, Kritzar was charged in 2012 with drunken driving by Lower Saucon Township police. He pleaded guilty and was sentenced to six months of probation, court records state.

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