

# McNees Transportation, Distribution & Logistics Group



Transportation, distribution and logistics are major players in the Pennsylvania economy. McNees has a group of attorneys from diverse disciplines and backgrounds who routinely serve clients in the following areas:

## Enforcement and Compliance

We provide counseling on transportation logistics and the law, specifically focusing on the Federal Motor Carrier Safety Regulations, the Pennsylvania Vehicle Code, the Public Utility Code, the International Fuel Tax Association and the International Registration Plan. This includes defending significant motor vehicle code violations, assisting with driver license matters and handling regulatory matters with the Pennsylvania Department of Transportation (oversize and overweight vehicles, registration matters, vehicle inspection issues, driver license matters, hours of service); the Federal Motor Carrier Safety Administration (operating authority issues, defending notices of violations, CSA (Compliance Safety & Accountability) issues and concerns), the Department of Revenue (fuel tax issues, exemption status for common carriers) and the Public Utility Commission (operating authority, defending enforcement actions, public rail crossing issues).

## Distribution and Logistics

We provide counseling on a myriad of distribution and logistics issues, including preparing transportation agreements (including shipper/broker, shipper/common carrier, and shipper/dedicated carrier agreements), assisting clients to prepare transportation RFP's, dealing with broker disputes, responding to warehouse and storage concerns and disputes, preparing form bills of lading with appropriate terms and conditions, and resolving and litigating freight claim issues.

## Employment

McNees provides advice and counseling on employment issues as they specifically relate to transportation law. These include independent contractor (owner-operator) issues and concerns, pre-employment and ongoing employee screening, employee training, employee discipline

and termination, drug and alcohol testing and medical card compliance. We also represent employers in union matters.

## Business Issues

We routinely provide advice and counsel on business matters. This includes setting up transportation and brokerage companies, and providing tax and foreign qualification advice.

## Tax

We have considerable experience representing motor carriers in IFTA audit assessment appeals before the Department of Revenue's Board of Appeals, the Board of Finance and Revenue, and in Commonwealth Court. Additionally, we have extensive experience in representing railroad companies in Public Utility Realty Tax Act ("PURTA") appeals regarding proper tax classifications at the various county assessment appeal boards, the various county courts of common pleas, the Board of Finance and Revenue and Commonwealth Court.

## Training

We train managers, employees and drivers in transportation related areas, including hours of service, PennDOT and FMCSR compliance, and effectively dealing with law enforcement.

## Railroad

Railroad law is interdisciplinary and requires expertise from practitioners with various backgrounds. McNees attorneys have considerable experience before the Pennsylvania PUC, which has jurisdiction over safety issues regarding construction, relocation, suspension, and abolition of public highway-railroad crossings. Outside of public crossings, railroad companies are subject to a patchwork of laws inherited from the earliest days of the industry. Where the economic development of real estate is complicated by the existence of a railway line, we can assist clients with navigating ancient laws and securing current rights, such private crossings, maintenance agreements, and leases with railroad companies.

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