



## Transportation

### Members

- Jay Sabin

**Brach Eichler's Transportation Industry Law Group focuses on the legal issues facing carriers, logistics suppliers, and mobility providers.** Our team's passion for excellence, in-depth substantive technical knowledge, and extensive experience can help you successfully address even your most complex legal problems.

With increasing demand comes increasing challenges: increased technical, economic regulation; increased emphasis on greener, more sustainable ways of transporting goods; managing big data through technology; maintaining safe operations and economically viable insurance coverages. Customers demand more for less. Congestion and capacity constraints present daily operational challenges.

Members of our team have a thorough knowledge of the initiatives and rulemakings of the Federal Motor Carrier Safety Administration (FMCSA) and local DOTs and we can provide advice on regulatory issues.

Our expertise extends to the complex legal issues arising from multimodal, freight claims, including the efficient resolution of disputes through mediation. We advise on the drafting and interpretation of bills of lading, contracts of carriage, and other commercial documents such as: equipment purchases and leasing, master services agreements, and independent contractor and owner-operator agreements.

Additional support comes from the firm's extensive skills in areas of competition law, corporate transactions and financial services, litigation, tax, and employment and labor.

The transportation legal team, led by [Jay Sabin](#), provides clients with counsel on matters such as:

- Negotiating commercial transportation contracts for shippers, carriers, brokers, and freight forwarders
- Compliance with Title 49 and FMCSA regulations, including drug and alcohol testing
- Independent contractor/owner-operator relationship management, including Part 376 lease compliance
- Cargo claim administration and litigation
- Negotiating third party service contracts for dedicated logistics services

- Establishing new employment terms when awarded a services contract with a pre-existing workforce
- Federal pre-emption of state workplace laws
- Responding to the catastrophic accident
- Acquisition, merger, disposition, and investment in transportation-related companies
- Succession and estate issues for family and closely-held businesses

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## Representative Engagements

- Negotiated master logistics and motor carrier transportation outsourcing agreement with an international food manufacturer
- Implemented a drug and alcohol testing program in compliance with FMCSA regulation and state legalization of cannabis
- Successfully managed NHTSA product recall matter and related automotive product import issues for consortium of international exporters
- Obtained an injunction precluding shipper from terminating its transportation agreement with carrier
- Maintained the independent contractor status of hundreds of owner-operators
- Ensured compliance while converting a fleet to electronic hours of service recordkeeping system
- Negotiated a master service agreement for an enterprise-wide Transportation Management System (TMS)
- Obtained multi-million dollar settlement in insurance coverage dispute
- Created an AB5-compliant gig relationship structure for a California-based tech company

\*Results may vary depending on your particular facts and legal circumstances.

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## Insights

- [2/2/2022 - Transportation Alert: DIY Motor Carrier Fixes to Supply Chain Problems: Hours of Service](#)
- [12/14/2021 - Transportation Alert: DIY Motor Carrier Fixes to Supply Chain Problems: Cannabis](#)