

## TRADEMARK SURPASSES ASSET-BASED CARRIER STANDARDS

The primary concern when tendering orders is “Will my shipment be well cared for?” Whether a supplier is an asset-based carrier, a traditional broker, or a freight forwarder carrier like Trademark Transportation, will they provide the care and oversight to assure it meets my requirements?

Trademark has the proof and results to show they provide greater care, oversight and assurance than most transportation providers. It’s not about what they are. It is all about what they actually do.

Proof of what Trademark does is their Quality Management System which is ISO 9001:2008 certified. It has three quality objectives – On Time, Intact and No Surprises. The thorough practices and procedures Trademark has put in place results in high customer satisfaction, minimal claims and strong on-time delivery. This approach is audited by a qualified third party twice a year.



Trademark Transportation operates as a true freight forwarder carrier. Oftentimes people think this is the same as a broker, but this is not legally correct. As a freight forwarder carrier, Trademark functions more like an asset-based carrier than a traditional broker. Trademark always operates as a freight forwarder carrier, which as this document explains is different than a broker.

In fact, Trademark has been selected as the Carrier of the Year by a Fortune 500 company. Trademark beat out 100 other asset-based carriers for the award.

### Defined as a Carrier

Actually, as a licensed freight forwarder<sup>1</sup>, Trademark Transportation is defined as a carrier, not as a freight broker. Trademark Transportation provides all the care, coverage and protection over its customer’s shipments as an industry leading, asset-based carrier.



To be a licensed freight forwarder carrier a company is required to meet three critical requirements. It must 1) assemble, consolidate and distribute multiple shipments; 2) assume direct responsibility for the shipments from point of origin to destination; and 3) only use regulated carriers, licensed and properly insured.

Not everyone who calls themselves freight forwarders meets these three required criteria, especially when it comes to taking direct responsibility for the shipments.

<sup>1</sup> Surface Freight Forwarder Deregulation Act of 1986 49 U.S.C § 13102 (8)

This has led to confusion in the industry. In Trademark's case, it's their ability to deliver on these three requirements that truly sets them apart.

Trademark Transportation meets all these requirements in providing LTL, transportation and logistics services to its customers. Trademark Transportation facilitates and oversees its customer's shipment from start to finish. It carefully verifies, manages and evaluates its underlying carriers. It confirms their operating authority, insurance coverage and safety rating status on an ongoing basis. Most of these carriers are in continuous service to Trademark Transportation, much like a private fleet. One of these carriers (Trademark Transport) is commonly owned.

Every one of these carriers is under a clearly and exclusively defined contract. The contract's requirements are detailed and specific to the standards and practices needed from the carrier to effectively deliver Trademark's quality objectives (On Time, Intact, No Surprises) for Trademark's customers.

## Shipments Carefully Monitored

Trademark Transportation supervises every load personally, communicating directly with the drivers and the underlying carrier's management. Trademark takes their customers' shipments and products seriously. The communication between Trademark and its underlying carriers regarding their loads is greater than brokers and even most asset-based carriers.

The carrier and driver are thoroughly briefed on their load and its requirements, including any highly sensitive products or shipment characteristics. Every driver during cross dock is personally walked through the details of the shipment, product care requirements and timing issues by Trademark staff. The drivers are provided printed, detailed instructions.

While under load, they are required to make routine, scheduled check calls based on the load's characteristics. They confirm temperature at pickup and delivery. They maintain contact with Trademark's load coordinators while moving the load and report on timing and temperature issues. The traffic coordinators are in constant communication with drivers and receivers to insure that everything remains on track. Traffic coordinators keep a specific record of the driver's performance during each shipment. Any problems are recorded and the Transportation department keeps an extensive database to track carrier and driver performance.

These are just a few of the consistent practices of Trademark's care for customer's shipments. More can be learned by reviewing Trademark's Quality Management System and their Product Protection Program.



## Full Cargo Liability Protection

Unlike a freight broker, which simply arranges the transportation, a forwarder is defined as a carrier. As the regulation<sup>2</sup> states the “freight forwarder is both the receiving and delivering carrier.” In the area of cargo claims, for the shipper and receiver, Trademark Transportation is the only carrier involved in the transaction.

Trademark Transportation has the same liability for cargo loss or damage that a common carrier does. It is the Carmack Amendment liability, for the actual loss or damage. Like an asset-based carrier, a freight forwarder carrier is liable for any loss or damage of shipments entrusted to it with the recognized exceptions (e.g. Act of God, Act of Public Authority, etc.) As a forwarder, the shipper’s recovery of claims is not dependant on Trademark Transportation collecting from its underlying carriers.

Trademark Transportation covers cargo liability from pickup through cross docking to delivery. A traditional broker, unlike a motor carrier or a forwarder carrier like Trademark Transportation, has no statutory liability for cargo claims at all.

Trademark Transportation is required to file with the Federal Motor Carrier Safety Administration (FMCSA) the same cargo insurance that an asset-based common carrier must. Because of a forwarder’s liability for claims, Trademark carries cargo insurance in excess of the statutory requirements.

## Different and Better

A broker arranges transportation, but the liability and management is at the carrier level. For Trademark Transportation, even when it is arranging transportation services other than LTL, it operates as a freight forwarder carrier.

As outlined, this means Trademark manages and monitors the shipment and provides the full cargo liability protection of a carrier. Trademark’s approach is clearly different than a broker. Its operational practices exceed and have proven to be better than the best asset-based carriers.

The proof is in the results. It isn’t whether a company is an asset-based carrier, a freight forwarder carrier or a broker. It’s what they do and how they deliver.

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<sup>2</sup> 49 U.S.C. § 14706 (a)(1)(2),