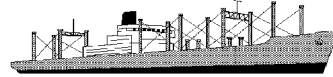




Rollin' On [®]



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INCREASE RECYCLING: Brought to you by your local favorite gov't.

Metro is proposing new recycling goals to be obtained by businesses in the Metro area. Yet Metro is not the primary regulator of those businesses, which are regulated by the local governmental entity, either the city or the county. In most cases, the cities and counties grant exclusive franchising rights to a solid waste (garbage) hauler, which in many cases is a huge national company which may still utilize the name of the local hauler it bought out, to hide its true identity.

The way it works is that the city or county cuts a deal with the hauler, whereby the city or county gets a percentage of the hauler's revenue. The hauler in turn is allowed to gouge the businesses by charging exorbitant rates that are endorsed by the cities and counties. No competition is allowed. Even if a private hauler offers to pay the city or county its ransom, the city or county says no, since they are joined at the hip (to use a polite phrase) with the hauler.

Contrast that method of regulation with the method utilized by the City of Portland, which does not regulate the collection of solid waste from businesses. Portland does franchise residential solid waste collection, which is understandable inasmuch as it reduces the number of trucks on residential streets. But those concerns are not present when it comes to businesses, which frequently use drop boxes which can only be transported one box at a time.

The result is that there is a healthy private market system for the collection and transportation of solid waste and recyclable materials within the City of

LARRY R. DAVIDSON
Attorney at Law
1850 Benj. Franklin Plaza
One SW Columbia St.
Portland, Oregon 97258
(503) 229-0199
Fax (503) 229-1856
E-Mail: larry@rollin-on.com
www.rollin-on.com

Portland. The businesses are able to obtain competing bids from the various haulers, and the businesses, and their customers, benefit from that open market system.

It is easier to obtain authority to transport truckload quantities of nuclear or radioactive material from coast to coast than to obtain authority to transport a drop box 100 feet within most cities and counties within the State of Oregon.

If you are a business outside of Portland's city limits, you are red meat for regulation by your local governmental entity. The justification for the exorbitant, noncompetitive rates is that haulers would otherwise cherry pick the large, big accounts and leave the smaller accounts, some in outlying areas, at the mercy of higher prices. That may be true. But even if it is, those prices would still be less than what those businesses are currently being charged.

Now even the City of Portland is thinking of regulating solid waste and recyclable material collection from its business and commercial establishments. One method being considered is, you guessed it, the franchise system. The city's justification, to be sure, is not for the money, or so it claims. Instead, it believes that it can increase the recycling rate a few percentage points by mandating which hauler picks up from which business. The businesses within the city are already putting up with onerous regulations.

Meanwhile, back to Metro which is requiring, starting in 2009, for all solid

waste to be processed at a material recovery facility. However, Metro, which operates two competing transfer stations which receive huge amounts of solid waste every day, has exempted itself from its own ordinance.

Rollin' On Slumber: No lame excuses

For 11 1/2 years, from January 1995 to June 2006, a monthly *Rollin' On* issue was published each month without failure. Contrast that with the last 1 1/2 years, when no issues were published. There is no real reason for the absence, just a long time out.

Changing street names: Why stop now?

You have all heard about changing the street names within the City of Portland. I'm wondering where you stop. After all, there are a lot of ethnic groups that are overlooked. The American Indian for example. They were here a long time before the rest of us. Why isn't there a prominent street called Geronimo or Apache? Are they lesser people? Gee whiz, we're just a bunch of freeloaders compared to them.

Maybe it's just as well. As it is, we can look forward to the politicians burning up a lot of time and money deciding what to do about the name change. Guess who gets to pay for all of that. And of course the campaigning for next year has already started, with wonderous impact on your tax dollar.

And they wonder what an appropriate name would be for the street on which city hall sits. A lot of names come to mind, none of them ethnically oriented.

That's it for now. Until next time, keep the cargo *rollin' on!*

The Obligatory Disclaimer

This newsletter is for informational purposes, does not provide legal advice and does not create an attorney-client relationship.

Short Bio

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 30 years and emphasizing transportation law, business law and related litigation.