



An Electronic Newsletter for the Transportation Industry

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FMCSA Enforcement of Shippers and Receivers, Revised Rollin' On and Website, and Cataracts

FMCSA Enforcement:

Coming to a shipper near you

Motor carriers and their drivers face regulatory burdens and hurdles which seem to increase on a daily basis. They are required to adhere to numerous regulations while not having control over much of what impacts their operations.

Meanwhile, the government is trying to establish operational standards for carriers, yet like carriers and drivers, does not always have control over forces which sometimes works against it. This lack of control impedes those efforts.

One area which impacts both carriers/drivers and the gov't are the operations and practices of others parties such as shippers and receivers. Their actions can negate the best practices and intentions of carriers, e.g. detaining drivers at the docks. The driver can run out of hours through through no fault of the driver. Meanwhile, the driver is shut down, watching the clock.

Other problems are parties who impose unrealistic requirements regarding the transportation of cargo, such as time limits for the movement of cargo from origin to destination, thus impacting drivers whose bargaining position is more times than not nonexistent.

The government's way of correcting these problems would be through regulation of these third parties. As it stands, a governmental entity such as FMCSA lacks authority to regulate these parties. Not to be deterred, efforts are underway to lay

the ground work for obtaining the required authority to regulate some operations of these parties.

This would be a game changer. Shippers and receivers, currently not accountable for their treatment of drivers, would find themselves in the cross hairs of regulators.

In order for any of this to occur, FMCSA would need Congress to act. Congress, currently divided along party lines, hasn't done much of anything during the past few years, which for many is considered a good thing. Deadlock in D.C. frequently means that businesses are safe from new regulation for awhile. Conversely, consolidation of power in one party can be frightening.

With all that said, it is hard to predict when new legislation will roll around. Intrastate regulation, where carriers held operating authorities that were frequently worth quite a few bucks, went by the wayside in 1994 with little warning, due to a food fight between UPS, then largely a surface carrier, and Fed Ex, then largely an air carrier, over what surface operations were subject to state control. Some of those operating authorities were bought and sold just weeks before Congress, during the dog days of summer, got rid of intrastate deregulation since there was no indication of any forthcoming. And we're talking about regulation that the states had exercised for time immemorial.

Plus, a common expression is that there are two things you do not want to watch being made: sausage and law. Back room deals happen and riders get attached to proposed legislation that have no place being

anywhere near that legislation. Of course, you have no complaints if your industry is the recipient of the favorable legislation.

In the meantime, absent Congressional action, the regulators can be expected to flex their muscles and use every bit of authority that they can squeeze from existing laws and regulations. So the world stays awake while Congress continues its lengthly slumber.

Revised Rollin' On, and revamped website

As you have hopefully noticed, Rollin' On has a new look. It started as a fax newsletter back in the mid-90s, and eventually evolved to an electronic format. Now we've got color, emails are in and faxes are out, and it's a whole different deal.

I have also updated my website where all prior issues of Rollin' On are archived.

Cataracts:

Usage of lenses before checkout

Apparently most people, if they live long enough, will develop cataracts, which are basically cloud formations on your eyes. I just got mine recently, relatively early in life. The fix is a quick procedure where you get new lense implants which won't develop cataracts. My vision now is great. No more glasses.

So I encourage you to develop your own cataracts as soon as possible, so that you can also be rid of your glasses and maximize usage of your new eyes while you are still above ground, since subterranean usage is very limited.

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

The Obligatory Disclaimer

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

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Short Bio

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