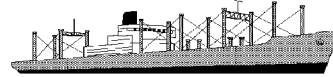
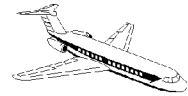




Rollin' On [®]



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HOURS OF SERVICE, AND NEW YEAR'S RESOLUTIONS

Hours of Service: A brand new world.

The new hours of service regulations will soon kick in, and when they do, the world will not be the same. With the new regulations comes increased expense, which the carriers will try to pass through to the shippers. In some instances the current contracts will decide the issue, while in others the silence will be deafening. Where there are no contracts, the marketplace, with all of its balances and imbalances, will rule.

Meanwhile, the truckdrivers will need to deal with the changes, which will disrupt longtime driving practices. One thing that won't change will be the temptation to fudge on the hours when the driver is close to home. The federal government can't change human behavior, although if the monetary consequences are high enough, that axiom will be tested. Just like with the IRS, one balances the risk of being caught with the consequences. Unlike the IRS, the odds of a driver being caught are increasing due to increased enforcement, while the IRS is auditing fewer tax returns, on a percentage basis.

Mexican Truckers: On the road

Meanwhile, the United States Supreme Court has agreed to decide whether Mexican truckers should be allowed to operate on U.S. highways. The Teamsters and environmentalists prevailed before the 9th Circuit Court of Appeals in San Francisco, which ruled that the USDOT was prohibited from allowing the Mexican truckers to operate on U.S. highways. The

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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passage of NAFTA more than 10 years ago contemplated that the borders would open up and allow drivers to cross their homeland borders and operate in adjoining countries. That still has not occurred as envisioned. If and when it does, one wonders what those logbooks might look like.

New Year's Resolutions: Be careful what you wish for.

Since it's the holiday season, I'm going to keep a positive attitude. With that in mind, I will start working on my New Year's resolutions. I have one that I want to do, but I get cold feet when it comes time to put pen to paper. It concerns tipping.

**BEST WISHES FOR THE
HOLIDAYS AND FOR A
HAPPY AND ENJOYABLE
NEW YEAR.
AND MAY YOUR
TRANSPORTATION
TRAUMAS BE TRIVIAL.**

I'm tempted to include a "subtotal" on my billings, then include a line for "gratuity". I could even go a step further and put down a recommended amount, eg 18 %, just like you see in restaurants. Wouldn't that be nifty?

However, I'm afraid that my clients might take that as an opportunity to subtract a discount of a comparable percentage, whether by claiming ignorance or entitlement. Either way, I guess I'll have to pass on that resolution.

Another possible resolution is how to deal with people who have someone

screen their calls, then when you finally get through to that person, he or she just repeats his or her name even though they've just put you through the drill of announcing who you are, and now you get to repeat your name again. If someone insists on knowing your name before your call will be put through, he or she should at least have to common courtesy of addressing you by name instead of having you repeat your name once again.

So maybe I could resolve to myself to bring that rude practice to that person's attention, whether by follow-up email or fax or pigeon. The problem with that is that the customer is always right, and in many instances it would not be a very smart move.

Thus far, I'm 0-2 on my New Year's resolutions. What else is there?

A resolution that I have for the news media (OK, I know that doesn't make sense but let's not get too picky) is not to ask Rasheed Wallace to speak to the media. When he finally broke his silence a few weeks ago by stating that he felt used by the NBA, everyone probably had the urge to get the microphone away from him. He's getting paid 17 million this year and he's being used? I'd like to see him move irrigation pipe for 16 hours a day or work for minimum wage somewhere and see how that feels. Morons come in all shapes and sizes.

One resolution that I know I'll keep is to maintain a more orderly office, which some might say is a small task given the current standard. I'm moving into different space down the hallway, and I've devised a way to keep all my pending work more organized. I'll know a year from now if it worked.

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

Short Bio

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 25 years and emphasizing transportation law, business law and related litigation.