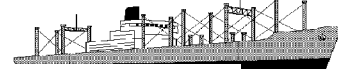




# Rollin' On



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## SEASON'S GREETINGS:

*Throw another log on the fire*

**T**he year has come and gone, and Congress did not monkey around much with federal transportation laws. They had bigger fish to fry, what with the hoopla over the conduct (alleged, the constant qualifier) in the White House. Of course, the conduct of the Congress is always exemplary. The Ocean Shipping Reform Act kicked in this year, although it was passed by last year's Congress.

There are three federal transportation cases to be decided by the U.S. Supreme Court this term (Oct. to June, not a bad schedule for a full time job) concerning federal preemption of state and local laws. Historically, Congress has had no difficulty in finding preemption based upon the "Commerce Clause", but recently the court has given more deference to the states. The new year will bring us further word on this front.

Congress has not yet done anything with the DOT study regarding the Carmack amendment, in which the DOT recommended retention of Carmack's full liability for carriers. This is a touchy subject for carriers and shippers alike. Carriers don't want to find out after the fact just how valuable the cargo supposedly was, although there may not have been much of an effort to ascertain that in the first place. From the shipper angle, sometimes they don't inform the carrier of the value, maybe because they didn't get around to it, and in some instances because they claim ignorance of the need to do so. Meanwhile, the intermediaries are truly stuck in the middle, and in that



**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: [larryd@rollin-on.com](mailto:larryd@rollin-on.com)

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**BEST WISHES FOR THE  
HOLIDAYS AND FOR A  
HAPPY  
AND ENJOYABLE  
NEW Year**



**AND MAY YOUR  
TRANSPORTATION  
TRAUMAS BE TRIVIAL.**  
*Larry Davidson, Author,  
Editor and Publisher  
of Rollin' On*

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regard a few local ones have recently gone by the wayside.

After everyone gets through the year end and Y2K, the focus will be on what the new century (some say it doesn't start for another year) will

bring. The Internet will continue its impact on commerce and will cause further change in our world of transportation. Stay tuned.

## *Drugs 'r Us*

I was on the phone earlier this week with a Washington, D.C. transportation attorney. An issue of attorneys fees was involved, and the attorney, who is not a named partner in his firm, told me that his hourly rate is \$425, with pressure from the partners to increase that rate. It makes me wonder if the drugs that he must be giving his clients are also available in this area.

***Rollin' On: 5 years old and still counting. Some of you belong to the Rollin' On Old Timers Club***

## ***Reflections on the Year***

The holidays are certainly a time for reflection on the events of the past year. In September I lost my mother to a sudden and unexpected illness. She hung on for two weeks in ICU, but in the end she could not pull through. It's one of those things where you just assume that you're going to have many more years together and then wham, out of the blue and without warning, she's gone. Moms are special (and of course Dads too in a different way, but have you ever seen someone say "Hi Dad" to a TV camera?) and her absence now tempers the joy of the season. But I'm left with pleasant memories and I am learning to not take those close to me for granted.

That's all for now. To shippers, carriers, agents and other third parties, 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.

### **Short Bio**

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 20 years and emphasizing transportation law, business law and related litigation.