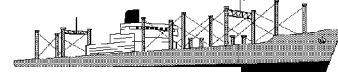




Rollin' On



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CLASSIFICATIONS: You gotta just love 'em

Where would we be without the classification system? That is a raging question (everything being relative). The ICC Termination Act of 1995 provided that antitrust immunity for organizations such as the National Classification Committee would be abolished at the end of this year if the Surface Transportation Board does not extend the immunity beyond 1998. The first thought that comes to mind is that the demise of the Interstate Commerce Commission occurred over two years ago, and state economic regulation ceased to exist over three years ago. (Do you want more? The no-more-tariff filing law [TIRRA] became effective three and one-half years ago.)

As you will recall, a controversy over the classification of candy canes first brought this issue into the open, i.e. Congress got interested, a few years ago. Whatever else is true, the classification tariff can be intimidating to the normal guy or gal on the street and is probably good for insomnia sufferers, except when they are asphyxiated after the 100 lb. sucker falls on them as they nod off. Meanwhile, class rates are computed from the classification, and from there the carriers establish their discounts that drive the whole system.

Regardless of what the STB decides to do, the shippers apparently want the classification to continue to be used for package designations; package specifications and rules; filing rules for loss and damage claims; cancellation of obsolete items; and


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clarification of inadequately-described items.

Some carriers are willing to scrap the entire system and replace it with a very simplified system. Of course, that is easier for carriers that handle basically the same commodity or limited types of commodities. The big question is whether the classification system is merely supplying helpful information to the transportation world, or whether it is having an adverse impact by inflating prices.

Now, these candy canes are classified as what?

What's the difference between Miami and Acapulco? They speak English in Acapulco.

Life Beyond Transportation: *Whoa, now there's a thought*

As time goes on, I find myself increasingly handling more cases unrelated to transportation. And that is fine by me, as variety is the spice of life. It can keep things interesting. Some of the nontransportation work comes from transportation clients, while other work comes from people who have no idea what intermodal ("inter how much") or who have the wrong perception of Rocky Mountain doubles. Much of what I do in this area is business or commercial work, some involving litigation while some of it is in the office or planning stages.

I also refer other work out to other

attorneys, such as two recent, unrelated wrongful death cases. Life does go on for the survivors, sometimes with much difficulty if the breadwinner meets with an unexpected or untimely death. The paperwork still frequently needs to be processed through probate ("the dead-do-not-complain-department"). It is all too often that we take our world and those around us for granted, only to see it change quickly, sometimes in a matter of seconds.

NBA: *You've got to know your defenses*

As some of you know, Latrelle Sprewell, the Golden State basketball player who attacked P.J. Carlesimo, has appealed his one year suspension imposed by the NBA. As a defense Sprewell is claiming that the punishment is too harsh, and in support of that defense he is claiming that major league baseball players have mounted criminal attacks on their coaches without being punished, or not punished nearly as harshly. What a defense: Since other sports condone or mildly punish criminal attacks, the NBA should do the same. Also, the status of major league baseball is not exactly exemplary. Will this approach work? Stranger things have happened.

Meanwhile, a local law firm traded a partner to another firm for an associate, a paralegal and two future 1998 graduates, subject to passing their physicals (not really!!).

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.