



Rollin' On [®]



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DOT, LOGS, JAIL, ICED TEA, WILLAMETTE, TAP AND MISC.

DOT Regulations and Three Free Squares a Day

Although we all have heard the joke about which logbook a driver may choose to use at a any particular time, it's not a laughing matter. An employer was recently sentenced to 15 months imprisonment for falsifying the logs of a driver who transported hazardous materials. True, you get three free meals a day, but the food may not be so great, and you're taking chances about a roommate. There are no ads in those places where you state your preference, e.g. single white male, no drugs, stds, etc. On a related matter, the feds are shutting down the famous Joliet prison, where some of the cells, for two people, were 6' by 5'. Now that's cozy.

ICED TEA and the Gov't

Prior to 1992, the various states could require interstate motor carriers to pay fees and to register the various vehicles that operated within their geographical limits. Thirty-nine states participated in the "bingo card" system, through which interstate vehicles were registered and revenues collected. In 1991 Congress passed the Intermodal Surface Transportation Efficiency Act which restricted the states to the amount collected or charged prior to November 15, 1991.

Up until that time, Michigan based its reciprocity agreements with other states upon where the vehicles were base-plated. Through ISTEPA, a single state registration system was established to simply matters for the carriers. Just prior to the effective date of ISTEPA, Michigan switched to a place of business method of determining reciprocity. Yellow Freight System

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took umbrage with this change, since its obligation to Michigan went from zero to \$37,300. Yellow filed a lawsuit in state court in Michigan, and the state supreme court reversed a lower court decision and ruled against Yellow. Yellow sought review by the United States Supreme Court, and the USSC recently agreed to review the case. Keep in mind that the USSC refuses to hear most appeals, so Yellow should be feeling mellow right now.

Willamette Industries: Happy Trails

They fought the good fight. As a born and raised Oregonian, and although I have no ties with Willamette, I still felt a sense of loss, as I'm sure many others did, when it finally succumbed to Weyerhaeuser's offer. There's another Oregon company that will be no longer be locally controlled.

It's a tough time for the transportation industry. There are many local transportation people who have been laid off during the past year, and there will be undoubtedly more from Wilamette's Portland and Albany offices as that \$300 million in savings has to come from somewhere. Prior to Weyerhaeuser's purchase of Trus Joist a couple of years ago, dispatch was usually from the mill. That was changed and centralized to Boise and Federal Way.

While the Willamette/Weyerhaeuser food fight was raging last year, I was representing a client in a lawsuit involving a noncompetition clause, in which the transportation of forest products, including Willamette's, was

front and center (Willamette was not a party and its employees were not involved). It was ironic that while we battled back and forth about the alleged validity of the noncompete clause and who could dispatch which loads, Willamette's former CEO and employee of 20 plus years was allowed to not only compete with his former employer, but he was also permitted to swallow his former company whole. We're in the trenches duking it out, fighting over some of the parts, while someone in an ivory tower is attempting to dismantle the whole company. It was all a little incongruous.

Be careful what you sign, whatever side you're on. You don't want to end up being somebody else's dinner.

TAP and Sunsets

After four wonderful years on the board of the Transportation Association of Portland, my tenure has come to a screeching halt as the new board is now on board. It's off to the pasture in the sunset for this writer, although I'll still be hanging around.

Rollin' On rolls along

I'm starting my 8th year of **Rollin' On**. It's been great, and the time has gone much too quickly. There has been a lot of changes, some good, some not so good as I used to do the transportation work for companies that are no longer with us, such as Thrifty Payless. Employees are not the only people affected by mergers and acquisitions, although they're on the front lines and feel it the most. Yet other opportunites have come along, and I've had the pleasure of representing some very fine people. All in all, not a bad deal at all.

That's all for now. Until later, 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.