



Rollin' On [®]



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HOURS OF SERVICE: Let the good times roll.

All of us are doubled up with eagerness over the proposed revisions to the longstanding hours of service regulations. We just can't get enough fast enough, and our anxiety is high since the comment period doesn't even end until October 30, meaning further waiting is assured. In the meantime, let's take a look at why we are so happy about these revisions.

First, since drivers will be doing less driving, we'll need more trucks. After all, if you're a long haul driver and are required to layover for additional time, someone has to make up for those extra miles. So *voila*, put more trucks

Some of you will also see this topic in the TAP newsletter.

on the road. If you're a truck manufacturer or service provider, you're happy. More trucks on the road also means they're more congested, so you have additional company on the road, and everyone loves to have more company at any social outing which your highway experience may become. Sure, theoretically, there will be more trucks parked at reststops and truckstops and highway ramps and shoulders, but theory and practice are two different things. But, to be sure, these aforementioned areas can turn into party areas, which will make any employer envious since the employees will be having all of the fun.

Long haul drivers and regional drivers (actually, all drivers but let's focus on the over-the-road guys and gals) will be required to be off duty somewhere between 32 and 56 consecutive hours each week. Just

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imagine, you're in Topeka, your hours are up and you can't move for 56 hours. No nagging kids, spouse or dog, all in the name of safety. When you need protection or a good cover, the federal government is there for you.

We'll need more drivers, which is great because there's such a surplus of them already, again, especially the long haul variety. Moreover, the driver

Estate Taxes & Drummers

I know very little about taxes, and estate taxes are no exception. The U.S. House of Representatives is working on legislation to repeal the estate tax, which has a lot of appeal in an election year since you hear the stories about selling the farm to pay the taxes. I was raised on a farm, and my father always said that a farmer lives poor and dies rich. Many farmers could sell their land and make more money investing the proceeds, and in the process work a lot fewer hours. But then we all march to the beat of different drummers.

logs will now be kept via electronic recording devices. Now all drivers will be computer literate, which will undoubtedly improve society. They'll also have more time to make new friends on the road and to test their behavioral tendencies, while being mindful of those irksome drug tests.

This is a win-win-win (when do I stop?) situation. Let the good times roll!

One question too many, and a thank you.

At the invitation of the good folks at Transversal International Corporation (thank you very much), my nine year old daughter, Rachel, and I spent last Thursday afternoon aboard a tugboat escorting three of the Rose Festival Fleet ships up the river and pushing them into dock. It was a wonderful experience that doesn't come along everyday. At the end of the day one of the other guests asked Rachel if she enjoyed herself, to which Rachel replied that, yes, it was a lot of fun. Then there was a follow-up question, to wit, "Was it worth getting out of school?" And Rachel's response was, "Anything is worth getting out of school."

Now if you're in court and you've just got your witness to answer the question exactly the way you want the answer, you should let it go. But there is always that urge to embellish on the answer, to make it even better, to get it to stick into the mind of the fact-finder (judge or jury), so you're tempted to ask follow-up questions. Had this colloquy occurred in a courtroom, the first answer, which is what you're after, would have been destroyed by the second answer.

To compound matters, attorneys sometimes tend to be verbose (can you imagine that?), so it's easy to trip yourself up. There's an old saying, don't ask a question if you don't know the answer, and the foregoing exchange is Exhibit A in support of that adage.

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