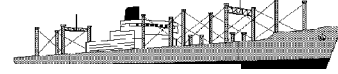




Rollin' On



A Facsimile Newsletter for the Transportation Industry

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Summer (Well, Almost) Smorgasboard

The summer has not even officially arrived and I am already getting the urge to let the less demanding (euphemism for nonpaying) work to slide a little. Until I start charging for this publication, this decline in activity and interest will impact this publication. So going on the old adage that you get what you pay for, I am just going to rattle off a laundry list of stuff.

Solid Waste Order Goes to the Federal Court of Appeals

As previously reported here (and generally ignored by the local media) (*Rollin' On*, April 11 [Special Ed.] and May 1997), a federal court judge in Portland ruled that a local county's solid waste ordinance is unconstitutional. The order is based upon the law Congress passed in preempting the states' ability to economically regulate intrastate transportation. The court ruled that the county does not have the ability to regulate the transportation of mixed loads of recyclable materials, which is considered property and thus preempted, and solid waste that does not get recycled. The court also ruled that the county cannot regulate the transportation of solid waste that is transported across state line and thus is in interstate commerce. The county has filed an appeal but did not rush to obtain a stay of the order pending appeal.

Brokers Sans Assets

What is the future of brokers without an asset base? I will certainly not

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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pretend to know but there is some concern that shippers want to know that their providers will always have equipment available to handle their loads, and that they will turn to brokers or other logistics providers who have their own equipment. As the trendy logistics movement continues to impact shippers' practices, we will

Overheard At The Coffee Stand

One business suit to another: "I always thought a laptop was a secretary." (*Disclaimer: Politically incorrect & not for the workplace!*)

see how this trend plays out *vis a vis* (a little legal jargon to see if you're awake) the brokers *sans* assets. (I represent some of these brokers so I am not by any means hoping for them to be negatively impacted.)

Weather Amnesia

In my next life I want to come back as a weatherperson. Then I can give a forecast one day, predicting the weather for both the a.m. and p.m. for a day five days away while blowing the forecast for the next day. Then I get to give a completely different forecast the next day and not even mention my miscue just 24 hours earlier. And then I get to do it again. What a life.

Taken From Insurance Claim

The pedestrian had no idea which direction to run, so I ran over him.

Legal Services Provided

How many times has someone told you that he/she was not aware that your business did such and such, and much to your exasperation that person had gone elsewhere for a certain service or product that you could have easily provided? It happens to me as well.

For your general information, I do have a life beyond transportation law. I handle other business and litigation work, which I enjoy doing. For example, I recently assisted clients in closing on a purchase of a restaurant. More recently, I assisted other clients in purchasing a property management business. These business transactions are a welcome respite from transportation work which I also enjoy but which I'll say does not always have me on the edge of my chair. But don't ever call me for a criminal matter. With my knowledge and interest you may as well just go to the station and sign where it says guilty, even if you aren't.

And while I am at it, I write *Rollin' On* each month from scratch. Once in a while someone mentions that it may be some sort of canned publication, which it definitely is not. At times I am not sure how to take the comment, but I always want to put as positive a spin as possible on it.

Since I do other work, maybe I should change the name to something like *Rollin' On and Around*.

That's all for now. To shippers, carriers, agents and other third parties, keep the cargo rollin'!!

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.