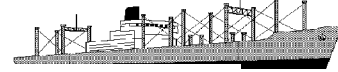




Rollin' On



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Radioactive & Hazardous; & other little nuisances of life

The next time you transport radioactive materials, be sure to keep in mind the various requirements the federal government has imposed upon carriers, shippers and others. But you don't have to worry about state or local regulation, since the courts have generally held this area of daily life has been preempted by Congress through the Hazardous Materials Transportation Uniform Safety Act, more affectionately known as the HMTUSA (OK, altogether now, say HMTUSA).

I've been assisting an out-of-state carrier with its handling of several truckload shipments of radioactive material. We don't have to worry about state (or tribal) requirements such as escorts (the kind on wheels), or local permits for shipping, loading, unloading or storage of these items. We do have to consider shipper certifications, marking, placarding, routing, insurance, and finding a qualified driver.

In the meantime I'm getting a refresher course on neutrons, protons, electrons and morons (just seeing if you're paying attention). I want to believe I once knew something about this subject, but I'm beginning to wonder.

At least the research was easy. All I had to do was to go the law library where the nuclear literature is kept in the darkest corner. Since it all glowed in the dark, the reading was easy. It did feel a little funny to hear radio stations by changing my body position, since there was no radio around. Now if only my teeth would stop chattering.

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Federal Express: This do this again

Sometimes things seem a little whacky. We all remember UPS's strike of last year, the masochistic exercise for both labor and management. Now Federal Express, having been limited to only a vicarious experience of the pain side of that strike, appears intent on discovering for itself what pain really feels like. Both labor and management are posturing, issuing statements, kind of a verbal *mano a mano* pre-strike skirmish.

Friends come and go, but enemies accumulate.

Meanwhile the competitors must decide how much more volume they can handle during the holidays without jeopardizing existing business.

On the legal side, Federal Express will supposedly have more latitude to move freight by surface transportation, due to the removal of state economic regulation. But so much of the supposed air freight never gets off the ground (**Rollin' On, April 1996**), it may not matter that much. Of course everything becomes clear when we remember that Federal Express's labor dilemmas are governed by the Federal Railway Labor Act, whereas UPS opens the book to the page where the National Labor Relations Act starts. Thank goodness for that, because I was starting to get confused.

Speaking of bewilderment . . .

Operation Self-Destruct: Open to Everyone

Some people just can't tolerate a good thing. Where do we start?

NBA. Seizing on its good-but-short memory, the NBA failed to take a lesson from the ruinous baseball strike of a few years ago and has thrust itself into its own strike. Everyone was getting rich but some not rich enough fast enough. (Guess who was footing the bill.) How long will it take them to recover? A strike by the fans would get their attention.

Republicans. In an off-year election, especially with the scandal, all the Republicans had to do was to show up on election day and they would pick up more seats and more power. Instead, they kept harping on a subject the voters either did not want to hear or did not care about. Three months ago, who would have thought it would be Mr. Gingrich, and not Mr. Clinton, who would be leaving town in disgrace? (Democrats will undoubtedly take their turn as well.)

Taxpayers. With tax-freedom day, now in mid-May, slipping later in the year each year, early this month taxpayers passed more than 50% of the revenue measures on their ballots. Do we blame government or ourselves for our tax burden?

Microsoft. The verdict is not in yet, but a little less aggressive behavior would be a nice touch. How much money does one person need?

Hillsboro. (Unrelated but it's my newsletter.) The not guilty verdicts in the beatings case surprised a lot of people. It's hard to blame the lawyers as a local jury returned the verdicts.

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.