

March 30, 2010



## Supreme Court to Decide Cargo Liability

R.G. Edmonson Mar 24, 2010  
The Journal of Commerce Online - News Story

“K”-Line vs. Regal-Beloit demands interpretation of conflicting laws  
The Supreme Court may have to decide whether or not ocean carriers will be considered “railroads” for cargo liability purposes after oral arguments on Wednesday morning.

The case involves Kawasaki Kisen Kaisha, Union Pacific Railroad and a group of shippers that had their containerized goods damaged in a derailment. The issue is whether or not Union Pacific’s liability limits were governed by the Carriage of Goods by Sea Act of 1936 or the 1906 Carmack Amendment to the Interstate Commerce Act.

The Carmack Amendment as originally written placed liability on the railroad that originated the goods, and was limited to carriage within the United States or exports to Canada or Mexico. In a re-codification of the law in 1978, the “adjacent countries” language was omitted, and one of the issues Wednesday was whether or not the re-codification should substantially change Congress’ intent when it wrote the law.

Attorney David Frederick, who represented Regal-Beloit and the other shippers, argued that under the Carmack Amendment, “K”-Line was a “railroad carrier,” that originated the shipment, and provided the containers and chassis that Union Pacific used to move the goods inland.

Justices Sonia Sotomayor and Anthony M. Kennedy asked Frederick in detail about the meaning of language in the Carmack Amendment. Frederick said that in terms of liability, “K”-Line was the “receiving carrier,” and the plain language of the law as it stands now indicated it applies to international shipments.

James Scott Ballenger, who represented Union Pacific, argued that Carmack was never intended to cover an ocean carrier’s through bill of lading.

Justice Stephen Breyer asked if it made sense to apply Carmack to international shipments, because “bills of lading all over the world would have to meet Carmack, and that’s a nightmare.”

bedmonson@joc.com.

### Union Meeting Nights

#### Mainland Locals

Vancouver (500) April 14, 2010  
New West. (502) April 14, 2010

#### Vancouver Island Local

Chemainus (508) April 12, 2010

#### Northern Local

Prince Rupert (505) April 13, 2010

Please be guided by the provisions of Article 15 in the Collective Agreement respecting working restrictions and conditions on Union Meeting





Canadian  
Transportation  
Agency

Office  
des transports  
du Canada

The Honourable Stockwell Day, President of the Treasury Board and Minister for the Asia-Pacific Gateway, today tabled in the House of Commons the 2010-11 Reports on Plans and Priorities, on behalf of federal departments and agencies. Reports on Plans and Priorities are continuously being improved to strengthen accountability and improve transparency and financial management.

The Canadian Transportation Agency's 2010-11 Report on Plans and Priorities can now be accessed online at:

<http://www.tbs-sct.gc.ca/rpp/2010-2011/inst/atn/atn00-eng.asp>

## Industry Calendar of Events:

- |                  |   |
|------------------|---|
| March 31         | <b>Mission to Seafarers AGM</b>   |
| April 12         | <b>BCMEA Presentation to House of Commons</b><br>Standing Committee for the Status of Women - Ottawa, ON                          |
| April 21         | <b>COS Business of Shipping Course</b><br>Prince Rupert, BC   |
| April 29 & 30    | <b>WESTAC Annual Meeting</b><br>Regina Inn Hotel & Conference Centre, SK.   |
| April 30 - May 1 | <b>Pacific North West Conference of Traffic &amp; Transportation Clubs</b><br>Vancouver BC, (hosted by the VWTC )                 |
| May 2 - 8        | <b>North American Occupational Safety &amp; Health Week 2010</b>  |
| May 4-5          | <b>9th Annual Port/Government Interface 2010</b><br>Delta Ottawa Hotel & Suites   |
| May 17 -21       | <b>International Tug &amp; Salvage Conference</b><br>Westin Bayshore Vancouver, BC  |
| May 26-28        | <b>PORTSECURE 2010, Canada's Annual Port &amp; Maritime Security Expo</b><br>Fairmont Pacific Rim in Vancouver, British Columbia. |
| June 3           | <b>APGST Annual General Meeting and Board Meeting</b>   |

## BCMEA Staff Volunteering at Mission Possible March 27, 2010



Nora Sabau, Anglina Sundar, Gagan Grewal, Joe Shewfelt, Jo-anne Johannesen, Suki Hache, and Chris Fletcher, accompanied by Mission Possible Volunteers & Staff.

**MISSION**  
**P**  **SSIBLE**

[www.mission-possible.ca](http://www.mission-possible.ca)

### Staff Announcements:

BCMEA welcomes ANNA BIESIADA-PANAS as Financial Accountant.

WEBC welcomes PENNY LESCAK in Dental benefits.





## P R E S S   R E L E A S E

# Going Slow to Reduce Ship Emissions

## Study shows use of fleet overcapacity could cut ship GHG emissions by a third

Embargoed until 24<sup>th</sup> March 2010

London, UK. A new report assessing the potential of the shipping industry to cut its GHG emissions has concluded that if the main fleet sectors make full use of existing fleet overcapacity they could reduce emissions by as much as a third.

The study, entitled "Going Slow to Reduce Emissions" was commissioned by Seas At Risk, undertaken by C.E. Delft and will be presented today (24<sup>th</sup> March) at a side event at the 60<sup>th</sup> session of the International Maritime Organisation's (IMO) Marine Environment Protection Committee.

If you slow ships down you need more ships to move the same amount of cargo in a given time and this has been one of the arguments used against reducing the speed of ships. However, this study shows that for the most important fleet segments – tankers, bulk carriers and container ships – the recent economic downturn has resulted in sufficient overcapacity in the fleet to cut emissions by around 30% by slow steaming. Moreover, the study assumes levels of speed reduction that are consistent with the safe and reliable operation of ship engines and that do not require the retrofitting of new equipment.

"In short, this study shows that the current overcapacity in the fleet presents the global shipping industry with a golden opportunity to make substantial reductions in GHG emissions in the short term" said John Maggs, Policy Advisor with Seas At Risk, "This is particularly important given the urgent need to peak emissions in the next few years if global warming is to be kept well below 2 degrees and catastrophic consequences avoided."

Speed reduction is an important part of the package of measures that will be necessary if the shipping industry is to make a proper contribution to the very large cuts in emissions that are necessary to avoid runaway climate change.

The report's presentation coincides with an important stage in IMO deliberations concerning the technical, operational and market-based approaches to tackle GHG emissions from shipping. Importantly, speed reductions of the kind identified in this report are consistent with the IMO Secretary General's statement that the means chosen to reduce emissions must be realistic, pragmatic, workable, cost-effective and, above all, well-balanced.

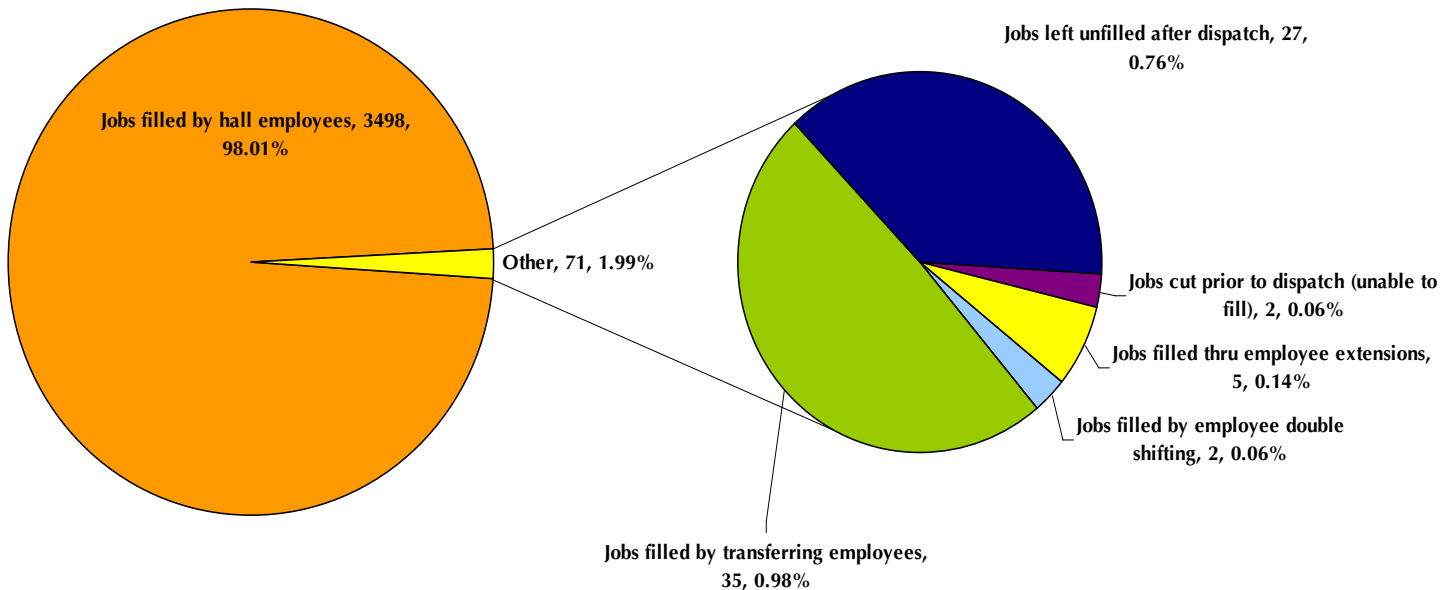
"The industry has to some extent already started slow steaming, but the potential for GHG emission reductions is huge and the development of measures to encourage and facilitate the shift should be a priority for the IMO" said John Maggs.

# Dispatch Shortage Statistics:

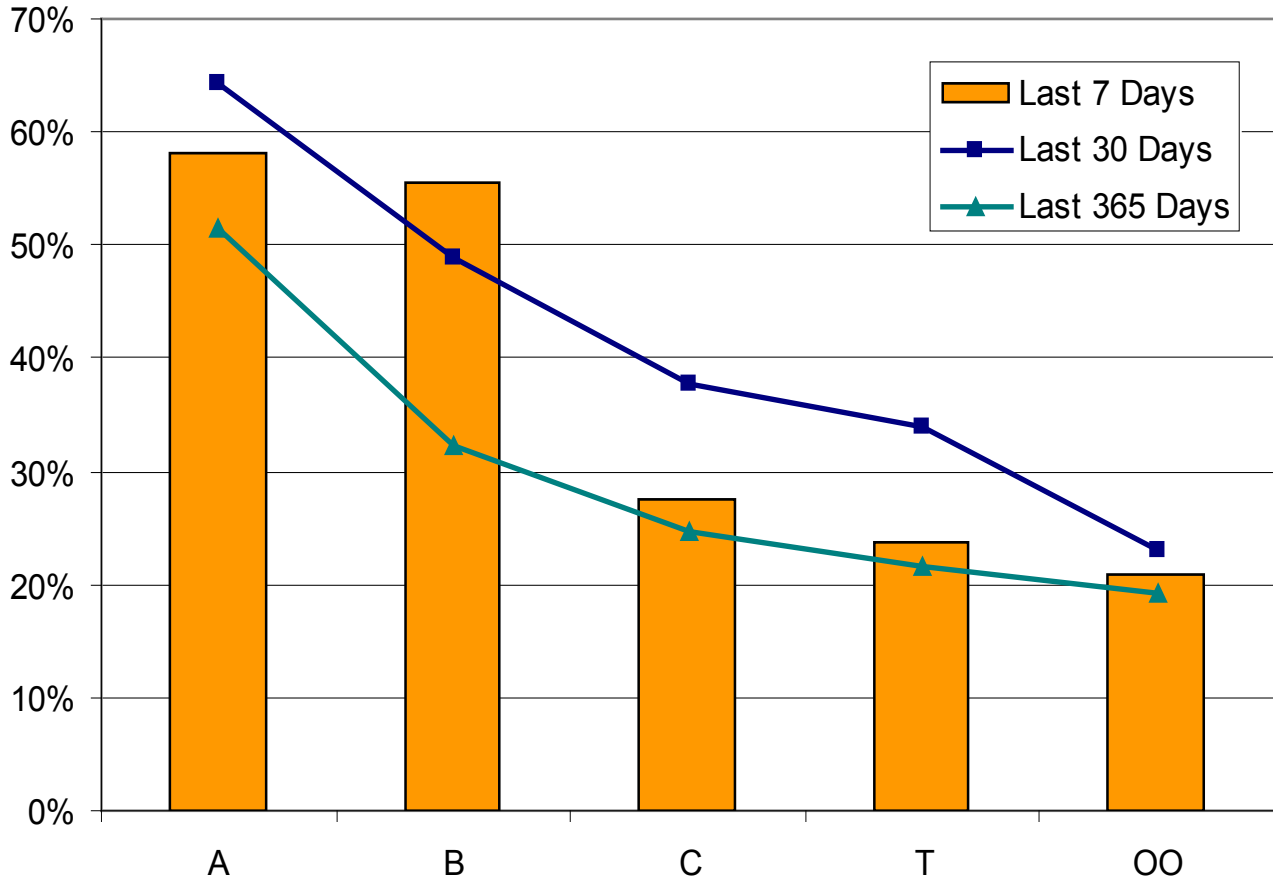
For the Period Sunday March 21, 2010 to Saturday March 27, 2010

JOB	Jobs cut prior to dispatch (unable to fill)	Jobs filled thru employee extensions	Jobs filled by employee double shifting	Jobs filled by local 502 employees	Jobs filled by transferring employees	Jobs left unfilled after dispatch	TOTAL
BULK OPERATOR					8		8
DOCK GANTRY		5			6		11
ELECTRICIAN	1		1			4	6
F.E.L.					1		1
H.D. MECHANIC						14	14
HEAD CHKR	1						1
HT SIGNALS					1		1
LIQUID BULK					1		1
LOCIE ENGINEER					2		2
MILLWRIGHT			1		1	5	7
PUSHER					1		1
RACK & S/HOIST					1		1
RUBBER TIRE GTY					4		4
SWITCHMAN					1		1
TRACKMAN						4	4
WHEAT SPECIALTY					8		8
<b>TOTAL</b>	<b>2</b>	<b>5</b>	<b>2</b>		<b>35</b>	<b>27</b>	<b>71</b>

*Explains how shortages were handled by Dispatch*



## Vancouver Casual Employee % Dispatched per Dispatch Board



### Future BCMEA Meeting Dates:

**Board of Directors Meeting**  
Wednesday, Mar. 31st 2010  
2:00pm - 4:00pm  
Terminal City Club  
837 West Hastings Street

**Finance & Audit Committee**  
Thursday, April 15th 2010  
9:30am - 11:30am  
5th Floor Boardroom  
349 Railway Street

**Direct Employers Committee**  
Wednesday, April 7th 2010  
9:30am - 11:30am  
5th Floor Boardroom  
349 Railway Street

**Direct Employers Committee**  
Wednesday, May 5th 2010  
9:30AM - 11:30AM  
5th Floor Boardroom  
349 Railway Street

### Your Feedback:



Have something for the  
BCMEA Bulletin?

Send your comments  
or contributions to the  
Bulletin's Editor at  
editor@bcmea.com or  
(604) 694-2324.