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Law Offices of Countryman & McDaniel
THE CARGO LETTER [464]
Air & Ocean Logistics - Customs Broker News
31 March 2010
Part 1 of 1
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Good Wednesday Evening from our Observation Deck.....overlooking the officially designated "Cargo City" area and..... Runway 25-Right, at **Los Angeles International Airport**, voted "**Best Cargo Airport in North America.**"

In this edition we sense an industry comeback. It is only a beginning, but we all depend upon a light at the end of the tunnel that is -- finally -- not an oncoming freight train. **McD**

SPECIAL NOTE: **There will be no** The Cargo Letter for April 2010, as we celebrate & attend the marriage of **Byron E. Countryman, Esq.** to **Jami Torgeson** on April 24 2010. God bless this loving event. **YOUR BEST WISHES TO:** CargoCom@aol.com

See you in May 2010!

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Michael S. **McDaniel**, Editor, Countryman & McDaniel, forwarder/broker, hull & machinery attorneys at LAX.

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OUR "A" Section: Trade, Financial & Inland News***

1. **Freight Forwarder Trade Briefs** _____

*****Trade Deficit Reduces American Workforce** as the growing United States-China trade deficit eliminated or displaced an estimated 2.4 million U.S. jobs from 2001 to 2008, according to a new report from the Economic Policy Institute, a Washington-based think tank. The report, "Unfair China Trade Costs Local Jobs", said the hardest hit areas are those where high-tech industries are concentrated, like the Silicon Valley in California & parts of Texas. "A surge in imports of Chinese computer & electronic products accounted for more than 40% of the

US\$186Bn increase in the U.S. trade deficit with China between 2001 & 2008, with these industries experiencing the largest trade-related job losses of any sector -- 627,700 jobs, or 26% of all jobs lost or displaced between 2001 & 2008," EPI said. "The deficit grew by an average of US\$26.6Bn each year between 2001 & 2008; Chinese exports to the United States in 2008 were more than 5 times greater than U.S. exports to China." In 2009, China was responsible for more than 80% of the United States' total non-oil trade deficit. The report said China's refusal to revalue its currency is a major reason for the trade imbalance. "We have allowed the Chinese government to game the system for far too long, with serious consequences for the U.S. economy," said EPI economist Robert Scott, the report's author. "The Treasury Dept. should publicly declare China to be a currency manipulator, and the Congress should authorize tariffs of at least 25% if China doesn't start playing by fair rules." **The Report:**
www.epi.org/publications/entry/bp260/

*****Chinese Currency A Key Factor To Balance** as under election-year pressure over trade-driven jobs, U.S. senators unveiled legislation on March 16 that would impose tough new penalties on China if it failed to revalue its currency. The legislation, which enjoys support from both sides of the political aisle, would punish currency manipulation as an unfair subsidy and could trigger a set of retaliatory U.S. action. The move came as lawmakers in Washington stepped up criticism of China ahead of Nov. mid-term U.S. elections, accusing Beijing of securing an unfair edge in trade by keeping the yuan artificially low. It also follows Chinese Premier Wen Jiabao strong statement Beijing would resist any foreign pressure for a stronger yuan. But China's exports rose in February in a new sign of growing global demand that could help persuade officials to let the Chinese currency rise. Exports were up 45.7% over a year earlier, the Chinese customs agency reported, beating analyst forecasts of 35% to 40% growth. Imports surged 44.7%, the agency said, reflecting growing demand in China as it emerges from the global crisis.

*****U.S. Exports Continue A Sign of Strength In The Economy** as goods & services sold abroad increased 15.1% in Jan. from the US\$123.9Bn value from the same month a year ago, the Commerce Dept. reported on March 15. On a monthly basis the trade deficit narrowed 6.6% to US\$37.3Bn between Dec. 2009 and Jan. Exports were almost flat in Jan., dipping 0.3% to US\$142.7Bn while imports fell 1.7% to US\$180Bn. For the 3 months ending in Jan., exports of goods & services averaged US\$141.4Bn, while imports of goods and services averaged US\$179.2Bn, resulting in an average trade deficit of US\$37.8Bn. For the 3 months ending in Dec., the average trade deficit was US\$36.3Bn, reflecting average exports of US\$139.6Bn and average imports of US\$175.9Bn.

*****The Engine Is Not Government** as during the 4th quarter of 2009, non-farm business sector labor productivity increased at a 6.9%, the U.S. Bureau of Labor Statistics reported on March 4. The gain in productivity reflects a 7.6% increase in output partially offset by a 0.6% increase in hours worked. From the 4th quarter of 2008 to the 4th quarter of 2009, productivity increased 5.8% as output declined 0.2% and hours fell 5.7%. The annual measure of productivity increased 3.8% from 2008 to 2009.

*****India Grows, But Faces Inflation** as Asia's 3rd-largest economy surges ahead in Jan. as industrial output rose by 16.7%, official data showed on March 12. Manufacturing output, which comprises the bulk of the industrial production index, rose 17.9% from a year earlier, as stimulus packages & lower interest rates spurred demand for consumer durables, cement and steel. The mining sector output grew by 14.6% while electricity rose by 5.6%. Demand for basic goods grew by 10.7% while for intermediate goods by 21.3%. "The data shows no surprise, we see strong growth. But the risk is if inflation climbs too fast," said credit rating agency Crisil's principal economist Dharmakirti Joshi. "The central bank may need to act quickly and raise rates." Indian inflation is widely expected to move into double digits in coming months, after posting 8.56% for the month of Jan.
www.crisil.com/about-crisil/about-crisil.htm

*****NAFTA Surface Trade Fell 23.3% in 2009.....** as surface trade among the United States, Canada & Mexico fell by 23.3% in 2009 compared with 2008, the Dept. of Transportation said. A bill has been posted in the U.S. Senate for the U.S. to withdraw from NAFTA.

*****Commercial Operations Advisory Committee Wants You** as the Dept. of Homeland Security is accepting applications from trade & transportation professionals interested in serving on the Commercial Operations Advisory Committee for a 2-year term, expected to begin in early 2011. The panel provides industry input to DHS and Treasury Dept. on matters related to trade enforcement, border security, trade facilitation & department operations. Letters of interest, which must be submitted by May 15, should include qualifications & political affiliation.
<http://edocket.access.gpo.gov/2010/pdf/2010-5637.pdf>

*****American Rails Mixed** as the Assn. of American Railroads (AAR) today reported that in Feb. 2010, U.S. freight railroads saw a 1.5% decline in carloads compared with the same month last year and a decline of 15.6% compared with the same month in 2008. According to the March AAR Rail Time Indicators Report, 14 of the 19 major commodity categories tracked by AAR saw higher carloads last month compared, with the same month last year. Carloads of coal, the single highest volume commodity carried by rail, were down 9.9% in Feb. 2010 over Feb. 2009. Excluding coal, U.S. rail carloads in Feb. 2010 were up 7.2% over Feb. 2009. U.S. rail intermodal traffic, which covers the movement of truck trailers & shipping containers by rail, was up 10.1% in Feb., compared with the same month last year, but down 10.6% for the same month in 2008.

*****American Trucks Mixed** as the American Trucking Assn. advance seasonally adjusted (SA) For-Hire Truck Tonnage Index decreased 0.5% in Feb., following a revised 1.9 % increase in Jan. The latest drop put the SA index at 108.5 (2000=100), down from 109.1 in Jan. The not seasonally adjusted index, which represents the change in tonnage actually hauled by the fleets before any seasonal adjustment, equaled 97.6 in Feb., down 0.8% from the previous month. Compared with Feb. 2009, SA tonnage increased 2.6%, which was the third consecutive year-over-year gain. For the first 2 months of 2010, SA tonnage was up 3.5 % compared with the same period last year. For all of 2009, the tonnage index contracted 8.7%, which was the largest annual decrease since 1982.

*****Schneider National Rolls Online** as the trucking leader has fitted about one-quarter of its 12,000 tractors with new onboard computers in a fleetwide rip-and-replace that, for the first time, will bring graphical navigation and electronic driver logs to every truck. Schneider has tested electronic logs and piped out text-based directions to drivers on the road before, but this will be the first time the company has tried anything broader in scope than that throughout the entire fleet. Schneider began in October to install Qualcomm MCP200 units in company and owner-operator tractors alike after a two-year trial. The company expects to complete the project this fall. The MCP200, successor to Qualcomm's MCP100 series, still has a touch screen and a pullout keyboard. Unlike the 100 series, the MCP200 has both cellular and Wi-Fi connectivity, in addition to an Internet browser. The latter two are a first for any Qualcomm device.
www.schneider.com/index.htm

*****UPS Eliminates 8 Million Miles**as it has announced a new cost-effective & convenient "green" pickup option for small- to medium-sized businesses, becoming the first in its industry to automate the process of having drivers stop at customer locations to pick up packages. "Before UPS Smart Pickup, UPS would often arrive at a customer's location only to discover that the customer had no packages for pickup that day" UPS Smart Pickup is the latest in a series of UPS' Decision Green efforts and is designed for customers who want the convenience of a scheduled pickup but who may not ship a package every day. The service uses UPS technology to ensure that a UPS driver stops at a customer location to pick up a package only when a package is, in fact, being shipped. This new service is expected to eliminate 8 million miles from the total driven by UPS each year in the U.S. and will save an estimated 793,000 gallons of fuel and 7,800 metric tons of CO2 emissions. "Before UPS Smart Pickup, UPS would often arrive at a customer's location only to discover that the customer had no packages for pickup that day," said Chief

Information Officer David Barnes. "For the first time, a UPS service integrates the company's operational & customer-facing technology to eliminate unnecessary stops. For customers, the entire process is convenient, automated & transparent. A customer uses a UPS shipping system, such as UPS WorldShip 2010, UPS CampusShip or UPS Internet Shipping, to process a package prior to a predetermined cutoff time. That shipping system then communicates with internal operations systems at UPS to notify drivers via their wireless, handheld computers, that a pickup is required. The result is a pickup is only scheduled when a customer processes a package in a UPS shipping system. The same driver will stop as scheduled whether a ground, air or international shipment needs to be picked up.

www.ups.com/content/us/en/shipping/time/service/value_added/smart_pickup.html

*****Caterpillar Comes Home** as is considering the construction of a new hydraulic excavator plant in the U.S. that could result in the transfer of some production from Japan. The new facility would manufacturer 2 excavator models currently being produced at a plant in Aurora, Ill., and several lines now produced in Japan and exported to the U.S. The new plant would have the potential to triple the current capacity of hydraulic excavators now produced by the company in the U.S. and add a significant number of U.S. jobs.

*****High Turn Logisitcs** As the U.S. Army has found a new way to transport its MRAP-All Terrain Vehicles to Afghanistan, according to the service's top logistician. Up until a week ago, the Army had been flying the vehicles directly from its integration facility in Charleston, S.C., said Lt. Gen. Mitchell Stevenson, deputy chief of staff for logistics. On March 8, the Army began a "multimodal concept of operations," dividing the long trip up using ships and aircraft, Stevenson said. "We sent 130 M-ATVs by ship" to a U.S. ally in southwest Asia, said Stevenson, who declined to name the country. Once the vehicles arrive, they will be loaded onto a C-17 aircraft and flown 6 hours to Afghanistan. The whole trip takes about 3 weeks and is less expensive, he said. "The nice part about that concept of operations is that the C-17s can make multiple turns in a day and it's a lot easier than flying that one leg all the way from the U.S.," he said. Another 170 vehicles will be shipped this way later in March. "We want to get up to 1,000 per month," he said. Oshkosh, the vehicle manufacturer, produces about 1,000 M-ATVs a month.

<http://blogs.e-bim.com/from5thavetothefield2/2009/10/19/sitting-in-an-matv/>
www.idga.org/podcenter.cfm?externalid=383

*****Highballing** as March 14th marked the birthday of an American folk hero -- the famous railroad engineer John Luther Jones, far better known as **Casey Jones**, born in the town of Cayce, Kentucky. Jones died in a train wreck at Vaughn, Mississippi in April 1900. Working overtime to fill in for a sick colleague, Jones was rushing - "Highballing" - to make up lost time, when he hit a train moving onto a siding in early morning fog. The accident sparked one of the best-known folk ballads in American history. At the time of Casey Jones' death, there were some 38,000 locomotives and 260,000 miles of track in the U.S. Today, there are just over 24,000 locomotives, operating on 212,000 miles of track.

http://en.wikipedia.org/wiki/The_Ballad_of_Casey_Jones

Ballad, 1912:

<http://cylinders.library.ucsb.edu/mp3s/0000/0636/cusb-cyl0636d.mp3>

*****Weekend At Redden's** as a police tow truck removed a minivan parked outside a New York City funeral home on March 12, giving its dearly departed passenger an unexpected side trip. A NYPD spokesman said there was "nothing to indicate it was more than just an illegally parked car." **Redden's** Funeral Home director Paul DeNigris said a windshield placard had fallen flat. The van's tinted windows helped obscure the white cardboard box that held the remains. DeNigris said he was "a wreck" after discovering the van missing in Manhattan. He rushed to the tow impound, where he discreetly explained the circumstances and got the van back. He also got the body to an airport in time for a scheduled flight to Miami. He plans to fight the US\$115 parking ticket. Ah, cargo!

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2. The Cargo Letter Financial Page _____

****A.P. Moller - Maersk Group. DOWN** as result for 2009 was negative by US\$1Bn, compared to a positive US\$3.5Bn result I 2008.

****Cathay Pacific Airlines. UP** as it had operating profit of US\$36M in 2009, a huge reversal from the US\$185M it lost in 2008.

****CSAV. DOWN** with operating losses of US\$599.7M in 2009, compared to a loss of US\$133.5M in 2008.

****DP World. DOWN** as profit fell 46% to US\$333 million in 2009 as throughput at company terminals fell 8% to 43.4 million TEUs, while revenue slid 14% to US\$2.8Bn.

****Expeditors Int'l of Washington. DOWN** as 4th-quarter net income fell 11% to US\$69.1M, or 32 cents a share, from US\$77.7M, or 36 cents, a year ago.

****FedEx. UP** with net profit to US\$239M for 3rd quarter, 146% more than the US\$97M earned in same 2009 period.

****Kuehne + Nagel. DOWN** with profit of US\$431M in 2009, 20% less than in 2008.

****Orient Overseas (Int'l) Ltd. parent of container carrier OOCL. DOWN** with a net loss of US\$401M in 2009 compared to a profit of US\$276M in 2008.

****Panalpina. DOWN** with profit of 10 million Swiss francs (US\$9.3M) in 2009 compared to 114 million francs in 2008.

****US 1 Industries. DOWN** with a 4th quarter net loss of US\$2.1M, or 15 cents a share, compared with a profit of US\$582,000, or 4 cents a share, a year earlier.

****UTi Worldwide Inc. UP** with 4th quarter net profit of US\$1.5M compared to a net loss of US\$89.8M the prior year period.

****YRC Worldwide. UP** with 4th quarter profit of US\$119.5M, or US\$1.64 a share, compared with a year-ago loss of US\$244.9M, or US\$4.15 a share. March shipments were up 10%.

****Zim Line parent, Israel Corp. DOWN** as profit of US\$320M in 2008 dropped to US\$6M in 2009, with Zim contributing operating losses of US\$332M during the year

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OUR "B" Section: FF World Air News***

3. Freight Forwarder World Air Briefs _____

*****Light Enters The Tunnel** as the Int'l Air Transport Assn. has cut in half its forecast for losses in 2010, but said the airline industry's recovery is still mostly benefiting Asian and South American carriers. "Helped by the strong year end we have cut our estimate of 2009 net losses from US\$11Bn to US\$9.4 Bn," IATA said in its monthly economic update. "More significantly, we now forecast smaller losses in 2010 of US\$2.8Bn, compared to our previous forecast of US\$5.6Bn, with the largest improvements benefiting airlines in Asia & Latin America." IATA said tight supply situations in Asia have helped carriers carve out profits. "Tighter supply-demand conditions on some markets, particularly those originating in Asia, are pulling fares & cargo rates higher," IATA said. "Airlines in those regions are seeing the benefits. But both fares & cargo yields are still 10% to 20% lower than early 2008 levels. Moreover, it remains to be seen whether these conditions of relatively scarce capacity will persist. There are 1,400 jets & turboprops scheduled to be delivered this year, which, if no aircraft were taken out of service, would add 55% or 6% to the fleet. The other potential source of additional capacity is from the underutilized existing fleet." However, IATA also warned airlines to beware the impact of rising fuel prices as global economies recover.

www.iata.org/

*****Sinking The Cargo Fleet** as Japan Airlines, Asia's biggest airline by sales, will permanently ground its freighter fleet at the end of Oct. and exclusively use the belly capacity of passenger planes to move cargo, the indebted carrier announced March 25. JAL operates 4 Boeing 747-400 converted freighters, 2 factory-built 747-400s & three 767-300s. Two other cargo planes are in storage, The move is the airline's latest attempt to restructure its operations and

return to profitability. JAL said its passenger fleet offers 3 times the cargo capacity of its freighter fleet and will be able to meet shipper needs throughout its int'l network, but there are large loads that such planes will not be able to handle. The airline currently has 508 weekly passenger flights. The decision to eliminate freighter service after 50 years follows news early this month that JAL & Nippon Yusen Kabushiki Kaisha, a conglomerate that includes ocean cargo carrier NYK Line, abandoned plans to merge JAL Cargo & Nippon Cargo Airlines. The once-proud airline lost US\$2Bn in the last 9 months of 2009, and US\$1.9Bn the previous year,

*****Dropping The Dogs** as London's Heathrow Airport has announced the deployment of the world's 1st automatic narcotics detection system, the XRD 3500. Deployed in Germany for automatic detection of explosives in baggage, Morpho Detection has partnered with the U.K. Border Agency to program the machine for Class A narcotics detection. Select baggage arriving in the U.K. from high-risk narcotics producing & trafficking countries is put through the XRD 3500 system, which can pinpoint the exact location of potential narcotics without opening bags or disturbing contents of shipping cartons. The only baggage-screening system with the technology to find drugs in bags automatically, the XRD 3500 reduces the need for canine and hand searches. Previously, each suspect piece of luggage was manually inspected, taking as much as 30 minutes per bag or carton.

www.morphodetection.com/

*****Boeing Increases Production** as it forecasts rising demand for new commercial aircraft plans to accelerate planned rate increases of its 777 & 747 production programs. "We see 2010 as the year of overall economic recovery within the industry, and 2011 a year where airlines return to profitability," stated VP of Marketing for Boeing Commercial Airplanes. "As a result, we anticipate an increase in demand for airplanes in 2012 and beyond." Production of 777s will be increased from 5 to 7 airplanes per month, by approximately 6 months, Boeing said, starting in mid-2011, rather than early 2012, as previously scheduled. This change will maintain the current production rate for the 777 program, which in 2009 was scheduled for a cutback in 2010. Reportedly, there are presently 1,117 of the newest Boeing commercial jet on order, and the company said it forecasts more orders in the current market. Production of 747s will increase from 1.5 to 2 airplanes per month, beginning in mid-2012 rather than mid-2013. Suppliers for both the 777 & 747 will be prepared to support the accelerated rate increases.

*****United Airlines Adjusts Buys** as it has made a firm order for 25 of Airbus' A350 extra-wide bodied jets, fulfilling a commitment signed in Dec., to the European aircraft manufacturer. Deliveries of the 314-seat A350-900s are scheduled to begin in 2016 and run through 2019. The order is half of a 50-aircraft order United announced in Dec., when it also unveiled plans to buy 25 of Airbus' rival Boeing Co.'s 787 jets. At list prices, the new jets would be worth more than US\$10Bn, with about US\$4Bn for Boeing's 787-8 and around US\$6Bn for the Airbus planes.

*****Overrun Risk** as an issue involving the Boeing 777 can result in a high-speed aborted takeoff & increase the chance of a runway overrun. **THE FIX:** The FAA wants new software installed on 777s to prevent crew from inadvertently engaging the autopilot before takeoff. **THE IMPACT:** Delta Air Lines had 16 Boeing 777s as of Sept. 30, 2009, while American Airlines had 47 as of May 2009 and United Airlines had 52 as of the end of 2009.

*****Maintenance Flap(s)** as the Federal Aviation Administration has issued an emergency airworthiness directive demanding that airlines check a mechanism that controls tail flaps on about 600 Boeing 737s. The directive was issued March 12 & concerns flaps on the horizontal tails of the jets. On March 2, a Ryanair 737-800, en route from the Netherlands to Madrid, Spain, experienced severe vibrations in flight and had to make an unscheduled landing in Belgium. Inspection afterward found "extensive damage" to the left elevator, which is a movable flap on the horizontal tail that controls the pitch of the airplane, up or down. The agency says some of the jets must be inspected within 12 days, and the rest within 30 days. FAA spokesman said about half the affected airplanes are operating in the U.S.

*****United Airlines Takes A Cargo Move.....** as it is taking the lug out of luggage, with special Door-to-Door Baggage pricing just in time for spring break. Customers can send their bags, golf clubs and skis ahead to their final destination via FedEx standard overnight delivery. Travelers may purchase the Door-to-Door Baggage option up to 10 days before departure.

https://store.united.com/traveloptions/control/product?product_id=UM_DTD&category_id=UM_DRTODRBGG

*****Snapshot: Israel** as a new report submitted last week by Israel's Civil Aviation Authority (CAA) to Israel's transport minister noted that the average fleet age of Israel's civil aircraft, operated by five air operators: El Al, Sun d'Or Int'l Airlines Limited – a charter airline - Arkia, Israir & CAL, is down. Average fleet age was 13 years as of Jan. 2010, compared to 15 years in Jan. 2007 and 14 years in Jan. 2008. In Jan. 2010, total fleet consisted of 51 aircraft, of which, 42 were jet aircraft and 9 turboprop aircraft. (Turboprop engines are generally used on small subsonic aircraft) In Jan. 2010 the number of passenger aircraft was 40. El Al's fleet consisted of 35 aircraft, compared to 30 in Jan. 2009 and 37 in Jan. 2008. The number of cargo freighters in Jan. was 2 compared to 4 in Jan. 2009 and 6 in Jan. 2008.

*****Volumes >>> Cathay Pacific** and sister airline **Dragonair** saw air freight volume rise 18.7% to 119,801 tons in February, compared to the same month in 2009.

*****Aimed For The Foot** as an Air Austral Boeing 777-300 registration F-ONOU parked at Saint Denis' Gillot Airport, Reunion (French island in Indian Ocean), was being used for a training exercise on March 9, by Reunion's Overseas Gendarmerie simulating hijackers and had taken hostages aboard the aircraft. The police forces attempting to free the hostages brought stairs to the forward door, got up the stairs & opened the door for a surprise attack. But one of the policemen had live bullets instead of blank cartridges in his gun when he stormed the aircraft, and thus shot through a window with the bullet going through all panes of the window. Nobody was injured. The airplane however had to remain on the ground to have its window replaced, and therefore, could not perform its scheduled flight UU-975 to Paris Charles de Gaulle, France that evening. The Air Austral replacement plane could not accommodate all booked passengers, so a number of them had to be rebooked onto other flights.

<http://en.wikipedia.org/wiki/Réunion>

*****Falling Down On The Job** as police authorities in Ukraine are investigating the airline industry after an incident on it's main flag carrier. Police were ordered to prevent a plane from taking off with a drunken crew on March 15. The pilots & cabin crew on the Ukrainian airline Donbassaero were found to be at least ten times over the legal limit. The inland flight was due to carry 86 passengers, including the Ukrainian deputy Attorney General Tatiana Kornikova, from Simferopol on the Crimean peninsula to Kiev. Ms. Kornikova ordered the investigation into air safety in Ukraine. Ukrainian security forces cancelled a Donbassaero Airlines flight and arrested pilot, co-pilot & cabin attendants at the airport in Simferopol, Ukraine for being falling-down drunk ("sturzbetrunkene"), with blood alcohol levels between 3 & 3.5 parts per thousand (versus 0.08, the legal level for drunk driving in many states).

www.donbassaero.com/

*****Room With A View + Airplane** as a Santa Rosa, CA woman was arrested March 12 for allegedly stealing her landlord's airplane, then abandoning it in a field after it ran out of gas. Authorities said a 27-year-old woman had access to the Piper Cherokee because she had been borrowing it for piloting lessons. But she allegedly took the plane without permission from a hangar at the Sonoma County Airport. Authorities said she landed it in a Modoc County ranch field when she ran out of gas, didn't report the incident & hiked to a nearby hotel to spend the night. Curious residents called authorities about the abandoned plane, and deputies arrested the woman the next morning on suspicion of grand theft & aircraft theft. Modoc County Sheriff's said the woman was found with keys to the plane & admitted to taking it.

*****Quitting Time** as a Ryanair Boeing 737-800, registration EI-DAN performing flight FR-

8926 on March 7, from London Stansted, UK to Leipzig/Altenburg, Germany with 150 passengers, was on approach to Altenburg, however could not establish radio contact with the tower. The crew therefore had to divert to Berlin Schoenefeld, Germany, where the plane landed safely about 30 minutes later. The passengers waiting for departure in Altenburg were bussed to Berlin. The arriving passengers were taken to Altenburg by the returning busses. The aircraft reached London Stansted on its return flight with a delay of 6 hours. The "Tower Company" responsible for providing air traffic control services at Altenburg Airport said there had been a misunderstanding with an unclear duty roster, so that the tower controller scheduled to be on duty did not turn up for work. Another controller became available 2.5 hours later. An internal inquiry has been launched. Abandon the tower because your relief is late?

*****Daddy Made Me Do It** as planes waited to take off from Kennedy Airport on March 3, the jargon-packed radio chatter between controllers & pilots was interrupted by a young boy's voice: "JetBlue 171, cleared for takeoff." An air traffic controller who brought his son to work let the youngster read a few routine messages to pilots - and then brought in another child the next day - in an incident that amused pilots, but not the Federal Aviation Administration. Authorities suspended the controller and a supervisor after a recording of the radio calls was posted on the Internet, then reported by a Boston television station. During his visit, the boy got to squeak out a few more instructions to pilots before signing off, including telling the crew aboard a departing Aero Mexico flight, "Adios, amigos." Tomorrow, is take your child to work for pilots day.

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OUR "C" Section: FF World Ocean News***

4. FF World Ocean Briefs

*****SOS -- America's Flagship In Imminent Danger of Being Scrapped**.....as the [SS United States](#) Conservancy issued a "Red Alert" press release that the vessel may soon be destroyed. The [SSUS](#), launched in 1952 as a luxury ocean liner with military capabilities, sailed 400 passenger voyages without incident & still holds the trans-Atlantic speed record. The vessel was retired in 1969, was subsequently removed of her fittings and has been moored at Pier 82 in Philadelphia since 1996. Current vessel owner Norwegian Cruise Line (NCL), subsidiary of Genting Hong Kong (formerly Star Cruises Limited), listed the vessel for sale in February 2009 and offered the [SSUS](#) Conservancy first right of refusal. With the [SSUS](#) Conservancy not in a financial position to purchase the vessel outright, NCL is reportedly considering scrapping bids. The minimum bid for the ship has reportedly dropped from US\$20M last year to US\$1.5M. NCL has reported publicly the vessel will be sold to any "U.S. entity that has the funds to purchase the ship" and further disclosed that insurance, maintenance and dockage fees to maintain the vessel in Philadelphia cost US\$800,000 a year. To learn more, go to our official [Cargo Law](#) charity: www.cargolaw.com/charities.php

*****Global Container Trade To Be Up** as it is forecast to grow 5.5%, according to a projection by Clarkson Research. The transpacific trade, after falling 11% to 18.1 million TEUs in 2009, is expected to grow by 2.7% to 18.6 million TEUs in 2010. Far East-Europe growth in 2010 is expected to be even more significant, 4.6% to 15.9 million TEUs (after it fell 9.5% in 2009). Transatlantic trade is forecast to grow by 2% to 5.1 million TEUs in 2010. Total global container trade is expected to reach 130 million TEUs this year, after it fell 9.5% in 2009. www.crsi.com/

*****Asia/Europe Trade Up?** as it could see an influx of capacity in coming months, according to the maritime news service Alphaliner. Alphaliner said trade growth on the Asia/Europe lane could grow as much as 10% in 2010, after falling 14.9 % westbound in 2009. www.alphaliner.com/

*****Nigeria: Next Battleground** as recent research by the Int'l Maritime Bureau's Piracy Reporting Center (IMB PRC) has highlighted the growing problem of piracy off the coast of Nigeria The center recorded 28 incidents in Nigerian waters during 2009, including 21 cases of a

vessel being boarded, one of a ship being hijacked, 3 incidents of vessels being fired upon and 3 attempted attacks that were fended off. The IMB PRC reported that general cargo vessels, bulk carriers, reefers and all types of tankers had been attacked, but added that the majority of assaults on fishing and oil industry vessels are not reported. It added: "Information from external sources would suggest at least a further 30 unreported attacks occurred in Nigeria in 2009." There were 406 reported attacks worldwide during 2009 and the IMB calculated that Nigeria was the 2nd most pirate prone country in the world after Somalia.

*****Carrier & NVOs Get Hit** as the U.S. Federal Maritime Commission said that China Shipping Container Line and 3 intermediaries have agreed to pay a total of US\$625,000 in civil penalties for alleged violations of the Shipping Act of 1984. The FMC said, under a compromise agreement the parties settled & paid penalties, but did not admit to violations of the act or FMC regulations. China Shipping agreed to pay US\$440,000 to settle alleged violations that involved more than 1,000 shipments over four years. The alleged violations included: providing transportation services to intermediaries that did not have tariffs, licenses, or bonds as required by the statute; misdescribing cargo shipped; allowing use of service contracts by persons who were not parties to those contracts; and providing transportation that was not in accordance with the rates and charges set forth in published tariffs. China Shipping provided the FMC with information regarding the activities, terminated those activities, and agreed to cooperate fully with any further investigation regarding those activities, the FMC said. The NVOCCs were ATI USA Inc., MT Global Freight Solutions Inc. & Cosa Freight Inc.

*****Bring Your Own Chassis (BYOC)** as shipping line OOCL said in a customer advisory it would no longer provide chassis for container yard or store door shipments of import and exports originating or destined to facilities in or around Boston and Miami. "All motor carriers, either working as suppliers for OOCL or OOCL customers, must provide chassis for these shipments," the Hong Kong-based carrier said in an advisory to customers. Increasingly, routinely providing chassis to U.S. customers has been seen as an untenable practice by some shipping executives. In most countries, truckers provide chassis, and the growing expense of buying, maintaining and storing U.S. chassis fleets is seen as too expensive by some carriers. More carriers are pooling equipment in ports or regionally to reduce costs, and last year Maersk Line overhauled its chassis business by placing its chassis equipment under a new subsidiary that leases chassis to truckers. In related news, OOCL said in a customer advisory that it will limit acceptance of online booking requests to a maximum of 8 weeks out "due to the continued tight space availability in the North American export market." Under the new rule, which came into effect March 8, OOCL said it is limiting acceptance of online booking requests via oocl.com or cargosmart.com to 8 weeks.

*****TSA Hike** as member carriers in the Transpacific Stabilization Agreement said March 22 they will continue to pressure shippers for US\$800 per 40-foot container rate hikes to the U.S. West Coast during ongoing service contract negotiations. The TSA held CEO-level meetings in Taipei this month and "reiterated their support for the recommended TSA guideline rate increases," which also includes a hike of US\$1,000 per 40-foot container for cargo moving to U.S. East & Gulf coasts, as well as U.S. interior points, via all-water or intermodal services. TSA said it was forecasting 6% to 8% cargo growth for 2010 on the transpacific. "Container lines in aggregate lost, by various estimates, US\$15Bn to US\$20Bn in 2009 worldwide as the direct result of falling demand and a corresponding decline in rates, and liner shipping industry return on capital invested fell to -6.5%."

www.tsacarriers.org/

*****Goodbye European Liner Affairs Assn.** as the board has approved the closure of the Brussels-based organization by July 1. Container carriers established the ELAA in 2003 to persuade the European Commission of the value for maintaining the ocean carrier conference system. While the ELAA failed in this effort, the association helped smooth the transition of the industry's carriers engaged in the world's first complete deregulated liner trade. The ELAA's membership comprises APL, ANL, CCNI, China Shipping, CMA CGM, COSCO, CSAV, Evergreen, Hamburg Süd, Hanjin, Hapag-Lloyd, Hyundai, Independent Container Line, Maersk,

MISC, OOCL, Safmarine, SCI, Turkon, United Arab Shipping Co., Yang Ming and Zim. The three Japanese lines -- MOL, NYK and "K" Line -- left the group during the past 18 months, citing costs and concerns over breach of competition rules.

www.elaa.net/

*****You Wanted It When?** as the growing practice of slow steaming container shipping services has coincided with an unexpected deterioration in the on-time arrivals of vessels, according to Drewry Shipping Consultants. According to Drewry's latest Container Shipper Insight report, out of 1,600 ships tracked in the 3 months through Dec. 31, only 53% arrived either on the scheduled day of arrival or a day prior. After achieving on-time arrival scores of 60% or above in first 3 quarters of 2009 -- including a best-ever 69% 2nd quarter result -- the 4th quarter performance dragged the historical average down to 55%. Drewry advises shippers, in those core trades, should add a day on to carriers' advertised port-to-port sailing schedules, as the average deviation from the scheduled port arrival for all 3 trades was one day. There are always consequences.

www.drewry.co.uk/

*****The New Kid** as The Containership Company (TCC), a new Norwegian-based container line has selected the Port of Los Angeles as its U.S. west coast gateway. TCC will operate a weekly service between Los Angeles and the Modern Terminals facility at the Port of Taicang, in the Jiangsu province of China. Starting in April, The Containership Company will offer "no frills" service for importers and exporters seeking a cargo link between Southern California and Taicang, a thriving manufacturing center 40 miles northwest of Shanghai. The 1st vessel, [M/V Taicang Dragon](#), will sail from Taicang Port on April 17th and arrive at the Port of Los Angeles on May 3rd. TCC executives believe their new service could generate 250,000 TEUs annually between L.A. and Taicang. Right now, goods manufactured in the Taicang area, or points further inland, must be transported by truck or vessel to Shanghai. Alphaliner is predicting that TCC will find it difficult to find vessels for a similar service from Asia to northern Europe.

www.alphaliner.com/

*****American Lakes Coming Back** as officials at the St. Lawrence Seaway said they expect a 10% to 12% increase in cargo to 34 million tons for 2010. The seaway's navigation season officially started March 25. Total cargo volume for 2009 amounted to 30.7 million tons, 25% less than in 2008 and the lowest volume witnessed since the early 1960s. To retain current users and make seaway transits more productive, the seaway will test vessel transits at a deeper draft within the existing channels. Using advanced software, satellite navigation and high resolution charts of the channel bottom, some vessels are permitted to transit at a draft of 26-feet, 9 inches, 3 additional inches than normal, on a trial basis. The deeper draft means vessels are able to carry more freight tons. DP World, the world's 4th biggest port operator, said its 2009 net profit plunged by 46% due to the global financial meltdown, which badly hit int'l trade. The port operator's adjusted net profit from continuing operations declined to US\$333M for the year ended Dec. 31, 2009, from the US\$621M it earned in 2008. "In the first 2 months of 2010 we have seen 4% volume growth across our portfolio from a very low base last year and an improvement in EBITDA (Earnings before Interest, Taxes, Depreciation, and Amortization) margins from the final quarter of 2009 as cost cutting initiatives continue to be realised," the company said.

*****French Go Up** as container line CMA CGM said it will raise rates on a number of trades between US\$150 and US\$350 per TEU beginning April 1

*****Singapore Based NOL Extends** as the parent of liner carrier APL, is taking a US\$300M loan for "general corporate funding purposes," according to a statement the company made to the Singapore Stock Exchange. The term loan has been taken by the APL (Bermuda) business unit and is guaranteed by the parent company. The funding was arranged by Sumitomo Mitsui Banking Corp. In 2009, NOL secured more than US\$1Bn through a rights issue to existing shareholders, with the issue oversubscribed. NOL, in Feb., announced a net loss of US\$741M in 2009. According to the maritime news service Alphaliner, APL has 15 ships on order, and their

capacity represents more than 20% of the line's current capacity. APL is the 4th largest container line in the world by vessel capacity.

www.alphaliner.com/

*****Yang Ming Extends** as the Taiwan-based container line has issued more than US\$150M in bonds, the proceeds of which will help to pay down debt this year. The line owes more than US\$300M that must be settled this year, Lloyd's List reported, with the company paying the rest of the debts through internal resources.

*****Off Hours Works** as a nearly 5-year-old program to extend the hours of operation at Los Angeles & Long Beach container terminals has been so successful that it has lured more than half of all cargo moving through the ports to do so during less congested nighttime hours. The OffPeak program, administered by a nonprofit organization called PierPass, was set up to more evenly distribute the drayage of containers in & out of the two ports' 13 container terminals. The terminals now operate 4 night shifts a week, from 6 p.m. to 3 a.m.; previously, gates were only open from 8 a.m. to 5 p.m.

www.pierpass.org/

*****Increasing The Risk?** as in an apparent effort to skirt a new clean-fuel regulation in California, an increasing number of ships traveling to and from one of the nation's busiest port complexes — at Los Angeles and Long Beach — are abandoning a long-established shipping lane, choosing instead to travel along a riskier route that traverses a Navy weapons testing and training area. The fuel regulation, established by the California Air Resources Board, requires that all ocean-going vessels within 24 nautical miles of the California coastline use a cleaner-burning diesel fuel, called lower-sulfur marine distillates, rather than heavy-fuel oil. The board estimated that complying with the regulation would typically add US\$30,000 to a California port visit, roughly 1% of the typical fuel costs for a vessel crossing the Pacific Ocean. It is believed this added cost — as well as concerns that the cleaner fuel may increase wear and tear on ship engines — is behind the change in tack. Just after the regulations went into effect last July, ships that normally would have approached the harbor along the coast, inside the Santa Barbara Channel, began traveling south of the Channel Islands. The alternative route allows the ships to log fewer miles within the 24-mile zone where the more expensive fuel is required. But while the Santa Barbara Channel has an internationally recognized routing scheme that provides for the separation of arriving & departing vessels to minimize collisions, the route south of the islands does not have formally established shipping lanes. This was of minor consequence when just 7% of the traffic entering the harbor chose this route. But now, with up to 50% of the ships doing so, the risk of collision is far greater. The Navy has also been coping with the changing traffic patterns. The new route has sharply increased the number of commercial ships traveling within the the Navy's Point Mugu Sea Range, where hundreds of military exercises — including missile defense tests — are conducted each year, according to the Naval Air Systems Command Ranges. When the first collision occurs, California officials may find more pollution than their new rule was designed to prevent.

*****Ports of NY and NJ to Launch Clean Truck Program** as it aims to replace over 600 pre-1994 with newer models. Under the program, drivers will be eligible for assistance toward the purchase of newer trucks that emit less greenhouse gas and generate less pollution. Also announced was a plan to slowly phase out these pre-1994 trucks, which will be banned from Port Authority terminals beginning January 11, 2011.

www.panynj.gov/press-room/press-item.cfm?headLine_id=1267

*****New Iraq Port?** as the government will seek bids to build a US\$6Bn port in the southern city of Basra. The port would be linked to a proposed US\$3Bn rail line to Baghdad and then to Europe.

*****Letters of Marque Or Just Merc?**Marque Star has acquired a 180-ft ship, [M/V Archangel Michael](#), with a 750 ton, solid steel hull, 2,560 horsepower & berthing for 24 crew. The

Vessel has a 12,000+ mile range and will soon be fitted to begin protecting clients from pirate attacks. Marque Star focuses on securing sea-borne assets and property for the private sector with services including convoy protection and "recovery operations". As to the company name, a letter of "marque" is a permission to cross an int'l border to take some action against a prior attack or injury -- such as a pirate attack.

www.marquestar.com/

http://en.wikipedia.org/wiki/Letter_of_marque

*****Protecting Merchant Ships** as the U.S. Coast Guard plans to reactivate its [Polar Star](#) icebreaker by 2013. But first, the vessel will be retrofitted in Seattle. The [Polar Star](#) is one of the nation's two Polar Class icebreakers. The [Polar Star](#) is able to ram through 21 feet of ice. It has primarily been used to break open a route to U.S. research stations in Antarctica. Coast Guard Admiral Thad Allen announced the [Polar Star's](#) reactivation.

[http://en.wikipedia.org/wiki/USCGC_Polar_Star_\(WAGB-10\)](http://en.wikipedia.org/wiki/USCGC_Polar_Star_(WAGB-10))

*****Throughput UP >>> Busan's** Feb. container throughput rose 25% in Feb. to 1 million TEUs, compared to same month in 2008. >>> Terminal operator **COSCO Pacific** said Feb. container throughput rose 27% to 3.2 million TEUs collectively at its 16 Chinese and 4 int'l terminals. >>> Container traffic at the **Port of Marseilles-Fos** rose 24% in February to 159,202 TEUs.

*****This Month In U.S. Navy History**

1781 - Continental sloop ship [Saratoga](#) goes down with all hands in a sudden gale, 3 days after sailing from Cap Francais, Haiti.

1783 - [USS Alliance](#), commanded by Capt. John Barry, defeats [HMS Sybil](#) in the final naval action of the American Revolution in West Indies waters.

1800 - [Essex](#) becomes the first U.S. Navy vessel to pass the Cape of Good Hope.

1814 - [HMS Phoebe](#) & [Cherub](#) capture [USS Essex](#) off Valparaiso, Chile. Before capture, [Essex](#) had captured 24 British prizes during the War of 1812.

1815 - [USS Hornet](#) captures [HMS Penguin](#) in battle lasting 22 minutes

1898 - [USS Holland](#), the world's 1st practical submarine, is launched.

1903 - George Dewey commissioned Admiral of the Navy with the date of rank, 2 March 1899. He was the only person to ever hold this rank.

1915 - "Naval aviator" replaces "Navy air pilot" for officers qualified as aviators.

1917 - Launching of [USS New Mexico](#), 1st dreadnought with turboelectric drive

1920 - The first U.S. Coast Guard air station was established at Morehead City, North Carolina. The station was closed on 1 July 1921 due to a lack of funding.

1946 - [USS Missouri](#) (BB 63) departs the U.S. to return the body of a deceased Turkish ambassador to Turkey for burial. Missouri arrived in Istanbul April 5.

1946- International Ice Patrol resumed after being suspended during World War II.

*****Goodbye Victory's** as the U.S. Maritime Administration said a 4th obsolete vessel from its reserve fleet in Suisan Bay, Calif., has departed for scrapping. The [Winthrop Victory](#), a Victory cargo ship built during World War II, will be towed to BAE Systems' San Francisco shipyard, where it will be cleaned of marine growth and loose exterior paint prior to departure from the area. The vessel will be followed by the [Rider Victory](#), the 3rd MarAd vessel recently removed from the Suisan Bay Reserve Fleet for disposal. Both vessels will be sent to Brownsville, Texas, for recycling. MarAd said the [Winthrop](#) is the last Victory ship in the Suisan Bay Reserve Fleet and is the 4th to leave the fleet since Oct. 22, 2009, when the Obama administration pledged to clean up the Suisan Bay fleet. The next vessel, [Mission Santa Ynez](#), is scheduled to depart the fleet on March 31. The tanker was built for the U.S. Maritime Commission during World War II.

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5. [The Cargo Letter](#) Cargo Damage Dispatches

****Back By Popular Demand****

We're sorry, but there were so many sinkings, explosions, pirate attacks, fires, cargo mishaps,

battles on the water & other disasters at sea that we do not have room to print even the highlights this month. **Many people lost their lives at sea this month!!**

But you can read all this month's disaster news at our special Internet web feature which provides full details of each event -- our **Vessel Casualties & Pirate Activity Database**. Bookmark the site and visit every day! Updated twice daily.

www.cargolaw.com/presentations_casualties.html

SPECIAL NOTE: Please view the dramatic new pictures at our special "Gallery of Cargo Loss" website feature.

www.cargolaw.com/gallery.html

See our new feature for March 2010: "**Poor Margaret, She's Just Blasted**"

www.cargolaw.com/2009nightmare_margaret.html

See our other new feature for March 2010: "**The Prisoners of Bothnia**"

www.cargolaw.com/2010nightmare_gulf.bothnia.html

See our newest photo feature "**Singles Only**" - Transportation Disasters Told In A Single Photo!

www.cargolaw.com/2000nightmare_singles.only.html

"World's Most Stupid Pirates - Part Trois" and other pirate attacks this month

www.cargolaw.com/2000nightmare_singles.only.html#Stupid.Pirates-Trois

Daily Vessel Casualties as we don't want you to miss the excitement of our 24 hour reports of the dramatic events at sea each day -- stories of casualties & pirates --- almost none of which are carried on your local news. Edited daily by **Christoph Wahner, Esq.** of **Countryman & McDaniel**.

www.cargolaw.com/presentations_casualties.php

NOTE: The historic dangers of carriage by sea continue to be quite real. **Shippers must be encouraged** to purchase high quality marine cargo insurance from their **freight forwarder or customs broker**. It's dangerous out there.

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OUR "D" Section: FF in Cyberspace***

6. The Cargo Letter "Cyber Ports Of Call"

Here are our suggested world wide web sites of the week for your business, your information and your amusement.....

Cargo & Trade>>>>>>

Brazilian Harmonized Schedule - List of Tariffs Subject to Increased Duties

http://desenvolvimento.gov.br/arquivos/dwnl_1268082287.doc

International Chamber of Commerce INCOTERMS & world business.

www.iccwbo.org

Maritime Security Centre

www.mschoa.org/

"Lessons Learned from a Tough Market: 2009 Retail Peak Season Strategies" low inventory levels last year did not negatively impact sales volume

www.tompkinsinc.com/retail-peak/report.asp

Ocean Container Transfer Between Ships

www.navy.mil/swf/mmu/mmplyr.asp?id=14143

Package & Label Your Products for Export

www.businesslink.gov.uk/bdotg/action/layer?r.s=m&r.l1=1079717544&r.lc=en&r.l3=1078027562&r.l2=1077717216&topicId=1078027562&r.i=1078027697&r.t=RESOURCES

Suez Canal - The Film

www.seabird-marine.com/movie%20about%20the%20suez%20canal.htm

UK Logistics Academy

www.logisticsacademy.org/

UK Marine Accident Investigation Branch Budget 2010-11

www.maib.gov.uk/cms_resources.cfm?file=/MAIB_BusinessPlan2010.pdf

U.S. Customs & Border Protection Air AMS Communication and Data Processing Services

www.cbp.gov/linkhandler/cgov/trade/automated/automated_systems/ams/air_ams_data.ctt/air_ams_data.doc

U.S. Customs & Border Protection Discontinuance of Paper Notices of Liquidation

<http://edocket.access.gpo.gov/2010/pdf/2010-5635.pdf>

U.S. Government Central Website all information from local to federal levels

www.usa.gov/

U.S. National Export Initiative (NEI) **2010**

<http://edocket.access.gpo.gov/2010/pdf/2010-5837.pdf>

Waterways: Keep America Moving

www.youtube.com/watch?v=QNPZJHNHSIU

White Paper: Automating the Import Supply Chain

www.managementdynamics.com/IL/ImportWP/

World Trade Organization

www.wto.org

PRODUCTS>>>>>>>>>>

Admiralty & Maritime Law: Practitioner's Edition

https://ecommerce.beard.com/beardbooks/admiralty_and_maritime_law_set.html

Dolphin Containernew & used containers

www.dolphincontainer.com/

On Master Driver: Accident Procedures

<http://links.e.jjkeller.com/ctt?kn=26&m=34725298&r=NDYyNDA4OTc0OAS2&b=0&j=Njk0MjQ1MzcS1&mt=1&rt=0>

EVENTS>>>>>>>>>>

Transport Events

www.transportevents.com/

Trade Shows, Exhibitions, Conferences & Business Events Worldwide

www.eventseye.com/

Traffic Calming: Present & FutureWed., April 7, 2010, 11:30 AM - 12:30 PM EDT
www1.gotomeeting.com/register/153339945

Apps For That>>>>>>>> use exact name

BlueGrace Mobile Freight Optimizer live shipment quotes & rates

Earthquake monitors the world to amaze you with just how much happens every few minutes.

iGetloaded1st major freight matching service to embrace iPhone delivers all of the add-on features like Rate Index, TransCredit credit scores, PC*MILER & back-haul searching

General Interest>>>>>>>>

Advantages of Working In The Google Workplace
www.snopes.com/photos/architecture/google.asp

AFDB-3 Class Large Auxiliary Floating Dry Dock
www.navsource.org/archives/09/67/6703.htm

Blue Angeles In HD
www.youtube.com/watch_popup?v=W6tB8Lf7YoU

Bushnell ONIX 350 Color Handheld GPS with Georeferenced Maps
www.woot.com/

C-130 Cargo Aircraft Refueling Over Iraq
http://flightaware.com/squawks/link/1/7_days/popular_new/3884/Refueling_Over_Iraq

Carrier - Landing on a Pitching Deck Part 1 & 2
www.youtube.com/watch?v=4gGMl8d3vLs
www.youtube.com/watch?v=S0yj70QbBzg&feature=related

Cargo Flight Engineer Lament 2010
www.youtube.com/watch?v=_4TRSYhrEJE

Fantastic Four Port USB Charger
www.amazon.com/dp/B0036VO7OK?tag=prd_idnr20&camp=213381&creative=390973&linkCode=as4&creativeASIN=B0036VO7OK&adid=01VCZKSNCGSSRT6QRH4C&

Funny Or Die
www.funnyordie.com

LAX Connection - March Edition
www.lawa.aero/uploadedFiles/LAX/pdf/LAX_Newsletter_201003.pdf

Mining Mayhem watch the movie
www.miningmayhem.com/

Move Over For Stopped Emergency Vehicles -- U.S. Driving Law With Big Fine
www.moveoveramerica.com/
www.snopes.com/politics/traffic/moveover.asp

New York -- Barcelona Transoceanic Sailing Record preliminary race April 3

www.ny-bcn.org/en/index.jsp

Top Ten Great Military Low Passes

[http://flightaware.com/squawks/link/1/7_days/popular_new/3888/Great Military Low Passes](http://flightaware.com/squawks/link/1/7_days/popular_new/3888/Great_Military_Low_Passes)

Manned Military Ground Vehicles Fleet & What's Next

www.idga.org/video.cfm?ID=143&mac=IDGA_OI_Featured_2010&utm_source=idga.org&utm_medium=email&utm_campaign=IDGAOptIn&utm_content=3/24/10

U.S. 2010 Census

<http://2010.census.gov/2010census/>

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OUR "E" Section: The Forwarder/Broker World***

7. New U.S. Transport Related Legal Cases _____

Kawasaki Kisen Kaisha v. Regal-Beloit Corp.

U.S. Supreme Court

Argued: March 24 2010

No. 08-1554

Court Below: 557 F.3d 985 (9th Cir. 2009)

INTERSTATE COMMERCE (Whether the Carmack Amendment of the Interstate Commerce Act of 1887 applies to the "inland" leg of an international multimodal shipment under a "through" bill of lading) Regal-Beloit and other plaintiffs contracted with Kawasaki to ship Regal-Beloit's goods. Kawasaki issued a bill of lading to cover the goods from China to various U.S. destinations. Kawasaki shipped the goods from China to Long Beach, and Kawasaki subcontracted with Union Pacific to transport Regal-Beloit's goods from Long Beach to their Midwestern destinations. Union Pacific's train derailed in Oklahoma, damaging Regal-Beloit's goods. The district court granted Kawasaki's Motion to Dismiss because the contractually agreed upon Carriage of Goods by Sea Act (COGSA) trumped the Carmack Amendment. However, the court of appeals reversed & remanded, stating that the Carmack Amendment trumps COGSA unless contracting parties properly opt out of Carmack. The requirements to opt out are in 49 U.S.C. Sec. 10502. Kawasaki argues that Carmack is inapplicable to any through transportation under maritime contracts and that Carmack's history confirms that it does not apply to transportation from non-adjacent countries. Decision in May 2010.

www.ca9.uscourts.gov/datastore/opinions/2009/02/23/0656831.pdf

Tyree R. Webb and Wayne Webb vs. Teco Barge Line, Inc

U.S. District Court, Southern District of Illinois

February 12, 2010

On July 16, 2007 Plaintiffs filed a Complaint alleging Jones Act negligence & unseaworthiness under general maritime laws. On March 11, 2009, Plaintiffs filed an Amended Complaint (Doc. 26). Plaintiffs allege they received injuries as a result of being required by Defendant to stay on its vessels during the onslaught of Hurricane Katrina. Specifically, Plaintiffs allege that Defendant ordered Plaintiffs to board and remain on the *M/V Anita M* before being hit by Hurricane Katrina. Plaintiffs contend the *M/V Anita M* was not designed to protect the crew from the hurricane. Over the course of three days, the vessel was battered by the force of Hurricane Katrina, which caused Plaintiffs to suffer injuries from the force of the storm. Plaintiffs also allege they were sleep-deprived and feared for their lives. Plaintiffs Amended Complaint alleges negligence under the Jones Act and unseaworthiness under General Maritime Laws. Plaintiffs Amended Complaint also alleged a violation of OSHA, which Plaintiffs alleged constituted negligence per se. Subsequent to Plaintiffs filing an Amended Complaint, Defendant filed a Motion to Dismiss or, in the Alternative, Strike Plaintiffs' Amended Complaint in Admiralty. Specifically, Defendant argues that an OSHA violation can not constitute negligence per se under the Jones Act. Plaintiffs have filed a response. Based on the following, the Court DENIES Motion to Dismiss or, in the Alternative, Strike Plaintiffs' Amended Complaint in Admiralty. The court held that violation of an

