



Press Release

Log Truckers Bill Gets Boost From Washington Supreme Court Ruling *(Exclusive for Weekly papers)*

Olympia, Washington, March 07, 2007 The Log trucker bills¹ supported by the Northwest Log Truckers Cooperative and the IAM-Woodworkers Union, District W-1, received a legal boost on Friday when the Washington State Supreme Court rejected the Washington Truckers Association (WTA) argument that federal truck deregulation laws preempt state action regarding prevailing wage law for truckers in an unpublished decision.

According to Jim Nielsen of the Northwest Log Truckers Cooperative, "As we have maintained from the beginning, there is no federal preemptions on state's for setting prevailing wages when done so in a manner that "does not rise to the level of an impermissible burden, given the importance of the legitimate local public interest at stake."² For rural timber dependent communities it is difficult to find a more legitimate local public interest than to have a compensation system for log truckers that promotes rural community income, improves truck safety, and helps to stabilize an important sector of this key industry.

¹ HB 2497 is the Oregon legislation and HB 2247 is the Washington legislation. Both bills empower the respective state labor authorities (BOLI in Oregon and L&I in Washington to establish wage levels for log truckers hauling from the state's largest commercial forest landowners.)

² Amici Washington Trucking Associations/American Trucking Associations, Inc. maintain that if RCW 49.46.130 is interpreted to require overtime in this case, the statute would be preempted by the Federal Aviation Administration Authorization Act (FAAA) of 1994, 49 U.S.C. §§ 14501-14505. The FAAA's preemption clause provides that a state may "not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier . . . with respect to the transportation of property." 49 U.S.C. § 14501(c)(1). Amici rely heavily on *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 112 S. Ct. 2031, 119 L. Ed. 2d 157 (1992), in which the Court gave a broad interpretation to an identical preemption clause in the Airline Deregulation Act (ADA), Pub. L. No. 95-504, 92 Stat. 1705. Amici fail to note, however, that the Court has since pulled back from its previous interpretation. See generally *Californians for Safe & Competitive Dump Truck Trans. v. Mendonca*, 152 F.3d 1184, 1187-89 (9th Cir. 1998) (explaining evolution of the Court's interpretation of the preemption clause). Applying the more recent cases interpreting the preemption clause, the Ninth Circuit in *Mendonca* held that California's prevailing wage statute was not preempted by the FAAA. The California court reasoned that although the prevailing wage law was "in a certain sense" "related to" [the appellants'] prices, routes and services, . . . the effect is no more than indirect, remote, and tenuous." *Id.* at 1189 (citing *Cal. Div. of Labor Standards Enforcement v. Dillingham Constr., N.A., Inc.*, 519 U.S. 316, 117 S. Ct. 832, 136 L. Ed. 2d 791 (1997)). We conclude that just as the prevailing wage statute in *Mendonca* was not preempted, RCW 49.46.130(1)'s overtime provision, as interpreted to require overtime in this case, is not preempted by the FAAA.

Opponents of the legislation in both states, as a last line of defense, asserted that the bills were illegal since they would be preempted by the 1994 federal deregulation interstate trucking. Both the Union and the Coop documented in public hearings that log truckers haven't received adequate compensation since the 1994 deregulation and in the face of rising fuel and other costs a growing shortage of log trucks endangers the industry and the motoring public.

Steve Fluke, Assistant Directing Business Representative of IAMAW Woodworkers District W-1 said, "By intervening against the interest of working truck drivers, the WTA did a disservice not only to our union members who drive log trucks but also to their own members. It is indeed ironic that in their effort to deny overtime pay to hard working drivers they opened the door for the Washington State Supreme Court to clarify what the IAMAW has asserted since the first day these bills were introduced. . With this clarification from the Court, the barriers are removed and the legislation granting log truck drivers the right to demand fair and just wages should now pass both legislatures in both states."

In Washington, House Bill 2247 had a public hearing attended by hundreds of log truckers and is being prepared for a vote in the House of representatives and in Oregon, House Bill 2497 is waiting to have a hearing scheduled.

"These bills will give log truck drivers the same rights that millions of workers across the country have had for many years," said Rod Kelty, Director of the IAM Woodworkers Department. "These huge logging corporations are padding their bottom line at the expense of hard working drivers and their families. These workers deserve a level playing field."

Most of the major timber corporations in the Northwest are contracting out log harvesting and hauling services solely to avoid providing health insurance, social security payments, and minimum wages for former employees.

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