

## Judge Tosses Long Beach Clean-Trucks Settlement

Jul 19, 2011 4:00PM GMT

Says port's agreement with American Trucking Associations violates California law

**Source:**

The Journal of Commerce Online

Bill Mongelluzzo

A federal judge threw a new twist into the battle over clean-trucks programs at Southern California ports, ruling the Port of Long Beach violated state law by reaching a settlement with the trucking industry without first performing an environmental impact study.

U.S. District Court Judge Christina A. Snyder's ruling Monday says the Oct. 19, 2009, settlement with the American Trucking Associations violated the California Environmental Quality Act.

The Long Beach-ATA agreement marked a split between Long Beach and the neighboring Port of Los Angeles over the role of independent truck drivers in the harbor.

Los Angeles would require harbor trucking companies phase out owner-operators and replace them with employee drivers. The ATA is challenging Los Angeles' employee-driver mandate as a violation of federal preemption law, leaving that provision in limbo while portions of the Los Angeles directly addressing air quality remain in force.

Long Beach avoided lengthy litigation by reaching a settlement with ATA in which it opened participation in the clean-truck program to both owner-operators and employee drivers.

"Nothing about the port's agreement with the American Trucking Associations was made with the public's health in mind," said David Pettit, director of the Southern California Clean Air Program at Natural Resources Defense Council, which sued Long Beach.

ATA sees the ruling as a procedural matter in which Long Beach must address the EIR issue. However, Judge Snyder's ruling does not indicate the Long Beach program must be scrapped, said Curtis Whalen, executive director of ATA's intermodal conference.

"Judge Snyder found fault with the process rather than the results of the settlement. The program has been wildly successful," Whalen said.

Under the clean-truck program, Long Beach by Jan. 1, 2012, will have a fleet of 100 percent clean trucks that are of model year 2007 or newer.



[States](#) [Truckload](#) [Specialized](#) [Ports/Terminals](#) [Sustainability](#) [Container Shipping](#) [Labor](#) [Labor](#)  
[United States](#)

**Source URL:** <http://www.joc.com/portsterminals/judge-tosses-long-beach-clean-trucks-settlement>