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It's not pork if it means better ways to hurt Puget Sound ports

By: John Talton

There is no red-state America or blue-state America when it comes to the competition barreling toward the ports of Puget Sound. There's only green-state America. As the *New York Times* [reported Sunday](#), Savannah, Ga., is engaged in a \$625 million project to deepen its port. Most of the money to pay for the expansion is coming from the feds, at the request of "anti-pork" members of the Georgia congressional delegation. South Carolina Gov.-elect Nikki Haley promised, "You now have a governor who does not like to lose. Georgia has had their way with us for way too long, and I don't have the patience to let it happen anymore." Count on South Carolina to aggressively go after federal funds to expand the port of Charleston.

The East Coast ports, particularly in the South, are anticipating the completion of a wider Panama Canal, a \$5.25 billion expansion expected to be open in 2014. It will allow super-sized container ships to sail from Asia directly to population centers on the American East Coast.

The big losers will be West Coast ports, where goods have been unloaded for shipment by rail and trucks to the east and the midwest. Yet another competitor for American ports is Prince Rupert in Canada, with its direct rail link to the midwest.

A spokeswoman for the Port of Los Angeles dismissed the competition, telling the newspapers, "The Port of Los Angeles is not expecting increased cargo diversion as a result of the Panama Canal expansion." That's brave talk for a one-eyed fat man, as a character says in the original *True Grit*. The mega-ports of Los Angeles and Long Beach have the most to lose, not least because they must maintain significant traffic growth just to stay even.

Port officials here are not nearly so sanguine. They take the new competition very seriously, hence Seattle's push to market itself as the greenest port. Neither Seattle nor Tacoma have the growth demands of a mega-port. But the emergence of new rivals means the old ethic of deliberate-deliberate-deliberate is dangerous. The Puget Sound region needs faster and more seamless rail links to the Midwest and East, as well as to the interior of Washington. Coasting along won't cut it.

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Court to Expedite Filings in Clean-Truck Case

By: Bill Mongelluzzo

Court grants ATA petition; opening brief deadline set for Dec. 28

The U.S. Court of Appeals for the 9th Circuit granted a petition by the American Trucking Associations to expedite the filing of briefs in ATA's suit against the concession requirements in the Port of Los Angeles clean-truck program.

Harbor trucking companies across the country are following ATA's challenge to the Port of Los Angeles concession requirements which include a mandate that trucking companies begin to replace independent contractor drivers with employee drivers. The employee-driver mandate is currently enjoined pending appeal. If the employee-driver mandate is judged to be legal, the [Teamsters union would find it easier to organize the drivers](#).

The appellate court, noting that ATA's request for an expedited hearing was unopposed, set a deadline of Dec. 28 for the filing of ATA's opening brief. The answering briefs by the port and the Natural Resources Defense Council must be filed by Jan. 31, 2011, and ATA's optional reply brief is due within 14 days of the answering brief.

ATA had asked for the expedited hearing, which moves the process forward by two months from the appellate court's originally-published schedule. The 9th Circuit on Nov. 4 turned down ATA's first request for an expedited hearing, but over the weekend the appellate court agreed to move forward at least the filing of the briefs.

ATA would like to determine as quickly as possible the legality of the Port of Los Angeles employee-driver mandate so its members in Southern California will have greater certainty in planning their business models. The port and the NRDC agreed that they would not oppose the request for an expedited hearing.

Nevertheless, it is not certain yet when oral arguments will be heard. "After briefing is complete, this case will be calendared as soon as possible," the 9th Circuit stated.

The Port of Los Angeles, like port authorities in other labor-friendly cities such as Oakland, Seattle, New York and Newark, N.J., supports the Teamsters in their effort to organize harbor truck drivers. The drivers at most ports are classified as independent contractors, who by law can not be organized. Unions are free to attempt to organize employee drivers.