

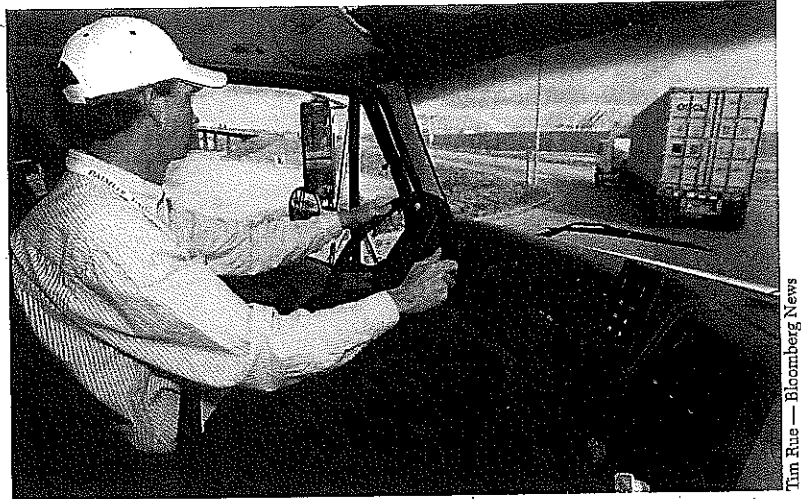
Ports' Clean Trucks Goals Will Be Met by 2010, Los Angeles and Long Beach Officials Say

By Eric Miller
Staff Reporter

Officials with the ports of Los Angeles and Long Beach said they expect to reach their clean trucks goal of reducing port diesel emissions 80% by the end of 2010 — a year or more ahead of schedule.

One year after the clean trucks plan began on Oct. 1, 2008, port officials said drayage carriers attempting to avoid paying a \$35 clean trucks container fee are replacing their old trucks with 2007 emission standards models far more quickly than anticipated.

The latest count shows that more than 5,000 clean trucks have been purchased in the first year of the plan — the large majority of them bought with little or no port or public financial assistance. That number represents more than half of the daily truck moves at the two ports,



A driver maneuvers around the Port of Long Beach in California. Port officials expect to reach their clean trucks goal by the end of next year.

according to Thomas Jelenic, assistant director of environmental planning for the Port of Long Beach.

"By the end of the year we expect

that number to reach 70% to 80% in anticipation of the next progressive

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Ports to Meet Trucks Goal

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ban," Jelenic said. On average, the ports are adding 35 privately purchased trucks a week to the drayage registry, he said.

The next phase of the clean trucks plan begins Jan. 1, when 1993 and older trucks will be banned, and 1994-2003 trucks will need to be retrofitted or replaced.

"We very much appreciate the support and cooperation of our terminal operators, as well as the port trucking companies who have aggressively accelerated their investment in clean truck fleets," Los Angeles Mayor Antonio Villaraigosa said in a recent statement.

While the news about the clean truck plans was mostly positive, it also has fueled a debate over a controversial provision contained in the Port of Los Angeles' so-called employee-only concessionaire plan, which American Trucking Associations has challenged in federal court.

In recent weeks, the Teamsters union, several port authorities and an array of environmentalist groups have issued statements criticizing ATA for suing the two Southern California ports, alleging their clean trucks concession plans violate the federal pre-emption clause that gives the federal government the right to regulate interstate commerce.

The groups criticizing ATA range from the Sierra Club and the Center for Environmental Health to a clean ports coalition that includes the Port of New York and New Jersey and the Port of Oakland, Calif.

Many of the groups critical of ATA are seeking legislation that would exempt publicly owned U.S. ports from the federal pre-emption clause, giving them more control over environmental, security and congestion programs.

ATA argued that an employee-only concession requirement in the Port of Los Angeles' clean trucks plan is not only unconstitutional, but also an attempt to help the Teamsters organize truck drivers who perform drayage at the ports.

Earlier this year, a federal appeals court ruled mostly in ATA's favor, agreeing that the plan is likely unconstitutional and sending the case back to a Los Angeles federal district court. The case is scheduled for trial Feb. 15, and a federal appeals court has set oral arguments in a related ATA appeal for Nov. 4.

In a recent statement, the Natural Resources Defense Council, an environmental group fighting the ATA lawsuit, said the court action "threatens the long-term success of the program."

"ATA asserts that the outdated Federal Aviation Administration Authorization Act of 1994 pre-

vents ports from requiring that licensed motor carriers meet minimal safety, environment and security-based standards if they want to access port property," the NRDC said.

Fred Potter, Teamsters union port division director, said in a statement that the new clean-burning trucks being put into service are "clearing the roadblocks to job-creating expansion projects."

"But industry clean-air opponents . . . have severely threatened the program's long-term success by taking the program to court," Potter said.

In a written response, ATA said "pro-union groups" are misleading the public about port trucking.

"The union-led effort uses a campaign for clean air as a cover for an all-out effort to destroy small independent businesses owned by independent truck owner-operators and replace them with larger trucking companies whose employees can be more easily organized by the Teamsters," said Clayton Boyce, ATA's vice president of public affairs.

Jim Berard, a spokesman for the House Transportation Committee, said that so far, there have been discussions, but no provisions have been inserted in the FAA authorization bill that would exempt the ports from the federal pre-emption clause.

"Most likely, there will not be any action in the current FAA reauthorization involving this," Berard said.

Curtis Whalen, executive director of ATA's Intermodal Motor