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## Truckers say L.A.'s 'green' port costs them money

### The dispute over who should pay for leasing and maintaining 'clean' rigs could go to the Supreme Court.

By Patrick J. McDonnell, Los Angeles Times

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Alex Mejia said he often sleeps in his truck, grabbing some fitful rest before a new dawn breaks and he is once again hauling cargo at the Port of Los Angeles. The routine marks another working day that, he says, could last 18 hours, much of it spent waiting — for a job order, a load, an operational trailer chassis — before getting back on the road.

He is among about 10,000 drivers who provide a lifeline at the nation's busiest port complex, hauling containers from the seaport to far-flung warehouses and distribution centers for clients ranging from small firms to giants such as Wal-Mart, Costco and Rite Aid. Many say they have long endured extended hours, high stress and relatively low pay, even in the days when business boomed with galloping multibillion-dollar commerce with Asia.

Life was supposed to get better for them with the coming of the city's much-ballyhooed Clean Truck Program, which is widely credited with helping to upgrade air quality. The program, a major priority of Los Angeles Mayor Antonio Villaraigosa, is billed as a national model for cutting air pollution at diesel-choked port communities from Seattle to Miami.

The concept — to replace smog-spawning clunkers with newer and cleaner rigs — promised to slash emissions and offer a new deal for beleaguered port truckers, many of them immigrants

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from Mexico and Central America.

Yet, although officials say the area's air has improved markedly since the initiative was launched two years ago, Mejia and other drivers say their plight has gotten worse.

Many have gone from being owners of polluting rigs to leasers of late-model "clean" trucks, valued at \$100,000 to \$200,000 — beyond what most drivers can afford to purchase. The new vehicles yield diminished carbon footprints, thanks to green technology. But, drivers say, the new models also cost at least 50% more to operate than their exhaust-spewing predecessors, on top of the lease payments to trucking companies.

"Things were bad enough when we owned our trucks, but I would say the situation is desperate now," said Mejia, who ditched his 1995 Freightliner and now leases a "clean" 2008 International. "We're all happy that the air is cleaner. We live here too. But it is our sweat, our work, that is helping to improve the environment."

Besides paying leases that often exceed \$1,000 a month, drivers say, they must absorb higher costs for insurance, registration, service and other expenses for the trucks, which feature technology like diesel particulate filters. Maintenance generally must be done at certified shops or dealers, not by the cut-rate mechanics who once serviced their rigs.

The lease process, drivers say, means that much of the financial burden — including paying for servicing needed to maintain trucks' green capabilities — falls on drivers. Environmentalists argue that the fleet may soon turn dirty again as cash-strapped drivers skimp on maintenance charges that rise as the vehicles age.

This isn't the way it was supposed to work.

Under Villaraigosa's plan, Mejia and other drivers were meant to go from being independent contractors to direct employees of the trucking firms that serve the port. The city invested millions of dollars in subsidies and incentives to encourage companies to purchase green trucks and accept the drivers.

As employees, drivers would be paid by the hour and could be eligible for benefits like health insurance and retirement. And it would be the responsibility of employers, not drivers, to pay for the upkeep and costs such as fuel, registration and insurance.

However, the trucking industry has mounted a robust challenge to the plan in U.S. District Court; the provision requiring that port drivers be made employees remains enjoined.

Pushing hard for the L.A. plan was organized labor, long a key supporter of Villaraigosa, himself a former union organizer. The Teamsters view the so-called employee-driver mandate as a way to organize an industry in which union membership has plummeted since a 1980s wave of deregulation.

"These drivers are slaves to their trucks," said Teamsters President James P. Hoffa. "They can never get ahead."

Not so, says Josh Owen, president of Ability/Tri-Modal Transportation Services, which has worked the port area for more than half a century.

"That's 100% propaganda," said Owen, a vice president of the California Trucking Assn. "Our truckers are making a really good living. They're doing great."

Trucking firms argue that it would be burdensome, costly and illegal under federal law to force carriers to hire thousands of port drivers. The industry's legal battle to block the employee driver requirement could end up in the Supreme Court.

"This has nothing to do with the environment; it's a union issue," said Curtis Whalen of the American Trucking Assn., the trade group heading the legal challenge.

The drivers have more job security as independent contractors, Owen said, citing the seasonal nature of the business. "We have peaks and valleys, and the drivers know that," Owen said. "If they were all employee drivers, I might have to lay them off during the valley times."

Motor carrier executives say that Villaraigosa — who calls the truckers' plight "an abomination" — is pushing a unionization agenda.

"I don't think the mayor or the government has the right to tell us how to run our business or whether we should have a union or not," Owen said.

With the employee-driver concept in legal limbo, truckers who support the plan cite profound pressure to work more and more hours just to pay the bills.

"This program has been a great deception to us," said Jose Mauricio Guzman, 54, who has more than 20 years of port trucking experience. "We no longer have hope to be in the middle class. We are all poor now."

Guzman, a father of three, said he sold his old Freightliner for \$1,500 and began to lease a new clean rig from one trucking firm. His take-home pay after deductions on four consecutive paychecks earlier this year varied wildly, from \$1,348.10 one week to \$10.06 the next, according to pay stubs. Company deductions included a \$1,072 lease payment, \$739.95 for fuel, \$450.54 for insurance and \$55.78 for maintenance, he said. His cumulative hourly wages for the month, Guzman said, turned out to be less than \$7 an hour, below the California minimum of \$8.

Guzman said he couldn't meet his payments and walked away from a truck lease on a clean truck, eventually finding a job as a driver for about \$10 an hour.

"The whole thing was too much stress," Guzman said at a busy truck stop across from the

giant China Shipping terminal, in the shadow of the Vincent Thomas Bridge to Terminal Island.

Mejia, a native of El Salvador, said he takes home about \$500 a week after lease and other deductions. He said he takes multiple cargos and sleeps in his rig near the port two or three nights a week to gain time.

Like other truckers, Mejia, a father of two, said the stress and long hours have strained his marriage. He regrets seldom being home in time to have dinner with his family and to help his two children, ages 8 and 13, with their homework.

"My wife sometimes thinks I must have another woman. How could I be working so many hours and earning so little?" Mejia, 32, said as engines roared at the windswept truck stop by San Pedro harbor.

"I've always loved driving.... We do dangerous work. We're professionals. I passed eight exams to do this work. We help to move the economy. But I have to wonder: What future do we have?"

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