

## **ATA and Port of Long Beach Reach Settlement**

On October 19, the American Trucking Associations (ATA) and the Port of Long Beach Harbor Commissioners approved a settlement on the Long Beach concession agreement, negotiated between port officials and ATA and trucking industry representatives. IWLA's California representative Patty Senecal, who was on that negotiation team, said that "the process was well done, very professional and with give and take on both sides." The settlement does not comprise environmental improvements and will eliminate the need to expend millions of dollars attributable to litigation costs for Long Beach. The Long Beach City and Port staff can focus on jobs, cargo retention, port modernization and port competitiveness.

The Port of Los Angeles issued a short statement noting that it was not part of the settlement and intended to continue to fight the case.

After the Clean Truck initiative was launched, ATA filed a lawsuit challenging the program's concession agreement, which established clean air, safety and maintenance requirements on trucking companies that operated at the Ports of Los Angeles and Long Beach. A federal court judge enjoined aspects of the concession agreement, including the most controversial element: an employee mandate required only by the Port of Los Angeles. The Los Angeles Port is currently working with the Teamsters to change federal law to give the port local control over trucking. Los Angeles seeks to eliminate all independent owner-operator drivers within a 5-year period, replacing them all-employee drivers.

Richard Steinke, Executive Director of the Port of Long Beach, released a statement in response to claims by environmental and labor groups that Long Beach was caving to industry demands. Steinke said: "The settlement is good news, not only for the Port, but also for the cause of clean air. Why? Because the lawsuit was a potential roadblock. Yet, we're facing criticism from one of the nation's largest environmental groups, the Natural Resources Defense Council (NRDC), which says we're abandoning our environmental goals by settling this lawsuit. That is simply false. In fact, our environmental goals are being achieved much faster than expected. By January 1, 2010, the program will be nearly two years ahead of schedule in reducing truck air pollution by almost 80 percent. The NRDC's real objection to our program has nothing to do with clean air. By aligning itself with the Teamsters, who have been very public about their campaign to unionize port truckers nationwide, the NRDC is pursuing an agenda beyond air quality. Now, as before, our top priority is achieving cleaner air. But we're determined to do it in a way that does not compromise the trucking industry's ability to move cargo. By allowing both employee drivers and independent owner-operators in our program, we're letting the industry determine how it can best achieve our environmental standards. We don't have any objection to employee drivers. In crafting the program, we simply decided to give the industry a choice. Under our plan, both larger firms and small business owners have the right to operate. We can accept differences of opinion on that issue – but we won't accept the NRDC's false criticism that the ATA settlement is somehow compromising our environmental goals."

In the October 19 issue of the Cunningham Report, former Long Beach Harbor Commission President James Hankla told a luncheon crowd that folks in the environmental community made a devil's bargain with the Teamster Union and "come hell or high water, they are going to defend that position." He said the Teamsters talked to port officials about a plan for cleaning up the trucking fleet before the port's Clean Truck Program was put together. Their plan was basically the same plan that is currently being advocated at the Port of Los Angeles – which includes a requirement that all drivers must be employees of the trucking companies that service the ports. The plan would have cleared the way for the Teamsters to unionize port drivers. Hankla said he recognized that the union plan would drive thousands of owner-operators out of business and was never in favor of any employee-driver mandate.

The settlement is based on motor carrier registration process, referred to as a Registration and Agreement, which will replace the Port's Concession Agreement. The Port of Long Beach will broadcast directions on the new application process directly to the motor carriers within two weeks.

The new registration, which includes an agreement by motor carriers to provide the Port with necessary operating information, will allow the Port to strictly oversee and enforce motor carrier's compliance with federal, state, and port safety, security, and environmental regulations. All truck and driver information must still be entered into the Port's Drayage Truck Registry and each truck must be equipped with a radiofrequency identification tag. Motor carriers must also certify that any truck dispatched to the Port will comply with all federal, state, and Port safety, security and environmental -- including the Port's Clean Trucks Program -- regulations. Similarly, motor carriers will acknowledge responsibility for ensuring that all drivers dispatched to the Port possess a valid commercial driver's license and a Transportation Worker Identification Card. The Registration further acknowledges the right of the Port to deny entry to any truck that or driver who does not meet these regulatory requirements.

The Clean Trucks Program progressively bans older trucks. Pre-1989 trucks are no longer allowed at the Port and, beginning January 1, 2010, trucks 1993 and older will be banned. By 2012, only trucks meeting the 2007 federal emission standards will be allowed to operate at the Port. For more information, visit the Port's clean trucks web portal at <http://www.polb.com/cleantrucks> or contact Patty Senecal at [psenecal@iwla.com](mailto:psenecal@iwla.com).