

Los Angeles port, truckers group head for court

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Transport trucks head into and out of the Port of Long Beach. Truckers are suing over the clean trucks program, which is intended to reduce air pollution.

National association is seeking an injunction to block the clean truck program on grounds it imposes intrusive regulatory systems' on motor carrier rates and services.

By Louis Sahagun and Ronald D. White, Los Angeles Times Staff Writers
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The nation's busiest port complex and the largest trucking association are expected to face off in federal court today to resolve a vexing question:

Who would suffer more from the landmark clean trucks program set to begin Oct. 1: the trucking industry or residents affected by toxic diesel emissions?

The answer could determine whether the program will launch on time -- and whether massive expansion projects will proceed at the Los Angeles-Long Beach port complex, already the gateway for 40% of the nation's imported goods.

The \$1.6-billion program aims to improve air quality by replacing a fleet of 16,800 old, exhaust-spewing trucks with newer, cleaner models.

Beginning Oct. 1, pre-1989 trucks will be banned from the adjacent ports of Los Angeles and Long Beach. By 2012, only trucks that meet or exceed 2007 standards will be allowed entry.

The goal is to rid local skies of tons of carcinogenic pollution and particulates linked to thousands of premature deaths and respiratory ailments. Port officials hope the program's launch will persuade environmentalists to stop raising legal objections to expansion projects designed to meet future growth at the ports.

The 2007 clean trucks program was crafted by environmentalists, drivers, shippers, city officials, community leaders and the ports after years of often contentious debate.

But now the American Trucking Assn. says it has discovered serious flaws with the proposal.

In an interview, Curtis Whalen, head of the association that represents 37,000 trucking companies nationwide, said his group was seeking an injunction to block the program on grounds it imposes "intrusive regulatory systems" on motor carrier rates and services. He also argued that the program would "result in far fewer trucking companies being able to serve" the ports.

Of particular concern to truckers is a Port of Los Angeles plan that would require formation of concessions, companies that would employ some of the thousands of drivers who currently operate as independent owner-operators.

Concession requirements are designed to give the ports -- as landlords -- enforcement powers over big rigs entering the harbor area. This, in turn, would give the ports influence over hiring decisions, truck maintenance and driver health insurance, among other issues.

"Let's be clear: We are not against clean trucks," Whalen said. "We are objecting to concession plans that are going to squeeze out a lot of existing motor carriers and thousands of independent owner-operators."

A ruling from U.S. District Judge Christina Snyder, which could come as early as today, would have a direct effect on the communities of San Pedro and Wilmington, where residents have coped for years with thousands of big rigs rumbling through neighborhood streets and local freeways.

"The trucking industry believes the status quo works fine," said Los Angeles Councilwoman Janice Hahn, whose district includes the Port of Los Angeles. "But for us, this is all about making sure that the dirtiest trucks calling at the ports are forever banned, and the creation of a stable workforce of drivers with health benefits and decent wages and well-maintained trucks."

Janet Schaaf-Gunter, a member of the executive board of the San Pedro and Peninsula Homeowners Coalition, agreed.

"This much is guaranteed," she said. "Each day we move forward without a change in the number of clean trucks on the road, we are killing additional people."

However, the National Retail Federation, which supports the trucking group, worries that the concessions requirement and new fees will add more than \$1 billion per year to cargo container costs for goods moved through the complex. These costs would come at a time, the federation says, that the retailing industry is ill-equipped to bear them.

For example, motor vehicle and parts dealer sales are down 5.8%, according to the federation's monthly figures comparing this July to July 2007. Home furniture stores' sales are down 4.7%, and department stores have seen their sales fall 2.6% during the same period.

The trucking association "raises very important questions about the port plans' lack of consistency with U.S. statutes that also deal with the regulation of the pricing routes and services of trucking companies," said Erik Autor, vice president and international counsel for the federation. "These are important issues for many of our members who are concerned about both [clean truck] plans and, of course, about the rates they will have to pay."

Environmental and health advocates contend that financial losses should not supersede efforts to battle the ongoing health crisis fueled by diesel pollution. State air quality authorities have linked 3,700 premature deaths each year in California to pollution from the transportation of goods -- more than the number of people who die from homicide.

Martha Cota, 45, who lives less than two miles from the Port of Long Beach and who, along with two of her four children, suffers from asthma, hopes the association's legal challenge is swiftly defeated.

"Environmental rules should be very well designed," she said, "and they must be delivered on time so that we really do improve our air."