

Clean trucks battle heads to Los Angeles court

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LOS ANGELES -- The battle over whether the Port of Los Angeles can regulate trucks that haul goods in and out of its property is heading to court.

Opening statements are scheduled to begin Tuesday in a federal lawsuit pitting the trucking industry against the nation's busiest port over a portion of the Clean Truck Program, which was launched in October 2008 to reduce diesel emissions by banning the dirtiest trucks from carrying port cargo.

The American Trucking Association said it supports clean air goals, but it opposes a provision in the plan that prohibits truck companies from contracting with independent drivers. Instead, independent drivers would be required to become employees of trucking companies no later than the end of 2012.

Supporters of the program said individual truckers cannot afford to purchase and maintain the cleaner-burning big rigs, which can cost more than \$100,000.

"If independent drivers had the resources they needed, we wouldn't need a clean trucks program to begin with, so the burden should be on the shoulders of the trucking companies," said David Pettit, an attorney for the National Resources Defense Council.

The new trucks have been partly subsidized by container fees paid by cargo owners. Supporters assert that the rule is needed to sustain the program in the long run.

The trucking industry argues the rule violates federal law that has long prevented state and local regulation of interstate trucking prices, routes and services. It claims the employee mandate would allow unions to organize drivers at the port, and that unionization will lead to reduced competition and increased transportation cost.

"The person who loses in the end would be the consumer because the current system provides better service at lower prices," said Clayton Boyce, a spokesman for the ATA.

The program, which phases out older truck models until they meet stringent 2007 federal truck emission standards, so far has resulted in a 70 percent reduction in diesel emissions, according to port officials.