



Maritime Commission Stalls Clean Trucks Program Long Beach denounces FMC refusal to collection of truck replacement fee

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The Federal Maritime Commission has posed more questions about the Clean Trucks Program, delaying for at least another 45 days the nation's busiest seaports – the ports of Long Beach and Los Angeles – from collecting a fee needed to finance the replacement of thousands of polluting cargo trucks.

Port of Long Beach officials on Thursday blasted the FMC move as a stalling tactic that will also block critical environmental and security requirements while the commission seeks a preliminary injunction against the fees.

"This is extremely disappointing," said Richard D. Steinke, Executive Director of the Port of Long Beach. "This truck financing fee is a critical, long-planned part of our Clean Trucks Program to protect the public health and improve air quality and security."

On Wednesday, December 17, after a 45-day period in which the ports responded to an earlier set of questions, the FMC met behind closed doors and emerged with a list of 20 questions – refusing to grant the ports authority to work with terminal operators to collect the truck fees. Once the ports respond to the questions, which is expected to take only days, the fee agreement automatically goes into effect unless the FMC obtains a court injunction.

The ports filed with the FMC their PortCheck agreement with private terminal operators, who would develop and operate an online and electronic gate access system to collect the ports' \$35 per twenty-foot-container-unit Clean Truck Fee. Instead of allowing the ports to move forward immediately after they filed their PortCheck agreement on November 3, 2008, the FMC ordered an initial 45-day review and now, a second 45-day review. Furthermore, the FMC has filed a lawsuit to block portions of the Clean Trucks Program as anti-competitive. Earlier this month, U.S. District Court Judge Richard J. Leon said he would not rule on the FMC's request for a preliminary injunction until sometime in 2009.

"The FMC tactics are clearly intended to stall our program," said Steinke. "The PortCheck system is urgently needed to monitor compliance with our Clean Trucks air quality, safety and security requirements – as well as to collect the truck replacement fee."

The ports are counting on the electronic gate access system to improve security, and the PortCheck online system to collect the fee to raise about \$1 million a day or about \$1 billion over the next few years to finance the replacement of nearly 17,000 trucks that are

a leading source of air pollution in Southern California.

Beginning October 1, 2008, the ports took the unprecedented step of banning the most polluting trucks, the 1988 and older vehicles – the initial ban in a series planned under the Clean Trucks Program. On January 1, 2010, the ports will ban 1993 and older trucks, and unretrofitted model year 1994 to 2004 trucks. By January 2012, nearly the entire truck fleet serving the ports – all vehicles 2006 and older will be banned.

“With the current credit crisis, it will be impossible for truckers to replace all their trucks without our financial assistance program,” said Steinke. “Every day’s delay will make it harder for truck owners to meet our deadlines.”

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