



Judge Refuses to Block Clean Trucks Maritime Commission fails to get injunction against trucks program

April 15, 2009

U.S. District Court Judge Richard J. Leon issued a decision Wednesday, April 15 denying the Federal Maritime Commission request for a preliminary injunction to block elements of the Port of Long Beach's landmark Clean Trucks Program, including the collection of a fee to finance a fleet of less-polluting replacement trucks.

"This is great news," said Richard Steinke, Executive Director of the Port of Long Beach. "Judge Leon's ruling allows us to continue with the Clean Trucks Program to improve air quality."

The FMC is challenging the clean trucks programs at both the Port of Long Beach and the Port of Los Angeles, taking issue with Los Angeles' requirement for employee-only drivers. Long Beach did not enact a similar requirement, and instead allows access to both employee, and contract or independent owner operator drivers. However, both ports are collecting a fee to fund a fleet of clean replacement trucks.

"Judge Leon makes clear in his ruling that the Clean Trucks Program and the fee were enacted after a lengthy public process that included multiple hearings and meetings with the goods movement industry, leading to a multi-faceted program to reduce air pollution and improve safety and security to enable future development," added Steinke.

The Clean Trucks Program was launched on October 1, 2008, by barring all 1988 and older vehicles. By 2012, all trucks entering Port terminals must have engines that meet 2007 federal emission standards, which are 80 percent cleaner than existing engines. Beginning February 18, 2009, the Port began assessing a fee of \$35 per 20-foot-long cargo container to fund a truck replacement financial assistance program that will help truck owners to comply with the clean truck deadlines.

More than 800 trucking companies and 15,000 drivers have registered in the program.

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