



News Release

Tentative Ruling Issued on Clean Trucks Ruling will not impact Port of Long Beach truck ban

April 27, 2009

Federal Court Judge Christina Snyder issued a tentative ruling before oral arguments on Monday, April 27, that would leave the safety and security requirements of the Port of Long Beach's Clean Trucks Program. The tentative ruling, which is still subject to change by Judge Snyder, would block the following Clean Trucks concession requirements: driver hiring preferences, financial reports, health insurance availability, routes and parking restrictions, confirmation of compliance with all Clean Truck Program requirements, and concession fees. The Judge indicated that she expects to issue the final ruling by the end of the week.

The concession requirements are contained in a contractual agreement between the Port and licensed motor carriers or trucking companies. In addition, trucks accessing the Port are governed by the rules of the Port tariff.

Even if Judge Snyder enjoins provisions in the Port's concession agreement, trucks entering Port terminals will need to continue to abide by the Port tariff:

- Trucks will still need to comply with the tariff's truck ban deadlines. Trucks that are 1988 and older cannot enter terminals. By 2012, all 2006 and older trucks will be banned from Port terminals.
- Licensed motor carriers (trucking companies) will still have to prove that their trucks are clean through the Drayage Truck Registry tariff. As required by the tariff, trucks need to be equipped with a unique truck identifier (radio frequency identification tag) to gain access to Port terminals.
- And cargo owners still have to pay the Clean Truck Fee. That fee will still be used to fund the purchase of new trucks. Moreover, the grant and loan documents governing publicly funded trucks are entirely different and separate from the concession

agreement.