



*Driving Trucking's Success*

# **Agriculture Transportation Coalition Annual Meeting**

**Ag Trucking Efficiency/Capacity Nationwide**

**Maximizing Trucking Efficiency at the Ports**

**June 13, 2008  
San Francisco, CA**

# Trucking Issues

- **Fuel Costs**
- **Highway-Infrastructure Funding**
- **Hours of Service**
- **Equipment Condition and Shortages**
- **Driver Shortages**
- **Environment-Equipment & Business Operational Mandates**

# Environmental-Equipment Mandates

- **LA-Long Beach Clean Air Action Plan (CAAP)**  
*Goals: Reduce (1) Port emissions 80% in 5 years;  
(2) The number of port motor carriers;  
(3) Competition.*
- **\$ 2 billion+ proposal would limit motor carrier and driver access to terminal facilities and replace or retrofit 16,800 trucks in 5 years;**
- **To obtain a port concession, companies would be required to pay an application fee (\$250 or \$2500), an annual fee /\$100/truck and meet port mandated criteria requiring motor carriers to:**

# CAAP Motor Carrier Business Model

- Hire only employee drivers (LA);
- Buy/lease your own trucks;
- Ensure compliance-replacement of any truck in its deployed fleet that does not meet the CAAP standards with a new 2007 or retrofitted vehicle meeting 2007 by 2012;
- Comply with numerous financial and safety standards determined by the port-program administrator; and
- Have Deep Pockets!

# Legal Parameters

- **Federal preemption... 49 U.S.C. § 14501(c) (1), prohibits states-political subdivisions of states from enacting or enforcing a law that relates to the price, route, or services of any motor carrier;**
- **U.S. Supreme Court-Rowe v. New Hampshire Motor Transport Association, et. al., February 20, 2008**

# Rowe Legal Parameters

- **Federal Preemption goal... “to assure that carrier rates, routes and services are structured via “competitive market forces” and not because of “governmental commands”;**
- **Applies even if impacts are “indirect”;**
- **Vote was... 9-0!**

# CAAP Flaws

- Teamsters designed plan;
- No legal basis for dictating motor carrier business model changes-**good intentions are not enough**;
- Debate-delays over employee-union issue have left insufficient time to develop workable-deployable implementation program;
- Plan impairs ability to efficiently move freight and prevent traffic diversions-raising concerns from Federal Maritime Commission and MarAD.

# Solutions

- **Litigation-ATA/IMCC will initiate court action later this month;**
- **Work with CARB, trucking industry and all intermodal stakeholders on clean air requirements and reasonable truck retirement plans that are **legal**;**
- ***Improve port operational efficiencies.***



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**Thank You!**

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