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Truckin': What a Long Strange Trip It's Been

John McLaurin | 4:59PM GMT

The settlement agreement reached between the Port of Long Beach and the American Trucking Associations resolving a successful legal challenge by the ATA is the latest evolutionary step of a program that started in a far different place.

Back in April 2007, the proposed clean-trucks plan was advertised by the plan's proponents as a mechanism to rid the ports of dirty trucks, to clean up the air and to enhance security. The trade community was informed by port representatives that the clean-trucks plan had been reviewed by the "nation's finest legal minds" and that the plan was "bulletproof" from a litigation standpoint.

As the months progressed and various groups started to question the legality of certain elements of the clean-trucks plan, proponents engaged in a well-funded and -orchestrated public relations campaign, vigorously attacking anyone who debated, questioned or opposed the plan.

Plan proponents vilified the ATA when it filed a lawsuit against the ports of Los Angeles and Long Beach, calling the lawsuit "immoral."

But an apparently equally immoral unanimous three-judge panel of the 9th Circuit Court of Appeals supported the ATA's position, issuing a strongly worded opinion that halted the ports from moving forward with the non-environmental components of the plan, such as the employee mandate requirement. Because the ATA never challenged the environmental components of the truck plan, those requirements remained in place.

Just a few weeks ago, the ports of Los Angeles and Long Beach proclaimed the clean-trucks plan a tremendous success and well ahead of schedule. Los Angeles declared the benefits of the program as the "unprecedented greening of one of the nation's largest truck fleets." Still, Los Angeles felt the need to amend federal statutes that had been in place for 15 years in order to fully implement the truck plan.

After \$10 million was spent on outside lawyers, coupled with untold dollars of port staff time in defending the truck plan, we now have agreement between the ATA and the Port of Long Beach — preserving the environmental components of the clean-trucks plan. On the Los Angeles side of the harbor the fight goes on — both in the courthouse and in Congress.

In addition to the millions spent on lawyers, the Port of Los Angeles is spending hundreds of thousands of dollars in support of a Washington, D.C., lobbying effort to maneuver around the 9th Circuit ruling. It should be an interesting debate in Washington D.C.

However, if this were only about clean air, we would be having a far different debate. Unfortunately, the environmental benefits of the clean-trucks plan at this point have become totally irrelevant to proponents of the plan.

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