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U.S. court refuses to halt clean-truck program at L.A. and Long Beach ports

The judge says that regulators presented 'weak' arguments that the program to replace polluting big rigs threatens to cause irreparable harm or to unreasonably increase shipping costs.

By Carol J. Williams

April 16, 2009 -- A federal judge in Washington refused Wednesday to halt the ports of Los Angeles and Long Beach's clean-truck program, which aims to phase out 17,000 polluting big rigs that shuttle freight to and from rail terminals and other transport hubs.

In denying a preliminary injunction sought by the Federal Maritime Commission, U.S. District Judge Richard Leon said the regulators had presented "weak" arguments that the program threatens to cause irreparable harm or to unreasonably increase shipping costs. The busiest ports in the nation, Los Angeles and Long Beach handle 40% of the United States' import and export container traffic.

The commission filed suit in October, alleging that small trucking firms and independent drivers will be driven out of the market by the new rules, issues that will go to trial later.

"This is a clear victory for our clean-truck program and the idea that you can both green and grow the Port of Los Angeles at the same time," Mayor Antonio Villaraigosa said of the decision.

Key provisions of the clean-trucks program were declared unconstitutional last month by the U.S. 9th Circuit Court of Appeals in San Francisco in a parallel challenge brought by the American Trucking Assn. A ruling is expected April 27 in that case.

While the shuttling of goods to and from the ports is a vital source of economic activity in Los Angeles and Long Beach, the trucks are blamed for contributing nearly a quarter of the diesel particulate matter in the air. State health authorities warn that could cause hundreds of premature deaths each year.

The clean-truck program charges a \$35-per-container fee to generate funds for dealing with the environmental and health consequences, offering a sliding scale of reductions and exemptions for trucks that meet the most exacting clean-air standards.

<http://www.latimes.com/news/local/la-me-clean-trucks16-2009apr16,0,2758349.story>