

Congress of the United States

Washington, DC 20515

November 4, 2009

The Honorable James L. Oberstar
United States House of Representatives
2365 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Oberstar:

As Representatives from the State of California, we are writing to highlight an opportunity to promote economic development, environmental mitigation and public safety. Given the growing importance our nation's ports play in the vitality of our economy and public safety, we feel it is important for public ports to have the authority to reduce pollution and congestion while increasing safety and security from thousands of port trucks. We support reforms to the port trucking industry that reduce the health impacts from diesel truck pollution in surrounding port communities and improve working conditions and labor standards for port truck drivers. As you consider transportation policies during this Congress, we urge you to allow California ports to implement and enforce critical truck management programs.

As you may know, the Port of Los Angeles' Clean Truck Program has proven to be a comprehensive and sustainable approach to dealing with issues surrounding port trucking. In less than a year, the program has reduced pollution by an equivalent of taking 200,000 cars off the road through the replacement of nearly 6,000 port trucks with clean diesel and alternative fuel trucks. Unfortunately, despite the Clean Truck Program's early success in emissions reduction and job creation, the program is experiencing difficulties because key components of the program (including the Concession Agreement requiring trucking companies to take responsibility for their trucks and employing their drivers) are preempted under federal law.

Currently, the Federal Aviation Administration Authorization Act (FAAAA) allows state and local entities to adopt regulations for a narrow scope of "vehicle safety" related programs. Unfortunately, the 30-year old statute has not been revised to address the recent rise in the volumes and concentration of containerized trade. While such growth has brought great economic benefits to ports and local communities, it has also created significant challenges in the areas of environmental protection, port security and throughput efficiency; causing our nation's major container ports to grapple with similar port trucking issues as in Los Angeles. In fact, recent U.S. EPA data indicates 87 million Americans are living in port communities that fail to meet federal air quality standards.

Since approximately 50 percent of imports pass through California ports, we face particularly acute challenges. In addition to LA, the Port of Oakland has been developing its own Comprehensive Truck Management Program. With the recent designation of the Bay Area as a non-attainment area for national air quality standards, passage and implementation of a sustainable program has taken on a greater sense of urgency. Partly in response to the legal

attacks of the LA Clean Truck Program, the Port of Oakland recently passed a “Resolution supporting a national goods movement policy that focuses on funding and investment in port infrastructure tied to goods movement.” This Resolution encourages members of the U.S. Congress to use the SAFETEA-LU Reauthorization to consider amending the FAAAA to expand the exceptions to federal preemption to include environmental, security and congestion programs.

We encourage you to consider making changes to the FAAAA so that California ports can successfully implement and enforce needed truck management programs. Thank you again for your consideration.


Sincerely,



ZOE LOFGREN
Member of Congress



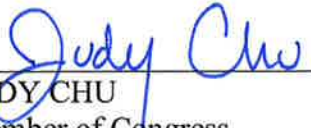
JOE BACA
Member of Congress



HOWARD BERMAN
Member of Congress




LOIS CAPPS
Member of Congress



JUDY CHU
Member of Congress



ANNA ESHOO
Member of Congress



SAM FARR
Member of Congress



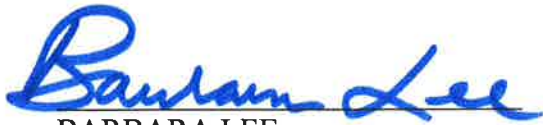
BOB FILNER
Member of Congress



JANE HARMAN
Member of Congress



MIKE HONDA
Member of Congress



BARBARA LEE
Member of Congress



GEORGE MILLER
Member of Congress



GRACE NAPOLITANO
Member of Congress



LUCILLE ROYBAL-ALLARD
Member of Congress



LINDA SANCHEZ
Member of Congress



ADAM SCHIFF
Member of Congress



BRAD SHERMAN
Member of Congress



JACKIE SPEIER
Member of Congress



PETE STARK
Member of Congress



MIKE THOMPSON
Member of Congress



DIANE WATSON
Member of Congress



HENRY WAXMAN
Member of Congress



LYNN WOOLSEY
Member of Congress

Doris O. Matsui

DORIS MATSUI
Member of Congress