

ROBERT MENENDEZ
NEW JERSEY

COMMITTEES:
BANKING, HOUSING, AND URBAN
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United States Senate

WASHINGTON, DC 20510-3005

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Senator Jay Rockefeller
Chairman
Senate Committee on Commerce, Science
& Transportation
Russell 254
Washington, DC 20510

Senator Kay Bailey Hutchison
Ranking Member
Senate Committee on Commerce, Science &
Transportation
Dirksen 560
Washington, DC 20510

Dear Chairman Rockefeller and Ranking Member Hutchison:

I appreciate your efforts to ensure the proper oversight of interstate common carriers, including trucks. I would like to bring to your attention some serious issues that New Jersey and other states are facing at their ports.

New Jersey's trucking industry and its effect on communities adjacent to ports is not unique, but as the most densely populated state in the country, its residents disproportionately experience the impacts of diesel emissions. Health and safety risks are of real concern as trucks idle, polluting the air my constituents breathe as they work, go to school and live their lives.

Solutions are needed. Ports, including in my State the Port Authority of New York & New Jersey and the New York Shipping Association, have developed and initiated truck and other port vehicle emission reduction programs. That may not be enough. Deregulation of the trucking industry that took place in 1980 should be re-examined because of any unintended consequences it may have wrought. The motor carrier statute contained within the Federal Aviation Administration Authorization Act (FAAAA) should be studied and perhaps amended if it is found that states and their ports lack sufficient authority to implement effective environmental measures on trucking emissions.

A Rutgers report entitled "Report on Port Truckers' Survey at the New Jersey Ports," by David Bensman and Yael Bromberg, explains that since deregulation in 1980, most of the trucking firms in the port business have ceased operations. They have sold off their trucks to their former employees who work as independent contractors, are paid by the load and are now having great difficulty making a living. Maintenance on vehicles is on the decline as independent truckers struggle to survive.

At a time when we are considering the escalating health costs and the impacts on our economy, it is important to note that in the State of New Jersey, it is estimated that nearly 400 premature deaths, 16,000 asthma attacks and 1,800 emergency-room visits could be prevented each year by reducing diesel soot emissions by 20 percent. Ports are an important and vital economic engine to all states along the coastlines of our country. We should ensure that this economic engine runs efficiently and with a reduced environmental effect on residents.

We should determine if regulation, beyond what is allowable under current law, could provide answers for the environmental and congestion problems at ports. To be clear, a change in regulation would have no intent to limit competition nor affect rates, routes or services of any motor carrier as currently defined in the FAAAA, and it would not mandate that ports adopt any specific program to alleviate environmental and congestion concerns.

A new look at the impacts of deregulation are in order to see whether we can alleviate some of the current problems we have at our ports. I look forward to working with you closely to ensure that this thriving industry continues to flourish and that environmental and congestion issues of the trucking industry are duly considered. I thank you for your interest in this critical issue.

Sincerely,

A handwritten signature in black ink that reads "Robert Menendez". The signature is written in a cursive style with a large, sweeping "R" and a long, trailing "z".

ROBERT MENENDEZ
United States Senator