



Congress of the United States
House of Representatives
Washington, D.C. 20515

June 19, 2009

The Honorable James L. Oberstar
Chairman
Committee on Transportation and Infrastructure
2365 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Oberstar:

As the Committee drafts the Transportation Reauthorization legislation, we are writing to highlight an important opportunity to promote job creation and protect the Clean Truck Program (CTP) in the San Pedro Bay area ports. The CTP is supported by an 80-member Coalition for Clean & Safe Ports that includes environmental, labor, local government, and private interests.

Despite the CTP's early and unprecedented success in emissions reduction and job creation, the program is under attack based on allegations that 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 fails 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. As a result, the FAAAA needs to be updated.

Given the vital importance of our nation's ports to the overall goods movement system, we propose amending the FAAAA to:

- Expand the exceptions to the FAAAA to include "environmental," "security," and "congestion" programs that will also enable ports to improve efficient utilization of port facilities. Port trucking has a large impact on these issues due to the density and high concentration of port drayage operations at ports and in surrounding areas.
- These exceptions would apply ONLY to publicly-owned ports.
- These exceptions would NOT allow ports to limit competition. It would not allow the port to limit the number of trucking companies that could conduct business at the port nor would it allow ports to set rates for motor carriers.

- The exceptions would NOT mandate that ports adopt specific programs but would enable them, if they so choose, to implement innovative trucking programs that address environmental, safety and security concerns, and create good green jobs in the process.

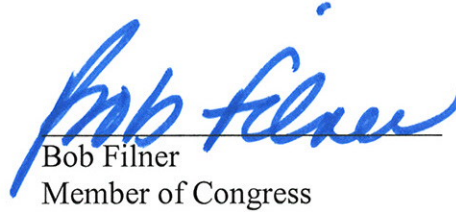
Thank you again for your consideration of support for the San Pedro Bay Ports' CTP and the need for legislation to enable these and other ports to continue such programs. We look forward to working with you to finalize the bill.

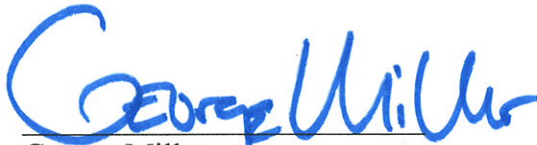
Respectfully,

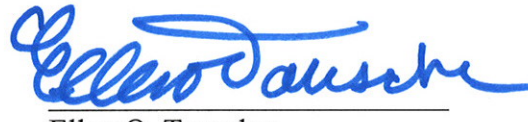

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