



THE PORT AUTHORITY OF NY & NJ

July 30, 2009

The Honorable Jerrold Nadler
Member of Congress
US House of Representatives
2334 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Nadler:

The Port Authority of New York and New Jersey respectfully requests that you consider a review of the Federal Aviation Administration Authorization Act of 1994 as you endeavor to draft and pass Transportation Reauthorization legislation.

The Port Authority of New York and New Jersey (Port Authority) has undertaken the considerable task of developing an agenda to reduce diesel emissions caused by port operations. The Port Authority has drafted a Clean Air Strategy to define its commitment to ensure that air emissions generated by mobile sources associated with marine terminals operations and activities decline even with anticipated future port growth over the next ten years. The actions identified in this Strategy are meant to address three primary emissions reduction objectives:

1. Reduce maritime-related air quality impacts on human health and the environment from criteria air pollutants, especially those that come from diesel particulate emissions; and
2. Reduce maritime-related contribution to greenhouse gas emissions associated with climate change; and
3. Contribute to the effort to bring the New York/Northern New Jersey/Long Island Non-Attainment Area (NYNJLINA) into attainment.

The Port Authority is considering a series of initiatives to achieve these goals, including actions to reduce the amount of diesel pollution released by port trucks into port adjacent communities, while taking into account the potential impact of any actions on the surrounding communities and independent drivers who service the ports. The Board of Commissioners of the Port Authority recently authorized a program designed to help replace more than 600 of the oldest, most polluting trucks serving the Port Authority's port facilities with newer models that generate less pollution and greenhouse gas emissions. The program is partially funded through a \$7 million grant from the United States Environmental Protection Agency.

We write to request your support for federal legislation that would enhance our nation's port's ability to effectuate policies to improve air quality.

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- 2 -

Currently, the motor carrier statute contained within the Federal Aviation Administration Authorization Act (FAAAA) allows state and local entities to regulate trucking companies only for a narrow scope of "vehicle safety" related programs. Unfortunately, the 30-year old statute fails to address the recent rise in 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 and throughput efficiency. As a result, we believe the FAAAA needs to be reviewed and updated.

Given the vital importance of our nation's ports to the overall goods movement system and to the surrounding communities, the Port Authority proposes that the FAAAA be amended to achieve the following goals:

- Expand the exceptions to the FAAAA to include "environmental" 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 at ports and in surrounding areas.
- These exceptions would apply only to publicly owned ports.
- These exceptions would not allow ports to limit competition. They would not allow the port to limit the number of trucking companies that could conduct business at the port nor would they allow ports to enact regulations that affect rate, route or service of any motor carrier as currently defined in the FAAAA and therefore preempted from regulation.
- These exceptions would not mandate that ports adopt specific programs but would enable ports, if they so chose, to implement innovative programs that improve environmental, safety, and congestion conditions.

Legislation to update the FAAAA will transform that law from an archaic prohibitive statute into a modern tool that will permit our nation's ports to grow into the 21st century.

We hope that you will consider supporting legislation to this effect in your Committee. We appreciate the opportunity to discuss this matter with you and look forward to hearing your thoughts.

Sincerely,

Anthony R. Coscia
Chairman

Christopher O. Ward
Executive Director

Susan Bass Levin
Deputy Executive Director