

CLEAN AND SUSTAINABLE TRANSPORTATION COALITION

October 28, 2010

The Honorable Michael C. Nelson
Chairman
Committee on the Waterfronts
New York City Council
250 Broadway, Suite 1856
New York, New York 10007

Re: Oppose Proposed Res. No. 414-A

Dear Chairman Nelson:

On behalf of the undersigned members of the Clean and Sustainable Transportation Coalition, we urge you to **oppose** Proposed Resolution No. 414-A. The resolution calls upon Congress to pass HR 5697, the “Clean Ports Act of 2010” and for the Port of New York and New Jersey to adopt a Clean Truck Plan similar to that of the Port of Los Angeles. These two policies will not promote economic or environmental sustainability in the harbor drayage industry. Even as the proponents claim their objective is environmental and economic justice these policies are designed to force out of the industry many hard working and successful independent drivers. That's not justice. We fear that a fundamental restructuring of the harbor drayage industry could adversely impact the efficiency of moving freight through the region, leading shippers and logistics providers to consider sourcing freight through other East Coast gateways.

The undersigned members of the Clean and Sustainable Transportation Coalition represent exporters, importers, and the logistics industries and service providers that support them. The members of these state and national associations move a substantial volume of the nation's exports and imports through maritime gateways including the New York-New Jersey marine terminals and are dedicated to ensuring that the port trucking industry operates in an environmentally responsible and economically sustainable manner. Many of the undersigned groups endorsed the goals of the Port Authority's Clean Truck Program to quickly turn over the fleet of aging harbor trucks in the region and are working with the Port Authority on its implementation. In fact, some in our group have invested considerable resources to speed the switch to cleaner trucks. Industry only opposes employment requirements that ultimately have nothing to do with improving air quality but with a union's ambitions.

It is our view that a change in federal law as outlined in the Clean Ports Act of 2010 along with the so-called “employee mandate” included in the Port of Los Angeles plan will do nothing to reduce tail pipe emissions of harbor trucks. Already, many ports around the country – including the Port Authority of New York and New Jersey – have implemented or are implementing clean truck programs designed to promote the purchase of new clean equipment. In fact, the ports of Los Angeles and Long Beach achieved their truck emission reduction target two years ahead of schedule while over half of the fleet operates on engines that meet or exceed 2007 U.S. EPA emissions

guidelines. Other ports have achieved similar results without changes in federal law. Clearly, any change in federal law or mandated restructuring of the driver workforce is not needed to achieve impressive emissions reductions.

The changes in federal law detailed in the Clean Ports Act would support local mandates on the employment status of drayage drivers. Once again, the employment status of a drayage driver does not have any correlation to tail pipe emissions. Rather, such a mandate would unfairly force out of the industry many hard working independent drivers operating as small businesses that have made significant investments in “green” technologies. Many members of the undersigned associations work directly with motor carriers, truckers and logistics providers to guarantee that equipment owners, including drivers, have the economic wherewithal to operate this new equipment. These policies, if enacted, could void these investments and force independents out of business.

A fundamental restructuring of the industry would adversely impact the efficiency of moving cargo through the region. Support for the Clean Ports Act and the Los Angeles Clean Truck Program sends a strong message to shippers and others sourcing cargo through Port Authority marine terminals that the region is not dedicated to supporting the efficient movement of goods. In today’s economic climate, many importers and exporters are looking to achieve significant cost savings by streamlining their supply chains to ensure that store shelves are replenished quickly, factory floors receive inputs when needed and overseas markets are reached effectively. Severe bottlenecks and cargo delays in New York-New Jersey marine terminals could force shippers and others to consider alternative East Coast gateways.

We support initiatives to reduce emissions and we stand ready to work with the Port Authority and marine terminal operators to implement the clean truck program. However, we do not believe it is appropriate for the Port Authority or any other public agency to unfairly restrict the drayage industry in the name of clean air. If enacted into law, the Clean Ports Act along with the Port of Los Angeles Clean Truck Program will do very little to advance environmental justice for the many residents of communities surrounding marine terminals in the region, while threatening the livelihood of the many independent truckers and small businesses located in the region. We welcome your interest in reducing port drayage emissions but we urge you to oppose Proposed Resolution No. 414-A.

Sincerely,

Agriculture Transportation Coalition
American Apparel and Footwear Association
American Home Furnishings Alliance
American Import Shippers Association
Express Association of America
California Trucking Association
CONNECT – Coalition of New England Companies for Trade
Express Delivery and Logistics Association (XLA)
Fashion Accessories Shippers Association (FASA)
Harbor Trucking Association
International Warehouse Logistics Association

NASSTRAC, Inc.
National Association of Waterfront Employers
National Customs Brokers and Forwarders Association of America (NCBFAA)
National Industrial Transportation League
National Retail Federation
New Jersey Retail Merchants Association
New York/ New Jersey Foreign Freight Forwarders and Brokers Association
New York Shipping Association
New York State Motor Truck Association
Pacific Coast Council of Customs Brokers & Freight Forwarders Assns. Inc
Pacific Merchant Shipping Association
Retail Industry Leaders Association
Snack Food Association
The Health & Personal Care Logistics Conference, Inc.
The Retail Council of New York State
The Waterfront Coalition
Travel Goods Association
U.S. Association of Importers of Textiles and Apparel
World Shipping Council