

California School Employees Association, Long Beach Chapter ~ Coalition for Clean Air  
Coalition for a Safe Environment ~ Communities for a Better Environment  
Communities for Clean Ports ~ East Yard Communities for Environmental Justice  
Greater Long Beach Interfaith Community Organization ~ LAANE  
Long Beach Coalition For A Safe Environment ~ Natural Resources Defense Council  
San Pedro Democratic Club ~ Sierra Club Angeles Chapter, Harbor Vision Task Force  
Students United for Justice, CSU Long Beach ~ Teachers Association of Long Beach

October 28, 2009

Commission President Nick Sramek  
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*Sent via E-mail (sortiz@polb.com) and U.S. Post*

**Re: Unlawful Settlement with the American Trucking Association**

Dear Commissioner Sramek and Members of the Commission:

On behalf of the undersigned organizations, we write to protest the unlawful and unwise back room deal that the non-elected members of the Long Beach Harbor Commission struck with the Virginia-based American Trucking Association (ATA) without any hearing or ratification by the Long Beach City Council. We request that the Port withdraw itself *and* the City of Long Beach from this agreement because of the harm it will bring to the residents of Long Beach and the entire region.

At the outset, we are exceptionally disappointed that the Port bound itself *and* the City of Long Beach into such a dangerous deal. To make matters worse, the public had no opportunity to review this agreement before it was filed with the court. Even elected representatives from the City of Long Beach did not formally approve the arrangement struck with the trucking lobby before these City Council members were bound by its terms.

Beyond the disregard for public process exhibited by the Port in entering into this agreement, the agreement itself is flawed in many ways.

- This ATA-approved trucking plan erodes the Port’s ability to enforce environmental, security, and safety measures in the harbor area. The Port’s surrender of its traditional police powers and its ability to protect residents of Long Beach from harmful truck impacts leaves us little confidence in the Port’s ability to ensure a sustainable trucking system—a system which is a foundation for Port expansion.
- The agreement unacceptably delegates the City Council’s and the Port’s decision-making power to address impacts from harbor trucking to industry lobbyists. The veto power that ATA now has under this arrangement will seriously undermine current and future efforts to control harmful impacts from port trucking.
- Approaches to problems devised in back room deals with industry groups have a negative history in the harbor and are likely to engender more litigation rather than resolve conflicts. The jointly developed Pacific Merchant Shipping Association–Port of Long Beach fuel incentive program was a flop; lackluster participation rates allowed this industry to burn its filthy fuels to the detriment of the community. Now, with little assurance that trucking companies will be held accountable, there is reason to question the Port’s assumption of future pollution reductions.
- The Port’s execution of the settlement agreement raises serious legal issues under the California Environmental Quality Act, the State Tidelands Trust, and the Long Beach City Charter. At a minimum, we do not believe these issues have been vetted in a legitimate public process. The agreement also calls into question the viability of the mitigation monitoring plan for the Middle Harbor development as well as the air quality assumptions for upcoming Port and regional projects. It is a shame that the Port was willing to potentially jeopardize port growth to cater to a single industry association.

When the Port of Long Beach entered into the Clean Air Action Plan (CAAP), it entered into a contract with Long Beach residents that the Port would stand up to industry’s opposition to cleaning up the harbor, and that it would do all it could to clean up one of the unhealthiest parts of California. Based on these promises, we supported the CAAP; many of us participate in the Joint-Mayors CAAP task force. We thought we were part of the decision-making process, but the Port tossed the community to the side in entering into this settlement.

The public statements issued by the Port of Long Beach and the trucking lobby that this agreement is a “boon for clean air” are Orwellian. It is an unsavory giveaway to a trucking advocacy group that has long fought against air pollution clean up efforts. The Port’s public health, environmental, and economic impacts impart tremendous responsibility on the City and the Port to protect the surrounding community, and it is clear to us that the Port’s settlement violates this duty.

For these reasons, we urge the Port to rescind its approval of the settlement agreement and remain true to the promises it made in the CAAP.

Sincerely,



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Natural Resources Defense Council

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