

**Q & A REGARDING IMPACT OF COURT DECISION ON THE  
CLEAN TRUCKS PROGRAM AND CONCESSIONS**

***Q: What does the court ruling mean to the Clean Truck Program?***

A: On, August 26, 2010, the United States Federal District Court for the Central District of California issued Findings of Fact and Conclusions of Law in the *American Trucking Associations vs. City of Los Angeles* court case. The court awarded judgment in favor of the City of Los Angeles and ruled that the Concession Agreement provisions are enforceable.

***Q: How does this court ruling affect how the Concession Program will operate compared to how it was operating under the preliminary injunction? What changes because of this ruling?***

A: The Port will have the ability to enforce the Concession Agreement in full. However, the Port's Executive Director, Geraldine Knatz, has announced that she will not take action to enforce the previously enjoined provisions of the Concession Agreement before the next meeting of the Board of Harbor Commissioners. This will give Harbor Department staff the opportunity to recommend next steps, which may include reasonable extensions of time for compliance. The next meeting of the Board of Harbor Commissioners is currently anticipated to take place on September 16 or 23, 2010.

***Q: Will there be an appeal to this ruling?***

A: Not by the City.

***Q. With this ruling, what are the differences between the Port of Los Angeles Clean Truck Program and the Port of Long Beach's program?***

A: The programs contain many of the same requirements and to the cargo owners there is no difference. However, the Port of Los Angeles believes its concession model provides greater accountability from LMCs for the activities of trucks operating in the port. This is because the concession agreements place responsibility for the actions of the trucks on the LMCs, and not on the drivers. As a result, in order for trucking companies to maintain authority to do business at Port terminals, the trucking companies will have to monitor the actions of the trucks, and see to it that they follow important port environmental, safety and security requirements. We look forward to working with the trucking community here at the Port to continue this already successful Concession Program.

***Q: Does the ruling affect the Truck Ban?***

A: Yes. The federal district court decision permits the Port of Los Angeles to directly enforce the progressive truck bans against LMCs through the concession agreements. This is in addition to the continued enforcement of the bans by the terminals in accordance with Section 20 of the Port of Los Angeles Tariff No. 4.