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COURT OF APPEALS DENIES ATA ATTEMPT TO STOP LANDMARK ENVIRONMENTAL INITIATIVE TO CLEAN LOS ANGELES' AIR

Port of LA's Clean Truck Program set to take effect this October 1 removing 16,000 dirty diesel trucks off the road and reducing emissions by 80 percent

SAN PEDRO, Calif. — September 24, 2008 — The United States Court of Appeals for the Ninth Circuit this afternoon denied the request by the American Trucking Associations (ATA) for an injunction to prevent the Port's Clean Truck Concession Program from going into operation on October 1, 2008. The U.S. Court of Appeals ruled that the ATA "has failed to establish that it will be irreparably injured absent an injunction, or that the public interest lies in favor of granting an injunction." The ruling of the U.S. Court of Appeals removes the last potential legal impediment to the Concession Program commencing as scheduled.

"Los Angeles has said enough is enough. When 1,200 lives are cut short every year by toxic emissions coming from operators at the Port, we have a moral mandate to act to clean up the air and today's ruling allows us to do just that," Mayor Antonio Villaraigosa said.

Now that the U.S. Court of Appeals has issued its ruling, the Port of Los Angeles reiterates that its Clean Truck Program, including the requirement that trucking firms have entered into a concession agreement, will take effect on October 1, as previously scheduled.

The ATA will continue to have an appeal pending from District Judge Christina A. Snyder's denial of a preliminary injunction. However, the U.S. Court of Appeals, at the same time as it denied the ATA's request for an injunction, also denied the ATA's motion to expedite its appeal. As a result, it appears unlikely that the ATA's appeal will be decided until after completion of full briefing and argument in 2009.

The Ports are reviewing an Order of Investigation issued by the Federal Maritime Commission late today. While we appreciate that large-scale environmental improvement projects such as the Clean Trucks Programs are unprecedented in the experience of the Federal Maritime Commission, we believe that the practices that the Commission proposes to investigate are essential to the health, security and safety of the Ports, and those who work and live near the Ports. We are certain that these safety and security practices will be found reasonable and lawful under the Shipping Act of 1984. The Ports will continue to work closely with all interested federal, state and local governmental agencies, including the FMC, to ensure that effective measures to permit further growth and to ensure healthy living and working conditions are implemented as quickly as possible.

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