

ORIGINAL



TRANSPORTATION

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P2-08

November 19, 2008

Commissioner Joseph E. Brennan
Commissioner Harold J. Creel, Jr.
Commissioner Rebecca F. Dye
Federal Maritime Commission
800 North Capitol Street NW
Washington, DC, 20573

RE: Urgent Approval Needed by FMC of San Pedro Bay Ports Clean Truck Fee

Dear Commissioners Brennan, Creel, and Dye:

We recently received word from the ports of Los Angeles and Long Beach that the collection of the Clean Truck Fee that is part of the ports Clean Truck Program is being delayed. It is our understanding that this delay is due to the fact that the FMC staff has reclassified Agreement Number 20199 from immediately effective, as requested, to a 45 day review status. We are writing you to ask you to reconsider this decision and to allow the fee collection process to commence immediately.

As a company that has expended substantial financial resources to buy clean trucks, the collection regime is essential for us as a means to balance the playing field and receive compensation for these capital expenditures. The only way we can recoup this investment, which directly contributes to improving air emissions, is if there is a collection process in place with a fee structure that provides incentives for the use of the US EPA 2007 compliant trucks that we have recently purchased to support the Clean Truck Program.

Additionally, if the ports are unable to collect the Clean Truck Fees, they will be unable to subsidize the purchase of additional clean trucks or accumulate the funding required to participate in the California Air Resource Board truck funding initiatives.

The immediate implementation of the collection process is not only critical to improving air quality in Southern California but to the economic survival of many trucking companies. We know this program is being reviewed closely, and that you have concerns with certain aspects. We are also aware that the FMC has indicated that the fee collection is not an area of concern. As such we are at a loss to why this action is being taken.

FOX

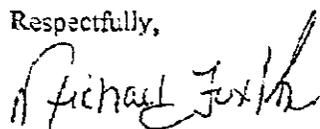
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As representatives of the trucking community, *we therefore respectfully request that some accommodation be made as soon as possible to allow FMC Agreement 201199 to become effective immediately as planned by the ports.* Any action otherwise would put over 100 trucking companies at a financial disadvantage, most of which are small local companies that are simply trying to be environmentally responsible and support the ports efforts to clean the air in Southern California.

Thank you in advance for your consideration.

Respectfully,



Michael K. Fox
CEO

MKF/fa

cc: President-Elect Barack Obama
Obama Transition Team Leadership
Governor Arnold Schwarzenegger
Mayor Antonio Villaraigosa
San Pedro Bay Ports Congressional Delegation Members
Ports of Los Angeles & Long Beach