



STATEMENT OF SUPPORT OF THE ATA'S LAWSUIT

The Intermodal Association of North America (IANA) supports federal, state and local efforts designed to improve the environment and air quality for the citizens of the United States, including reasonable regulation of truck emissions. However, we feel that it is contrary to federal legislative mandates and public policy for states and municipalities to enact laws and regulations that could impose unreasonable burdens and unnecessary restraints on interstate and international commerce.

IANA therefore, supports the motion for a preliminary injunction brought by the American Trucking Associations, Inc. (ATA) against the Concession Plans of the Ports of Los Angeles and Long Beach. IANA further agrees in principle, with the ATA's statement of facts indicating that these concession plans, if enacted, would:

- Result in the unlawful regulation of the port trucking industry;
- Violate the Federal Aviation Administration Authorization Act of 1994 ("the FAAA Act," Public Law 103-305, section 601, codified as 49 U.S.C. § 14501(c);
- Violate the Commerce Clause of the U.S. Constitution; and
- Restrict the ability of the competitive market place to determine the way in which transportation services are delivered.

IANA brings a unique perspective to this issue as North America's only industry trade association that represents the combined interests of intermodal freight transportation companies and their suppliers. Our 900+ members include steamship lines, ports, marine terminal operators, railroads, motor carriers and intermodal drayage firms, third-party logistics providers, and industry equipment and service suppliers. IANA's member companies transport over ninety (90) percent of our nation's containerized traffic both overseas and throughout North America. A substantial portion of this traffic moves through the Ports of Los Angeles and Long Beach and thus generates a vested interest among the entire IANA membership in the outcome of this lawsuit.

In addition to the specific regulatory and legislative aspects of the suit brought by the ATA, the concession plans, if enacted, would create a ripple effect across the entire Southern California supply chain and possibly beyond.

While the local trucking community would initially bear the direct burdens and costs of the ports' actions, the other freight transportation providers, including steamship lines and railroads, that rely on an adequate supply of drayage services would be adversely affected by the indirect and longer term outcomes such as the significant reduction in drivers and trucking companies that has been forecasted as a result of the plans. Another stakeholder group that would be negatively impacted is the millions of businesses that ship containers through the ports of Los Angeles and Long Beach.

At a time when the economy is struggling to recover, injecting great uncertainty into the stability and performance of our country's interstate and international supply chain is "bad business".