

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, in 2017, USA Today investigations revealed that port trucking companies were routinely requiring port truck drivers to work shifts significantly beyond the federally allowed number of hours and engaging in other abusive practices creating a public safety and health risk in the Ports of Los Angeles and Long Beach; and

WHEREAS, in December this Council voted to approve a plan to investigate the port trucking companies operating in the port and to assess whether the City could deny companies access to the port if they were violating federal, state, or local laws; and

WHEREAS, in 2008, the Port of Los Angeles attempted to mandate that port trucking companies hire drivers as employees rather than as contractors, but the 9th Circuit Court of Appeals removed the requirement since it was preempted by a federal employee mandate; and

WHEREAS, federal law preempts local regulations that affect the "price, route, or service" of motor carriers, making it difficult for the State and City to regulate port trucking companies; and

WHEREAS, currently pending before the House of Representatives is a bill, HR 4147 (Nadler), the Clean Ports Act of 2017, which would declare that this federal preemption does not apply to regulations on motor carriers at ports if the regulations are related to pollution and traffic reduction, highway safety, or efficient use of port facilities; and

WHEREAS, this bill would be a step towards supporting our local port drivers and strengthening the City's ability to hold companies accountable for their treatment of workers;

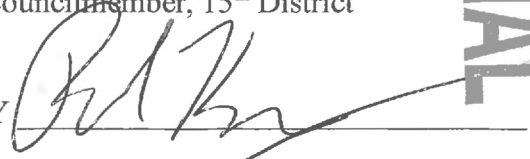
NOW, THEREFORE, BE IT RESOLVED, with concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 Federal Legislative Program support for HR 4147 (Nadler), the Clean Ports Act of 2017, which would exempt regulations on motor carriers at ports from federal preemption if the regulations are related to reducing pollution or traffic, improving highway safety, or more efficiently using port facilities.

PRESENTED BY


JOE BUSCAINO

Councilmember, 15th District

SECONDED BY



ORIGINAL

majs

JUL 3 1 2018

