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New York's Bloomberg Backs Employee Mandate for Port Drivers



Newark, N.J., Mayor Booker joins Bloomberg, Teamsters in call for federal regulatory changes

The mayors of New York and Newark, N.J., surprised the trucking industry – as well as the bi-state port authority – by announcing on Sunday their support for a clean-trucks program that would make it possible for labor unions to organize harbor truck drivers.

Mayors Mike Bloomberg of New York and Cory Booker of Newark not only endorsed a clean-trucks program modeled after the controversial one in Los Angeles, but the mayors also said they support an amendment to the Federal Aviation Administration Authorization Act to grant port authorities regulatory authority over harbor trucking.

The mayors' action received immediate support from James Hoffa, general president of the Teamsters union, which wants to organize the independent contract drivers that dominate harbor trucking at U.S. ports.

"I am proud to stand with Mayors Bloomberg and Booker today to call on our elected leaders in Washington to update the antiquated motor carrier act so we can clean up this dirty, inefficient industry once and for all," Hoffa said.

Labor and environmental interests say a harbor trucking industry dominated by financially sound motor carriers with employee drivers is necessary for the long-term sustainability of a clean-trucks program. Independent owner-operators do not earn enough to purchase and maintain new, environmentally compliant trucks, these groups say.

The F4A, as the act is known informally, gives the federal government preemption authority over state and local entities in regulating interstate commerce. The city and Port of Los Angeles have led the drive to amend the act to give ports regulatory authority over harbor trucking in matters relating to security, safety and the environment.

An F4A amendment, which must be enacted by Congress, is required for the Teamsters to have any chance to organize the independent contractor drivers that work at most U.S. ports. Unions by law can not organize independent contractors, but they are free to attempt to organize employee drivers.

The original clean-trucks plan in Los Angeles required the phase-in of employee drivers as part of its concession program, but that provision was struck down by the U.S. District Court in Los Angeles on remand from the U.S. Court of Appeals for the 9th Circuit in San Francisco.

The Teamsters' strategy is therefore to find union-friendly mayors to announce support for an amendment to the F4A. Los Angeles Mayor Antonio Villaraigosa was the first mayor to announce support, and he was followed by Oakland Mayor Ron Dellums.

The announcement Sunday by Bloomberg and Booker caught the Port Authority of New York and New Jersey by surprise as well. A port spokesman said the cities did not consult port staff before making the announcement at a press conference.

Port authorities are sensitive to this issue because organizations that represent importers and exporters oppose an amendment to the F4A, saying it would create an uncertain regulatory environment. Shipper organizations added that their members divert cargo from ports that openly support the amendment.

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