

PORT OF OAKLAND TRUCKERS ASSOCIATION FAQ:

What are the Port Truckers demands?

Emission Fee: A fee payable directly to owners of 2007 EPA Compliant trucks, this fee would offset the additional cost of meeting with California Air Resources Board (CARB) regulations. Our trucks are considered “clean” everywhere but the Port.

Congestion Fee: Port truckers regularly wait in lines for 2-8 hours to pick up a load. During that time, we are not allowed to get out of our trucks or turn off the engine. That means we’re urinating in water bottles, breathing in dangerous and disgusting fumes, burning expensive diesel fuel for which we are not compensated, and wasting time sitting in line when we need to be working to pay off our truck loans and feed our families. We want \$50 per hour after the second hour we spend sitting in line at the port. The terminals could hire more longshoremen and make other changes to make this process more efficient and this fee would give them a financial incentive to do so.

Rate Adjustment: For the past ten years trucker rates have remained the same while the costs of working and living have risen. CARB Deadline Extension: On January 1st, all Port of Oakland trucks are expected to be 2007 or newer. This will put approximately 800 truckers out of work. The trucking companies have until 2020 to make the same upgrades. Most of us already have two loans out: the original loan for our trucks and the loan for the \$20,000 filter we installed three years ago. Cranes and transtainers (machines that move containers inside the terminal) put out dirty emissions, but are not required to be compliant for several more years. Clean up the port with efficient terminals and up-to-date heavy machinery, not by making life impossible for the Port’s most exploited workers.

THE REAL FACTS

The Port of Oakland Truckers Association was formed by a small group of independent contractors (owner operators) working at the Port of Oakland due to the continued deteriorating working conditions at the Port. They represent a very small portion of the total trucks working at the Port.

These independent contractors are free to work for any licensed motor carrier (trucking company) they choose.

Emission Fee: The costs of CARB compliant trucks are significant. Compliant trucks can cost anywhere from \$50,000 to \$125,000. An Emission Fee would help offset the rising cost of doing business. Many companies have already adjusted their rates to cover these additional costs. This fee is something these independent contractors should negotiate with the trucking companies they work with.

Congestion Fee: The biggest problem at the Port of Oakland are the inefficient terminals. It is common for trucks to wait many hours to pick up or deliver loads. There is no reason this should be happening. Terminals must order more labor, invest in more equipment to handle the volumes and design more efficient terminals. Nobody can afford to have trucks sit for hours upon hours with no compensation. This has been happening for years, and is the primary cause for the troubles facing all trucks servicing the Port of Oakland. Some trucking companies have started instituting congestion surcharges due to their increased operating costs. The reputable companies have been paying owner operators more money for quite some time, in addition to having employee drivers that are compensated by the hour.

Rate Adjustment: Rates are set between trucking companies and owner operators and/or employee drivers. To make a general statement such as “for the past ten years trucker rates have remained the same...” is misleading. While rates at some companies may have remained the same, many companies have been adjusting rates to compensate for additional costs for many years now. The CARB rules have now been in place for over 6 years, with many truck upgrade deadlines having already passed. The final deadline is January 1, 2014. Only those that have procrastinated for the past 6 years remain non-

Why aren't these truckers in a union, like the Teamsters or the ILWU?

The quick answer is that we cannot be legally recognized as a "union." Through deregulation of the trucking industry and the creation of "independent contractor" and "owner/operator" status, the companies have organized our labor in a way that puts all of the risk and financial burdens on us. We are organizing against that despite the legal obstacles. While we have built our own organization specific to our jobs, we look forward to building alliances with other organized labor just as all of the unions do.

Who can grant the trucker's demands?

The Port of Oakland has the power to grant our demands for green emissions fees and congestion fees. CARB and BAAQMD have the power to grant an extension on the 2014 emissions upgrades or provide funding for upgrades. The terminal operators can increase the price they pay us per load. The only place we can apply economic pressure simultaneously on all of these entities (the city, the port, CARB, the terminal operators and the trucking companies) is at the port.

Why do they picket at the port instead of at their companies?

First of all, it's the port where all the money is generated. This is where we work, too. Secondly, there are literally hundreds of trucking companies, some of who only have a few trucks, or employ both contractors and owner-operators. These companies are also spread all over northern CA, from Fresno to north of Sacramento. Can you imagine trying to get agreements from each of these companies? The Port of Oakland has the power to grant our demands for green emissions fees and congestion fees. CARB and BAAQM have the power to grant an extension on the 2014 emissions upgrades or provide funding for upgrades. The terminal operators can increase the price they pay us per load. The only place we can apply economic pressure simultaneously

compliant. Reputable trucking companies have been paying higher wages and rates to compliant owner operators for years. In some cases, rates have risen over 20% in the past 5 years. On the flip side, there are companies that have not raised rates to cover these additional costs. If an owner operator chooses to work for one of these companies, he or she has nobody to blame but themselves.

Why aren't these truckers in a union, like the Teamsters or the ILWU?

Because they are independent contractors, they are not legally allowed to form a union. The reason is that each independent contractor is their own business. They choose to be their own business, rather than an employee (who can legally organize). This is their choice. There is nothing preventing them from becoming an employee.

Who can grant the trucker's demands?

The independent contractor has a contract with each trucking company they work with. The Port of Oakland has no contract with these independent contractors. Therefore, the only party that can grant their demands regarding rates are the trucking companies they work for. If they are dissatisfied with their rates, they should work for someone else.

CARB and BAAQMD do have the power to grant extensions; however, that would be rewarding the procrastinators who have had more than 6 years to become compliant. The vast majority of the trucks at the Port of Oakland have spent the past 6 years becoming compliant, at a cost in the hundreds of millions of dollars. Extensions would do great financial harm to those that have done the right thing and invested in the new equipment, effectively penalizing them for following the law.

Terminal operators do not pay trucking companies for the loads, so this statement of asking for an increase from the terminal operators is seriously flawed. Trucking companies are paid by shippers, consignees, cargo owners, steamship lines and others.

Why do they picket at the port instead of at their companies?

They want attention and they want to spread unfounded rumors. The reality is, they have an issue with the trucking companies they work for, and they

on all of these entities (the city, the port, CARB, the terminal operators and the trucking companies) is at the port.

Why don't the truckers just stop working, instead of picketing ILWU gates?

The goal of a strike is to shut production down at the job site, period. For example, if plumbers strike at a construction site and set up a picket line, they expect that the other trades (electricians, carpenters) won't cross the line. Would you expect the plumbers to rely on their own withdrawal of labor, while the other trades continue to build the building?

Why should other trades honor the picket line when even some trucks are rolling?

In most work forces, organized labor doesn't represent all of the workers. In our case, attempting to have all truckers in one organization is even more complex. First, there are different types of truckers: employee/company drivers, independent contractors (they don't own the truck, but are paid by the load), and owner-operators. Also, the relationships with the port are different, with some pulling multiple loads at the port every day, some once a month, to everything in between. Some trucks stay in the bay area, others pull loads all over northern California and Nevada, while still others pull loads across the country. It's fair to say that it's impossible to make sure that all these truckers are on board and know when an action is happening. Our organization is made up of the local drivers, and we've been successful in that very few of the local truckers have worked during our past strikes.

should be working with them on their demands, not bothering the rest of the supply chain and those that have already complied.

Why don't the truckers just stop working, instead of picketing ILWU gates?

Same as above.

Why should other trades honor the picket line when even some trucks are rolling?

There is no reason other trades should honor the picket lines. This will solve nothing. The only way this issue is solved is if all parties work together to find solutions that will allow the Port of Oakland to have efficient terminals. The ironic thing about these independent contractors asking ILWU to honor their protests is that many of the problems these independent contractors face are because of the ILWU themselves. It is common knowledge that truck drivers are treated unfairly by ILWU labor inside the terminals.

CONCLUSION

The cost of doing business at the Port of Oakland has risen dramatically in the past few years, and will continue to do so until terminals become more efficient and trucks are not spending the majority of their day sitting in lines.

There are definite problems with the industry, and it is good that some of these problems are getting attention. Unfortunately, the tactics being used by the Port of Oakland Truckers Association are not going to solve any of these problems. Aligning themselves with groups that only want to cause problems (Occupy Oakland and other labor rights groups) have caused their numbers to grow. This is happening because these groups do not know the truth, and are set on disrupting the lives of all the hard working people in the industry. During the most recent protests, the majority of the people on the side of the road protesting were not actual truck drivers, but rather "professional protestors" that have no clue what our industry is about.

If an owner operator does not like their working conditions, there is absolutely nothing preventing them from finding work elsewhere, or another line of work altogether where they would be compensated fairly.