

11-798 AMERICAN TRUCKING ASSOCIATIONS, INC. V. LOS ANGELES, CA, ET AL.

DECISION BELOW: 660 F.3d 384

LOWER COURT CASE NUMBER: 10-56465

QUESTION PRESENTED:

Title 49 U.S.C. § 14501(c)(1), originally enacted as a provision of the Federal Aviation Administration Authorization Act of 1994, provides that "a State [or] political subdivision . . . may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier ... with respect to the transportation of property." It contains an exception providing that the express preemption clause "shall not restrict the safety regulatory authority of a State with respect to motor vehicles." *Id.* § 14501(c)(2)(A). The questions presented are:

1. Whether an unexpressed "market participant" exception exists in Section 14501(c)(1) and permits a municipal governmental entity to take action that conflicts with the express preemption clause, occurs in a market in which the municipal entity does not participate, and is unconnected with any interest in the efficient procurement of services.

2. Whether a required concession agreement setting out various conditions a motor carrier must meet to serve a particular port imposes any requirements that are "related to a price, route, or service of any motor carrier" for the purposes of preemption under Section 14501(c)(1).

3. Whether permitting a municipal governmental entity to bar federally licensed motor carriers from access to a port operates as a partial suspension of the motor carriers' federal registration, in violation of *Castle v. Hayes Freight Lines, Inc.*, 348 U.S. 61 (1954).

LIMITED TO QUESTIONS 1 AND 3 PRESENTED BY THE PETITION.

CERT. GRANTED 1/11/2013