

113TH CONGRESS
1ST SESSION

S. 1435

To amend title 49, United States Code, to provide certain port authorities,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

Mrs. GILLIBRAND (for herself and Mr. MENENDEZ) introduced the following
bill; which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To amend title 49, United States Code, to provide certain
port authorities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Ports Act of
5 2013”.

6 **SEC. 2. APPLICABILITY TO PORT FACILITIES.**

7 Section 14501(c) of title 49, United States Code, is
8 amended—

9 (1) in paragraph (2)(A)—

- 1 (A) by striking “restrict the safety regu-
2 latory authority” and inserting “restrict—
3 “(i) the safety regulatory authority”;
4 (B) by striking “vehicles, the authority”
5 and inserting “vehicles;
6 “(ii) the authority”;
7 (C) by striking “cargo, or the authority”
8 and inserting “cargo;
9 “(iii) the authority”;
10 (D) in clause (iii) (as designated by sub-
11 paragraph (C)), by inserting “or” after “self-in-
12 surance authorization;”; and
13 (E) by adding at the end the following:
14 “(iv) the authority of a State, political
15 subdivision of a State, or political author-
16 ity of 2 or more States to adopt require-
17 ments for motor carriers and commercial
18 motor vehicles providing services at port
19 facilities that are reasonably related to the
20 reduction of environmental pollution, traf-
21 fic congestion, the improvement of highway
22 safety, or the efficient use of port facilities,
23 if adoption or enforcement of the require-
24 ments does not conflict with any other ap-

1 plicable Federal law (including regula-
2 tions);” and

3 (2) by adding at the end the following:

4 “(6) PORT FACILITIES.—

5 “(A) DEFINITION OF PORT FACILITIES.—

6 In paragraph (2)(A), the term ‘port facilities’
7 means all port facilities for coastwise, inter-
8 coastal, inland waterways, and Great Lakes
9 shipping and overseas shipping, including
10 wharves, piers, sheds, warehouses, terminals,
11 yards, docks, control towers, container equip-
12 ment, maintenance buildings, container freight
13 stations, and port equipment, including harbor
14 craft, cranes, and straddle carriers.

15 “(B) APPLICABILITY OF CLEAN AIR ACT.—

16 Nothing in paragraph (1) limits the rights re-
17 served to any State or political subdivision of a
18 State under the Clean Air Act (42 U.S.C. 7401
19 et seq.).”.

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