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June 3, 2021

Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

WLF Urges Supreme Court Not To Allow California To Dictate Trucking Prices Nationwide

(Cal Cartage Transportation Express, LLC v. California)

“The California Court of Appeal turned cartwheels to avoid holding that the FAAAA preempts applying the ABC test.”

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Supreme Court to hear a case in which the California Court of Appeal placed state law over federal law. In an *amicus* brief, WLF argues that the Supreme Court’s review is necessary to clarify how federal preemption advances federalism principles and to vindicate Congress’s goals in passing the Federal Aviation Administration Authorization Act (FAAAA). WLF’s brief was joined by the Allied Educational Foundation.

The case arises from Los Angeles’s lawsuit against several motor carriers alleging that they misclassified their drivers as independent contractors. California uses the ABC test to classify workers as independent contractors or employees. Because truck drivers are key to motor carriers’ businesses, applying the test results in classifying all truck drivers as employees. The defendants argued that the FAAAA preempts applying the ABC test to motor carriers. The California Court of Appeal rejected this argument and held that California could apply the ABC test to motor carriers.

In its brief supporting the motor carriers, WLF argues that Supreme Court review is needed to clarify how federal preemption of state laws like the ABC test advances core federalism principles. Because the States ceded power over interstate commerce to the federal government, no vertical federalism concerns arise. Preemption also advances horizontal federalism principles by stopping California from imposing its views on other States.

WLF’s brief also explains how holding that the FAAAA preempts California from applying the ABC test to motor carriers advances one of Congress’s aims in passing the preemption provision—promoting free enterprise. WLF therefore urges the Supreme Court to hear this case and remind California that federal law trumps state law.

Celebrating its 44th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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