

COMMON THEMES ACROSS TAC GROUPINGS

November 13, 2008 TAC Meeting

Groups:

1. Government & Regulators
2. Industry/Business
3. Community Based Organizations & Policy Intermediaries

I. SAFETY AND SECURITY

Common Themes across All Groups:

- Avoid having different registries; Have one single registry at the state level (CARB) to be integrated at ports (Port of Oakland)
- Coordination needed between CARB, Port of Oakland, and Maritime stakeholders.
- What parties will have access to data; what parties are entitled to the data?

PORT OF OAKLAND RESPONSE:

I. SAFETY AND SECURITY

- The California Air Resource Board registry connected to the regulation aimed at controlling emissions from heavy-duty drayage trucks will develop independently as a mechanism to establish and verify compliance of the rule. Due to confidentiality issues, the Port is expecting that only a very limited subset of the data in the CARB registry will be available to outside entities. Therefore, the Port expects that its registry would have to be largely independent of CARB's database. The Port will continue to seek input from TAC members as it defines and develops the registry and any associated tracking/reporting system. Additionally, the Port of Oakland will continue coordination with the California Air Resources Board on the compliance efforts of the drayage truck rule.

II. COMMUNITY IMPACTS

A. Truck Parking & Truck Routes

Common Themes across All Groups:

- Truck Parking & Route enforcement
 - Increase enforcement
 - Increase fines
 - Accelerate timeline
- Land Use
 - Move truck yards to OAB
 - Revisit industrial and residential zoning in West Oakland

B. Local Hire/Local Business

Common Themes across All Groups:

- Need more details on Port's local hire plan; want the Port to give an indication on what business model will be for the CTMP

PORT OF OAKLAND RESPONSE:

II. COMMUNITY IMPACTS

- As reported on November 13th, City of Oakland and Port of Oakland are working to address issues on enforcement of truck parking and routes. The Port recently met with the Commercial Officers from OPD to discuss current hot spots and better communication on resolving truck parking issues as they occur. OPD is going to start giving the Port monthly statistics on their activities so we can better quantify their enforcement actions and make recommendations to the City on any necessary improvements.
- Revisions to zoning of commercial and residential areas is the jurisdiction of the City of Oakland. The required process by which the City makes revisions to zoning and increases fines for violations takes approximately 6 months to one year.
- Given both City and Port economic and financial circumstances, it cannot be determined what additional resources can be allocated to OPD, the enforcement body for parking and moving violations.
- The Port recognizes the need for truck parking within the boundaries of Port property/facilities. The Port currently provides over 15 acres of temporary parking space, and has plans (in process) to provide a permanent home for the Port's 15 acres of truck parking (the City will provide another 15 acres)

- In early 2009, the Port of Oakland intends to solicit bids for the operation and maintenance and long-term design, construction and finance of facilities on the portion of the former Oakland Army Base owned by the Port. The proposed lease agreement would commence in early 2010, and would provide for the design, operation and maintenance of the property in a manner that supports and enhances marine terminal activity at the Port. The lease would also include a set-aside of at least 15 acres for maritime ancillary (trucking) support.
- The Port continues to analyze the feasibility of & options for a workforce development policy related to the CTMP. Select findings of the CTMP Economic Impact Analysis (under way) will inform the Port's analysis.

III. AIR QUALITY

Common Themes across Groups:

- Timeline
 - Proposed CTMP schedule does not work (all groups)
 - Accelerate clean truck requirements; implement a truck ban for early action (Government & Regulators and Community Based Organizations & Policy Intermediaries groups)
- Compliance
 - How will enforcement work? (all groups)
 - More details on the plan for compliance and enforcement (all groups)

PORT OF OAKLAND RESPONSE:

III. AIR QUALITY

- Given certain recent Board of Port Commissioner actions relative to the truck retrofit program, MAQIP and user fees, Port staff are reviewing the CTMP schedule presented on November 13, 2008 to identify necessary revisions. Work on the Economic Impact Analysis continues to move forward, although some delay to the anticipated draft and final report release dates is expected. This delay is related to the need to gather additional field/survey data. An updated CTMP schedule will be posted in early to mid January.
- With the December 12, 2008 California Air Resources Board adoption of the Statewide Truck and Bus Rule regulations aimed at cleaning up diesel emissions from both heavy duty trucks/buses and drayage trucks that operate in California are now in place.
 - The "Port Truck Rule," which goes into effect on January 1, 2010 will ban all pre-1994 drayage trucks and require that 1994-2003 drayage trucks be retrofitted (or alternatively, replaced). In 2014, all trucks will have to meet or exceed 2007 engine standards. We are still evaluating the feasibility of early truck bans, relative to both the 2010 and 2014 deadlines.
 - The Statewide Truck and Bus Rule will require that, beginning January 1, 2011, truck owners install diesel exhaust filters on their trucks; nearly all vehicles subject to the regulation will be upgraded by 2014. Further, the regulation will require vehicle replacement according to a staggered implementation schedule from 2012 to 2022.
- One of the key strategies of the Port's Maritime Air Quality Improvement Plan is support to compliance with state regulations, which are aimed at dramatically reducing air emissions from seaport sources. For more detail, please consult section eight of the MAQIP.

IV. GENERAL

Common Themes across All Groups:

- Small working groups to work on details
- Accelerate CTMP timeline with emphasis on early actions
- More transparency in port's likely intentions; Port needs to determine what requirements on drayage trucking will be

PORT OF OAKLAND RESPONSE:

IV. GENERAL

- The global economic crisis has redefined what we are able to do. The impact on the Port's financial health has resulted in difficult decisions to be made that will allow the Port to continue to deliver value for the region today and for the future.
- Port Board will in the immediate future approve an action plan to: enhance revenues, control expenses and pay down debt.
- Port staff will continue to work with and update stakeholders and the Technical Advisory Committee on the progress of the CTMP.

**Comprehensive Truck Management Program (CTMP)
Technical Advisory Committee (TAC)
November 13, 2008**

**Notes from Industry/Business Focus Group
Conducted & Compiled by Anuja Mendiratta**

Industry/Business TAC members:

Dick Coyle, Bill Aboudi, Jose Duenas, Mike Porte, Matt Scharp, Harry Mamizuke

Safety and Security Report:

- Databases must be controlled by the Port of Oakland not some outside entity
- Data collected must be confidential yet accessible to those who provide the data (the truckers) and those who need to view it – the Port
- Truckers who provide the data should be able to see their profiles in the database
- Questions/Comments about the DTRs (Drayage Truck Registry)
 - what is the timing for it?
 - If Oakland implements the DTR in September – there will be more time to id trucks
 - Currently proposed 4 separated DTRs – which is duplicates efforts
 - Should be a single registry at the state level which all ports use.
 - Need for coordination between the Port & the State with regards to the DTR
 - Should be a single database and form of technology used for the whole state
 - Should be streamlined and simple for folks to use
 - Should start much earlier than September 2009
- The group didn't see any issues with the DTR – but questioned its timing and stressed that there should be a single DTR statewide that should start earlier than late next year.
- They don't want Oakland's DTR to duplicate the one at the state
- Needs to be able to interface and should be a single clearinghouse of info.

Community Impacts Report:

- The concept of "Local Hires" needs to be elaborated upon – it lacks details
- "Local Businesses" also needs to be defined; with regards to the Ports/trucking this might mean business across the West (even out side of CA) in terms of prioritizing hiring
- Need to look into what the impacts on the state would be of "hiring locally"
- Need to include the Port of Long Beach's workforce plan in the thinking
- Whatever type of workforce development efforts get put into the effort needs to be fair – need for more specific info on what "workforce development" means and will look like
- Need more details on the local hire plan for Industry to comment on
- This group suggested another Port subcommittee on workforce development
- Industry is not opposed to Truck Parking & Route Enforcement – they endorse it and want to see it implemented
- Lots of frustration about how long it takes to implement these efforts

Operations Report:

- The parking issue continues to rear its ugly head
- The Port needs to provide more than 15 acres of parking!
- Need to look at electrification at truck stops at the OMSS site. Bond funding for this?
- Need to designate areas that are Port/Maritime "Industrial" would be conducive and helpful with regards to the parking issue
- Trucker restroom needs – need more than the current 7 port-a-potties which aren't sufficient and don't get cleaned often enough. Need to build a permanent bathroom facility and other infrastructure to meet the need

Air Quality Report:

- Mixed messages from the community.... The Clean & Safe Ports Coalition pushes for things but then doesn't like the plan
- Labor should stay out of it

- Legal authority for a truck ban – it is late in the game
- No opposition from Industry for a truck ban
- But enforcement of the truck ban is key – how will enforcement occur? Need the DTR to be up and running to do that
- The Port is considering a more struck truck ban than CARB is proposing
- User Fees – who will pay this? Similar to peer pass system? Cargo owners?
- Business are more than willing to meet emission standards BUT need time to plan for them
- Need to be matched with an incentive program
- We may need to reduce pollution by 30% but it is important to note that business is down translating into less revenues to address pollution issues
- Because business has slowed, pollution is down and congestion issues have also reduced
- Industry wants realistic and enforceable air quality/clean air goals
- Industry is not against reducing pollution but wants to see something enforceable, sustainable and achievable with input from Industry – and continued statewide input
- More industry groups have challenged the clean air goals.... the main issue is the enforcement of truck And air quality goals.

**Comprehensive Truck Management Program (CTMP)
Technical Advisory Committee (TAC)
November 13, 2008**

**Notes from Community Based Organizations & Policy Intermediaries Focus Group
Conducted & Compiled by Viveka Chen**

Community Based & Policy Intermediary TAC members:

1. Daryl Meshack, West Oakland Resident
2. Shirley Burnell, ACORN
3. Brian Bevrige, WO EIP
4. Doug Bloch, CCSP
5. Aditi Vaidya, EBASE
6. Ray Kidd, WON
7. Steve Lowe, WOPAC/WOCAG/WOCA
8. John Brauer. Workforce Development Cooperative

SAFETY AND SECURITY / COMMUNITY IMPACTS

Questions:

- How can you adopt MAQIP without having the details of a CTMP.
- Why is there no mention of land use prioritization in MAQIP?
- Security question regarding enforcement after the deadline (how will enforcement be done and who is in charge of enforcing?)
- How might a wireless tracking system reduce truck waiting time?
- Will the public have access to truck information on violations in the West Oakland neighborhood?
- What is the geographic scope of truck tracking? What does the community do outside the Port property boundary?
- Not enough community participation in enforcement. Need to know how the tracking system protects residents as well as cargo
- [From Daryl 's yellow comment sheet handed in: Missing implementation of enforcement and the penalty. What's most urgent is removing trucks out of the neighborhood.]
- [From Steve Lowe's yellow comment sheet handed in: Port sustainability is not spoken of in terms of the regional economy. Omar's quote that "Oakland solutions for an Oakland problem" is not broad enough and does not speak about the regional reality.]
- [From Doug Bloch's yellow comment sheet handed in: COMMUNITY IMPACTS: Without an employee mandate this is really a "local business development" program Do you expect people in the Port's LIA to have the financial resources to purchase a CARB compliant truck, pay for licensing, taxes, etc.? Is the Port, given its financial constraints, going to pay for it?]

Solutions for Early Action on What is Important/Urgent:

Land use is urgent because policy makers are making decisions now that will impact the sustainability of the Port forever. On-going land use decision-making at the City needs to be informed by CTMP/MAQIP process lest our effort is rendered inconsequential. We are in danger of losing the value of the CTMP work.

- Who is the assigned champion who can authoritatively represent the CTMP perspective in these decisions to all policy makers regionally and statewide? Is it the Port ED?

Get trucks out of the neighborhood NOW.

- Need more OPD to enforce
- City traffic/DPW has conduct an analysis of commercial traffic
- [From Daryl 's yellow comment sheet handed in: Advocate enforcing fines, prohibit truck activities at Port for a set period because of violation]

Community stakeholder involvement:

- The process now is staff driven and we are token participants. The Port is not responding to our input and action is dragging.
- How can we create a process that is not unilateral and arbitrarily decided by Port staff (which it has been so far)?
- One solution might be to add community members to teams working on issues

Want a CTMP plan in March not waiting until September. That would be evidence that our input has been taken seriously.

Tell us when we will know the Port's timeline on addressing the employee mandate question

- Without the employee mandate questions answered, who is responsible for clean up?
- Need to know the employee mandate outcome in order to design local hire training and to sync with local hire planning

[From Steve Lowe's yellow comment sheet handed in: Coordination of CTMP/MAQIP goals with ongoing efforts in other, neighboring (or similarly affected) communities requires a manager/champions charged with the authority to gain community and political consensus.]

[From Doug Bloch's yellow comment sheet handed in:

SAFETY & SECURITY: We support using technology to track trucks and enforce routing and parking ordinances. Given that there are no barriers to entry – trucking companies and independent owner-operators come and leave the Port with no knowledge – how can you mandate everybody use the technology? The concession requirement is one way to do this.]

OPERATIONS / AIR QUALITY

Concerns:

- Overall concern, "We're having the same conversation we were having two years ago."
 - The reports/status coming forward today shows that the Port has not responded to our input (truck parking issues should be settled by now).
- The MAQIP plan being passed requires clarifying and dealing with the employee mandate question.
- In addition to air quality, there is community interest on economic impacts and how public dollars are spent.
- What happens to those drivers who take on debt and then face a business model that has changed? They have to sign long term contracts to get grant funding. Individual owner operators cannot afford to pay for equipment upgrades.
- The program is being designed before assessing if the economics will work or not.
- There is no interactivity with Beacon for the TAC. What is there assessment? Does Beacon even know there is a community of concerned stakeholders out there?
- [From Doug Bloch's yellow comment sheet handed in:
 - OPERATIONS: Again, given the fact that there is high turnover in the industry, no control over what trucks and companies are coming on and off the Port, how will you do outreach? Truck drivers tell us they park on the streets because they cannot afford parking fees (they have to choose between paying parking fees versus paying rent). Is the Port going to pay for parking or create a drayage market where trucking companies can afford to pay for parking?
 - AIR QUALITY: You know our feedback on this. Please incorporate our memo into the official record. Any air quality plan based on independent-owner –operator paying for equipment upgrades will ail. Why are we designing a truck program that depends on the economics of independent owner-operators before the economic impact analysis is done?]

Solutions for Early Action on What is Important/Urgent:

- Want to the Port to start to give an indication on their thinking on the business model.
The Port could look at early actions moving forward on the concession model while continuing to examine the question of whether drivers should be employees or not.
- Pass the CTMP in March after the Beacon study is done.
After Delphine's presentation the group still doesn't see the operational rationale for taking so long to draft a CTMP official statement. What is the 4 months of internal analysis after the Beacon study is done (seems prolonged)?
- Look at initiating the truck ban sooner
Question: Is the truck ban really a legal issues? (It wasn't in Southern CA or with the FMC).
The Port could look at who would get hurt by a truck ban and what can be done for them.
- Clarify/decide whether the Port is going with GPS (makes sense on Statewide basis). No one organization is overseeing/enforcing trucks in Oakland. HOW will we do it? We are spending time reinventing the wheel for Oakland every step of the way

Comprehensive Truck Management Program (CTMP) Technical Advisory Committee (TAC) November 13, 2008

Notes from Government & Regulators Group

Government & Regulator TAC Members:

Richard Grow, US EPA
Damien Breen, BAAQMD
Steve Lautze, City of Oakland
Mike Sutherland, CARB

Safety and Security Community Impacts

The group agreed with the statements of Group 1 and added:

- We should avoid having different registries
- Consolidate into a single maritime stakeholders group in Oakland
- Government input and feedback is necessary
- The entity must have broad representation and clear powers to affect decision-making by Port commissioner and others
- Reinforce ARB truck registry and integrate it into what Oakland is doing
- Funding may be "married" into what the Port is doing to reduce the impact on truckers
- Look at utilizing all funds available to fund trucking devices
- Local hires are a good idea. The district receives funding via AB118 and those funds could be used to train local people to retrofit

Parking

- Convene multi-stakeholders to look at parking and what a difference parking at the army base has made, if any
- Find out if parking officers been deputized
- Zoning is often hard to enforce and may require city action
- There is a flat fee for tickets when truckers park in residential areas. To discourage this practice, it might be a good idea to consider escalating the fines
- Truck parking lots should be moved from West Oakland to the army base

Air Quality Operations

Air Quality

Note: The general consensus of the group was that the Port and BAAQMD already knew the issues but that substantial obstacles remain.

- The proposed schedule doesn't work in terms of meeting the state requirements and deadlines and it doesn't have the support that is needed.
- The group strongly reiterated that there will be no backing off the regulations or schedules (reiterated by BAAQMD)
- The Port should listen and take what the BAAQMD and ARB are recommending they do
- We don't know what the Port's program is
- The Port should clarify what will happen going forward
- Accelerate the clean truck program rather than produce a CTMP
- The biggest issue is getting compliance and what's happening in the race for funds
- There is no comprehensive solution for 2009 trucks
- Everyone will be looking for clarification of what happens in the second year of the program

Operations

- Reduce turn times in terminals
- There is strong concern around lease provisions and renewal
- How does Port track violations
- How does the Port enforce lease violations?
- What happens when lease violations occur if there is no specific office within the Port to track and fine or otherwise penalize offenders The Port lacks practical compliance and enforcement procedures for lease conditions.
- Could include discussion of outer harbor when air quality is attached to the lease process
- The process needs to be beefed up to ensure there is enforcement and compliance in lease conditions.