



August 31, 2018

VIA ELECTRONIC MAIL to [kchuop@portoakland.com](mailto:kchuop@portoakland.com)

Ms. Khamly Chuop  
Associate Port Environmental Planner/Scientist  
c/o Division of Environmental Programs and Planning  
Port of Oakland  
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Re: Comments on Draft Seaport Air Quality 2020 and Beyond Plan

Dear Ms. Chuop:

Thank you for the opportunity to provide comments on the Port of Oakland's Draft Seaport Air Quality 2020 and Beyond Plan ("the Plan"). This letter is submitted on behalf of the West Oakland Environmental Indicators Project. We are generally pleased that the Port has proposed a new vision to transition to zero-emissions operations. This vision promises to reorient the Port's long-term planning to be consistent with the directives and plans adopted at the regional, State, and even global level. The freight sector must move to zero-emissions to meet not only our greenhouse gas reduction targets, but also to meet health-based air quality requirements. This has been the consistent conclusion of the California Air Resources Board ("CARB") in its Draft Vision Document, Mobile Source Strategy, Sustainable Freight Action Plan, and State Air Quality Plan; it is the direction being pursued by the Bay Area Air Quality Management District ("BAAQMD") in its "Diesel Free by 2033" campaign, and by the Ports of Los Angeles and Long Beach in their 2017 Clean Air Action Plan; it is a priority for the California Public Utilities Commission ("CPUC") as it implements the legislative directive in SB350 to achieve widespread transportation electrification; and it reflects movements at the global level by countries like France, Britain, and China to ban all sales of petroleum-fueled vehicles. This transition will happen and the Port is wise to begin planning for it.

The Plan, however, reflects a clear unease with this reality, and fails to include the strong actions necessary not only to address the harm created by Port operations in the surrounding community, but also to stay competitive in an environment where technology and regulatory requirements are changing rapidly. The Plan prioritizes monitoring developments elsewhere over specific actions that will move the Port to zero-emissions operations. The following are suggestions for strengthening the Plan and ensuring alignment between the Port's actions and its vision.

1. The Plan should be clear about why the Port is adopting its new vision. The lack of commitment is revealed at the outset by the absence of any recognition that transitioning to zero-emissions operations is necessary to address ongoing problems. Instead, the Plan goes out of its way to repeatedly diminish the air quality problems in the surrounding community or the Port's own interest in addressing them. On the first page of the Plan, it is "community organizations and the public" that are concerned about localized exposure to air pollutants. Agencies and lawmakers are also concerned about these exposures, as evidenced by the adoption and implementation of AB617, and the Port should be too. Similarly, even where the Port knows that the problems persist or are even worse than previously understood, the Plan hides this information from the reader. For example, in discussing the results of health risk assessments in the surrounding community, the Plan notes that the State "changed" the risk assessment factors used in the 2015 assessments but provides no explanation of how they changed. Port staff are well aware that the new risk factors reflect the conclusion that diesel particulate matter exposures are much more deadly than previously understood (particularly to children) and the risk to the surrounding West Oakland community is likely even higher than previously reported.

These half-truths not only mislead the reader, they demonstrate a lack of purpose or commitment to the Plan. The community and agency stakeholders here cannot make the Port care about how it operates or how it hurts the people around it. But if the Port is to be successful, it needs to figure out for itself and explain why it is adopting this new vision. Having that rationale is important to be able to justify actions and motivate progress.

2. The Plan fails to provide a fair report on the progress around zero-emissions freight opportunities. The lack of commitment to the new vision is also reflected in the negatively skewed picture the Plan offers to the reader around the state of zero-emissions freight technology. BAAQMD summarized assessments of the technology readiness of zero-emissions technologies and found significant progress toward commercialization (see Table 1). Indeed, when the West Oakland community outlined the steps that could be taken by the Port and City to transition to zero-emissions technologies (Attachment A), BAAQMD agreed that nearly all of these actions were feasible in the timeframes suggested (Attachment B).

In the last year alone, the development of zero-emissions technologies has been stunning:

- Manufacturers, both traditional original equipment manufacturers (OEMs) and zero-emissions specialists, have now introduced new zero-emissions models in virtually every heavy- and medium duty truck class;<sup>1</sup>

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<sup>1</sup> Some examples of the announcements that have happened in the last 12 months include: eCascadia, a Class 8 local and regional heavy-duty truck with 250 mile range and eM2 106, a last-mile medium-duty delivery truck (Freightliner, *e-Mobility* <<https://freightliner.com/e-Mobility>> [as of Aug. 31, 2018]); BYD 8TT Class 8 drayage truck with 100 mile range; Chanje agreement to provide 500 electric medium-duty vans for lease through Ryder (Chanje Energy, Inc., *Ryder Expands Leadership in Commercial Electric Vehicles, Places Reservation for Additional 500 Chanje Electric Vans* (June 7, 2018) <https://chanje.com/press/ryder-expands-leadership-commercial-electric-vehicles-places-reservation-additional-500-chanje-electric-vans/>); Daimler/Mitsubishi Fuso Truck and Bus Corporation will electrify

- Indeed, at this point, “[e]very U.S. Class 8 truck maker has now publicly declared its pursuit of electrification”;<sup>2</sup> and
- More and more data on declining battery costs and use case scenarios reinforce the business case for zero-emissions applications.<sup>3</sup>

The picture painted by the Plan, by contrast, is that “most [zero-emissions] equipment types [are] not commercially available yet”<sup>4</sup> and “it is impossible to predict at this point when the right types of batteries will become available.”<sup>5</sup> While it is true that such predictions are difficult, the evidence is more than sufficient to move forward with confidence that zero-emissions technologies will be available sooner rather than later. The Plan, however, declines to report any of this evidence, and instead hides behind inflated uncertainty to advocate for a “monitor and study” plan.

The Plan is simply out of step with the conclusions of nearly every other decision-making body working on these issues. CARB is advancing zero-emissions mandates for cargo handling equipment, drayage trucks, commercial harbor craft, forklifts, and transportation refrigeration units. BAAQMD has set a goal of eliminating diesel emissions by 2033. The Ports of Los Angeles and Long Beach have committed to converting all cargo handling equipment to zero-emissions technologies by 2030 and all port trucks by 2035.

The Plan’s treatment of the San Pedro Bay Ports 2017 Clean Air Action Plan (“CAAP”) is particularly revealing. The Plan cites the CAAP to support the strategy of periodically reviewing feasibility of zero-emissions technologies, but does not report that the San Pedro Bay Ports have nonetheless committed to moving toward zero-emissions by specific

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its complete range of trucks and buses in the coming years, and debuted its all-electric, E-Fuso Vision One heavy-duty truck with a range of up to 217 miles as well as its eCanter all-electric light-duty truck (AutoGuide, *Daimler Unveils Its Version of an All-Electric Semi-Truck* (Oct. 25, 2017) <<https://www.autoguide.com/auto-news/2017/10/daimler-unveils-its-version-of-an-all-electric-semi-truck.html>>); Toyota’s prototype of its 300-mile range Class 8 fuel cell truck (Trucks.com, *Toyota Unveils More Advanced Heavy-Duty Fuel Cell Truck Prototype* (July 30, 2018) <<https://www.trucks.com/2018/07/30/toyota-advanced-fuel-cell-truck/>>); SCAQMD-Daimler project to deploy 20 zero-emissions port trucks and supporting infrastructure (SCAQMD, *Recognize and Transfer Revenue and Execute Contract to Develop and Demonstrate Zero Emission Trucks and EV Infrastructure* (July 6, 2018) <<http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2018/2018-july6-004.pdf?sfvrsn=2>>).

<sup>2</sup> Transport Topics, *Volvo Prepares for Future of Electric Trucks* (Jan. 23, 2018) <<http://www.ttnews.com/articles/volvo-prepares-future-electric-trucks>>.

<sup>3</sup> See, e.g., Bloomberg, *How Big Will the Battery Boom Get? Try \$548 Billion, BNEF Says* (June 19, 2018) <<https://www.bloomberg.com/news/articles/2018-06-19/how-big-will-the-battery-boom-get-try-548-billion-bnef-says>> (reporting “[b]attery prices are expected to fall to \$70 a kilowatt-hour by 2030, down 67 percent from today”).

<sup>4</sup> Port of Oakland, *Draft Seaport Air Quality 2020 and Beyond Plan* (June 29, 2018), p. A-4 <[https://www.portofoakland.com/files/PDF/Draft%20Seaport%20Air%20Quality%20Plan\\_2018-06-29.pdf](https://www.portofoakland.com/files/PDF/Draft%20Seaport%20Air%20Quality%20Plan_2018-06-29.pdf)>.

<sup>5</sup> *Id.* at p. B-15.

dates.<sup>6</sup> Indeed, the only reference to these commitments is to the 2030 commitment for cargo handling equipment in Appendix B and even then, the write-up couches that commitment as contingent on funding and other factors.<sup>7</sup> There is no mention of the zero-emissions truck commitment, and the Plan give the false impression that the air quality plans for the Port of Oakland are “similar” to the much bolder CAAP.<sup>8</sup> The Plan, again, relies on telling half the story to support its lack of bold action.

**Table 1: Summary of status of zero-emission technologies**

Technology Readiness Level	Vehicle / Equipment Category
Commercially Available	Light-duty cars/SUVs
	Buses
	Cargo handling equipment
	Locomotives - switchers/yard goats
	Ocean going vessels (at berth)
	Transportation refrigeration units
	Medium-duty trucks
	Batteries for emergency or backup power (~5kW or shorter load durations)
	Fuel cell systems for emergency or backup power (~5-20kW)
Early Commercialization	Small construction equipment
	Batteries for emergency or backup power (>5kW)
Demonstration	Heavy-duty trucks
	Cargo handling equipment (container top/side picks)
Not Yet Available	Commercial harbor craft
	Large construction equipment
	Locomotive - line haul
	Ocean going vessels (at sea)

A more complete discussion on the advances and activities around zero-emissions freight technologies would show the opportunity for bolder action. More importantly, such a discussion would demonstrate the commitment and enthusiasm necessary on the part of the Port to make the Plan’s vision a reality.

3. The Plan’s goals must be revised to align with its vision. The vision is to transition operations to zero-emissions. The goals do not mention zero-emissions at all, however, and instead focus on reducing emissions. This disconnect results in strategies and implementing actions that often have no connection to advancing zero-emissions technologies. Fuel switching and investment in certain near-zero technologies may actually slow the transition by investing in infrastructure that will not support actual zero-emissions

<sup>6</sup> *Id.* at p. 17.

<sup>7</sup> *Id.* at p. B-10.

<sup>8</sup> *Id.* at p. B-7.

technologies. Such investments can compete with zero-emissions investments and also create disincentives for such a transition out of concerns around stranding new investments. To be sure, infrastructure improvement connected to supporting truck and equipment electrification is important and consistent with the vision, but the Plan otherwise lacks goals or targets for a transition to zero-emissions. Without these targets or goals, there is no reason to have confidence in the Plan's vision. As noted above, the CAAP commits to transitioning all port equipment and trucks to zero-emissions by 2035. This Plan should set similar goals.

The near-term list of implementing actions is noticeably devoid of actual actions or commitments. Most of the "actions" involve studying, evaluating, investigating, tracking, meeting, participating, coordinating, and monitoring. The Plan says nothing about what will happen as a result of those efforts. Instead of merely promising to "evaluate" installation of chargers or replacement of Port-owned vehicles, the Plan should commit to those actions and develop the plan for achieving those specific outcomes. There is reference to a future Action Plan, but there is no commitment or goal that provides any confidence that the Port plans to actually move toward achieving its vision.<sup>9</sup>

The intermediate list of implementing actions contain some more tangible commitments, but these should be moved up to the near-term and assigned specific targets. For example, there is no reason that the Port needs to wait five years to begin upgrading its substations, expanding electrical infrastructure on terminals, or converting its Port-owned fleet to zero-emissions.<sup>10</sup> There is simply no question that these changes need to happen. The near-term studies should focus on how to make them happen by dates certain, not push off such decisions to some future plan.

Similarly, the Plan claims, without any explanation, that design and construction of infrastructure may need to occur five or more years before the equipment is deployed.<sup>11</sup> The idea that charging infrastructure would sit idle for five or more years before there is equipment to use it is facially absurd. We assume this is a language error, but it reflects, again, a misleading approach to the planning that suggests that progress cannot be made simultaneously – that upgrades cannot begin until after 2023 and that equipment cannot come until all the infrastructure is in place. The Port is already demonstrating zero-emissions trucks and equipment, so it is misleading to communicate that progress must be extended and slow.

4. The Plan needs to include lease agreements and tenant improvements among its list of tools for achieving its vision. The Port has refused to require tenants to help achieve the transition to clean freight equipment. The Plan even suggests that mandating such investment or operations in lease agreements might disqualify the tenants from incentive funding.<sup>12</sup> This is simply not true for most of the incentive programs we have reviewed.

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<sup>9</sup> *Id.* at p. 17.

<sup>10</sup> *Id.* at p. 19.

<sup>11</sup> *Id.* at p. B-19.

<sup>12</sup> *Id.* at p. 24.

Requiring improvements or investment in a lease agreement does not mean that those actions are “required by law,” which means by statute or regulation. Whether this is an honest misunderstanding, or a deliberate attempt to mislead, the Plan needs to discuss the options for achieving the necessary terminal improvements through contributions from tenants. The San Pedro Bay Ports have exercised this power and there is no justification for the Port of Oakland to ignore these opportunities. Indeed, many of these improvements will benefit tenants and the Port in the long run.

Similarly, the Plan should report on the access fees and other incentives being explored by the San Pedro Bay Ports, and propose similar efforts. The single-minded focus on voluntary incentives to drive change ignores the efforts underway at other ports and is used to justify inaction.

Reorienting the vision for the Port of Oakland is a major step that will benefit both the Port itself and the surrounding community. What we need now is a plan that shows a real commitment to achieving that vision – a plan with goals tied to moving forward on a specific timeline to upgrade the Port and change out the equipment and trucks serving it. The Plan continues to communicate a lack of commitment to achieving this transition. We look forward to working with you to create a plan that all stakeholders can be excited about.

Sincerely,

A handwritten signature in black ink that reads "Paul Cort". The signature is written in a cursive, flowing style.

Paul Cort, [pcort@earthjustice.org](mailto:pcort@earthjustice.org)

Earthjustice

*On behalf of West Oakland Environmental Indicators Project (WOEIP)*